

IMPEACHMENT OF PRESIDENT  
DONALD JOHN TRUMP

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THE EVIDENTIARY RECORD  
PURSUANT TO H. RES. 798

VOLUME II, PART 2

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



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Joe Biden’s Remarks:

“And I remember going over convincing our team, our, others to convincing that we should be providing for loan guarantees. And I went over, try to guess the 12th, 13th time to Kiev, and I was going to, I was supposed to announce there was going to be another billion-dollar loan guarantee. I had gotten a commitment . . . that they were going to take action against the state prosecutor and they didn’t. And I said ‘We’re not going to give you the billion dollars. They said, ‘You have no authority. You’re not the president.’ ... I said, ‘call him.’ I said, ‘I’m telling you, you’re not getting the billion dollars.’ I said, ‘you’re not getting the billion, we’re leaving in six hours.’ I looked at them and said, ‘I’m leaving in six hours. If the prosecutor is not fired, you’re not getting the money.’ Well, son of a bitch! He got fired. And they put in place someone who was solid at the time.”<sup>1</sup>



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<sup>1</sup> <https://www.wsj.com/video/opinion-joe-biden-forced-ukraine-to-fire-prosecutor-for-aid-money/C1C51BB8-3988-4070-869F-CAD3CA0E81D8.html>

Opening Statement of Catherine M. Croft to the House of Representatives  
Permanent Select Committee on Intelligence, Committee on Foreign Affairs, and  
Committee on Oversight and Reform

October 30, 2019

Thank you for the opportunity to provide my statement today.

For the last nine years, it has been my honor to serve my country as a Foreign Service Officer. In that capacity, it has been a privilege to serve alongside colleagues of intelligence, integrity, and determination to advance U.S. interests, some of whom have already spoken to this committee. I am not sure that I have anything to add to the testimony of those who have come before me, but I will answer your questions to the best of my ability.

My work on Ukraine started in 2013, when I was posted to the U.S. Mission to NATO. My portfolio included NATO-Ukraine relations when the citizens of Ukraine took to the streets to demand a European future and an end to corruption. When Russian tanks rolled into Crimea, I was assigned to NATO headquarters in Brussels. At the time, we did not know where those tanks would stop. Russia's aggression in Ukraine posed, and continues to pose, a real and immediate threat to our national interest in a Europe free, whole, and at peace.

My firm belief in the importance of Ukraine's future to U.S. national interests led me to the Ukraine Desk. From August 2015 to July 2017, I was one of several Ukraine Desk Officers at State Department headquarters. In my portfolio, I focused on security assistance, arms sales, and defense reform. But like all desk officers, my work also included supporting efforts to combat corruption in Ukraine and holding leadership accountable for a lack of high-level prosecutions.

In July 2017, as the Trump Administration was considering overturning the ban on providing Ukraine defensive weapons, I was asked to join the National

Security Council Staff at the White House. As the Director covering Ukraine, I staffed the President's December 2017 decision to provide Ukraine with Javelin anti-tank missile systems. I also staffed his September 2017 meeting with then-President Poroshenko on the margins of the UN General Assembly. Throughout both, I heard—directly and indirectly—President Trump describe Ukraine as a corrupt country.

During my time at the NSC, I received multiple calls from lobbyist Robert Livingston, who told me that Ambassador Yovanovitch should be fired. He characterized Ambassador Yovanovitch as an “Obama holdover” and associated with George Soros. It was not clear to me at the time—or now—at whose direction or at whose expense Mr. Livingston was seeking the removal of Ambassador Yovanovitch. I documented these calls and told my boss, Fiona Hill, and George Kent, who was in Kyiv at the time. I am not aware of any action that was taken in response.

I left the NSC in July 2018 and started studying Arabic at the Foreign Service Institute in preparation for a tour in Baghdad. That plan was cut short in May 2019, when I was asked to take over as Ambassador Volker's Advisor. I spent the month of June embedded in our Embassy in Kyiv to prepare and then spent the week of July 8 overlapping with my predecessor, Christopher Anderson. That week was the first time I became aware that Ambassador Volker was in touch with Rudolph Giuliani. However, Ambassador Volker's conversations with Giuliani were separate from my work, and I was generally unaware of when they spoke or what they spoke about. I have never had contact with Rudolph Giuliani.

On July 18, I participated in a sub-Policy Coordination Committee video conference where an OMB representative reported that the White House Chief of Staff, Mick Mulvaney, had placed an informal hold on security assistance to Ukraine. The only reason given was that the order came at the direction of the

President. I had heard about the hold before that date, but do not remember the specific date.

During the July 25 phone call between President Trump and President Zelenskyy, I was traveling with Ambassador Volker in Kyiv. I did not listen in on the call. I accompanied Ambassador Volker in meetings with Ukrainian officials and to the Line of Contact between Ukrainian armed forces and the Russia-led forces in eastern Ukraine. The only readout I got of July 25 call was based on what President Zelenskyy told Ambassadors Volker, Taylor, and Sondland about the call at a meeting on July 26. The focus of the call, as I understood it, was to schedule a face-to-face meeting between President Trump and President Zelenskyy. We hoped that such a meeting would help undo President Trump's long-held view of Ukraine as a corrupt country.

Since July, my sole focus has been supporting efforts to resolve the conflict in eastern Ukraine. Zelenskyy's election and his mandate to tackle corruption ignited new energy into stalled talks. Right now, even as Ukrainians face casualties nearly every day in defense of their own territory against Russian aggression, the sides are making progress disengaging at key crossing points. Zelenskyy has shown a willingness to take political risk to bring Russia back to the table. His best chance at success is with our support along with our European partners. It is my hope that even as this Committee's process plays out, we do not lose sight of what is happening in Ukraine and its great promise as a prosperous and democratic member of the European community.

Thank you again for the opportunity to speak, and I welcome your 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: LIEUTENANT COLONEL ALEXANDER S. VINDMAN

Tuesday, October 29, 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 9:33 a.m.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, Heck, Welch, Maloney, Demings, Krishnamoorthi, Nunes, Conaway, Wenstrup, Stewart, Stefanik, and Ratcliffe.

Also Present: Representatives Jordan, Armstrong, Cloud, Connolly, Cooper, DeSaulnier, Higgins, Kelly, Khanna, Lawrence, Lynch, Maloney, Massie, Meadows, Miller, Norman, Norton, Plaskett, Raskin, Rouda, Roy, Sarbanes, Tlaib, Wasserman Schultz, McCaul, Allred, Bera, Burchett, Cicilline, Connolly, Costa, Curtis, Deutch, Espaillat, Fitzpatrick, Guest, Houlihan, Keating, Levin, Lieu, Malinowski, Mast, Meeks, Omar, Perry, Reschenthaler, Sherman, Spanberger, Titus, Yoho, and Zeldin.

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For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

For LIEUTENANT COLONEL ALEXANDER S. VINDMAN:

MATTHEW STANKIEWICZ, SENIOR ASSOCIATE

MICHAEL VOLKOV, CEO

THE VOLKOV LAW GROUP

2200 Pennsylvania Avenue NW

4th Floor East

Washington, D.C. 20037

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THE CHAIRMAN: Good morning, Colonel Vindman, 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 announced on September 24, 2019.

In light of attempts by the administration to direct witnesses not to cooperate with the inquiry, including efforts to limit witness testimony, the committee had no choice but to compel your appearance today. We thank you for complying with the duly authorized congressional subpoena.

Colonel Vindman has served our country as a distinguished officer in the United States Army for more than 20 years. He has served several tours abroad, including a deployment to Iraq, where he was wounded and awarded a Purple Heart. For the last decade, he has served as a Foreign Area Officer focused on Eurasia, including work for the Chairman of the Joint Chiefs of Staff and, most recently, at the National Security Council.

Colonel Vindman, we thank you for your many dedicated years of service to our Nation. We are grateful for your courageous service to the country.

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

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colleagues.

It is disturbing that the White House has sought to prohibit employees from cooperating with the inquiry and have tried to limit what they can say. Thankfully, consummate professionals like Colonel Vindman have demonstrated remarkable courage in coming forward to testify, obey their oath to defend the Constitution, and to tell the truth.

I do want to say also, Colonel, how deeply dismayed I was with the vicious personal attack on you on FOX last night, and I hope it will be condemned by all Americans. We are very grateful for your service. You represent what's best about this country.

Before we begin the interview, I want to invite Ranking Member Nunes or, in his absence, a minority member of the Foreign Affairs or Oversight Committees to make any opening remarks.

MR. JORDAN: Thank you, Chairman.

Colonel, we want to thank you for your service to our country and for being here today.

Just two things I wanted to get on the record that trouble the minority, I think, more importantly, trouble the American people. The first is the statement the chairman made Sunday morning I believe on CBS. Each day we leave this -- I think we're now on our eighth or ninth deposition -- each day we leave, the chairman admonishes every single one of us in this room not to go out and share substantive materials or information from the substance of the deposition.

And yet, on Sunday morning, the chairman on, again, I believe CBS,

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said: I already know from the testimony of others that this is someone who has, you know, concern that the people in the State Department, Ambassador Sondland and others, Mulvaney, were cooking up a drug deal. And by that, he meant a corrupt deal involving withholding White House meeting or perhaps withholding aid as well.

That is directly from testimony of a witness in this committee. And if we're going to get the admonishment from the chairman, it seems to me the chairman should follow his own instructions to the rest of us.

Second, as I mentioned yesterday, the minority is troubled and, more importantly, I think the American people are troubled by the fact that there are 435 Members of Congress and yet only one, only one Member knows the person who started this whole thing and, more importantly or as importantly, the handful of people who gave that individual the information that formed the basis of this entire charade that we've been going through now for 5 weeks. And so I think those are important facts, important concerns that we have and, as I said, most importantly, I think the American people have.

With that, I'd be happy, if the chairman's okay, letting -- yielding to the ranking member of the Intelligence Committee.

THE CHAIRMAN: I'm happy to yield to Mr. Nunes.

MR. NUNES: Well, I'll just say we look forward to whatever the new construct of the impeachment committee is going to look like. And, of course, welcome to Lieutenant Colonel Vindman today, and hopefully

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your testimony will be honest and forthright.

And, with that, I yield back.

THE CHAIRMAN: I thank the gentleman.

I'm not going to respond to the false statements from my colleague, Mr. Jordan. I don't want to take up the witness' time that way. So I'll recognize Mr. Goldman.

MR. JORDAN: Can you tell me what's false, Mr. Chairman?

THE CHAIRMAN: Mr. Goldman, you are recognized.

MR. GOLDMAN: Thank you, Mr. Chairman.

This is a deposition of Lieutenant Colonel Alexander Vindman conducted by the House Permanent Select Committee on Intelligence pursuant to the impeachment inquiry announced by the Speaker of the House on September 24, 2019.

Colonel Vindman, could you please state your full name and spell your last name for the record.

LT. COL. VINDMAN: Alexander Semyon Vindman, last name spelled V-i-n-d-m-a-n.

MR. GOLDMAN: You may also have to spell your middle name.

LT. COL. VINDMAN: It goes by Simon, but the proper I guess is S-e-m-y-o-n. I don't use it very often. So Alexander Semyon Vindman, S-e-m-y-o-n, last name V-i-n-d-m-a-n.

MR. GOLDMAN: All right, thank you. We understand it's a bit of a nerve-wracking environment, and we thank you for your testimony here today.

Along with other proceedings in furtherance of the inquiry to

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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 with the HPSCI majority staff. And I want to thank you again for coming in today.

Let me do some brief introductions. To my right is Daniel Noble. He's Senior Investigative Counsel for the Intelligence Committee. Mr. Noble and I will be conducting most of the interview for the majority.

And now I'll let me counterparts from the minority introduce themselves.

MR. CASTOR: Good morning. I'm 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

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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 are reminded that EO-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, however, can only be answered with classified information, please inform us of that fact before you answer the question and we can 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 that 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 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,

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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 House deposition rules, counsel for other persons or government agencies may not attend.

You are permitted to have an attorney present during this deposition, and I see that you have brought two.

At this time, if counsel could please state their appearances for the record.

MR. VOLKOV: Michael Volkov, Volkov Law Group.

MR. STANKIEWICZ: Matthew Stankiewicz, Volkov Law Group.

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, please wait until each question is completed before you begin your answer, and we will endeavor to wait until you finish your response before asking 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 answers 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

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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 you give full and complete answers to all questions asked of you. Omissions may also be considered as false statements.

Now, as this deposition is under oath, Colonel Vindman, would you please stand and raise your right hand to be sworn. Do you swear that the testimony provided here today will be the whole truth and nothing but the truth?

LT. COL. VINDMAN: I do.

MR. GOLDMAN: Let the record reflect that the witness has been sworn and you may be seated.

Colonel Vindman, if you have an opening statement or your attorney has any matters to address with the committee, now is the time.

LT. COL. VINDMAN: Mr. Chairman, Ranking Member, thank you for the opportunity to address the committee concerning the activities related to Ukraine and my role in the events under investigation.

I have dedicated my entire professional life to the United States of America. For more than two decades, it has been my honor to serve as an officer in the United States Army. As an infantry officer, I served multiple tours overseas, including South Korea and Germany, and deployed to Iraq for combat operations. In Iraq, I was wounded in an

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IED attack and awarded a Purple Heart.

Since 2008, I have been a Foreign Area Officer specializing in Eurasia. In this role, I have served in the United States Embassies in Kyiv, Ukraine, and Moscow, Russia. In Washington, D.C., I was a politico-military affairs officer for Russia for the Chairman of the Joint Chiefs, where I authored the principal strategy for managing competition with Russia. In July 2018, I was asked to serve at the National Security Council.

The privilege of serving my country is not only rooted in my military service but also in my personal history. I sit here, as a Lieutenant Colonel in the United States Army, an immigrant. My family fled the Soviet Union when I was 3 and a half years old. Upon arriving in New York City in 1979, my father worked multiple jobs to support us, all the while learning English at night. He stressed to us the importance of fully integrating into our adopted country. For many years, life was difficult. In spite of our challenging beginnings, my family worked to build its own American Dream. I have a deep appreciation for American values and ideals and the power of freedom. I am a patriot. It is my sacred duty and honor to advance and defend our country irrespective of party or politics.

For over 20 years as an Active Duty United States military officer and diplomat, I have served this country in a nonpartisan manner, and I have done so with the utmost respect and professionalism for both the Republican and Democratic administrations.

Before recounting my recollections of various events under

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investigation, I want to clarify a few issues. I am appearing today voluntarily, pursuant to a subpoena, and will answer all questions to the best of my recollection.

I want the committee to know I am not the whistleblower who brought this issue to the CIA and the committee's attention. I do not know who the whistleblower is, and I would not feel comfortable to speculate as to the identity of the whistleblower.

Also, I will detail herein I did not convey -- I did -- I'll say again. As I will detail herein, I did convey certain concerns internally to national security officials in accordance with my decades of experience and training, sense of duty, and obligation to operate within the chain of command. As an Active Duty military officer, the command structure is extremely important to me. On many occasions, I've been told I should express my views and share my concerns with my chain of command and proper authorities. I believe that any good military officer should and would do the same, thus providing his or her best advice to leadership.

Furthermore, in performing my coordination role as Director on the National Security Council, I provided readouts of relevant meetings and communications to a very small group of properly cleared national security counterparts with a relevant need-to-know.

When I joined the White House National Security Council, I reported to Dr. Fiona Hill, who, in turn, reported to Ambassador John Bolton, National Security Advisor. My role at the National Security Council includes developing, coordinating, and executing plans and

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policies to manage the full range of diplomatic, informational, military, and economic national security issues for the countries in my portfolio, which includes Ukraine.

In my position, I coordinate with a superb cohort of interagency partners. I regularly prepare internal memoranda, talking points, and other materials for the National Security Advisor and senior staff.

Most of my interactions relate to national security issues and are, therefore, especially sensitive. I would urge the committees to carefully balance the need for information against impact that disclosure would have on our foreign policy and national security. I have never had direct contact or communications with the President.

Since 2008, Russia has manifested -- so I'm going to go into the geopolitics behind this. I apologize. Since 2008, Russia has manifested an overtly aggressive foreign policy, leveraging military power and employing hybrid warfare to achieve its objectives of regional hegemony and global influence. Absent a deterrent to dissuade Russia from such aggression, there is an increase of further confrontations with the West. This situation -- in this situation, a strong and independent Ukraine is critical to U.S. national security interests because Ukraine is a front-line state and a bulwark against Russian aggression.

In spite of being under assault from Russia for more than 5 years, Ukraine has taken major steps toward integrating with the West. The U.S. Government policy community's view is that the election of President Volodymyr Zelensky and the promise of reform to eliminate

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corruption will lock in Ukraine's Western-leaning trajectory and allow Ukraine to realize its dream of a vibrant democracy and economic prosperity.

Given this perspective and my commitment to advancing our government's strategic interests, I will now recount several events that occurred.

When I joined the National Security Council in July of 2018, I began implementing the administration's Ukraine policy. In the spring of 2019, I became aware of outside influencers promoting a false narrative of Ukraine inconsistent with the consensus views of the entire interagency. This narrative was harmful to U.S. Government policy. While my interagency colleagues and I were becoming increasingly optimistic about Ukraine's prospects, this alternative narrative undermined U.S. Government efforts to expand cooperation with Ukraine.

On April 21st, 2019, Volodymyr Zelensky was elected President of Ukraine in a landslide victory. President Zelensky was seen as a unifying figure within the country. He was the first candidate to win a majority in every region of the country, breaking the claims that Ukraine would be subject to perpetual divide between the Ukrainian- and Russian-speaking populations. President Zelensky ran on a platform of unity, reform, and anticorruption, which resonated with the entire country.

In support of U.S. policy objectives to support Ukrainian sovereignty, President Trump called President Zelensky on April 21st,

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2019. I was one of several staff officers who listened to the call. The call was positive. The President expressed his desire to work with President Zelensky and extended an invitation to visit the White House.

On May 21st, 2019, I was directed by Ambassador Bolton and Dr. Hill to join the delegation attending President Zelensky's inauguration. When the delegation returned, they provided a debriefing to the President and explained their positive assessment of President Zelensky and his team. I did not participate in this debriefing.

On July 10th, 2019, Oleksandr Danylyuk, the Secretary of the National Security and Defense Council for Ukraine, visited Washington, D.C., for a meeting with National Security Advisor Bolton. Ambassadors Volker and Sondland and Energy Secretary Rick Perry attended.

The meeting proceeded well until the Ukrainians broached the subject of a meeting between the two Presidents. The Ukrainians saw this meeting as critically important in order to solidify the support for their most important international partner. Ambassador Sondland started -- when Ambassador Sondland started to speak about Ukraine delivering specific investigations in order to secure the meeting with the President, Ambassador Bolton cut the meeting short.

Following the meeting -- this meeting -- there was a scheduled debriefing during which Ambassador Sondland emphasized the importance that Ukraine deliver the investigation into the 2016 elections, the Bidens, and Burisma. I stated to Ambassador Sondland that the

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statements -- that his statements were inappropriate, that the request to investigate the Bidens and his son had nothing to do with national security, and that such investigations were not something that the NSC was going to get involved in or push. Dr. Hill entered the room shortly thereafter and asserted to Ambassador Sondland that his statements were inappropriate.

Following the debriefing, I reported my concerns to NSC's legal counsel, lead legal counsel. Dr. Hill also reported the incident to lead legal counsel.

On July 21st, 2019, President Zelensky's party won Parliamentary elections in a landslide victory. The NSC proposed that President Trump call President Zelensky to congratulate him.

On July 25th, that call occurred. I listened to the call in the Situation Room with colleagues from the NSC and Office of the Vice President. As the transcript is in the public record, we all are aware of what was said.

I was concerned by the call. I did not think it was proper to demand that a foreign government investigate a U.S. citizen, and I was worried about the implications to the U.S. Government's support of Ukraine. I realized that if Ukraine pursued an investigation into the Bidens and Burisma, it would be interpreted as a bipartisan play, which would undoubtedly -- I'm sorry. I'm going to restate that. Sorry. I realized that if Ukraine pursued an investigation into the Bidens and Burisma, it would likely be interpreted as a partisan play, which would undoubtedly result in Ukraine losing the bipartisan support it

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has thus far maintained. This would all undermine U.S. national security. Following the call, I again reported my concerns to NSC's legal counsel.

In conclusion, the United States and Ukraine are and must remain strategic partners, working together to realize the shared vision of a stable, prosperous, and democratic Ukraine that is integrated into the Euro-Atlantic community. Our partnership is rooted in the idea that free citizens should be able to exercise their democratic rights, choose their own destiny, and live in peace.

It has been a great honor to serve the American people and a privilege to work in the White House and on the National Security Council. I hope to continue to serve and advance America's national security interests.

Thank you again for your consideration, and I would now -- I am now happy to answer your questions.

[The information follows:]

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THE CHAIRMAN: Thank you, Colonel.

I'll turn it over to Mr. Goldman for 1 hour of majority questions.

MR. GOLDMAN: Thank you, Mr. Chairman.

Thank you again, Colonel Vindman.

BY MR. GOLDMAN:

Q You said in your opening statement, or you indicated at least, that there's a fairly consensus policy within the interagency towards Ukraine.

Could you just explain what that consensus policy is, in your own words?

A Yes. I'm just -- I'm going to be careful to not cross over into any classified.

What I can tell you is, over the course of certainly my tenure there, since July 2018, the interagency, as per normal procedures, assembles under the NSPM-4, the National Security Policy Memorandum 4, process to coordinate U.S. Government policy. We, over the course of this past year, probably assembled easily a dozen times, certainly at my level, which is called a subpolicy coordinating committee -- and that's myself and my counterparts at the Deputy Assistant Secretary level -- to discuss our views on Ukraine.

Certainly, as it became apparent that President Zelensky was preparing to take office and his platform became clear -- he was running on a unity platform. He was running on an anticorruption and reform platform. And if he, in fact, fulfills his platform -- and all indications right now are that he is, and those indications became

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relatively clear pretty early -- this is -- you know, this is in the United States' interest.

So that is, throughout the course of my tenure there, we had been monitoring the situation, how the trajectory is taking, the fact that it was actually completely aligned with the U.S. Government policy in terms of strengthening democracies and also, you know, strengthening front-line states as a bulwark against Russian aggression.

Q Now, you said that in the spring -- in your opening statement, you said in the spring of 2019, you became aware of outside influencers promoting a false narrative that was inconsistent with this uniform policy. Can you explain what you mean by the outside influencers promoting a false narrative? Who were the influencers and what was the false narrative?

A So I will tell you that this is as a result of closely monitoring everything to do with the countries in my portfolio, including Ukraine. As a habit, I get constant updates from interagency colleagues, from the Intelligence Community, from the Embassy.

And I would say that this particular -- these particular concerns emerged from a combination of open source -- following the press reporting, there were a couple of articles in The Hill that emerged in the March timeframe that, frankly, painted a significantly divergent view of the country, at least the orientation it was taking or likely to take under Zelensky. He was not yet President, but it was clear that he was on the upswing.

And at that point, you know, that's probably the first time I was

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sensitized to this issue. I was not really aware of, you know, some of these -- some of the theories that were behind it until that point.

Okay. And I guess, you know, the stories pertained to a prosecutor general in Ukraine at the time, Mr. Lutsenko, who was at that point in -- for the purpose of self-preservation for himself and the President at the time, President Poroshenko, was advancing a narrative undermining the Ambassador in Ukraine, Ambassador Yovanovitch.

So, at the time, that was probably -- the key influencers were the Ukrainians that were looking to preserve their position in power, retain -- gain reelection, looking to basically undermine Ambassador Yovanovitch and the Embassy that was critical of recent reports of corruption.

Q And were there any American outside influencers?

A So those probably occurred a little bit later. I'd say in the April timeframe is when I, frankly, became aware of Mr. Giuliani, Mayor Giuliani, also being involved in this particular narrative.

Q And just this narrative as related to Ambassador Yovanovitch, or were there other false narratives that were being promoted as well?

A So this narrative, as the narrative developed, it became clear that it had to do with the 2016 elections and Ukrainian -- supposed Ukrainian involvement in partisan support of candidate Clinton and in opposition to President Trump. That was the key element of that particular narrative that developed.

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Q And are you aware of any factual basis for that narrative, based on your training, experience, and knowledge of Ukraine?

A I am unaware of any factual basis for the accusations against Ambassador Yovanovitch, and I am, frankly, unaware of any authoritative basis for Ukrainian interference in 2016 elections, based on my knowledge.

Q Did these Hill articles also reference potential issues related to the Bidens and a company called Burisma?

A As the narrative began to unfold, there were claims of corruption involving Mr. Biden, Hunter Biden, and eventually the President also, as a means to cover up an investigation into Burisma and Hunter Biden's association with the firm.

Q You said the President. Who do you mean?

A I'm sorry. The Vice President, Biden.

Q Okay. Now, we're going to go through in some detail the narrative over the last year or so, but I want to pick up on a couple of particular incidents that you mentioned in your opening statement.

You discussed in your opening statement a July 10th meeting between Oleksandr Danylyuk and Ambassador Bolton. Can you describe -- well, where was that meeting held?

A That was in Ambassador Bolton's office.

Q And can you tell us who attended that meeting?

A So Ambassador Bolton, Dr. Hill. I guess I'm not -- if I'm not certain about her name, I prefer not to mention it. I guess I don't want to speculate. But then from the -- you know, from the true

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principals, it would have been Ambassadors Sondland, Volker, Secretary Perry, Oleksandr Danylyuk, Andrey Yermak. Please let me know if I need to spell those --

Q No, we got that name.

A Okay. And then I think -- actually, I know that the senior adviser for Oleksandr Danylyuk was also there, Oleksii Semenyi.

MR. VOLKOV: You better spell that.

LT. COL. VINDMAN: So Oleksii, the Ukrainian spelling would be O-l-e-k-s-i-i, S-e-m-e-n-i-y.

BY MR. GOLDMAN:

Q What was the purpose of this meeting?

A This would be -- this was the inaugural meeting between the -- Ambassador Bolton and his counterpart, the equivalent of a National Security Advisor for Ukraine.

The purpose was, first of all, to build rapport, give Ambassador Bolton an opportunity to make his own assessment on the key elements of President Zelensky's team, and Oleksandr Danylyuk being one of the key elements, and a very well-regarded, actually, technocrat that had been serving Ukraine for some years, and allow him to make his own assessment of what these people are like. Is it worth it to pursue this engagement? You know, are these credible individuals? And then, frankly, to chart a course for bilateral cooperation.

Q Did you have an understanding as to why Ambassadors Sondland, Volker, and Secretary Perry attended this meeting?

A So, certainly, they had been involved in Ukraine since the

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Presidential delegation on -- they were the seniors attending the Presidential delegation in May, and they had, from that point on, taken an active role in Ukraine and supporting Ukraine.

I think every one of those individuals recognized the unique opportunity presented by the election of Volodymyr Zelensky, and a willing partner that was going to lock in the reforms, root out corruption, that would allow Ukraine to prosper and further integrate into the Euro-Atlantic community. And all of those individuals were looking to advance, you know, a relationship between Ukraine and the United States.

Q Approximately how long was this meeting?

A It was in the ballpark of about 35 to 40 minutes.

Q And you say in your opening statement that it went well until the Ukrainians broached the subject of a meeting between the two Presidents. What did the Ukrainians bring up in connection to that?

A So I think it's important to note that the Ukrainians had been seeking a meeting, a White House meeting with the President, for some time already at that point. There was -- and it was based on the President during the phone call on April 21st extending an offer to meet with President Zelensky and, you know, a correspondence also offering a meeting. So the Ukrainians were attempting to figure out when they could actually do this meeting.

From the Ukrainian perspective, their -- you have a brand new President, is not from the political establishment. He is trying to, you know, develop his bona fides and continue to gain support so he

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can implement his agenda.

His agenda includes rooting out corruption, and corruption certainly for decades has been endemic in Ukraine. And what he was looking to do was, you know, to face off against entrenched elites, political elites, oligarchs. And in order to do this, he needed -- he needed some support.

In this case, what he was looking to do is, specifically, there was a Parliamentary election to be held in May, May 21st, and he was looking to potentially -- his team was looking to secure a meeting so it would bolster his credibility going into the Presidential -- I'm sorry, Parliamentary election. In reality --

Q May 21st or July 21st?

A July 21st, yeah. There are a lot of 21sts in here for some reason, so -- why that date is important.

But so July 21st. So this is only about 11 days before. And even if they weren't able to actually get a meeting, because that's not likely, given the President's schedule, he's extremely busy, he has -- and his meetings are scheduled way ahead of time, the securing of a date sometime after would have been still useful.

So they were attempting to pin down a date so that he went into the Parliamentary elections strongly. And it turns out he didn't really need it because he won by a landslide anyway, based on the fact that he was credible with his population.

Q And so, after the Ukrainian officials raised the idea of this meeting, what happened next? What was the response?

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A So we had had a very substantive conversation up until that point, kind of laying out, you know, the necessity of working with Ukraine. There was a discussion of -- you know, of the Ukrainian proposals on how we could cooperate more substantively.

When the Ukrainians raised this issue of trying to figure out what the date would be for the Presidential meeting, Ambassador Sondland proceeded to discuss the deliverable required in order to get the meeting, and he alluded to investigations.

Very quickly thereafter, Ambassador Bolton terminated the meeting, pleasant and professional, but he said: It was a pleasure meeting with you, looking forward to working with you.

And we -- you know, he still had the -- we still did a photo to, again, bolster the Ukrainians. There was quite a nice photo that was taken outside the White House that ended up getting published. And that's how the meeting ended.

Q Was this the first time that you had heard about these investigations in connection with a White House meeting?

A This is the first time that it didn't come from, you know -- this wasn't a -- this had developed mainly -- my situational awareness into this developed initially through open source and then, you know, professional communications to determine what was the substance behind some of this. But this was the first time that it emerged kind of with a government official discussing it.

Q I'm going to circle back to this, but what happened after Ambassador Bolton abruptly ended the meeting?

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A So we did the photo. Again, the intention was to strengthen his counterpart's position. And then Dr. Hill joined Ambassador Bolton for a meeting in his office. And we had preplanned a post-meeting discussion just to see if there was any do-outs that we would need to follow through and --

MR. VOLKOV: What's a do-out?

LT. COL. VINDMAN: A do-out would be -- so, if there was a task that needed to then be coordinated through the interagency, the idea would be that we would discuss it and figure out how to move forward as a next step.

BY MR. GOLDMAN:

Q Who attended that briefing?

A So Ambassador Sondland, Ambassador Volker attended that meeting. There were some staffers. I think Ambassador Sondland's staff was there. Yeah, Perry. So, actually, frankly, Perry, I think he had some testimony, and if he was there, he was there for just a brief minute, but his chief of staff remained. And then --

Q Who was his chief of staff?

A It will come back to me. Mr. Brian McCormack.

Q Where was this debriefing?

A It's a space called the Ward Room in the White House, West Wing.

Q Were the Ukrainian officials there?

A They were -- they were there for the -- for a part of the post-meeting, yes.

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Q And then what was discussed at that post-meeting debriefing?

A So Ambassador Sondland relatively quickly went into outlining how the -- you know, these investigations need to -- or the deliverable for these investigations in order to secure this meeting. Again, I think, you know, I may not have agreed with what he was doing, but his intent was to normalize relationships with -- between the U.S. and Ukraine, and this was -- as far as I understand, this is what he believed the deliverable to be.

Q Who did he believe -- or let me -- withdrawn.

Do you understand how he came to believe that this deliverable was necessary?

A So I heard him say that this had been coordinated with White House Chief of Staff Mr. Mick Mulvaney.

Q What did he say about that?

A He just said that he had had a conversation with Mr. Mulvaney, and this is what was required in order to get a meeting.

Q Did he explain what the investigations were that were needed?

A He talked about the investigations, which -- I guess I'll refer to my statement. So, I mean, it was the 2016 -- these things tended to be conflated at some point. So he was talking about the 2016 elections and an investigation into the Bidens and Burisma.

Q What do you mean "they tended to be conflated"?

A So, initially, there was a -- the narrative was just about 2016. As time moved on through the spring and summer, the narrative had changed to both the preceding, I guess, issues that -- with Ukraine

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and interference to also the Bidens and their involvement in, you know, any misdealings there.

Q And when you say "the narrative," what do you mean?

A So I saw this unfold, a lot of this unfold, frankly, in the press. And the initial story line was on, you know, on -- the initial story line was focused on Ukrainian interference in 2016 elections.

And then, subsequently, it was the Bidens began to be incorporated into this narrative and that Hunter Biden, who was on the board of this firm Burisma, was involved in some misdealings. There was an investigation into Burisma, and the story goes that the Vice President had the prosecutor general that was responsible for this investigation removed to terminate this investigation into Burisma.

Q This was the narrative that was out, is that what you're saying?

A Yes.

Q Now, you had said a moment ago that this, as you just said, is a narrative, but when Ambassador Sondland mentioned these investigations, I think you referred to that as the first time there were professional communications related to that. What do you mean by that?

A Government officials that were -- so that was the first time I've heard firsthand a government official talk about these investigations and the fact that this investigation was a do-out for anything --

Q What --

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A -- or deliverable for anything.

Q Did Ambassador Sondland -- were the Ukrainian officials in the room when he was describing the need for these investigations in order to get the White House meeting?

A So they were in the room initially. I think, once it became clear that there was some sort of discord amongst the government officials in the room, Ambassador Sondland asked them to step out of the room.

Q What was the discord?

A The fact that it was clear that I, as the representative -- I, as the representative of the NSC, thought it was inappropriate and that we were not going to get involved in investigations.

Q Did you say that to Ambassador Sondland?

A Yes, I did.

Q Did anyone else other than you or Ambassador Sondland participate in this discussion related to the investigations?

A One more time, please.

Q Did anyone other than you or Ambassador Sondland participate in the discussion about these investigations?

A There were other people in the room, yes. Did they participate?

Q Did they say anything?

A Did they say anything? I think mainly people were listening at that point. It was kind of an uncomfortable conversation, so people were just listening to it unfold.

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Q What did Ambassador Sondland say in response to you telling him that this was inappropriate?

A He at that point started to, I guess, moderate what he had been calling for. First, I think, as I recall, he brought in the fact that, you know, this is per his conversation with White House Chief of Staff's Office.

And then when I said -- well, I explained to him, actually, I'm not a politician, I don't, frankly, know how these things work, and I didn't think it was appropriate. I think, you know, he stopped pushing it, and about the same time is when Dr. Hill came in from her meeting with Ambassador Bolton.

Q Why did you think it was not appropriate?

A I just -- I thought it was inappropriate to have -- to call for an investigation -- to call a foreign power to investigate a U.S. citizen. In my mind, I had spent quite a bit of time in that part of the world. I understand how the justice system works. It's not a rule of law that governs.

These could all be orchestrated to achieve some sort of objective. And, in my mind, I thought it was, you know -- if they thought that this was in their national security interests and they could potentially get away with it -- you know, I'm not talking about the Ukrainians; I'm talking about foreign powers in general -- and if they thought that it was in their national security interests -- and this is a country that's fighting a war against Russia -- and they could get away with it, I mean, why should they really care that much about

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domestic politics at a different country? They're going to do what they need to to protect and advance their own national security interests.

And, you know, this would not be -- if they chose to do it, they could potentially tip the scales, and this would not be a fair investigation, and it would provide, you know, compromising or maybe even fabricated information, if need be. So these things, these thoughts were all going through my mind.

Q What did Dr. Hill say when she walked in?

A I -- in about, you know, 5 or 10 seconds, I quickly kind of caught her up on what the conversation had been. And she had just returned from Ambassador Bolton's office, and, you know, she was -- she was irritated, and she basically backed up the position that I had laid out, which is that this was inappropriate and that we would -- you know, the NSC -- it had nothing to do with national security and that the NSC was not going to get involved in it.

Q And what happened next?

A We relatively quickly broke up from there. I brought the Ukrainians in, and I took them back out, so through -- up to the security checkpoint, said goodbyes. You know, I had met Mr. Danylyuk a couple times, so we exchanged some pleasantries and, you know, said something about looking forward to working with him and seeing him in the future, and escorted him out.

Q Did Ambassador Sondland respond to Dr. Hill in any way?

A I apologize. So these -- that's the normal format. I think

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that's what played out in this case, in terms of me escorting him out. I also vaguely recall a brief conversation that we -- with Dr. Hill that we needed to follow up on this matter also. Somewhere in that process, we also had that, you know, just a quick --

Q Just you and Dr. Hill?

A Yes.

Q And that you both wanted to follow up?

A That we had -- we need to discuss, you know, the matter and, you know, what we do from there.

Q Okay. Just going back a minute to when Dr. Hill came in and said it was inappropriate, did Ambassador Sondland say anything in response to her?

A I, frankly, do not recall exactly what he said. I -- to the best of my recollection, I think he just, you know, said, you know, we'll follow up on it later or something like that.

MS. SEWELL: Were the Ukrainians in the room when you admonished Ambassador Sondland?

LT. COL. VINDMAN: Probably not for the -- I mean, I wouldn't characterize it as admonishing him. He's an, you know, Ambassador, which is --

MS. SEWELL: When you expressed your concern.

LT. COL. VINDMAN: I think that -- ma'am, if I could say, that was more accurate. So I just expressed my concerns. And the Ukrainians would have been in there for part of it, but, again, as that -- as the discord between the National Security Council and

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Ambassador Sondland unfolded, I think they were asked to leave relatively quickly. So they heard -- they probably heard some of it, but I'm not sure how much of it they heard.

BY MR. GOLDMAN:

Q Was Ambassador Volker in the Ward Room for this conversation?

A He was.

Q Did he say anything?

A I don't recall him saying much, no.

Q Did he seem surprised to hear what Ambassador Sondland was saying?

A I'm not sure if I could -- I'm not sure if I took particular note. I think, if anything, he certainly would have been surprised by the -- kind of the expression of concerns, you know, and the fact that we were having this conversation, something of that nature, but I can't recall specifically.

Q Was Secretary Perry there for this conversation?

A I don't think he was there for this part of the conversation.

Q But his chief of staff, Brian McCormack, was?

A He was, because I mentioned, I think -- you know, he was there for the pre-meeting we had, and everything normal, no issues. We discussed policy. And I think he said that he had a Hill testimony or Hill encounter and that he would not be able to stay, and he was represented by Mr. McCormack.

Q Was anyone else there from the American side?

A I think there were some staffers, but I apologize, I don't

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recall who the staffers were.

Q What did you do to report this up the chain?

A At that point, I -- I know that both Dr. Hill and I had concerns. I believe -- let me -- just trying to think through the timeline. That occurred -- that meeting occurred in the late afternoon. I mean, I very quickly went and spoke to the senior White House -- or senior National Security attorney and, you know, relayed the incident, the fact that, you know, this investigation that had previously emerged in open source and had certainly been connected to the -- what Mr. Giuliani was pushing, was now being pulled into a, you know, national security dialogue. And I relayed these elements.

Q Okay. Before I get there, what did you understand Mr. Giuliani's relationship to the President to be?

A I don't -- I have never met the President. I have never met Mr. Giuliani. As far as I know, it's just what's in the news, which is that he's his personal attorney.

Q Who did you report this incident to?

A So, on that occasion -- yeah, on that occasion, I spoke to John Eisenberg, the NSC legal counsel.

Q And I may have missed this, but when was that conversation?

A That occurred in the afternoon, and I spoke to him the same day in the afternoon.

Q Just the two of you in that conversation?

A In that one, yes.

Q And did you take any notes to memorialize this meeting and

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then debriefing in the Ward Room?

A So I took notes on the official meeting that we had scheduled, as per normal practice, but I didn't take any meetings from the -- any notes from the Ward Room. Frankly, probably, the most accurate notes would be what Mr. Eisenberg would have taken down during our conversation.

Q And do you recall that he took down notes?

A Yes.

Q So explain what you said to Mr. Eisenberg.

A I think -- I believe I can't go further into that.

MR. VOLKOV: I think if we can, I don't have a problem with him sort of just summarizing it, but it's a privileged conversation in that he's counsel. So, if he can just summarize it generally. It's not a very long conversation.

BY MR. GOLDMAN:

Q That's fine if you want to summarize it generally. Just to be clear, I don't necessarily agree with the privilege assertion, but if we don't need to get there, then maybe that's best.

A Sir, I think I -- I mean, the top line I just offered, I'll restate it, which is that Mr. Sondland asked for investigations, for these investigations into Bidens and Burisma. I actually recall having that particular conversation.

Mr. Eisenberg doesn't really work on this issue, so I had to go a little bit into the back story of what these investigations were, and that I expressed concerns and thought it was inappropriate.

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Q And what did he say to you?

MR. VOLKOV: If I can object just at this point, and we can work -- we can talk about this at a break, but I believe it's privileged.

BY MR. GOLDMAN:

Q Well, let me ask you this: Rather than what he said to you, did he indicate to you that he was going to do anything with your information?

A You know, I'm not sure. Frankly, what I was doing is I was reporting something to the chain of command, a concern I had. You know, what he did with that information is probably above my pay grade.

Q No, no, I understand. Did he say anything to you, that, all right, I'm going to do anything with it?

A I vaguely recall something about: I'll take a look into it. You know, there might not be anything here. We'll take a look into it, something of that nature.

But -- and then he offered to, you know, if I have any concerns in the future, you know, that I should be open -- I should be -- feel free to come back and, you know, share those concerns.

Q Did either he or anyone from the legal staff circle back to you on this issue?

A No.

MR. HIMES: Just for clarity, Counselor, are you asserting privilege on behalf of your client or on behalf of someone else?

MR. VOLKOV: Well, he's seeking -- on behalf of my client in the sense that he's seeking advice. It's as if he was in a company, and

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the company counsel is telling him "here's what we're doing" -- my concern with this is he is seeking advice from in-house counsel. And I believe that the advice that he got, the substance of it -- I don't have a problem with sort of "here's the communications that I did," but in terms of the response and any detail about that, I think that's privileged as to him being -- working at the White House, and it's the White House's privilege. We could talk about it, but it's not worth wasting a lot of time on.

MR. HIMES: Yes, let's defer that conversation until when it becomes necessary to have.

BY MR. GOLDMAN:

Q Colonel Vindman, did you -- after this meeting on July 10th, either the meeting with Ambassador Bolton or the post-meeting debriefing, did you have a subsequent conversation with Ambassador Bolton about any of this?

A I did not.

Q How about with -- other than the short conversation you had with Dr. Hill where you agreed to report it up the chain, did you have any additional conversation with her?

A I did, yes.

Q Can you describe those -- was it one or more conversations?

A I mean, it could have been more than one, but, frankly, I remember one --

Q Describe that conversation.

A -- conversation. And in it, she relayed to me that

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Ambassador Bolton was -- was very irritated by the meeting, and that's why he ended it abruptly, and that, you know, we discussed the fact that -- I think I told her at that point that I had already reported it to legal counsel, and she said she was going to do the same thing.

And we also discussed the fact that we thought it was inappropriate and, you know, had nothing to do with national security, and we were not going to get involved in it.

Q I want to move ahead to a couple weeks later, and we're going to spend a little time --

A Sir, maybe if you don't mind, I think it's also important to note that, you know, I made my report to the chain of command, but I also had a role in terms of coordinating advancing U.S. policy. So this is not something that we spent a lot of time dwelling on.

We -- I thought I'd handled it appropriately, and I moved on to my job of advancing U.S. national security interests by, you know, looking to the next engagement, figuring out what we need to do next step. There's always constantly something. The National Security Council has busy days, lots going on. And, you know, frankly, we just moved on to the next thing that we needed to do in order to do our jobs and advance the national security interests.

Q And is it fair to say that encouraging Ukraine to conduct investigations related to domestic U.S. politics was not in the U.S. national security interests?

A In my view, I don't think it was. And it had inherent risks in that -- it had inherent risks in that, frankly, if Ukrainians took

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a partisan position, they would significantly undermine the possibility of future bipartisan support.

Losing bipartisan support, they would then lose access to potentially, you know, hundreds of millions of dollars in security assistance funds. The amount of money that we're talking about here, \$400 million, might not mean much, you know, in terms of the U.S. budget. For a normal person it does, but for a U.S. budget it's, you know, a fraction of a fraction.

But for the Ukrainians, it amounts to about 10 percent of their military budget, roughly. And, you know, that is -- that actually amounts to a significant portion of their GDP because the Ukrainians also spend about 5 to 6 percent of their GDP on defense because they're fighting an active conflict against the Russians.

So this is not a negligible amount and, you know, we're basically trying to continue the relationship and advance the U.S. national security interests. And losing bipartisan support would have a significant cost.

Q We may circle back to this a little bit more later, but I want to fast-forward to the July 25th call. How did that call come about?

A So just like the July 21st call, we --

Q You mean, the April 21st?

A Yeah. Apologize. Thank you.

Q No problem.

A Just like the April 21st congratulatory call, which occurred

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on the actual election day, Ukrainian election day, we had proposed a congratulatory call again for President Zelensky's party winning. And the expectation actually at that point was pretty clear, that he was going to do quite well.

The discussion was whether he was going to get an outright majority, whether he was going to have to develop a coalition faction in order to advance his agenda of rooting out corruption, implementing reforms. And we thought it would be -- it would be a good signal of support to him and his party and his agenda to organize another congratulatory call, and this one was going to occur sometime in the timeframe of July 21st.

Q Do you know who was involved in prepping President Trump for the call?

A I'm not sure. I mean, "prepping," could you clarify? What do you mean by "prepping"?

Q Well, did President Trump receive any reading materials prior to the call?

A Yes.

Q And who provided those?

A So, typically, the way this works -- and this is what happened in this case -- is I drafted read-ahead materials, the talking points. All the materials, it goes through a staffing process, and then it gets forwarded from Ambassador Bolton to the President and Executive Secretary.

Q Were you aware of whether the President or the chief of staff

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had any conversations with Ambassador Sondland prior to this call?

A I am not. I wouldn't.

Q Did you include anything in your talking points about investigations into the 2016 election or the Bidens or Burisma?

A Definitely not.

Q Did Ambassador Bolton say anything to President Trump, to your knowledge, about those investigations?

A To my knowledge? I'm not aware.

Q And so were you aware of whether anyone from the State Department spoke to President Trump prior to the call?

A No.

Q Is that -- would that be ordinary practice; it would all come from the NSC usually?

A So I could only speak about my, you know, experiences. It's -- it's unclear, but it wouldn't be necessarily abnormal that the President would consult with appropriate senior officials for these type of things, but I have no knowledge of whether that happened.

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[10:32 a.m.]

BY MR. GOLDMAN:

Q And did you or anyone on the NSC talk to any Ukrainian officials in advance of the call about the call?

A So the calls -- what we would do in this case is we would alert the embassy, meaning our U.S. Embassy and Ambassador, that a call would occur, and then a coordination would occur through, you know, the communicators, White House communicators to U.S. Embassy communicators to the Ukrainians to make sure that all the switches and so forth were in place.

Q So that's more of a technical, procedural --

A Technical logistics.

Q But nothing substantive, as far as you knew?

A In terms of substantive, we certainly told, you know, our U.S. Embassy there that, you know, the congratulatory call was on, and that's probably about it, frankly.

Q Are you aware of whether either Ambassador Sondland or Ambassador Volker spoke to any Ukrainian officials about the substance prior to the call?

A I was not.

Q Well, let me ask you, were you aware at the time of whether they did?

A No.

Q Okay. Now, you said in your opening statement that you listened to the call. Where were you listening to the call?

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A In the White House Situation Room.

Q Okay. And who was in the Situation Room with you listening to the call?

A So to the best of my recollection, I think the Deputy National Security Advisor was in there. My immediate supervisor, Tim Morrison, was in there. Lieutenant General, retired, Kellogg was in there. He's the Vice President's National Security Advisor. My counterpart on his staff.

Q On whose staff?

A My counterpart on the Vice President's staff.

Q Who is that?

A I mean, it's a staff officer. Jennifer Williams.

Q Okay.

A And then, let me see, I think NSC press was there also. A representative from NSC press was in there.

Q Do you know who that was?

A Yeah. You know, I know I probably need to name some names, but it's just really uncomfortable. We're talking about working-level people, and I -- you know, it's kind of a big show here. And so I apologize for the hesitancy. It's just that --

Q So you'll have an opportunity to review the transcript.

A Okay.

Q And if you or your counsel would like to recommend, you know, redactions for national security reasons or other reasons, you'll have that opportunity. But we do need to know who the names are.

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A I understand. It's just uncomfortable that, you know, somebody else could be brought into this that really didn't have anything --

[Discussion off the record.]

LT. COL. VINDMAN: I understand. [REDACTED] was the press officer that was in there. I think that accounts for everybody that was in the room.

BY MR. GOLDMAN:

Q And where was the President when he made this call?

A I don't know.

Q Okay. But did Ambassador Bolton listen to the call?

A He wasn't in the room. I believe he was traveling, and I don't know if he listened in on the call.

Q Okay. Do you know whether he had any concerns about the call in advance?

A I think, I guess, in general, there were some concerns about the kinds of interactions the administration could have with the Ukrainians just after, you know, the stories that were reverberating through U.S. media. And certainly after the July 10 meeting, there was some concerns that, you know, there could be some stray voltage in these calls, so, yes.

Q Sorry, what did you say?

A Stray voltage.

Q What does that mean?

A It means things that had -- it's a term of art where, you

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know, things that had nothing to do with, you know, the substance at hand could somehow be brought into the discussion. So, yes, I think there were some concerns.

Q And how was this call memorialized in realtime?

A So, you know, frankly, I didn't really dig deep into this process, didn't really fully understand it until it unfolded. But what I typically see is what's called a TELCON. It's a telephone communication. It's not quite a transcript, so it's not verbatim, but it's pretty close to it.

Q Before we get there, I just want to understand, in the Situation Room, were there stenographers or people or recording, or how does it work?

A So certainly the staff officers would take their notes, and the reason for that is that you need to make sure if there's a do-out that you're able to pass that on to the appropriate department agency for coordination to advance U.S. national security policy. So people were taking notes.

But in terms of the way these things are traditionally memorialized, there's a transcript that's produced -- or, you know, a transcript seems to imply that it's completely verbatim. Something along a transcript that -- very accurate, but not maybe flawless, that catalogs what's been discussed and then that goes into a staffing process to try to make sure it's accurate.

Q And what does that process entail?

A So typically what ends up happening is the transcript is

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produced by the White House Situation Room. It goes to the people that were in the room, maybe not even always all the people in the room, but the relevant people, like the director, senior director for the directorate in which the country falls, legal. And then you review the transcript to make sure it's accurate, because, again, it's not verbatim. It's not recorded or anything of that nature, as far as I understand.

Q Did you have the opportunity to review the transcript and compare it to your notes?

A I did.

Q Did you make any changes or suggestions?

A I did make a couple of changes and suggestions.

Q Okay. Now, let me -- I'm going to give you the call record now, and we'll mark this as Exhibit 1.

[ Majority Exhibit No. 1

Was marked for identification.]

BY MR. GOLDMAN:

Q Now, this has now obviously been declassified and publicized. Have you, prior to coming here today, have you had an opportunity to review this carefully again?

A I have.

Q Okay. And you obviously saw this in realtime, correct?

A Yes, sir.

Q At the time, would you have -- so just explain the process

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to me. So you make your own edits or suggestions, and then what happens after that?

A So the transcript is produced. It goes through the executive secretary from the National Security Council. It gets pushed out to the appropriate people for review. It goes through legal review, and then it goes to leadership for their final review, and then it goes into, you know, the historical record.

Q And is it disseminated among the cabinet-level officials or others who would need to know?

A I don't know.

Q You don't know that.

So do you ever then see the final version after you make your edits?

A Normally it would. In this case, the way it was managed, I didn't see the final version after my edits. And, frankly, under normal circumstances, I would put my edits in and then, you know, if those edits were deemed appropriate by my leadership or legal, they would enter the record; if they weren't, you know, I basically provide my contribution, but it doesn't -- you know, I'm not the final say on how the transcript looks.

Q But ordinarily you'll make your contribution. It goes to the full process to be finalized, and then the final version does come back to you?

A It doesn't, but I do have the ability to -- you know, if I wanted to, I could go into the system and take a look at it, make sure

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all the changes were made, you know.

Q And you said that normal process did not occur here?

A It didn't. It did not.

Q What was different?

A As opposed to going into the standard communications system, it went into a different type, a different, more secure system. And in this particular system, while I did have an account, it was not functioning properly, so I had to go analog and take a look at -- get a hard copy of it, make some -- annotate some changes to it, return it, and, you know, I guess it went through a paper process.

Q So even in the editing process that you normally do, that was done in a different way?

A Yes.

Q In other words, it was on a different system and you had to use a different process to put your edits in?

A Yes.

Q And how long after the call is this process done?

A It's usually -- the effort is to expedite it and make sure you have an accurate, you know, recitation of the call within a fairly short period of time. We're talking about days.

Q So do you recall how soon -- or do you recall when you first learned that this call was placed in the more highly classified system?

A That conversation occurred alongside the conversation with Mr. Eisenberg in which I voiced concerns about the July 21 call.

Q Before we --

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MR. VOLKOV: July 25.

BY MR. GOLDMAN:

Q July 25.

A 25th, yeah.

Q But before we get to that, I guess, I am just wondering, because you -- when you made your edits, it was already in that system?

A So, yes. It was already shifted over to that other system.

MR. VOLKOV: Can we just to clarify the record make clear, when you're talking about "this" system --

MS. CAREY: Can you speak into the mike, please.

MR. VOLKOV: Oh, I'm sorry. Just to clarify, can you just -- because we're talking about "this" system, "that" system. What is this system it got put into, the acronym, just so it's clear when it went into that. And he was present for a conversation about that. So --

BY MR. GOLDMAN:

Q I understand. We'll get to that. I'm just curious as to sort of -- I want to go through the process of finalizing the transcript first, and then we'll get to your conversation with legal, which you referenced in your opening statement.

But the question is just that, was it already in this -- was it already routed differently by the time that you were taking a look at it for the first time to add your edits?

A Yes.

Q Okay. Now, what we see here in Exhibit 1, is this a standard

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MEMCON or -- yeah, MEMCON, memorandum of telephone conversation for Presidential phone conversations?

A It is.

Q It is the standard version?

A Yes, that's what they typically use --

Q Is there a word-for-word transcript that is produced of these conversations?

A I don't believe so.

Q Okay. So this is usual?

A Yes, completely normal.

Q Now, and is there an audio recording?

A I don't believe so.

Q At least not in the U.S.?

A True.

Q So you've now had an -- let me -- sorry. Withdrawn.

Did you ever look at the final version that was placed in the highly classified system?

A So the version I saw was still the one that was in staffing. I did not have a chance to see, you know, the end result, which is what was released after I made my edits.

Q And is the end result what you understand to be Exhibit 1 that was released on September 25?

A Yes, correct.

Q Okay. Now, let me ask you this question: Did the end result incorporate all of your edits?

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A So there were probably some, you know, nonsubstantive edits that I don't recall what I necessarily put into it, but there were a couple of things that were not included.

Q And can you point us --

A Sure.

Q -- to what those were or are?

A Yeah. So page four, bottom of the first paragraph, let's see, okay, so that ellipses where it ends with "it," there was a comment about there are recordings from the President. He said that "there are recordings" of these misdeeds.

Q Okay. And that ellipses substitutes for there are recordings?

A Correct.

Q To your recollection?

A Yes. This is what's in my notes also.

Q From the --

A So it's not just the recollection. I took notes from the call.

Q Okay. And are you still in possession of those notes?

A They're in my highly classified notebook.

Q Got it. All right.

So if you could just read the sentence that you're referring to starting with "The other thing."

A Yeah. Biden went into bragging that he stopped the prosecution --

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MR. VOLKOV: No. No.

LT. COL. VINDMAN: I'm sorry. How far back do you need? Okay. Let's see. Okay. Got it.

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 -- to find out about that. So whatever you can do with the attorney general, that would be great. Biden went around bragging that he stopped the prosecution, so if you can look into it. There are recordings -- in my -- the way I had it. It sounds horrible to me.

BY MR. GOLDMAN:

Q Okay. So "there are recordings" substitutes for the ellipses --

A Correct.

Q -- that we see here?

Okay. Was there anything else that was different?

A There's one other substantive item in the next paragraph from Zelensky, where it says, "He or she will look into the situation specifically to the company" -- it shouldn't be "the company." It should be "to Burisma that you mentioned." Because I think, you know, frankly, these are not necessarily folks that are familiar with the substance. So President Zelensky specifically mentioned the company Burisma.

Q All right. So why don't you do this, first, just read the sentence as it is in this exhibit.

A "He or she will look into the situation specifically to the

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company that you mentioned in this issue."

Q And then read -- can you restate it with what you recall Zelensky saying?

A "He or she will look into the situation specifically into Burisma," and I think that's, you know, that's where it ended.

Q Okay. So --

A And it continued on --

Q So this call record substitutes the following phrase, "the company that you mentioned in this issue," for what Zelensky said, "Burisma"?

A Correct.

Q Okay.

A Again, it's in my notes. That's what I took down as the call was occurring.

Q Understood.

Is there anything else that you recall as being substantively different?

A Substantively, I think those are the only two items.

Q Now, I believe that there are other ellipses in here. On top of page three, for example, the President -- President Trump 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, dot, dot, dot, ellipses. I guess you have one of your wealthy people, dot, dot, dot, again, another ellipses. Do you know

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whether those ellipses replaced other substantive statements?

A To the best of my recollection, I think at the end of CrowdStrike, "they say you have it," was said.

Q "They say you have it"?

A Yeah.

Q So the President says, "They say CrowdStrike, they say you have it."

A Uh-huh.

Q "I guess you have one of your wealthy people"?

A Yeah. I don't recall frankly. Oh, you know what? So, frankly, it covers it. So I don't -- if you look, you know, a couple more words down, it says, the server, they say Ukraine has it. So that's covered. I don't recall what those ellipses are.

Q But generally speaking, when there are ellipses here, do they replace words?

A Not always. Like I said, in my notes, if it was a Ukrainian word or something that required some content and it was not in there, I'd replace it, but not every ellipses has something else with it.

Q Okay. Now, you stated in your opening statement that you were concerned by the call. Can you explain a little more what you were concerned about?

A Yes, sir. So, I guess, I think, frankly, the statement captures it adequately, but I'm happy to go over it again. I was concerned about the fact that there was a call to have a foreign power investigate a U.S. citizen, and I didn't think, you know, that

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was -- first of all, I didn't think that would be a credible investigation, and, you know, in any way would necessarily reflect reality. It could be a country advancing its own interests.

And then I also was concerned about the fact that, you know, there seemed to be a lot of leaks. And, frankly, if this was -- as this story was unfolding, as this narrative was unfolding, I'd periodically talked to the Ukrainian officials at the U.S. Embassy here.

And I would say -- when they would ask me, you know, what do we do in this situation, I'd give them the same counsel consistently. The counsel I'd always give them is it's a domestic issue, stay out of U.S. domestic issues. It could fracture your bipartisan support. So this was -- you know, this was not something that was new to me. This was also, as this conversation was unfolding, this thought was coming through -- flowing through my mind.

You know, during the bilateral meetings with the President of Ukraine in which it was -- you know, on the 21st of May, you had Secretary Perry that was leading the delegation, the two things I said to Ukrainians, really one of them is probably appropriate to mention here, you know, please stay out of U.S. domestic politics. Don't involve yourself in this issue. This is something that was completely consistent throughout, you know, this period of time as the story unfolded. So that's what was going through my mind.

Q And we'll get back to the fact that -- that conversation in May that you had with the Ukrainians. But did you understand that these investigations that the President was asking for may be to his own

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political benefit as well?

A Yes.

MR. GOLDMAN: Okay. I think our time is about up.

THE CHAIRMAN: Let's take a 5-minute break to use the facilities and resume in 5 or 10 minutes.

[Recess.]

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[11:11 a.m.]

THE CHAIRMAN: Let's go back on the record. 1 hour to the minority.

BY MR. CASTOR:

Q Good morning, sir. Thank you for your service, both in war and peace.

I want to go back to the July 10 meeting in Ambassador Bolton's office. Can you just tell us precisely, what did Sondland say that caught your concern?

A So for that meeting, frankly, I was very focused on the substance, the national security content for the meeting. And I do recall him talking about investigations, but my reaction, you know, was probably relatively subdued.

What very quickly unfolded thereafter was that Ambassador Bolton ended the meeting, and, you know, something to the extent of, well, it was nice meeting you, looking forward to working with you, went out for the phone call and that was it. So --

Q You mean the photo?

A Photo, correct. Thank you.

Q Okay. Do you recall the specific words Ambassador Sondland used?

A For that one, I do not recall the specific words --

Q Okay.

A -- because, frankly, in my view, it seemed -- it was -- he was talking to the room. You know, it was not something that I was

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very, very focused on. But in the following conversation, it was a conversation between the two of us, and that one I do recall.

Q I'll get to that in a second. So in Ambassador Bolton's office, you remember him using the terminology "investigations"?

A Yes.

Q Okay. Did he use the terms "2016"?

A I don't recall.

Q Okay. How about the Bidens?

A I don't recall.

Q Burisma?

A I don't think so, no.

Q So the terminology "investigations," what gave you concern about that word?

A Like I said, on that one I was maybe not completely attuned to everything that was going on in term -- I was not attuned to this particular element. I was, again, more focused on the fact that there was still some content that we needed to get through.

You know, without getting too much into the detail, I was very focused on, you know, what this bilateral cooperation framework would be, and I was more worried about how we -- even though we segued into this conversation on meeting, you know, that we still had some more substance to get through maybe to get back on track.

But since we did discuss this, Ambassador Sondland came in with the notion that the Ukrainians had to do an investigation. My understanding -- and correction. My recollection is the idea is to

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pin down a --

Q No I'm just talking about what Sondland said though.

A Right. So that -- I'm sorry. So the idea was -- I know what he was doing.

Q Okay. But at the time the President had a deep-rooted view of corruption in Ukraine. He was skeptical, correct?

A Correct.

Q And the U.S. officials in the room knew about that skepticism, right?

A Correct.

Q So there was issues with the prosecutor general in the country at the time, Lutsenko, correct?

A Correct. He was --

Q And he was going to be removed?

A Yes, correct.

Q Replaced?

A Yes.

Q And is it true that the new incoming administration was going to conduct some audit of the investigations to find out if there were any matters pending during the Lutsenko or Shokin eras that needed to be reopened?

A So what I found, I guess, concerning is that there were --

Q No. No. I'm just asking --

THE CHAIRMAN: Can the witness please answer the question?

LT. COL. VINDMAN: I guess what I found concerning is when this

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matter of investigations came up, the part that I recall is that there were no active investigations into Burisma. So he was calling to continue an investigation that didn't, in fact, exist.

BY MR. CASTOR:

Q But I thought you said you couldn't remember if he mentioned the word Burisma.

A Well, he didn't mention the word Burisma. But when he said investigations, this was part of the narrative at the time. There was -- and you couldn't differentiate between the two. There was the 2016 interference element and then there was the Burisma element. They were all -- they were part of the same investigation, discussion, or the narrative.

Q Right. But if he just used innocuous words like "investigations" that weren't tied specifically to Burisma or Biden, what caused the concern?

A So for me, I knew that there was no investigation, so it was not clear what a benign use of the word "investigation" would be. He's not an expert in Ukraine, and frankly this is the only thing that was in the narrative in terms of investigations. There was a significant amount of reporting on this. And if that was not clear in my mind just yet, it became apparent in the following meeting.

But like I said, you know, the part that maybe is, I apologize, in my view, more significant is I didn't terminate the meeting. Ambassador Bolton was, for some reason, you know, having whatever analogy did -- thought it was time to end this meeting because it was

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inappropriate.

Q Right. So, no, I'm just trying to get your firsthand account of --

A Sure.

Q -- if a generic term like "investigations" was used, we're talking about a country that had a history of corruption, had a history with their prosecutors not genuinely prosecuting things --

A Correct. Correct.

Q -- why that caused alarm?

A Because the request was to continue investigations that didn't exist.

Q Continue or reopen?

A Continue.

Q Okay.

A Because that was the -- I guess, the -- my recollection is it was continue an investigation that did not, in fact, exist.

Q Okay. Sondland made the statement to continue investigations that didn't exist?

A No. He said to conduct -- again, to the best of my recollection, to conduct these investigations or continue these investigations. And my immediate reaction was, what investigations? There's no active investigation.

Q Okay. And then the second time Sondland referenced investigations was in the Ward Room?

A Correct.

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Q And what do you recall specifically of what Sondland said to the Ukrainians --

A Right.

Q -- in the Ward Room?

A So that is right, the conversation unfolded with Sondland proceeding to kind of, you know, review what the deliverable would be in order to get the meeting, and he talked about the investigation into the Bidens, and, frankly, I can't 100 percent recall because I didn't take notes of it, but Burisma, that it seemed -- I mean, there was no ambiguity, I guess, in my mind. He was calling for something, calling for an investigation that didn't exist into the Bidens and Burisma.

Q Okay. Ambiguity in your mind is different from what you --

A Sure.

Q -- actually heard?

A Right. Correct.

Q What did you hear Sondland say?

A That the Ukrainians would have to deliver an investigation into the Bidens.

Q Into the Bidens. So in the Ward Room he mentioned the word "Bidens"?

A To the best of my recollection, yes.

Q Okay. Did he mention 2016?

A I don't recall.

Q Did he mention Burisma?

A My visceral reaction to what was being called for suggested

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that it was explicit. There was no ambiguity.

Q I'm just saying, did he mention like investigations generically?

A No. It wasn't just investigation generically.

Q Did he mention 2016?

A This was all part of the same consistent narrative, 2016 elections --

Q Just what you heard though, in the Ward Room.

A Again, based on my visceral reaction, it was explicit what he was calling for. And to the best of my recollection, he did specifically say "investigation of the Bidens."

Q Okay. But not Bidens and Burisma?

THE CHAIRMAN: Counsel, you're being a bit repetitive. The witness has been asked this question now five, six times.

[Discussion off of the record.]

LT. COL. VINDMAN: That's right. So --

MR. CASTOR: These are two different meetings though we're talking about.

THE CHAIRMAN: I understand.

LT. COL. VINDMAN: So the meeting that occurred in the Ward Room referenced investigations into the Bidens, to the best of my recollection, Burisma and 2016.

BY MR. CASTOR:

Q Okay. So 2016 was mentioned in the Ward Room?

A To the best of my recollection.

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Q Okay. And then Dr. Hill comes into the meeting at some point?

A She did. After she completed her meeting with Ambassador Bolton, she joined the meeting.

Q Now, when she joined the meeting, were the Ukrainians still in the meeting or had they --

A They had stepped out.

Q They had stepped out?

A Yes. Ambassador Sondland had --

Q And what did Dr. Hill say to you in that Ward Room?

A So as soon as she came in, I took the opportunity to very quickly lay out that there was a discussion on these investigations that Ambassador Bolton was attempting to kind of lay out the deliverable --

[Discussion off of the record.]

LT. COL. VINDMAN: Yeah. Good. Thank you. Ambassador Sondland, yes, she had returned from the meeting with Ambassador Bolton. I very quickly caught her up on the conversation I was having with Ambassador Sondland, in which he was laying out the deliverable. And as soon as she heard it, she said the same thing I said, this is inappropriate. It had nothing to do with national security.

BY MR. CASTOR:

Q Okay. When did the photo happen?

A That happened between the post meeting and the meeting in Ambassador Bolton's office.

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Q Okay. So Ambassador Bolton ends the meeting abruptly?

A Yes.

Q Okay. He didn't go ballistic, did he?

A No.

Q He was professional and courteous?

A He was professional and courteous.

Q So he ends the meeting?

A Correct.

Q Was it earlier than scheduled, or was it on time?

A Just a few minutes -- oh, probably -- I said the meeting went for about 30, 35 minutes or so, so we allocated about 45 for this. So he did end it a little early.

Q Okay. And are you 100 percent certain that he ended it because he was uncomfortable, or he may have ended it because he had another calendar appointment?

A He ended it abruptly. And at that time, I frankly didn't know exactly why he ended it. It became clear from what Dr. Hill told me later that he was actually fairly distressed by what had occurred.

Q Okay. Dr. Hill told you Ambassador Bolton was distressed?

A Yes.

Q What did she tell you?

A She said that he was upset with what Ambassador Sondland was attempting to orchestrate. And in her account to me, she did specifically say, you know, he was a live hand grenade, or something to that extent.

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Q Who was a live hand grenade?

A So, I guess, let me complete that logic. So that Ambassador Sondland was trying to orchestrate an investigation being called by Mayor Giuliani who was a live hand grenade.

Q Okay. So that's what Dr. Hill related to you?

A Correct.

Q Relating something Ambassador Bolton told her?

A That's right.

Q Okay. So the meeting ended. Then the parties went out for the photograph?

A Correct.

Q Okay. And then Ambassador Bolton went to his next calendar appointment or he --

A He pulled Dr. Hill into a short meeting.

Q Was she in the picture?

A She was not.

Q Okay. Where was she during the picture?

A She was off to the side, and I was off to the side.

Q Okay. So she was out there with you?

A Yeah. All of us were out there. So I was actually taking the photo, so I was, I guess, less focused on what she was doing. It's possible -- I mean, you know, I've been there for a year and a half. It's quite possible she stayed behind and --

Q Okay. I'm just trying to --

A -- talking to the exec sec -- the upper suite folks to, you

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know, determine what else she had on the plate. I don't know. But I don't recall exactly what she was doing, frankly.

Q Okay. So then the parties went to the Ward Room?

A Uh-huh.

Q And then at some point Dr. Hill joined you?

A Yes.

Q Okay. Did she instruct you at that point to go talk with John Eisenberg?

A At that point we were still --

MR. VOLKOV: Excuse me, which point?

MR. CASTOR: After the meeting.

MR. VOLKOV: Okay. After the meeting, okay.

MR. CASTOR: Yeah.

BY MR. CASTOR:

Q Yeah.

A So after the parties broke up and I was getting ready to, if I recall correctly, escort our Ukrainian guests out, we had a short conversation, and I think we agreed that, you know, there was something to talk about. And I do believe she told me to talk to Mr. Eisenberg.

Q Okay. Did she tell you to talk with Mr. Eisenberg in the Ward Room or after you had escorted the Ukrainians out?

A I think it was after we were escorting the -- so you exit the Ward Room. You're going out of the White House West Wing, and, you know, that's not a very long walk, but there's enough time to have a short conversation. So in that period of time we had a brief

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conversation, and as far as I can recall, that's when she said we should talk to legal, I think.

Q Okay. And then how did you get to Eisenberg?

A I think --

Q Did you just walk into his office? Did you get an appointment?

A No. I'm not 100 percent certain if he was immediately there right after the -- you know, he's also quite busy. So I think after I made it back into the building I went into legal to see if he was available, and I don't recall if I got a meeting with him -- I mean, I didn't have to schedule it. I just --

Q Sure.

A It's kind of informal. I either met with him right there and then or very shortly thereafter.

Q Okay. And who was in the meeting with you and Eisenberg?

A Just me and Mr. Eisenberg.

Q So Mr. Ellis was not in the meeting?

A No.

Q Okay. And how long did the meeting last?

A Probably about 15 to 20 minutes.

Q Now, were you like reporting a crime? Were you reporting that you felt uncomfortable? Were you reporting misconduct by Ambassador Sondland?

A I was not -- I did not believe I was reporting a crime. What I was doing is what I normally would do in a situation where I felt

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uncomfortable, felt something was inappropriate. I'd voice my concerns with the appropriate, you know, people in the chain of command.

Q Okay. So at this time you didn't think it was illegal. You just thought inartful?

A I thought it was wrong. I thought it was wrong to call -- to basically have -- to organize a situation in which you're asking a foreign power to investigate a matter. Again, it wasn't an active investigation, so they would have to start an investigation and then, you know --

Q Was it starting an investigation or continuing an investigation?

A -- in exchange for a meeting.

Q Okay. Was it starting an investigation or continuing an investigation?

A There was no investigation, so they would have to start -- I guess, I apologize. I don't know what the right answer would be from a legal perspective. There was no active investigation, so you could call it restart or continue. At the time, I wasn't aware of any active investigation, and this is something I looked into because I needed to get a handle on what the issues were.

Q Now, you mentioned your view of Ambassador Sondland that he was acting -- I mean, he thought he was doing the right thing?

A I think so, yes.

Q Okay. So is it possible that his moves here were, you know, he thought this is the way things are done? I mean, he is not an

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experienced diplomat.

A I think that is very possible that he thought he was doing the right thing. And, you know, again, with the best of intentions, he was attempting to normalize a relationship between the Russian -- I mean, I've got a lot of Russia experience in my background, so -- he was attempting to organize a meeting between the Ukrainian and the U.S. President, so he was doing what he thought he needed to to get the Ukrainians off the ax, normalize the relationship.

Q So at this point it's possible that Ambassador Sondland was being inartful, he was being, you know, not elegant?

A Yeah. Well, I can tell you, sir, that I felt it was inappropriate, and I voiced my -- as I recounted a couple times, I thought it was inappropriate and I then proceeded to express my concerns to my chain of command.

Q Okay. After you spoke with Eisenberg, who else did you communicate to about this meeting?

A So my kid brother, my twin brother is on the White House National Security Council legal team. And I --

Q Is he your kid brother or your twin brother?

A He's 9 minutes younger. He's my kid brother, whether he likes it or not. I told him I was going to get that in there.

MR. VOLKOV: Just for the record, his twin brother who has told the --

MR. CONNOLLY: Use the microphone.

MR. VOLKOV: Just for the record, his twin brother, you can tell

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them apart because he wears the glasses. The twin brother doesn't. He is actually the chief ethics counsel on the NSC.

LT. COL. VINDMAN: So for me, frankly, it seemed both as my twin brother and, you know, my most trusted person in my life besides my wife, you know, being able to bounce an idea off of him, who's also the chief ethics official, it seemed completely appropriate. I wanted to get his professional, you know, view on the situation and see if he had anything to --

MR. CASTOR: Okay. What's your brother's name.

LT. COL. VINDMAN: Yevgeny.

MR. VOLKOV: Eugene. For the record, he goes by Eugene.

LT. COL. VINDMAN: He goes by Eugene or Yev, Y-e-v or Y-e-v-g-e-n-y. Nine minutes younger.

BY MR. CASTOR:

Q Was he the next person you spoke to about this meeting?

A That's it.

Q Okay. So you spoke with Dr. Hill. You spoke with Eisenberg. You spoke with your brother.

A Right.

Q Anybody else? Did you subsequently speak to Dr. Hill about your communications --

A Yes.

Q -- with your brother --

A Yes.

Q -- with Eisenberg?

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A I don't know if I specifically mentioned my brother, but I definitely spoke to Dr. Hill about this. And that is the point in which she kind of laid out the irritation that Ambassador Bolton felt about this situation, and that's when she relayed kind of the, you know, the Giuliani narrative, live hand grenade type of thing.

Q Was there any game plan here at circling back with Ambassador Sondland to --

A Afterwards? Oh --

Q No, just to communicate NSC's concerns.

MR. VOLKOV: To your knowledge.

LT. COL. VINDMAN: To my knowledge, I don't recall. I'm thinking, I know I've had a couple of interactions with him. He's not in my portfolio. Our interactions were because of the fact that he took an active role in Ukraine. So, I mean, I think we were pretty clear in the Ward Room with our position.

I don't know -- and I guess it wouldn't necessarily have been my place at that point to circle back with him because there are senior people that typically interact with him that could circle back. I just wanted to make sure that, you know, he understood, I guess, my concerns.

BY MR. CASTOR:

Q But did any of your superiors make a point to communicate with Sondland that there's a disconnect here, and what Sondland said was not something that the NSC officials condoned?

A So I recall probably -- I mean, I certainly recall it. I can't pin it down exactly the timeframe, but we did talk about

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Ambassador Sondland and his, you know, while good-intentioned propensity to, you know, do things that were not typical, conduct, you know, a normal coordination and his willingness to just go directly over the NSC folks.

Because the Ambassadors typically do one of two things: Our U.S. Ambassadors in a foreign country do one of two -- typically they'll either work through the director responsible for their country or they'll work with the senior director, which in certain ways is the more appropriate level of interaction.

That did not -- while that might be the case in normal business throughout the rest of the Europe portfolio, that was not necessarily the case for Ambassador Sondland who more often than not would go over the directorate and either reach directly to Ambassador Bolton or go to the chief of staff's office. He had a pipeline.

Q I'm just wondering whether there was a plan that Dr. Hill would communicate with Sondland or whether Ambassador Bolton would or --

A I'm not aware of such a plan.

Q Like did NSC have a plan to change the course here with Sondland?

A I don't --

[Discussion off of the record.]

LT. COL. VINDMAN: Yeah. To my knowledge, I don't think so. I don't think, frankly, the thinking was that there was a way to -- because of his access, which is not a bad thing, an Ambassador

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that has access has a lot more credibility with the host nation and is able to carry the President's message more effectively, so that's not a criticism.

But because of his access and, you know, his desire to leverage that access that, you know, it was necessarily reasonable to try to -- certainly at our level.

I am aware that over the course of Ms. Hill's tenure, Dr. Hill's tenure, she had attempted to talk to Ambassador Sondland and, you know, kind of bring him into the process on a more habitual basis. And my impression is that she was frustrated with her lack of success in that regard.

Q So at this point, NSC officials, yourself, Dr. Hill, Ambassador Bolton are just noting their concern for the record?

A That's right.

Q Okay.

A I mean, I don't know if there was any forethought on doing it for the record, like a cover your, you know --

Q Well, I wasn't suggesting that. I was just -- you're just noting your concern?

A Right.

Q Okay. Anybody else you talked to about this event other than your brother, Dr. Hill?

A So in the normal course of my duties, I would, for all the countries in my portfolio, I'd make it a habit to read out appropriate material to the embassy teams.

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Q Okay?

A So, frankly, I know that at that time we were having regular conversations with the Ambassador, Ambassador Taylor. He's the Charge d'affaires, but title-wise he's Ambassador. We were having quite regular conversations with Ambassador Taylor, you know, if not multiple times a week, certainly on a weekly basis to catch him up on what's going on because of the various issues that were relevant.

Q If I may, who did you speak to about Sondland's comments that made you feel uncomfortable? The Sondland comments that made you feel uncomfortable, who did you speak to?

A Who else did I speak to? I don't recall a specific conversation. Frankly, I'm not one to, you know -- if it's in the course -- I go into work. I sit behind my desk. I do my job. I don't socialize. You know, that's -- I focus on what I need to do. So in terms of like, you know, going over and talking to people, hey, you should hear what happened at this meeting, that's not something I do.

So I don't specifically recall, you know, having conversations, but it's quite possible that in the course of my normal coordination, the people I speak to on a normal basis to read out key meetings would be George Kent, the DAS for State, you know, the appropriate representatives within the Intel Community.

Q Who is that?

A There are a number of folks that I communicate on a regular basis.

Q Who?

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A You know --

MR. VOLKOV: Wait. Well, there's a concern that I have. I don't want him to go into specific individuals in the Intelligence Community.

MR. CONNOLLY: Would you use the microphone, please?

MR. VOLKOV: Oh, I'm sorry. I apologize again.

My concern, Mr. Chairman and Mr. Ranking Member, I do not want him to get into specific names of people in the Intelligence Community. I know there's been a lot of controversy about who the whistleblower is or et cetera, but I think, as he said in his statement, he is not comfortable speculating as to it, guessing to it. We're not going to -- I'm not going to allow him to go down a list of names or anything like that. So --

MR. CASTOR: I'm not asking a list of names. I'm asking what about who he had communications with about the 7/10 meeting?

THE CHAIRMAN: Excuse me. Excuse me. Let me just state this for the record. The whistleblower has a statutory right to anonymity. There are concerns about -- and I'm --

MR. MEADOWS: Mr. Chairman, point of order.

MR. SWALWELL: Hey, Mr. Meadows, he's the chairman. He finishes.

THE CHAIRMAN: Mr. Meadows, when I'm finished --

MR. MEADOWS: I have a point of order.

THE CHAIRMAN: Mr. Meadows, you may make your --

MR. SWALWELL: He's the chairman. He finishes.

MR. MEADOWS: Shut up.

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THE CHAIRMAN: Hey, Mr. Meadows, you --

MR. MEADOWS: I have a point of order. Mr. Chairman, I have a point of order.

THE CHAIRMAN: Mr. Meadows, you'll be recognized after I finish what I have to say.

I am concerned about a bad-faith effort -- I'm not accusing anyone in this room. I am concerned about a bad-faith effort to out a whistleblower who has a statutory right to remain anonymous. And I would urge you or I would certainly accept your desire not to be a party to the outing of the whistleblower.

And so you have every right to refuse to answer a question that would identify an Intelligence Community employee, detailee, or contractor. We will not be a party to the attacks on the whistleblower. We will not put this whistleblower's life at risk or anymore risk than it already is.

If you have a parliamentary inquiry, Mr. Meadows?

MR. MEADOWS: I appreciate the chairman. The statute, the whistleblower statute --

MR. GOLDMAN: Sorry. Can you speak into a microphone, Mr. Meadows? Sorry.

MR. MEADOWS: You couldn't hear me?

MR. GOLDMAN: I can always hear you, but --

MR. MEADOWS: I would refer the chairman to the statute. The chairman's issue of a condition of anonymity is not accurate, and I would point that out having been involved with literally hundreds of

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whistleblowers.

The statute does allow for the lack of retaliation, and I would clarify that. But to make that statement, I would ask that the chairman, for the record, clarify his remarks.

THE CHAIRMAN: If the parliamentary inquiry is an objection, the objection is overruled.

The witness may --

MR. MEADOWS: I appeal the ruling of the chair.

THE CHAIRMAN: The witness may refrain --

MR. MEADOWS: I appeal the ruling of the chair.

THE CHAIRMAN: The witness may refrain from identifying any employee, detailee, or contractor of the Intelligence Community.

MR. JORDAN: Mr. Chairman, just a second? Mr. Chairman? Our counsel was not asking about the whistleblower. He wasn't even asking about the call, the July 25 call. He was simply asking the witness who he talked to subsequent to the July 10 meeting.

THE CHAIRMAN: Mr. Jordan, I made my ruling. You may continue with your argument, but it will take up a portion of your questioning time. The clock continues to run.

MR. JORDAN: Well, we would like the time restored that you took up from our time. What we've said will count against our time; we understand it. But the time you took from us, we would like to restore it. He is simply asking about the July 10 meeting, nothing about the call.

THE CHAIRMAN: I'm happy to restore the time that I spoke, but

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any further time will be deducted from questioning.

BY MR. CASTOR:

Q I think we're jumping ahead here. I'm simply asking whether you related the Sondland comments from the July 10 meeting with any other individual?

A I don't recall specifically. I was just merely outlining the counterparts that I talked to about key meetings on a habitual basis. I don't recall --

Q Did you read out Kent?

A Quite possibly, yes.

Q Okay. And then who else did you read out or may have read out?

MR. VOLKOV: I'm going to object. It's not may. Does he recall who he read out to? I'm sorry.

Does he recall who he read out to? Let's ask precise questions. And I don't want to have speculative questions of who he might have talked to or whatnot. The question has to be, who did you recall talking to? It's either a yes -- you know, you have somebody or you don't. Okay?

LT. COL. VINDMAN: I don't recall specifically who I read out on this particular meeting.

BY MR. CASTOR:

Q In the ordinary course of business, who would you ordinarily read out with significant events?

A Sure. Principally, it would be the State Department. It

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would be the -- on a regular basis, it would also be the Embassy in Kyiv, or I would ask the State Department to circle back with them and just make sure that they were informed on the conversation because everybody is busy. If it was a defense-related matter, it would be representatives from the Defense Department, Intelligence Community, and frankly, that's about it.

Q Okay. Now, the Intelligence Community, is that somebody [REDACTED] [REDACTED]?

THE CHAIRMAN: Counsel, we've gone through this.

MR. JORDAN: Mr. Chairman, his lawyer can serve as his lawyer. You can just serve as the chairman. We can ask the questions we want to ask.

THE CHAIRMAN: Mr. Jordan, we have an obligation to protect whistleblowers.

MR. CASTOR: Is the whistleblower [REDACTED]?

THE CHAIRMAN: We have an obligation -- well, we're not going to have him go through every agency, counsel. That would be bad faith. And so that's not going to be permitted. You may continue with the advisory that pursuant to the instructions of the witness' counsel, he will not go into questions about Intelligence Community employees, detailees, or contractors.

BY MR. CASTOR:

Q Anybody else you would ordinarily read out?

A I covered it. I think those are the principle folks that I talked to.

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Q Okay. And you don't remember reading any of those out?

A I don't specifically recall reading out this particular meeting.

Q Okay. Did the events of the 7/10 meeting subsequently ever come up again with Dr. Hill, with Ambassador Sondland, anybody else?

A So I could tell you that I'm -- I've kept myself apprised of what's going on here, and I do recall seeing something about Ambassador Taylor referencing this particular matter at some point, this particular call, the 7/10 call.

Q But you didn't have a discussion with the Ambassador?

A I don't recall. I don't recall having that conversation, frankly. I do recall having a conversation with Ambassador Hill -- I mean, sorry, Dr. Hill and the Ambassador. But, I guess, I don't recall specifically reading out this particular call.

Q Okay. When --

MR. VOLKOV: When you say call, you mean meeting?

LT. COL. VINDMAN: Yes. Yes.

BY MR. CASTOR:

Q When Dr. Hill left, replaced by Tim Morrison, did you ever have any communications with Morrison about the 7/10 meeting?

A I do not believe so.

Q Okay. Did you ever have any calls with Morrison and somebody else about the 7/10 meeting that you can recall?

A I've had numerous calls with my boss, Tim Morrison, and counterparts, but not specifically discussing that 7/10 meeting.

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Q Okay. So you don't remember doing a call with Tim Morrison and the Ambassador, Ambassador Taylor?

A I've done multiple calls with the --

Q About the 7/10 call?

A Not about the 7/10.

Q Okay. Turning the attention back to the 7/25 call record, I believe there's a question of where the President was during the call. And I think on the record it indicates he was in the residence?

A Okay.

Q Is that your understanding?

A At the time, I wasn't aware of that, but that's what's in the record.

Q Okay. And you gave us a roster of folks that was in the situation room?

A Yes. I think that we covered that, but I could -- I'm happy to go through it again.

Q I'm not asking you to.

A Okay. It's in the record, I believe, sir.

Q Yeah. I'm not asking you to go through the list again. Were the stenographers or the officials that make the record of the call in the Situation Room too?

A The kind of the logistics behind this is not something that I guess I've really looked into. My understanding is that somewhere in the White House Situation Room somebody is, you know, taking notes or whatever the modality is to capture the call.

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Q Okay. But in this Situation Room at the time of the call, did you like identify every person in the room?

A No.

Q Okay. Like how many other people were in the room?

A To the best of my recollection, there were, I think, five of us.

Q Okay. So it sounds like you did identify everyone in the room?

A Well, I mean, I relayed the people -- inside the room that I was physically in --

Q Yes.

A -- I think I covered the people that were in there, yes, and that's in the record.

Q And from the U.S. side of the call, do you know what other points of access there may have been for the call?

A I did not. I do not. I actually still don't know, frankly, everybody that was party to it. I just was aware of who was in the Situation Room with me.

Q Okay. And so the officials that capture the record, they don't use a court reporting device, do they?

A I don't know. I have no idea.

Q Okay. Do they use one of the devices that they speak into as the call's appearing?

A Don't know.

Q Okay. But these officials are in the room?

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A No, they're not.

Q Okay. And where are they listening from? Do you know?

A The White House Situation Room, you know, office space.

Q Okay. So it's an adjacent room?

A I don't know, to tell you the truth. Somewhere in that space probably.

Q Okay. How many of these types of calls have you participated in?

A I've probably participated in three or four, I'd say.

Q Okay. And so when you were walking us through the process of how the transcript gets compiled, that's based on three or four calls?

A That's based on my knowledge of, I guess, things that I have learned since the call about the process, because there's been a significant amount of discussion on the process. It's a small -- my bureau or directorate is relatively small, so I've also -- you know, I'm well abreast of how the process works, because over the course of my tenure there there have been dozens of calls. So I understand how that process works. From there, I think it's multiple different inputs to understand how the call process works.

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[11:49 a.m.]

BY MR. CASTOR:

Q Okay. But you've been a part of four of them where you might be called upon to suggest edits?

A Yeah, three or four.

Q Okay. And you walked us through the editing process?

A Uh-huh.

Q Ordinarily you indicated that you go on online or, you know, onto the server to get the document and put suggested edits in electronically?

A Uh-huh.

Q But in this instance you couldn't do that?

A Yes. Yes, counsel.

Q But in this particular instance you couldn't do that?

A So this would have been the first time I was in -- I was participating in a TELCON review, a telephone conference review, where it was outside of the kind of the -- what I understood to be the normal format.

Q Okay. How many TELCON reviews have you been a part of?

A At least the three or four that I had been involved in, yes.

Q And so how did this process diverge from the other two or three?

A Just in the fact that there's a standard system in which the Presidential -- the President's correspondence, whether that's meeting or telephone, gets entered into the standard system and then

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it goes through a review process within the NSC.

Q Uh-huh.

A I apologize. Did I answer?

Q And you mentioned your two edits weren't reflected in the ultimate product?

A Yeah.

Q Who would have decided not to incorporate your edits?

A I'm not sure if it was, you know, if there was any forethought necessarily in including them or not including them. I think it could have simply been, in this case, there was a paper version of it that was -- maybe even multiple paper versions of it, not in the digital system.

In the digital system I would go in, I would make the edits, I would do it in a kind of a track change format and then somebody else would choose to accept them or not accept them. And this one I just wrote it on paper referencing my notes to the transcript, made those edits, and then handed it back to -- you know -- I recall handing it to my leadership, Tim Morrison, to take a look at, and I think after that I took it over to the executive secretary for them to do. But there could have been other copies that were also being reviewed, I don't know.

Again, I apologize, I don't think anybody intentionally necessarily did something by not putting them in there, but they just didn't make the final version.

Q Okay. So you have no concerns that these two edits weren't

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incorporated?

A No, not really. No.

Q Okay. And if the word Burisma had been inserted instead of the word company, would that have changed anything in your view?

A Yes.

Q Okay. So that would be significant?

A It would be significant.

Q Okay. And why?

A Because -- because, frankly, the President of Ukraine would not necessarily know anything about this company Burisma. I mean, he would certainly understand some of this -- some of these elements because the story had been developing for some time, but the fact that he mentioned specifically Burisma seemed to suggest to me that he was prepped for this call.

Q Okay.

MS. STEFANIK: I just want to drill down on the -- on your knowledge of the typical call. So you said three and four. There are two calls here, what were the third and fourth?

MR. VOLKOV: First off, I don't know who you are, if you could identify yourself for the record. But second off, could you be specific as to two calls? We're talking about one call here.

MR. CASTOR: This is Representative Stefanik.

MS. STEFANIK: I'm on the House Intelligence Committee.

MR. VOLKOV: Okay. I don't know who you were. I apologize --

MS. STEFANIK: Yeah. I'm from New York. I'm a third term

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member.

MR. CASTOR: There's no staffers talking except for me and the Members.

MR. VOLKOV: I understand that and I appreciate that, I just didn't --

MS. STEFANIK: I get asked this a lot.

MR. VOLKOV: Oh, that's good.

MS. STEFANIK: No, it's not good. But I will continue my line of questioning, which is, the witness testified --

MR. VOLKOV: When you said two telephone conversations --

MS. STEFANIK: Right.

MR. VOLKOV: We're talking about one.

MS. STEFANIK: Let me start from the beginning.

MR. VOLKOV: Okay.

MS. STEFANIK: The witness just testified that he had experience with three or four calls of this nature. So Heads of State calls. There are two here, April 21st and the July 25th call. I'm asking --

MR. VOLKOV: When you say here, what are you referring to? You're referring to a document. This is one conversation. We're not talking about two calls.

MR. JORDAN: She's talking about his opening statement. The April 21st call between President Trump and President Zelensky, the July 25th call between President Trump and President Zelensky. The witness has said there are one or two others. She wants to know what those one or two others are.

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MR. VOLKOV: Okay. Thank you. That makes it clear.

LT. COL. VINDMAN: So for my portfolio I cover other countries. And for Presidential phone calls, I've sat in on other conversations with other State leaders, Heads of State.

MS. STEFANIK: Sure. And those additional two calls, were they prior to the April 21st call?

LT. COL. VINDMAN: Yes.

MS. STEFANIK: Okay. And just to clarify on the editing. The first opportunity you had to edit, this was your testimony, was on either the April 21st or the July 25th call?

LT. COL. VINDMAN: You know, the April 21st call is notable in my mind because it was actually a very good call. It was exactly what we had -- we were hoping for. So I don't, frankly -- I'm sure I had to -- actually, now that I think about it, I do recall reviewing that transcript, but there was nothing normal, it was just -- everybody was happy, high-fiving from that call because we were moving in the right direction for Ukraine. I did review the transcript for that one.

MS. STEFANIK: And no edits on that one. That was your first opportunity to edit?

LT. COL. VINDMAN: I don't recall if I put any edits in there. There could have been -- sorry, I'm a heritage speaker and a linguist in Russian and Ukrainian, and Mr. Zelensky, the President of Ukraine, he carried on his conversation in Ukrainian. He attempted to use Russian -- I mean, I'm sorry, English in the first one. He did a pretty good job for somebody that didn't speak the language. So I think I

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probably made some notations in the record to make sure, you know, that whatever he was saying was accurately translated, it was in the actual historical record.

MS. STEFANIK: Okay. Yield back.

MR. JORDAN: Can I just -- I still don't think you answered her first question -- Ms. Stefanik's first question. Who were the other one or two calls that you were on?

LT. COL. VINDMAN: I mean, so it was with -- it was with the President of Russia.

BY MR. CASTOR:

Q So when you're listening to the call, you --

A I'm sorry. Correction. So there was -- these calls the way they're organized, they also include sometimes -- it also includes Ambassador Bolton having similar conversations. So I think when I said three or four, I think at least one of those I recall now, you know, we can say -- it was between the National Security advisors also. So that would be -- it would kind of follow a roughly similar pattern where you'd also take a look at the call and make sure it's accurate.

Q So we've got two calls between the President Trump and President Zelensky, right?

A Uh-huh.

Q And then a third call you just said --

A Yes.

Q Then a third call that you've been involved with where you listened on the call and then you had an opportunity to supply edits --

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A Uh-huh.

Q -- was a call that Ambassador Bolton was on?

A That's the one that I specifically recall, yes.

Q With one of his counterparts with Russia?

A With his Russian counterpart, yes.

Q Okay. And can you remember a fourth call --

A Um --

Q -- that you listened in on, that you had an opportunity to supply edits?

A Over the course of the year -- frankly, I don't recall specifically.

Q Okay. Fair enough. When you are in the Situation Room on July 25th listening to this call, at what point during the call did you first experience concern?

A Actually, pretty early on in the call. You know, I guess the first thing I'd note is that the tone between the April 21st call and the July 25th call was very different. And besides, you know, the first couple of paragraphs that talk about, congratulations and exchange of pleasantries, it goes very quickly into the President saying that the U.S. has done -- which is accurate, the U.S. has done a lot for Ukraine -- the Europeans haven't done more. I started to get, I guess -- this was not in the preparation material that I had offered.

So, you know, I guess once we strayed from that material, not that the President is in any way obligated to follow that, he's the President

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of the United States, he can sets the policy, but I kind of saw increasing risk as we moved on.

Q But when did you become concerned about something you heard on the call, not something that, you know, the talking points were being diverged from?

A Quite early on I guess. Let me review the transcript quickly and I can tell you. Okay. In the middle paragraph of page 2, the last sentence: 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.

Q Okay. And what concerned you about that?

A This was straying into the territory of -- this narrative -- this unproductive narrative that was emerging from what I referred to in my statement as influencers, external and nongovernmental influencers.

Q Okay. And anybody else in the room at that point have concern that you know of?

A It would be speculation I guess on my part.

Q Did you exchange glances or pass a note?

A I'd say at some point, you know, I thought that maybe Mr. Morrison also was becoming concerned.

Q Okay.

A But at that time he only joined the team a week ago, so, you know, I'm not sure.

Q Okay. At any point during the call did you detect that other

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persons in the room were concerned or shared your concern?

A Certainly at the end of the call when we were doing -- when we were doing the review of the press statement that's going to be released, we had one that was based on kind of the national security content, it went through all the things we were hoping to discuss, and basically we struck almost all the materials from that statement because we hadn't covered any of the terrain that we thought we were going to.

Q But during the course of the call did you exchange a glance or pass a note to anybody in the room expressing concern?

A I certainly didn't pass a note. I'm also diligently trying to take notes on this call.

Q Okay.

A And it's not moving slowly, so I'm focused on doing that.

Q Fair enough. Did you detect anyone -- did anyone have any non-verbal reactions, any grimaces, or facial expressions that would indicate to you somebody else in the room was concerned during the call?

A The only person that I, you know, occasionally would take a glance at would be my boss.

Q Okay.

A And I perceived, at least, that he was also potentially concerned.

Q And how did you perceive that he was concerned? Just by the look on his face?

A Yes.

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Q But nothing from Kupperman, Kellogg, Williams, or [REDACTED]?

A I wasn't paying that close -- I just wasn't paying attention to what they were doing.

Q Fair enough.

A I was taking notes.

Q Okay. After the call, did you have any discussions with Mr. Morrison about your concerns?

A After the call I -- per the exercise in the chain of command and expressing concerns, I immediately went to the senior NSC legal counsel and shared those concerns.

Q Okay. Back to John Eisenberg?

A Yes.

Q Okay. Who was in that meeting?

A It was my twin brother and I and then --

Q How did your twin brother get there?

A Because I also pulled him in.

Q Okay. You picked him up on the way to Eisenberg?

A It's roughly adjacent offices. A couple offices in between.

Q Okay. So you have a meeting with your brother, Mr. Eisenberg. Anybody else in that meeting?

A At some point Michael Ellis, the deputy, John Eisenberg's deputy joined.

Q Okay. You didn't have any discussions with Morrison prior to engaging Eisenberg's team?

A I didn't.

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Q Okay. The call ended, I think, at 9:30 in the morning, 9:33?

A Uh-huh.

Q How soon did you make your way to Eisenberg's office?

A It was probably, you know, within, I would guess it was probably within an hour I was talking to Mr. Eisenberg.

Q Okay. And in between that time you hadn't shared your concerns with Morrison?

A I did not.

Q Okay. Eisenberg was the first person that you talked to after the call?

A Correct.

Q And what did you communicate to Ellis, Eisenberg, and your brother?

A I recounted, and I had my notes, I went through my notes and recounted the call, which is in front of you.

Q Okay. Now, did you -- were you concerned at this point that something improper had occurred on the call?

A Yes.

Q Okay. Did you think anything illegal had occurred on the call?

A I wasn't prepared to necessarily make that kind of judgment. I thought it was troubling and disturbing, but, you know, I guess, I guess I couldn't say whether it was illegal. I'm not an attorney.

Q Okay. So something more than inartful. You thought it was wrong?

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A I thought it was wrong, yes.

Q What exactly did you communicate to Eisenberg that you thought was wrong about the call?

A I mean, I went through the content of the -- through my notes without having the full transcript, I went through the transcript.

Q Right.

A And, you know, the parts that were particularly troubling was the references to conducting an investigation. The references to having Zelensky speak to Mr. Giuliani and the Attorney General to, again, conduct an investigation that didn't exist.

Q Okay. You know, are you sure at this point in time that the President was asking Ukraine to investigate Americans?

A Well, I mean, he talked about the Bidens.

Q Is it possible that he meant investigate Ukrainian's influence on the Bidens. So misdeeds by the Ukrainians?

A I mean, that seemed -- I mean, he's my Commander in Chief, I'm not trying to, you know, be overly critical of the President. What I was trying to do, in speaking to Mr. Eisenberg, was express my concerns about something that I viewed to be problematic, and also within the context of already relating to him concerns about a July 10th call --

I mean, yeah, July 10th meeting, as well as everything that I understood about this narrative and how it had been developing, and the cost that it had potentially imposed on, you know, Ambassador Yovanovitch, and things of that nature.

It wasn't difficult for me to kind of understand what had been

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going -- and I also noted that President Zelensky mentioned the company Burisma. So that, again, solidified in my mind that this was -- there was not really a lot of ambiguity, sir.

Q Okay. But if there were ambiguities, it was filled in in your mind by your experience with Sondland in and the 7/10 meeting and so forth?

A That, all of the content around the past several months, yes.

Q Okay. I'm running out of time here so I want to make sure Mr. McCaul is recognized.

MR. MCCAUL: Thank you. Colonel, thanks for -- I just had a couple quick questions. Ukraine has, and you know the country well, has a long history of corruption. Is that correct?

LT. COL. VINDMAN: Correct, Congressman.

MR. MCCAUL: And Poroshenko basically lost on corruption?

LT. COL. VINDMAN: He did, yes.

MR. MCCAUL: And that's why Zelensky came in as the anticorruption fighter?

LT. COL. VINDMAN: I think that is a correct assessment.

MR. MCCAUL: So going to the July 25th phone call, the Congress passed under the Ukraine Security Assistance Initiative a legal obligation to certify the that corruption is being decreased?

LT. COL. VINDMAN: Correct.

MR. MCCAUL: So this is on the mind of, I guess, everybody at the NSC and certainly the White House and the President, and it's also required under the National Defense Authorization Bill that Congress

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passes to ensure, before we give foreign assistance, security assistance to a country, that we're not giving it to a corrupt nation. Correct?

LT. COL. VINDMAN: Correct.

MR. MCCAUL: So if the President brings up, hey, can you look into these corruption matters, and specifically a DOJ investigation conducted by the Attorney General into the 2016 election, wouldn't that be consistent with this corruption issue?

LT. COL. VINDMAN: Congressman, I would say that your characterization of the state of corruption in the -- the endemic corruption that had been going on for several months -- or for decades actually, is accurate.

I would say that the consensus view of the interagency, and I guess myself as the point man for coordinating the interagency, is that under Zelensky they were moving in the right direction. And the reports that we were providing were all about the Ukrainian Government, under Zelensky, moving in the right direction and making the proper steps.

You referred to USAI, Ukraine Security Assistance Initiative funding. The Department of Defense has to certify in order to release those funds, and they had consistently provided the certification to release those funds. You know, I'm not by any means trying to mischaracterize the fact that, you know, Ukraine was, you know, a utopia by -- there's still a lot of work to do.

What I'm suggesting is that everything had been moving in the right direction. Coming back from the Presidential delegation, the

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read-out that my colleagues provided, my seniors provided, was positive. And I guess --

MR. MCCAUL: And I guess if the President brings up corruption in his phone call, which I think he's -- and certainly as the Commander in Chief should do, and when Congress has these requirements. I don't -- I guess I'm not quite understanding why that's inappropriate?

LT. COL. VINDMAN: I think it's the -- what I had, I guess, difficulty with is the fact that he was calling for an investigation, not the continuation of an investigation, but starting a new investigation because there was not an active one.

MR. MCCAUL: Well, there's an active DOJ investigation. And do you know with respect to Burisma with respect --

LT. COL. VINDMAN: Congressman, I apologize. I just wanted to finish that thought. I apologize.

MR. MCCAUL: Okay.

LT. COL. VINDMAN: And the fact that this was an investigation into a U.S. citizen by a foreign power, as I said in my statement.

MR. MCCAUL: Right. But with respect to Burisma, you said it was not being actively pursued. Do you know if it had been actually closed?

LT. COL. VINDMAN: To the best of my recollection there was no active investigation, and my understanding is that it was closed.

MR. MCCAUL: But you're not certain if it had been dismissed?

LT. COL. VINDMAN: Dismissed is maybe a different, you know, I guess a different characterization. There was no active investigation that I was aware of.

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MR. MCCAUL: Well, yeah, it could be on hold but not dismissed. But having said that, I don't think -- and I'll close with the President bringing up corruption issues in a historically corrupt country, where Congress has required anticorruption efforts. I don't understand why that's entirely inappropriate, and I yield back.

MR. JORDAN: Colonel, your direct report is Mr. Morrison?

LT. COL. VINDMAN: Correct.

MR. JORDAN: And after the July 25th call did you talk to him?

LT. COL. VINDMAN: I did not.

MR. JORDAN: You did not talk?

LT. COL. VINDMAN: No.

MR. JORDAN: Why did you not go to your direct report and go straight to the counsel?

LT. COL. VINDMAN: Because Mr. Eisenberg had told me to take my concerns to him.

MR. JORDAN: Mr. Eisenberg had told you --

LT. COL. VINDMAN: Yes, if I have concerns of this nature, I should feel free to come to him.

MR. JORDAN: When did he say that?

LT. COL. VINDMAN: During the -- following the July 10th conversation, I think I said that in the record also, that he said, you know, if you have any concerns, please come back to me. So I was exercising, and he's the senior legal official, I wanted to, I guess, talk the matter through with him and see if there was something --

MR. JORDAN: Did Mr. Eisenberg tell you not to report -- go around

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your direct report and go straight to him?

LT. COL. VINDMAN: Actually, he did, at a later point, say that, I shouldn't talk to any other people.

MR. JORDAN: Okay. Who else did you talk to following the July 25th call?

LT. COL. VINDMAN: I talked to -- again, Congressman, my role is to coordinate U.S. Government policy, so I reached out to a [REDACTED] group of counterparts and informed them of a call. And, frankly, the reasoning behind it, I don't think I could talk about in this context.

MR. JORDAN: I'm not asking you the reason behind it, I asked you who?

LT. COL. VINDMAN: I talked --

MR. SWALWELL: Mr. Chairman I want to object that the question calls to reveal the whistleblower, and if there's no other --

MR. JORDAN: I'm not asking about that, I'm just asking who this gentlemen shared this information with.

THE CHAIRMAN: The gentleman is -- other members are --

MR. JORDAN: We have two counsel sitting right beside him. I'm asking who he shared the call with. We know he didn't share it with his direct report.

THE CHAIRMAN: Mr. Jordan, the minority may not care about protecting the whistleblower, but we in the majority do.

MR. JORDAN: We fully care about protecting the whistleblower.

THE CHAIRMAN: You know, we in the majority do. But I know the President --

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MR. JORDAN: In fact, you're the only one who knows who these people are who started this whole thing.

THE CHAIRMAN: You keep making that false statement, Mr. Jordan --

MR. JORDAN: It isn't false.

THE CHAIRMAN: It doesn't make it anymore true the tenth time you said it than the first time, it just means you're more willful about the false statement?

MR. JORDAN: It's true. No, no, no, it just means the whistleblower talked to your staff, not our staff.

THE CHAIRMAN: Mr. Jordan, your side of the aisle may not care to protect the whistleblower, but ours does.

MR. JORDAN: I do care to protect the whistleblower.

THE CHAIRMAN: So the witness understands the --

MR. JORDAN: But I also care that you keep interrupting us and we have questions. He has counsel who can tell him he's not to answer that.

THE CHAIRMAN: Mr. Jordan your time has expired.

MR. JORDAN: No, it's not, we have extra minutes.

MR. VOLKOV: If I could just say, we would be happy to say where the person was associated with, the agency or whatever, we just don't feel comfortable providing the name. I don't think there's anything wrong with us saying, I talked to this person from State, and we'll disclose that name, and I talked to somebody else.

MR. JORDAN: Yeah. The bottom line is when you're under subpoena

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you have to answer the question. And the question is, who did Mr. Colonel Vindman talk to after the July 25th call?

MR. VOLKOV: And I'm instructing him and I'm allowing him to say

██████████ --

MR. JORDAN: Why are you instructing him that way, counsel?

MR. VOLKOV: Because --

MR. JORDAN: I don't care what you say Mr. --

THE CHAIRMAN: Excuse me, Mr. Jordan, you're not recognized.

MR. JORDAN: It's our time.

THE CHAIRMAN: You are not recognized, and your time has expired.

MR. JORDAN: You told us you were going to give us extra time, what you took from us.

THE CHAIRMAN: And you've used it. And you've used it.

MR. JORDAN: There's a question on the table, Mr. Chairman.

THE CHAIRMAN: It is the ruling of the chair that the witness shall not identify employees, detailees, or contractors of the intelligence agency, or provide information that may lead to the revelation of the identity of the whistleblower, someone whose life has been put at risk. The majority cares about this, and we are determined to protect the right of that whistleblower to remain anonymous. And we will not allow bad faith efforts to out this whistleblower.

We will now be at lunch for 30 minutes.

MR. JORDAN: Mr. Chairman.

THE CHAIRMAN: We're adjourned for 30 minutes.

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[Recess.]

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[1:00 p.m.]

THE CHAIRMAN: All right. Let's go back on the record.

Colonel, I want to ask you a couple of questions before I hand it over to Mr. Noble. First of all, I just want to get some clarity. You were asked about some of the calls that you have sat in on or listened to, and I was a little unclear whether you described listening into a call between President Trump and President Putin, or was it between Advisor Bolton and his Russian counterpart?

LT. COL. VINDMAN: So, Chairman, the call that immediately came to mind when we expanded past the Ukraine content referred to in my statement was to a conversation, again, I, frankly -- this is -- I don't think this is in the public record, but a phone call between Ambassador Bolton and his counterpart in Russia. But, in fact, as I thought about it, there have been other transcripts that I've had in my capacity as director for Ukraine, Moldova, Belarus, and Russia, I have looked at other transcripts to kind of familiarize myself with the conversation. It was less in the review context, but in the fact that it's in my portfolio, somebody else attended, I still had a need-to-know, so I had a chance to take a look at it.

So I specifically could say there are three that I had an active part or a key part in reviewing, but there have been more that I have also looked at, you know, from a substantive standpoint.

THE CHAIRMAN: Just for clarity, though, you did not sit in on a call between President Trump and President Putin, then; it was between National Security Advisor Bolton and his Russian counterpart?

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LT. COL. VINDMAN: Yes.

THE CHAIRMAN: Okay. Thank you. You described in your testimony, in response to the minority questions, when you began, as you were listening to the call on July 25th between the two Presidents, to be concerned when President Trump started to bring up the subject of reciprocity because it was at that point in the call that the President began deviating from what you and others had prepared him for on the call. Is that right?

LT. COL. VINDMAN: Yes. But I guess the fact that he was deviating from what was prepared wasn't in itself the concern. He's the President. It's his prerogative to handle the call whichever way he wants. It's when he started -- was heading in a direction of content, and, Chairman, as I pointed out, quite quickly, we're talking about a really -- yeah, I'm just seeing how many exchanges there were. You know, by the second exchange or so, he was already saying that Ukraine hadn't been very good to the United States. So that, you know, I knew -- that and the atmospherics, the tone, indicated that this was not going to be as positive a call as the April 21st call.

THE CHAIRMAN: And then you became more concerned as the call went along and it got into a discussion in which the President was asking his Ukrainian counterpart to conduct these investigations?

LT. COL. VINDMAN: That is correct, Chairman.

THE CHAIRMAN: I want to ask you, though, in light of that, what had been prepared for the President to discuss? What was the plan going into that call that ended up going by the wayside?

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LT. COL. VINDMAN: So it was a congratulatory call. Some of that subject matter very quickly in the first exchange did occur. But unlike the first call in which it went on for almost the entire duration, congratulatory, there were other things that we wanted to -- and, frankly, I think this is still classified, my talking points, background material is still classified, so I could only talk about it very broadly.

THE CHAIRMAN: If you could talk about it in broad unclassified form; otherwise, we will move on to a different topic. But can you give us a very general idea?

LT. COL. VINDMAN: So, in fact, the kind of things that have repeatedly come up would be consistent with the kinds of talking points that would be -- that we had prepared for him, and that would be, you know, making sure that the Ukrainians deliver on reforms, making sure that they deliver on the anticorruption agenda was still a priority because, yes, Zelensky at that point was already starting to implement his agenda, but there were and there still are concerns that haven't been addressed. So those types of, you know, harder points that we would want him to, you know, reinforce with his counterpart, Mr. Chairman.

And we also certainly identified that the Ukrainian -- and this is because -- this has been discussed multiple times, that the Ukrainians were looking for a Presidential bilateral meeting at the White House. So we covered those types of things.

THE CHAIRMAN: Well, a couple things about that. My colleagues

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in the minority asked you, well, what's wrong with the President asking about corruption? And people can correct me if I'm wrong, but I don't believe the President actually ever uses the word "corruption" in this call. He refers to the Bidens. He refers to 2016 and Crowd Strike. He never actually asks the Ukrainians to investigate corruption itself. Is that your understanding of the call?

LT. COL. VINDMAN: I would have to -- if you wish, I could more thoroughly study the transcript, but the transcript is accurate. And I think what you're pointing out, Mr. Chairman, is accurate.

THE CHAIRMAN: And you can distinguish, can't you, between urging a foreign government to attack problems of corruption, on the one hand, a very legitimate U.S. policy interest, and asking a foreign President to investigate a political rival, a very illegitimate ask? You can distinguish between those two things, can't you?

LT. COL. VINDMAN: Mr. Chairman, without, I guess, characterizing legitimate or illegitimate, I could certainly distinguish between the two, yes.

THE CHAIRMAN: And I think you said that you found the President's raising an investigation of a U.S. citizen when there was no ongoing investigation, you found it troubled you. You couldn't say, because you're not a lawyer, whether it's a crime, but you found that problematic. Is that right?

LT. COL. VINDMAN: That is correct.

THE CHAIRMAN: Okay. At this point, let me yield to Mr. Noble.

BY MR. NOBLE:

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Q Colonel Vindman, I want to ask you a few more questions about a call. If you could turn to page 4 of the transcript, one other matter that President Trump brings up with President Zelensky is Ambassador Yovanovitch, correct?

A Yes.

Q And you see at the top of page 4 in that first paragraph, that President Trump says: 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.

And then he goes on to reference the Bidens. And then, later in the call, in the third paragraph on that page, President Trump says: Well, she's -- referring to Ambassador Yovanovitch -- going to go through some things.

Did those comments about Ambassador Yovanovitch by the President of the United States strike you during the call?

A Yes, they did.

Q Why?

A Because my professional interaction with Ambassador Yovanovitch -- and, frankly, all of my counterparts and colleagues in the national security apparatus -- have been positive. I have nothing negative to say about Ambassador Yovanovitch or, frankly, anybody else I've worked with. And, you know, I'm aware of the fact that she was removed, and I thought that was troubling.

Q And Ranking Member McCaul had asked you about or asserted that President Trump was generally concerned about corruption in

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Ukraine. Do you remember that line of questioning?

A Yes.

Q What's your opinion of Ambassador Yovanovitch's record on anticorruption reforms in Ukraine and pressing for those on behalf of the United States Government?

A So, as far as I know and in my direct experience, exemplary.

Q Did you have any reason to believe that Ambassador Yovanovitch -- or there was any basis for Ambassador Yovanovitch to be removed from Kyiv?

A As far as I know, there was not.

Q Were you aware of a dossier of materials, derogatory materials, that Rudy Giuliani had compiled and sent to the State Department in an envelope that was marked that it was from the White House?

A I'm not.

Q You weren't familiar with that. Are you familiar with that today?

A I'm not. I'm still not clear on what you're referring to.

Q Okay. Was there any discussion about the campaign to remove Ambassador Yovanovitch at the National Security Council?

THE CHAIRMAN: If I may, before you leave the call record completely, I did want to ask you about one other part of the call. And that is, at the bottom of page 2 of the call record, President Zelensky says: 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

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next steps. Specifically, we're almost ready to buy more Javelins from the United States for defense purposes.

Can you tell us a little bit about why the Ukrainians are interested in Javelins, what they use them for, what their importance is?

LT. COL. VINDMAN: So, Mr. Chairman, the Ukrainians continue to engage in what they would call a war -- and I'm not sure if you could, you know, and in certain ways, you can't dispute that characterization -- with Russia, defending not just Ukrainian territory against Russian aggression but, in my view, defending Europe and, in certain ways, defending the United States.

As I said in my statement, Russia has been engaged in an ongoing aggressive campaign in which it seeks to carve out a regional hegemony and also assert great power status globally. And, in fact, absent an adequate challenge, Russia would continue to pursue this particular strategy. So what we -- in helping Ukraine, we are helping ourselves. In helping Ukraine with defensive munitions with Ukraine security assistance funding, with FMF and so forth that the Congress has identified, we're helping Ukraine but also helping ourselves.

The Javelin system in particular -- and I could speak on this; I was an infantry platoon leader, company commander -- is a very capable system. In the numbers that they have received the system, it is effective in terms of influencing the Russian decision calculus for aggression. The Ukrainians want to purchase significantly more systems so that they could increase the deterrence against further

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Russian aggression.

So this is a -- is it an absolute game-changer? Probably not. Frankly, they need air defense capabilities there's overmatch in air defense capabilities between the Russians and the Ukrainians. The Russians -- and I can talk about this because it's also, you know, there's plenty of nonclassified literature. Electronic warfare, there's a mismatch there. UAVs and, in general, ISR, they could use all of these systems.

THE CHAIRMAN: But what do they use the Javelins for?

LT. COL. VINDMAN: Javelins, in particular, would be used to -- we certainly call it defensive, but it would be used to defeat Russian or pro-Russian force attacks on Ukrainian territory.

THE CHAIRMAN: Because they're an antitank weapon?

LT. COL. VINDMAN: They're more than just an anti-tank system. They're anti-tank -- they could be used -- anti-armor, antitank, you could use antipersonnel to destroy bunkers. It has a capability to take down low-flying aircraft. There's a whole bunch of different ways. It's a significant system.

THE CHAIRMAN: And in terms of the defensive weapons that we have been willing to sell Ukraine, is it one of the most important to Ukraine?

LT. COL. VINDMAN: Yes, in terms of the lethal -- defensive lethal munitions the U.S. provides, it is certainly one of the most important ones, yes.

THE CHAIRMAN: And, you know, immediately after President Zelensky says, "We're almost ready to buy more Javelins from the United

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States for defense purposes," the President says, "I would like you to do us a favor, though." What was your reaction when you heard the President ask for a favor in the context of President Zelensky saying they were almost ready to buy more Javelins?

LT. COL. VINDMAN: So, in my recollection, I would say that that particular line in itself and connecting it to the Javelins, it makes sense logically, but that's not probably the portion of the call that was more alarming. It's the subsequent portion in which it talks about the investigation into a U.S. citizen, Chairman.

THE CHAIRMAN: And both those parts of the call, the request for investigation of Crowd Strike and those issues, and the request for investigation of the Bidens, both of those discussions followed the Ukraine President saying they were ready to buy more Javelins. Is that right?

LT. COL. VINDMAN: Yes.

THE CHAIRMAN: There was a prior shipment of Javelins to Ukraine, wasn't there?

LT. COL. VINDMAN: So that was, I believe -- I apologize if the timing is incorrect -- under the previous administration, there was a -- I'm aware of the transfer of a fairly significant number of Javelins, yes.

THE CHAIRMAN: Okay. I'll yield back to Mr. Noble.

BY MR. NOBLE:

Q Sticking with the call, I believe you testified that President Trump's demeanor or tone was different on the July 25th call

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than it had been on the April 21st call. Is that right?

A Correct.

Q Can you explain what you mean? How was it different?

A So the call that occurred on April 25th was complimentary.

Q April 21st --

A April 21st, correct. April 21st was complimentary, positive. He repeatedly praised President Zelensky for the significant landslide victory he had achieved. And, in general, I think there was, you know, probably a little bit of humor exchanged. As you may know, President Zelensky is a comedian. So he tries to put in a couple of, I guess, lighter lines in there to help him build rapport. I think he -- frankly, President Zelensky attempted to do that in this case also. It just didn't seem to carry with the President.

Q And can you describe President Trump's tone during the July 25th call?

A I mean, I guess the concrete is he spoke lower. I'm not there in the room with him, so I -- and I in no way have had significant interaction to somehow assess what he's like or anything of that nature. But just it was -- based on the comparison between the two calls, it just seemed -- it was -- the atmospherics and the tone were not the same.

Q In between the April 21st and July 25th calls, are you aware of whether President Trump had any conversations with Vladimir Putin?

A Sure. There were, if I recall correctly -- and I think this

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was also publicized -- there was a phone call during the summer about the wildfires, and the President called President Putin to talk to him about the wildfires.

Q Did you review any of the transcripts or the memoranda, the summaries of those calls?

A I don't recall reviewing the TELCON. I did get a readout of the call, though.

Q Do you know whether the topic of Ukraine ever came up in any of those conversations?

A I apologize. I'm just trying to remember. When you say "review," to me that means like I actually took it and looked at it for content because I'm the principal. I do vaguely recall actually reading through the transcript and then getting a readout from -- because, again, I have a role in that; it's part of my portfolio. But it wasn't like a review for accuracy or anything of that nature.

Q Right. Do you recall any discussion of Ukraine between President Trump and President Putin?

A I do not.

Q Are you aware of a meeting that President Trump had with Viktor Orban of Hungary on or about May 13th?

A I am.

Q Did you participate in that meeting?

A I did not.

Q Did you get a readout from the meeting?

A I did.

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Q Do you do know whether President Trump and Orban discussed Ukraine in that meeting?

A They did.

Q Do you know what they discussed about Ukraine?

A So President Viktor Orban has on multiple occasions publicly criticized Ukraine for everything from a -- criticizing him for corruption to, frankly, probably the more relevant issue, the fact that the Ukrainians, under the previous President, President Poroshenko, had moved in a direction of strengthening Ukrainian nationality but also by doing that through mandating use of Ukrainian language. And there are a number of minorities in Ukraine, and President Orban believed that these -- the language policies were not friendly towards the minorities. So he was highly critical about that.

And what I, I guess, found, you know, interesting and troubling about President Orban is, at this point, President Zelensky had had a number of positive interactions with world leaders. You know, again, in my role as a coordinating interagency policy, I get reports from colleagues from foreign -- representatives of foreign capitals telling me about the interactions they had. And in all cases, they were positive. And, frankly, Victor Orban's was in great contrast to that.

Q Do you know whether Ambassador Bolton opposed the meeting between President Trump and President Orban?

A My recollection is I believe that that is the case, yes.

Q Do you know who set up that meeting?

A So my recollection is that the Ambassador, Cornstein,

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basically leveraged his capital with the administration to try to schedule that meeting.

Q Do you know whether Mick Mulvaney had any role in setting up the meeting, scheduling the meeting?

A According to my recollection, I believe he did.

Q Do you believe that the conversation that President Trump had with President Orban in any way shaped President Trump's views toward Ukraine?

A Frankly, I don't -- I don't know if I could -- that would be complete speculation on my part.

Q Fair enough. Do you know why Ambassador Bolton opposed the meeting?

A According to my recollection, and this would have been probably -- most certainly as a result of a discussion with Dr. Hill, the kind of information that President Orban was communicating was not just inaccurate, but it also would undermine efforts to organize our national security policy in a more constructive manner.

Q Toward Ukraine?

A Toward Ukraine.

Q I want to go back to the conversation that you had with Mr. Eisenberg, you said within an hour of the July 25th call. Do you remember that?

A To the best of my recollection, yes.

Q Did you ever have any additional meetings with Mr. Eisenberg, Mr. Ellis, or any other White House lawyers about the July 25th call?

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A I didn't -- my little -- kid brother, he's an attorney, so I speak to him at least two or three times a day in general. I don't recall any specific conversations, but this may have come up certainly as the whistleblower's complaint became apparent. I probably had conversations with him about it, but, again, it's more, you know, at that point it's more the personal relationship.

I think maybe if I'm -- if I understood your question correctly, I did not get any followup from either Mr. Ellis or Mr. Eisenberg, nor was I necessarily entitled to it. And, you know, I think, out of kindness, Mr. Eisenberg, on a couple of occasions, just kind of said, "Hey, how are you doing," and, you know, asked if I have any concerns or anything of that nature, and I didn't have anything else to communicate at that point, so it was more kind of a courteous type of -- courtesy.

Q Okay. In the meeting that you did have with Eisenberg and Ellis where your brother was also present, can you describe for us what happened?

A So I recounted my -- I recounted the -- excuse me -- I recounted the content of the transcript based off my notes, and then, frankly, I don't recall -- you know, I recounted the, you know, content of the call.

Q Uh-huh. Was there any discussion of what should be done about the call summary or the transcript?

A There was.

Q Can you describe that conversation for us?

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A Sure. So I, frankly, don't recall how the conversation originated, but I was a party to the conversation. I just don't recall who was the first person to raise this issue. But as it came up, there was a discussion about the sensitivity of the, you know, the matter. And there was also a discussion of the fact that the -- there are constant leaks and that it was appropriate to restrict access for the purpose of the leaks. And, you know, at this point, I'm not sure if it's what I may have read afterwards, but I do vaguely recall some conversation about needing to preserve the integrity -- I think the attorneys were talking about preserving the integrity of the transcript or something of that nature.

Q Okay.

A And then there was a decision made by Mr. Eisenberg to put it into this [REDACTED] system.

Q Do you recall who brought up the belief that the contents were, as you said, sensitive?

A I don't recall who brought it up, but I certainly weighed in on the fact that, you know, it was apparently sensitive, and I thought it was, you know -- I'm trying to remember -- I didn't think it was necessarily wise to treat it separately or differently than any other type of communication, but I'm not an attorney, and I don't recall what I said, but I know at the time I was thinking that, you know, if there is something troubling about it, we should probably -- the right thing to do is just do the right thing and treat it as you would anything else.

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Q Does the fact that it was viewed as being sensitive necessarily mean that it was classified, that it should be classified or put into a system for very highly classified information?

A So, sir, I would say that the use of the system is at the discretion oftentimes not of the legal shop or the senior legal counsel; it's oftentimes actually at the discretion of the directors. And if they want to limit access to it, because they think it's sensitive or they don't want it to go out to a broader community, will do that. Whether that's what it was designed for, you know, it seems it might not be, but that's not unusual that something would be put into a more restricted circulation.

Q And I'm still trying to understand why it was viewed as being sensitive? Was it sensitive because of national security reasons, or was it sensitive because of other reasons? Was the discussion of the Bidens sensitive to national security, in your mind?

A From a foreign policy professional perspective, all of these types of calls would inherently be sensitive. This one may be more so because it could somehow undermine our relationship with the Ukrainians. So, from that standpoint, you know, I guess -- in my mind, it could be justified to put it in the system because, again, if it went out, it could harm our relationship. I think ultimately that call was made -- I'm not sure -- the call was made by John Eisenberg, the senior NSC lead counsel, and he did it based on his experience and judgment.

Q Okay. And why, in your mind, would it be damaging to

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U.S./Ukrainian relations if this call were to get out?

A Because it, again, would implicate a partisan play. You know, then there's doubt about how the Ukrainians are going to react to it, whether they're going to act on a request or so. This whole -- sir, I'll say that this whole episode has probably not been helpful to our bilateral relationship with Ukraine. I think the fact is, if our relationship was to promote a strong sovereign Ukraine, this process is undermining that. I mean, I know that there are bigger issues in play here; don't get me wrong. But this is not helpful toward our bilateral relationship with Ukraine because Ukrainians don't know how to handle the situation. And, you know, they don't know if they still have the ironclad support that we've attested to on numerous occasions. So I think having something of that nature out there is problematic.

Q In the conversation with the attorneys, can you recall who first raised the idea of placing this call summary into I believe it's called the [REDACTED] system?

A If I recall correctly, it would have been Michael Ellis.

Q And what did Ellis say about it?

A He said if it's sensitive -- frankly, I don't even think he -- because he wasn't there for the part of the meeting in which I went over the content of the call; I think he came in later. And he just, you know, just on the mere fact that it was sensitive without necessarily diving deeper into why it's sensitive or of that nature, he was like, why don't we just put it into this restricted system, and

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then we can deal with it later. I don't think there was any malicious intent or anything of that nature.

Q You said but ultimately it was Eisenberg's decision?

A He was the senior person in the room, and he gave the go-ahead, yes.

Q Are you aware of any other call transcripts or summaries that were placed into the more restricted system?

A I mentioned that, you know, this is not entirely unusual. It doesn't happen regularly, I think most of these types of things handle -- occur in the normal channels, but I am aware of other communications that have been -- yeah -- so, without going into the specific incidents, I guess, these are other classified materials.

Q Do you know if any call summaries or meeting summaries of communications between President Trump and President Putin were placed into the [REDACTED] system?

A I'm not sure if it's appropriate to answer that if it's classified.

Q Do you know if --

MR. VOLKOV: I'm going to instruct him not to answer that. I just don't think it's, I mean, it calls for classified information.

MR. NOBLE: Is the fact of whether the transcripts were put into the system itself classified?

MR. VOLKOV: I'm going to, I mean, I just would feel more comfortable if it's not.

MR. NOBLE: I mean, do you know if the -- were the calls put into

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the system for reasons of political sensitivity -- between Trump and Putin?

MR. VOLKOV: Is that like -- if you're asking for, is it a definition of classified to say something is politically sensitive, he can answer that, you know, in terms of what are the -- what goes into making something classified. Otherwise, I don't really -- I don't think it's productive to go down there.

MR. NOBLE: Yeah, I'm going to move on.

BY MR. NOBLE:

Q I'd like to go back in time to May 20th to the U.S. delegation to Zelensky inauguration. You were a member of that delegation, correct?

A Correct.

Q Do you know how the other members of the delegation were selected?

A Yes. As I recall, the State Department provided a recommendation for a Presidential delegation, and I used that as the basis to make a recommendation to Ambassador Bolton for the final Presidential delegation.

Q And who were the members that were on that list?

A So I don't recall everybody who was on the list. I can tell you who he whittled it down to; there was a cut line. We basically -- the State Department list probably had about 10 names or so, maybe even more, depending on how large it was going to be, and some of this is governed by aircraft and so forth, and we just whittled

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it down to really four or five people.

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[1:34 p.m.]

BY MR. NOBLE:

Q And who ended up going?

A So it was Secretary Perry, was the head of the delegation, Ambassador Volker, Ambassador Sondland, and myself that were coming from outside Ukraine, and Joseph Pennington, who was the acting Charge d'affaires.

Q And did you say Senator Johnson was part of this?

A Senator Johnson -- informally, he was part of the delegation. We made it a point to incorporate him into all of our engagements and basically treat him as a member of the delegation, but formally he was not part of it, because, you know, they basically limited it to the people I just outlined.

Q Was Ambassador Sondland initially removed from the list?

A I recall that he was.

Q Who did that?

A I think that Dr. Hill may have possibly removed him, because of the understanding that she didn't think that Ambassador Bolton wanted him on the delegation.

Q Yeah. Do you know why not?

A Because it was outside of his portfolio, and he tended to go off script so there was some risk involved.

Q What does that mean, he tended to go off script?

A He's not a professional diplomat. And this is not critical of him, but he didn't necessarily act as a diplomat and he wouldn't

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necessarily, you know -- if we had a consistent position and a consistent set of talking points, he would not necessarily be consistent with our -- with the rest of the consensus view.

Q Do you know how Sondland got back on the list?

A I don't recall.

Q Was Vice President Pence originally supposed to lead the delegation?

A He was.

Q Do you know why he didn't go?

A It would be speculation as to why he didn't go.

Q Did anyone tell you why he didn't go?

A I don't recall specifically. It would have been -- my rather vague recollection is this was about the same time as some, you know, major changes in the narrative on Ukraine corruption and the investigation into the Bidens and whether the Ukrainians were cooperating, and that there was a story that had unfolded within a couple days of us receiving notification that the inauguration was set.

So we found out about it on Thursday, which I believe is the 17th, and then the inauguration was going to be on -- Thursday, we only had Thursday and Friday to prep for it, and the inauguration was on Monday.

So we very -- we -- I was aware of the fact that Secretary Perry was interested in leading the delegation, because he was involved in advancing U.S. interests with regard to energy. And we quickly found him and lined him up to be the head of the delegation.

Q Did you say something about there was a story or information

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about whether the Ukrainians were going to cooperate with an investigation of Biden?

A This was open source, but this was kind of -- there was some speculation I think, frankly, from within the office on -- as to why, you know, the Vice President was pulled off the --

Q And who was involved in those communications? When you say "the office," you mean the National Security Council staff?

A Yes.

Q And they were speculating that Vice President Pence may have been pulled from the delegation because there had been reports that the Ukrainians may not be interested in investigating the Bidens. Is that the gist of it?

A The story that I recall was Mr. Giuliani talking about how Ukraine and Zelensky's inner circle had enemies of the administration.

Q Are you referring to the New York Times article that was on or about, I think, May 10th or 11th, where Giuliani announced that he was cancelling his trip to Ukraine?

A So this would be a follow-on, I think, story. And if I recall correctly, I thought it was to FOX News or something like that, a FOX interview or something like that.

Q Are you aware of a May 16th article by Bloomberg in which Prosecutor General Lutsenko said that he had no evidence of wrongdoing by Biden or his son, that Hunter Biden did not violate Ukrainian laws, but had promised to pass information about Burisma to Attorney General Barr. Is that the May 16th article?

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A I do recall that, yes.

Q And so tell us about the discussions you had with your fellow NSC staff members about why Vice President Pence was removed from the delegation?

A I think I covered it. I think it's, frankly, you know -- I don't think anybody had a firsthand account or deep insight into why that happened, but I think there was some speculation that it may have had to do with, you know, the fact that Ukraine was seen as an enemy or something of the administration.

Q Let's talk about the trip to Kyiv itself. Did you have meetings with President Zelensky while you were there?

A I did.

Q Did you have any communications with or conversations with President Zelensky yourself?

A I did, yes.

Q Can you tell us what you discussed with him?

A So there was a -- you know, a relatively quick meet and greet, and I think there's actually a picture floating out there of me talking to him just on the -- I don't recall? I think it was at actually the end of the bilateral meeting, where I briefly, you know, said, hey, I'm a -- I kind of told him who I was and my background, and we marveled on the connections there and so forth.

And the more substantive engagement was the -- during the bilateral meeting, when we were covering I guess the relevant material of implementing reforms, fighting corruption, I had an opportunity to

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speak. Secretary Perry was very courteous and inclusive in making sure that other people, you know, if they had something to share had the opportunity to do so.

And I -- the points that I delivered were on being cautious with regards to Russia and the fact that Russia was likely to take advantage of, you know, the inexperience of the Ukrainian leadership team, and specifically also staying out of the domestic politics in the United States.

Q And why did you feel the need to raise that latter point about staying -- warning President Zelensky to stay out of the domestic politics in the United States?

A It was a relevant issue. And the perils of taking a partisan stance, in my view, were -- would likely harm bilateral relations.

Q Did you give him this warning in front of the entire U.S. delegation?

A Yes.

Q Did you understand that President Zelensky was aware of this pressure to get involved in U.S. domestic politics at that point?

A I was aware of the fact that the Ukrainian Embassy in the United States was aware of these concerns, because they had taken these concerns to me. And I was aware of the fact that he would certainly be alert to this issue because there were, in fact, a number of stories.

Lutsenko was, in fact, serving as his prosecutor general at that point, or as soon as he was sworn in would be serving as his prosecutor general, and he was absolutely ridiculously stumbling into something

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that would be harmful to Ukraine for self-serving reasons. This guy was doing everything he could to preserve his position, to stay in power, to protect himself, and he was harming Ukraine in doing so. He didn't care as long as he was serving his own interests.

Q You're referring to Lutsenko?

A Lutsenko.

Q Can you tell us a little bit about the conversations you had with the Ukrainian Government officials here in D.C.? What were their concerns? What were -- what advice were they asking for?

A They were just asking, you know, for advice on how to respond to Mr. Giuliani's advances, meaning his call to undertake these -- what would come across as partisan investigations.

Q And when was the first time that you recall that the Ukrainian Government officials expressed those concerns to you?

A So I would say that -- I would say that this is probably in the April timeframe, because initially the story was that Lutsenko was developing -- attacked Ambassador Yovanovitch, and then he continued to, you know, advance this narrative that brought in the Bidens and Burisma and all these things. So I would say in the April timeframe, late April timeframe.

Q Did any Ukrainian Government officials express concern to you about the removal of Ambassador Yovanovitch? Did they have questions about that?

A I don't recall. I think -- I don't recall, frankly.

Q In response to these requests for advice from the Ukrainian

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Government officials, what did you tell them?

A I consistently told them to not become involved in these -- in these activities, and that we had a robust bilateral agenda that we needed to implement and that we should focus on that.

And I told them that I'm -- you know, I'm not a politician and, you know, this is not something that I can, frankly, be probably particularly helpful in.

Q And that was essentially the same message you delivered to President Zelensky --

A Correct.

Q -- in Kyiv in May?

A Yes.

BY MR. NOBLE: I think my time is about up.

BY MR. CASTOR:

Q Which Ukrainian officials were you having discussions with?

A My primary contact would be the Deputy Chief of Mission at the time, Oksana Shulyar, S-h-l-y-a-r. She's the Deputy Chief of Mission.

Q What other Ukrainians?

A So I -- with regard to the specific -- so I also met with the Ambassador, Ambassador Chaly. And I would have -- I'm sure during that course of time I would have had probably at least a contact with the political officer, Andrii -- his name will come back to me. He's actually the Deputy Chief of Mission now. It will come back. It will come back to me. Sorry.

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Q Andrii Telizhenko?

A No. Different -- Andrii Telizhenko is not -- in my understanding, he's not a credible individual.

Q Okay.

A This is -- he is the current Deputy Chief of Mission, and he is -- it will come back to me. I apologize.

Q Okay.

A He just recently took over -- Ambassador Chaly left his position as Ambassador in the middle of September, and I have not had a huge amount of time to meet -- I've met him before, Andrii, a very good guy. He's a senior representative now, but, you know --

Q During times relevant, what other Ukrainians, you know, any Ukrainians that were government officials in the Ukraine?

A So -- yes. We had delegations from Ukraine come through.

Q But I mean conversations that you were having specifically one-on-one.

A Except for these -- the -- per protocol, the Director on the National Security Council is responsible for managing the relationships with the embassies here.

So, per protocol, my colleague -- anybody in the regional bureau maintains relationships with the Ambassador or the Deputy Chief of Mission, the political officer. We do this as a matter of course with any country and certainly probably more closely with allies. I don't know how many times I met with, you know, my German, French, and not just in singles but in groups, to exchange views.

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So specifically one-on-one, just for the countries I was responsible for.

Q Right. I'm just asking about Ukrainians that may have been based out of Ukraine. Any?

A Based out of Ukraine? I'm not referring to anybody that was based out of Ukraine.

Q Okay.

A The people I'm talking about are representatives and officials that are assigned to the Ukrainian Embassy in Washington.

Q So you weren't having communications with Mr. Yermak?

A No. The first time I had met Mr. Yermak was on July 10th, and then one, you know, pleasant exchange, email in which he said he's open to working with me. I said, please feel free to contact me. I never had any contact with him outside of those.

Q Okay. So the universe of Ukrainians that you were dealing with were largely at the embassy, one-on-one communications?

A Unless they were -- unless they were delegations, official delegations that came through. And Ukraine is considered a significant partner, so we make it a point to keep our doors open to them and making sure that, you know, if they have something they want to share with us, they share it with us. So there were probably, you know, at least a half a dozen different delegations that would have come through.

Q Okay. We'll probably get into it in a little bit more detail later, but after the aid was put on hold during the July 18th and

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subsequent time period leading up to September 12th, were you having any communications with any Ukrainian officials?

A So the Ukrainians were not actually aware of the fact that -- as far as I know, the Ukrainians were not aware of the fact that aid was put on hold until probably closer to sometime the beginning of August, beginning the middle of August.

So did I have my normal official standard contact with the Ukrainians? I did throughout this period, but it wouldn't have been in the context of specifically talking about security assistance or assistance.

Q When did you first learn they were aware the security assistance was on hold?

A I think they didn't learn this, frankly, until probably -- you know, like I said, probably the first stories emerged in the open source, you know, in the mid August timeframe, early to mid August timeframe.

Q Okay.

A And that's -- you know, then that's when I started getting queries.

Q And if the first story didn't emerge until August 28th or 29th, is that possible too?

A I don't -- I don't think it was that late. I'm -- I recall having a conversation earlier than that.

Q Okay.

A But I mean --

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Q Can you remember what outlet reported that?

A I don't.

Q Okay. There was a Politico story on August 28th or 29th reporting the aid.

A I'm aware of that one, but I'm also aware of some other kind of, you know -- the story didn't pick up traction. I think there were some other things that the Ukrainians became aware of at some point, not much earlier but earlier than the end of August.

Q Okay. Turning back to the July 25th call, you related your concerns to John Eisenberg and the group that you described in the NSC counsel's office. What other people did you express your concerns to that you can remember? And if you're not going to identify a person, let's just, you know --

MR. VOLKOV: I want to object there. And I want to object there because I think this is a question that may elicit some concern with regard to intelligence officers. So --

MR. CASTOR: Can you let me finish my question here?

MR. VOLKOV: You know the objection already, so if you want to --

MR. CASTOR: If you can let me -- if you --

MR. VOLKOV: If you want to keep going down this road, we're going to just keep objecting, okay? So --

MR. CASTOR: You didn't hear me finish.

If you don't want to identify the person or where they work, can we just call them person number one, and this is what I said to person number one?

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MR. GOLDMAN: I think this gets to the same point. We're not in a position to rule on this. There are no Members here right now. What we would ask you to do is to table this line of questioning until Members can return and we can do it.

Just to be clear, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] the concern that the chair has expressed is that we need to steer clear of doing that.

So if you have another reason why you want to know what he told other individuals about the call that you can elaborate on or you can explain, then certainly we would consider that and take that to the chair.

MR. CASTOR: I'm just trying to better understand who the universe of people the concerns were expressed to, and if there's somebody --

MR. GOLDMAN: Why?

MR. CASTOR: Because it goes to articulating his -- how he experienced the events.

MR. GOLDMAN: Okay, go ahead. If we could come back to this line of questioning later, though, I'd be appreciative.

MR. CASTOR: There's a little bit of a disconnect, because in your statement you say you don't know who the whistleblower is, and now all of a sudden we're asking who you had communications with. And --

MR. VOLKOV: Wait, wait, wait. Look, the reason we're objecting is not -- we don't want -- my client does not want to be in the position

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of being used to identify the whistleblower, okay?

Now, our objection to that is we don't want -- it's purely a matter of intelligence professionalism that he not be put into that situation. And the fact that what he said as a way to identify the whistleblower or whatever is just not relevant to him. It may be relevant to you, but it's not relevant to him.

MR. CASTOR: Okay.

MR. VOLKOV: And based on the chair's ruling, as I understand it, he's not required to answer any question that would tend to identify an intelligence officer.

MR. CASTOR: Okay. Did you express concerns to anybody, you know, that doesn't fall under this category of someone who might be the whistleblower, or is Eisenberg the only --

LT. COL. VINDMAN: No. In my coordination role, as I actually said in the statement, in my opening, it's the part where I say that I've got -- furthermore, in performing my coordination role as Director on the National Security Council, I provide readouts of relevant meetings and communications to [REDACTED] properly cleared national security counterparts with a relevant need to know.

MR. VOLKOV: And I do believe -- just to facilitate this a little bit, I do believe that he mentioned that he did speak to Kent.

MR. CASTOR: Okay. So we got Kent, we got Eisenberg, and then we've got --

MR. VOLKOV: Right. And so he can recount the Kent conversation, if you like.

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LT. COL. VINDMAN: I'm sorry, was there a question?

MR. VOLKOV: What did you say to Mr. Kent?

BY MR. CASTOR:

Q Can you provide testimony on what you told Mr. Kent about the call?

A Sure. The appropriate elements of the call, the ones that had to do with policy issues, you know, what you have to understand is from George Kent's perspective, he's responsible, he's the Deputy Secretary responsible for the region, and he has -- he's also the former Deputy Chief of Mission in Ukraine. So, in his position, he knows -- he understands the entire landscape in Ukraine.

Q What did you say to Kent?

A So right, so hang on. Right. I know. Sure.

So what I did was I communicated the points that he needed to know to understand how the Ukrainians were going to react. So that's basically, you know, the fact that this investigation was raised. I relayed that to him.

I certainly covered the tone of the call and the fact that it was not a positive call that kind of advanced this idea of building rapport between the Presidents or got us any closer to, you know, resolving various issues from everything from the meeting to the security assistance issue that, again, the Ukrainians might not know about, but if they had a successful call and they kind of moved past that issue may have alleviated some of the President's concerns.

So none of that -- I mean, these are the topics we discussed.

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Specifically, other elements, you know, he -- again, based on his position, he understood, you know, the background on these CrowdStrike allegations. He understood the background on Burisma --

Q When you spoke with George Kent --

A I know. The --

Q I'm just asking you what you told him.

A It's important, because I also wanted to get his expert view on whether he thought there was anything there, and then to understand, you know, what kind of -- you know, how this could unfold further.

Q Okay. And what did Kent tell you?

A He told me that there was no substance behind these -- you know, this CrowdStrike issue. We confirmed the fact that there was no active investigation. You know, he certainly took note of the fact that, you know, there was a call to investigate the Bidens. He took note of the fact that we did not make any headway on building rapport between the Presidents and, you know, frankly, we basically were probably worse off after the call than we were before.

Q Okay. Now, you had previously told us that you reported your concerns to John Eisenberg about the 7/10 meeting, the 7/25 call. Now you're sharing your concerns with the State Department?

A I am coordinating with the State Department, in accordance with NSPM-4 and my role.

Q And so, right. So I'm just wondering whether -- did you ask Kent whether there was any initiative inside the State Department to deal with this situation, you know, whether Sondland was going coloring

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outside the lines or whether, you know, this Rudy Giuliani element was starting to cause problems?

A I'm going to have to think about that one for a second. I don't think -- I don't recall, frankly, having a conversation about what actions the State Department was taking. It was more along the lines of reading out the call, being sensitive to what -- how this could unfold rather than, you know, specifically -- I don't know if -- I think getting this back in the box, I don't recall if we took the conversation in that direction.

Q Okay. In your communications with any State Department officials about this situation, not just the 7/25 call but the issue of Sondland, Rudy Giuliani, the aspects that you were concerned about, the investigations, did you ever have any communications with State Department officials about how to right the ship?

A So I did voice to Ambassador Volker the concerns about engaging with Mr. Giuliani, and I thought that there was more risk involved. And I want to say that I recall Dr. Hill had similar concerns. But I expressed the concerns on probably a couple of occasions, that there was a lot of risk involved with trying to deal with Mr. Giuliani, bring him back inside, and with -- yeah.

Q Okay. Did you ever have any communications with the Ambassador, Ambassador Taylor --

A Ambassador Taylor --

Q -- serving as the Charge at the time.

A Yeah. I mean, I had constant communication. Is there, I

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guess --

Q About this topic, was there concern with going outside the ordinary channels of diplomacy?

A So this is not something that I, frankly, recalled initially, but I certainly didn't miss the fact that Ambassador Taylor recounted to us, you know, an engagement in which Fiona, Dr. Hill and I spoke to him and kind of, you know, laid out the substance of the July 10th discussion --

Q Okay.

A -- and, you know, how would we, you know, manage these types of things.

Q And who -- where was that discussion? Where did that take place?

A By secure call.

Q Okay. And who was on the call?

A Just Ambassador -- as far as from our side, it was just Dr. Hill and myself, and I think -- I am only aware of Ambassador Taylor from the other side.

Q And roughly, do you remember when this occurred?

A Again, according to Ambassador Taylor's statement, consistent with my recollection, it would have been about the 18th or 19th. Whatever he had in there sounds about right, because we did have several -- we had had conversations with him.

MR. GOLDMAN: Of what month?

LT. COL. VINDMAN: Of July.

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BY MR. CASTOR:

Q Okay. Dr. Hill's last day was July 19th?

A Yes, that's right.

Q Do you know what the circumstances were of her departure?

A I think, you know, as far as I know, her tenure was -- she had been there one of the longest serving officials in the President Trump White House, and she had -- she had on several occasions voiced the desire to leave.

My understanding is that, you know, Ambassador Bolton was looking to make sure he had his team set all the way through the next election so there wouldn't be some disruptive change in leadership somewhere along the way, and that they just -- you know, that's the time that they picked.

Q Okay. So she decided that she didn't want to stay through the election, so she --

A That's not my understanding. My understanding is that Ambassador Bolton wanted to have his team set and, you know, in terms of kind of finalizing -- she was in the window, thinking about when she was going to depart. They just, you know, helped kind of set the date with the fact that they wanted to have a team set in the summertime for him.

Q Okay. But did Ambassador Bolton ask her to leave or was it a mutual decision or you don't know?

A I don't know. I don't know.

Q Okay. And then where did Tim Morrison, where did he come

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from?

A He came from the W -- Weapons of Mass Destruction Directorate on the National Security Council.

Q Okay. And how long had he been on the NSC before?

A I think he had joined about the same time I did, in maybe late June-early July timeframe of 2018.

Q All right. And what's been your relationship with Mr. Morrison?

A We have a professional relationship, probably no different than with any other director.

Q Okay. So your relationship with him is just as strong as it was with Dr. Hill?

A As strong. You know, I worked with Dr. Hill for well over a year and we built a solid relationship throughout that time. I think, you know, at this point, we have a, what I would say would be a relatively strong professional relationship. There's no -- nothing more to it.

MR. CASTOR: I want to make sure that our members get a chance. Mr. Ratcliffe had -- he was trying to ask questions at the end of last round, so I want to make sure I pivot to him.

MR. RATCLIFFE: Mr. Volkov, good to see you again.

MR. VOLKOV: Yes, nice to see you.

MR. RATCLIFFE: Colonel, thanks for being here.

I wanted to start with your statement, your opening statement that you submitted for the record, and ask you about the paragraph that a number of members have already covered, but I want to make sure that

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I clarify.

On page 5, I guess, that starts "election call," and I'm going to ask you about the last paragraph that starts: "I was concerned by the call." Before I do, did you write this statement?

LT. COL. VINDMAN: Yes.

MR. RATCLIFFE: Okay. So these are your words?

LT. COL. VINDMAN: Yes.

MR. RATCLIFFE: Anything about these words you want to change?

LT. COL. VINDMAN: No.

MR. RATCLIFFE: Okay. So in here, you -- in the paragraph before, you reference that: The transcript is in the public record, we are all aware of what was said. I was concerned by the call. I did not think it was proper to demand that a foreign government investigate a U.S. citizen.

You said: "I did not think it was proper." You didn't say it was not proper. Were you uncertain?

A I was not uncertain.

Q All right. Then do you want to change your statement to say that it was not proper to demand that a foreign government investigate a U.S. citizen?

MR. VOLKOV: I'm just going to object. That's -- look--

MR. RATCLIFFE: Well, I'm trying to get to -- go ahead.

MR. VOLKOV: Sir, we're not in front of a jury. I mean, we're not playing games with three or four words. It means the same thing.

MR. RATCLIFFE: Well --

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MR. VOLKOV: I know you're a former U.S. Attorney, so I get it.

MR. RATCLIFFE: I think the words that are used in congressional testimony are important. This isn't a trick question. I'm just trying to understand the certainty of the witness. And if the answer is that --

MR. VOLKOV: He answered that, okay? So he doesn't need to change his statement.

MR. RATCLIFFE: All right. So you did not think it was proper to demand that a foreign government investigate a U.S. citizen. You used the word "demand," it was not proper to demand. Where in the transcript do you believe that the President made a demand to investigate a U.S. citizen?

LT. COL. VINDMAN: So, Congressman, the power disparity between the President of the United States and the President of Ukraine is vast, and, you know, in the President asking for something, it became -- there was -- in return for a White House meeting, because that's what this was about. This was about getting a White House meeting. It was a demand for him to fulfill his -- fulfill this particular prerequisite in order to get the meeting.

MR. RATCLIFFE: Okay. Well, and I understand that based on that answer that your opinion is that it was a demand. I'm looking for where in the transcript you think there are words used that justify the use of that term, "demand," as opposed to what you just said, which was ask for.

LT. COL. VINDMAN: You know, I guess I didn't -- frankly,

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Congressman, I didn't parse the words all that clearly. This is, you know -- I'm not -- I guess I -- I'm not an attorney by training. This is -- I just wrote it the way I kind of felt it. And that's the way I described it.

MR. RATCLIFFE: Fair enough. The reason I'm asking you, though, is the word when we're talking about an allegation that there was a quid pro quo has significance, and demand has a specific connotation. And in this case, President Trump has said there was no demand. President Zelensky has said there was no demand. Secretary Pompeo has said there was no demand. Vice President Pence has said there was no demand.

But, Colonel Vindman, it's your opinion that there was a demand, and so I'm asking where in the transcript do you find words used that justify that term?

LT. COL. VINDMAN: Sure. I guess, Congressman, I'd go back to the fact that, you know, this whole matter had been unfolding over the course of months. On the 10th of July, this -- it became completely apparent what the deliverable would be in order to get a White House meeting.

That deliverable was reinforced by the President. There was no, oh, it's okay -- you know, I guess in my mind, there was no it's okay, if you don't want to do the investigation we can still do a White House meeting. The demand was, in order to get the White House meeting, they had to deliver an investigation. That became clear as time progressed from how this thing unfolded through the 10th all the way through the

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conclusion.

That's my -- I mean, that's just the way I -- it seemed clear to me, and that's my -- that's why I said I think. That's just the way it seemed to me.

MR. RATCLIFFE: Okay. So, again, clear to you, but you cannot point to me a specific place in the July 25th phone call that justifies the use of the word "demand."

LT. COL. VINDMAN: If you give me a minute, Congressman, I'll just --

MR. RATCLIFFE: Take as long as you want.

LT. COL. VINDMAN: And I'll take a look and see if I can find something.

MR. RATCLIFFE: What's the time? I just want to reflect how long the witness is looking for words to justify demand and the record reflect that.

What's the time? All right. I'm going to let the record reflect that I've given the witness several minutes to look for words that justify the use of the word "demand."

Have you found anything at this point?

LT. COL. VINDMAN: I think so.

MR. RATCLIFFE: Okay. What is it?

LT. COL. VINDMAN: So I'm going to read the President's words as they were in this -- as they were transcribed in this record.

I would like you to do --

MR. RATCLIFFE: What page?

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LT. COL. VINDMAN: This is page 3, Congressman. I would like you -- top of the page. 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 those -- 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 you to have the Attorney General call -- 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.

I'll go on. As you saw yesterday, that whole nonsense ended with a poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you do, it's very important that you do it -- that you do it if that's possible.

And then next time he speaks at the bottom of the page, good, because I heard you had a prosecutor --

MR. RATCLIFFE: Okay. Let me stop you right there, just to address it paragraph by paragraph. In that sentence, does the President mention anything about Biden or Burisma? Does the President mention anything about Biden or Burisma?

LT. COL. VINDMAN: No. No, Congressman.

MR. RATCLIFFE: Okay. Are the President's comments in that paragraph that you just read where he asked for a favor that you're

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interpreting as a demand relate specifically to the 2016 election and whether or not there was interference involving the DNC server?

LT. COL. VINDMAN: Sure, Congressman, I'll simply say -- I'll simply say that the demand, the way I wrote it in the -- my testimony or opening statement is my assessment of the entirety. I just read the first paragraph. It's the entirety of what the President communicated.

And when the President of the United States makes a request for a favor, it certainly seems -- I would take it as a demand.

MR. RATCLIFFE: Fair enough.

LT. COL. VINDMAN: As a military officer, Congressman, as a military officer, if my superiors tell me to do something, I take that not as a request, I take that as a demand.

MR. RATCLIFFE: Again, I don't want to spend too much time on this, and you've made clear that that's your opinion. It's not an opinion shared by either of the Presidents on the call or others, but your testimony, to be clear, is that there's not a specific place, it's the entirety of the transcript that you believe would make it fair to characterize this as a demand by the President of the United States to the President of the Ukraine?

LT. COL. VINDMAN: That is, in fact, the case.

MR. RATCLIFFE: Okay. Do you know whether it's proper for a President, whether he is asking or demanding assistance, to investigate a U.S. citizen?

LT. COL. VINDMAN: The -- so, Congressman, when I spoke to

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Mr. Eisenberg, I was expressing concerns about the entirety of the conversation. I was relaying to him my concerns. Was I making a judgment on anything outside of that, for instance, criminality? No. All I was doing was, through the chain of command, expressing concerns.

MR. RATCLIFFE: Okay.

LT. COL. VINDMAN: Did I in any way foresee that this was going to unfold the way it did and it was going to be in the public record? No. I was just expressing concerns.

And, frankly, there was a reason for this. Because these are senior officials within the Department that provide him counsel. That they could then say, Mr. President, this -- you know, we might want to stay away from this topic. And that's what I'm doing when I provide my best advice.

MR. RATCLIFFE: I appreciate the explanation, but the answer is that you didn't know, correct?

LT. COL. VINDMAN: I thought it was wrong. I thought it was wrong for the President of the United States to call for an investigation of -- call a foreign power to investigate a U.S. citizen.

MR. RATCLIFFE: Okay. But you didn't know -- and I'm not being mean about this, but you're not a lawyer, correct?

LT. COL. VINDMAN: I am not.

MR. RATCLIFFE: You don't have experience in the Justice Department, correct?

LT. COL. VINDMAN: No.

MR. RATCLIFFE: You're not familiar with criminal law generally

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or specifically?

LT. COL. VINDMAN: Only in that my twin brother is an attorney.

MR. RATCLIFFE: Okay. Do you have any expertise regarding Mutual Legal Assistance Treaties or specifically the one with Ukraine?

LT. COL. VINDMAN: I'm somewhat familiar with the MLAT for Ukraine, just because in the course of my duties I had to work through some issues. So, yes, I am familiar with the MLAT.

MR. RATCLIFFE: So are you familiar with what a President is authorized to do in connection with a criminal investigation like the one that was discussed in the paragraph that you just read?

LT. COL. VINDMAN: I was not making a legal judgment. All I was doing is sharing my concerns with my chain of command.

MR. RATCLIFFE: Okay. So you get to an important point here, because you go on to say, obviously, that you were concerned and, as a result of that, you reported your concerns to the NSC's lead counsel, Mr. Eisenberg, correct?

LT. COL. VINDMAN: Correct.

MR. RATCLIFFE: Okay. And you just said you reported it because you thought there was something wrong, and I'm trying to find out if you were reporting it because you thought there was something wrong with respect to policy or there was something wrong with respect to the law.

And what I understand you to say is that you weren't certain that there was anything improper with respect to the law, but you had concerns about U.S. policy. Is that a fair characterization?

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LT. COL. VINDMAN: So I would recharacterize it as I thought it was wrong and I was sharing those views. And I was deeply concerned about the implications for bilateral relations, U.S. national security interests, in that if this was exposed, it would be seen as a partisan play by Ukraine. It loses the bipartisan support. And then for --

MR. RATCLIFFE: I understand that, but that sounds like a policy reason, not a legal reason.

LT. COL. VINDMAN: I was making a judgment call as a layman, thinking that it was wrong. I've got 20-plus years as --

MR. RATCLIFFE: I understand. My time is short, and I'm not trying to --

LT. COL. VINDMAN: Congressman, I'm just saying that, you know, we make -- as military officers, we make judgment calls all the time. Some of them are more important than others. In combat, lives matter. And, frankly, other places I've worked for, maybe even more important. When I was an attache in Russia, every decision you make matters.

So I made a judgment call. I thought this was wrong. My experience has always suggested that if there is -- if you feel like something is wrong, it is your duty to report it to your seniors, and that's what I did.

MR. RATCLIFFE: And I'm not quibbling with that. I'm trying to make sure that we pin down the reason that you reported that you thought this was wrong, whether it was a legal reason, in other words, whether or not you were concerned because I think a crime just occurred or a high crime or an impeachable offense. And I'm hearing you say that

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that's not the case.

LT. COL. VINDMAN: Congressman, I apologize. In my last statement, maybe I came across as a little bit heated. I did not know whether there was a crime or anything of the nature. I thought it was wrong. In my mind, did I consider the fact that there could have been other implications? Yes. But that wasn't the basis of -- I wasn't lodging a, you know, criminal complaint or anything of that nature.

MR. RATCLIFFE: Fair enough. What you relayed your concern, though, did sound like it was a policy concern, how this was going to impact the national security policy with respect to Ukraine.

LT. COL. VINDMAN: Congressman, that's part of it. I think the other part of it was that I made a moral and ethical judgment, and I thought it was wrong and I was relaying that. I also had deep policy concerns.

MR. RATCLIFFE: So who sets the policy?

LT. COL. VINDMAN: The President sets the policy.

MR. RATCLIFFE: Okay. And so you reported this to -- as you said, reported those concerns to Mr. Eisenberg on that day, that you thought there might be something wrong, correct?

LT. COL. VINDMAN: Correct.

MR. RATCLIFFE: Who else did you report -- who else did you report those concerns to?

LT. COL. VINDMAN: I certainly, as I said so far, I had a conversation with my identical twin brother. He came in with me into the conversation with John Eisenberg.

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And then, frankly, I guess I go back to what I put in my statement on page 2: Furthermore, in performing my coordination role as a Director on the National Security Council, I provided readouts of the relevant meeting -- I provided readouts of relevant meetings and communications to a very small group of properly cleared national security counterparts with a relevant need to know.

MR. RATCLIFFE: Okay. So interpreting that as a relevant need to know, I get that they have security clearances, were they all in the chain of command?

LT. COL. VINDMAN: That's not the way the National Security Council works. There is a chain of command that --

MR. RATCLIFFE: I get that. My question is simply, were they all in the chain of command?

LT. COL. VINDMAN: So I'm going to attempt to answer it. I'm not trying to be evasive. So when I was making my -- voicing my concerns to Mr. Eisenberg, it was based on the concern that there -- that, you know, that I was concerned about the fact that the President was asking a foreign power to investigate a U.S. citizen.

When I was talking to my counterparts with the relevant need to know, it was in my coordination function. Under the National Security Policy Memorandum 4, I am obligated to coordinate with the appropriate people, and that's what I did in this case. I wanted to make sure that the relevant people, again, the very small group of folks that had the relevant need to know and to act on -- how should I put this? -- implementation of policy or understanding the implications

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of policy had the required information to understand how things were going to fall out and what actions the Ukrainians were taking.

MR. RATCLIFFE: Okay. I don't want you to name any specific person, but did you have any conversation with [REDACTED] [REDACTED] not in the chain of command?

MR. GOLDMAN: Mr. Ratcliffe, I'm going to interrupt.

MR. VOLKOV: I'm going to object. We've already had a ruling from the chair as to this.

MR. GOLDMAN: Mr. Castor brought up this line of questioning earlier and we agreed to table it until the chair returns, because the counsel lodged an objection. So if you would hold this line of questioning over until the chair can return from votes, we can address it then.

MR. RATCLIFFE: Okay. Then let me move on to something that you said earlier that I want you to clarify for me, Colonel Vindman. You said that -- I wrote down, in talking about the investigations that they -- it was your opinion that they were, quote, "not credible," end quote, that, quote, "there seemed to be a lot of leaks," end quote.

And then you -- and, again, I'm not -- I wrote this down. I want to give you an opportunity to address it or clarify it. That you had conversations with Ukrainian officials about what to do regarding Mr. Giuliani, and I wrote down that your response was that you told them to stay out of U.S. domestic issues, stay out of U.S. politics.

Does that sound like what you said earlier today, or words to that effect?

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LT. COL. VINDMAN: So yeah. I mean, frankly, Congressman, I think you captured like three or four different responses to three or four different questions there. I don't think those were all, you know, in the same -- same, you know, question.

But I think that I guess, as individual sections, that sounds accurate, yes.

MR. RATCLIFFE: Okay. So on the issue of advising Ukrainian officials to stay out of U.S. domestic issues, is that one conversation, multiple conversations?

LT. COL. VINDMAN: I could probably -- I would say that it became an increasing theme as the Ukrainians became increasingly concerned about the narrative that was emanating from Mr. Giuliani, that I would continue to get the same types of questions about what -- you know, what do we do with regard to these calls for an investigation and things of that nature.

My answer would be consistent. I am not a -- you know, a political individual. I'm not a political operative. I'm a professional military officer, a -- you know -- as designated by the National Security Council, a kind of foreign policy expert, though that might be extreme.

I would counsel them that this is outside of my wheelhouse and, frankly, you know, I don't fully understand all the implications; but I would consistently also counsel them that it's important to stay out of U.S. politics. Because if you recall, Congressman, we have Ukraine's neighbor, who is actively engaged in war with them, was

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involved in 2016 election meddling, and that did not work well for the U.S.-Russian bilateral relationship. If anything, that significantly retarded that relationship.

MR. RATCLIFFE: So --

LT. COL. VINDMAN: And in order to -- Congressman, I apologize. In order to avoid that kind of pitfall for what I considered to be an important ally to the United States and certainly an ally in the struggle to push back against Russian aggression, I counseled them to stay out of U.S. politics.

MR. RATCLIFFE: So after this July 25th phone call, how many of those conversations did you have and with what Ukrainian officials?

LT. COL. VINDMAN: So after the July 25th phone call, it was an extremely busy week. I know I didn't speak to any of the Ukrainians that week. I believe in order -- just for good housekeeping -- I was getting ready to go on vacation. I went on vacation -- I was supposed to go on vacation from the 3rd through the 18th of July. That didn't happen. I got called back early.

And I believe, in terms of good housekeeping, there was probably a conversation with the Ukrainians. My recollection is, best recollection is about the 31st of July. It's the middle of that week right before I went on vacation, you know, we had a conversation.

MR. RATCLIFFE: Okay. Who's "we"?

LT. COL. VINDMAN: It would be my standard counterpart, which would be the Deputy Chief of Mission for Ukraine.

MR. RATCLIFFE: And who is that?

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LT. COL. VINDMAN: Oksana Shulyar. It's in the record, Congressman.

MR. RATCLIFFE: Okay. And were you having that conversation in the course of your responsibilities and duties at the NSC?

LT. COL. VINDMAN: Absolutely.

MR. RATCLIFFE: All right. And you had authority to have those conversations?

LT. COL. VINDMAN: Absolutely.

MR. RATCLIFFE: So you -- a week following you listening in on a phone call with the President of the United States making a request of the Ukrainian Government to assist in ongoing investigations, a member of his National Security Council subsequently told Ukrainian officials to do just the opposite and to ignore his request and stay out of U.S. politics. Is that what we're to understand from your testimony today?

LT. COL. VINDMAN: That's an interesting characterization, Congressman. I was certainly not going against the orders of my Commander in Chief. What I was suggesting is that very superficial -- or at the basic level, staying out of U.S. domestic politics is not a good idea.

Congressman, I apologize, do you think this is --

MR. RATCLIFFE: Let me ask the question.

LT. COL. VINDMAN: Congressman, do you think this is a good idea to get involved --

MR. SWALWELL: Let him finish.

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MR. RATCLIFFE: He has a lawyer here, President Swalwell.

LT. COL. VINDMAN: How could it possibly be a good idea --

MR. QUIGLEY: [Presiding.] Hold on, gentlemen. Gentlemen, let the witness finish answering this question.

LT. COL. VINDMAN: Congressman, how could it possibly be a good idea to counsel at my level -- I'm certainly not the President of the United States. The President of the United States has the authority to do this, I guess, I don't know. I didn't think it was right. And that is not a criticism against the President. I just don't know how -- a better way to put it, so I apologize.

But I, as a Director on the National Security Council, would certainly not counsel my counterpart to somehow involve themselves into U.S. domestic politics. You could take that as -- I mean, I guess you could twist that into some sort of specific --

MR. RATCLIFFE: I'm not trying to twist anything.

LT. COL. VINDMAN: I guess I misunderstood the question.

MR. VOLKOV: I object to that characterization. It's pretty obvious what you're trying to do, sir.

MR. RATCLIFFE: Let me ask the question.

MR. VOLKOV: I'm representing my witness here and this is my client. And for you to -- I mean, the insinuation -- if you guys want to go down this road, God be with you.

But I'm telling you it's so apparent that -- and it's so -- it's so cynical for you to go down such a road with such a -- with such an individual like this. If that's the game you guys want to play, go

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at it. Okay? But we're going to --

MR. RATCLIFFE: Let me ask my question, because what I heard --

MR. VOLKOV: You don't have a jury here, sir. You don't have the public here.

MR. RATCLIFFE: I understand that. I'm making a record.

MR. VOLKOV: And eventually you will and you can do it then.

MR. RATCLIFFE: I will.

MR. VOLKOV: Right now we're going to object.

MR. RATCLIFFE: Well, you can object, but I'm going to ask this question, because the witness just testified --

MR. VOLKOV: Well --

MR. RATCLIFFE: Are you going to let me ask a question, Mr. Volkov?

MR. VOLKOV: Yes, I will. Ask a proper question.

MR. RATCLIFFE: All right. Colonel Vindman, you have spent a lot of today talking about the fact that you reported to national security lead counsel that you thought there was something wrong with respect to the conversation between President Trump and President Zelensky, correct?

MR. VOLKOV: Asked and answered. How many times are we going to go through this? I'm asking the chair, how many times are we going to go through this? Are we going to go through this over and over and over again?

MR. RATCLIFFE: Do you have an answer?

MR. VOLKOV: Wait a minute. He hasn't had an instruction from

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the chair yet. Remember when you're in front of a judge, you wait for the judge.

MR. QUIGLEY: So the question has been asked and answered, the ruling of the chair.

MR. RATCLIFFE: All right.

Colonel Vindman, on July 25th, 2019, the President of the United States asked for the assistance of the Ukraine in connection with criminal investigation or investigations.

Your testimony a few minutes ago was that during the week of July 31, following that call, you advised Ukrainian officials to stay out of U.S. politics. Is that correct? I want an answer.

MR. VOLKOV: We've already been down this road.

MR. RATCLIFFE: No, you haven't.

MR. VOLKOV: I object.

MR. QUIGLEY: Just one second.

MR. CICILLINE: May I raise a point of inquiry or point of order?

MR. QUIGLEY: Hold that for a second. So I believe you asked the question in terms of it being criminal, and I'm not sure that was ever anywhere in the President's comments, that he said, I'm asking you to help in a criminal investigation.

The rest of the question has been asked and answered.

And the time is up.

MR. CASTOR: You guys got to give him a few more minutes after all the --

MR. QUIGLEY: No, I don't.

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We're going to take a 5-minute break, and by 5 minutes I mean 10 minutes.

[Recess.]

MR. QUIGLEY: We'll resume.

MR. GOLDMAN: All right. We're starting now.

BY MR. MR. GOLDMAN:

Q Colonel Vindman, you've testified a little bit today about some of Ukraine's history of problems, including corruption, right?

A Correct.

Q And one aspect of Ukrainian corruption historically was that the leaders of Ukraine would investigate their political rivals. Is that accurate?

A That is accurate.

Q And it was and is U.S. policy related to Ukraine to push Ukraine not to investigate their political rivals. Is that right?

A That is correct.

Q Because official U.S. policy believes that investigating your political rivals is corrupt activity. Is that correct?

A That is correct.

Q I want to go back to the May inauguration in Kyiv, and I have one question, because you indicated that President Zelensky had -- or that you had a conversation with President Zelensky at that point about U.S. domestic politics. And I think -- I believe you said that you told him that he should steer clear of U.S. domestic politics, right?

A That is correct.

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Q Did you have any sense of -- well, withdrawn.

Did he -- was he surprised when you said that, as if he had no idea of what you were talking about?

A No, he was not. I didn't believe he was.

Q So was it your understanding that he knew what you were talking about when you had that conversation?

A I don't know, but he did not look surprised.

Q And you had referenced that there were a number of press reports about these investigations to that point. Is that right?

A That is correct.

Q What was his reaction to you when you said that to him?

A I think he probably took it at face value. I'm the White House representative to the Presidential delegation, speaking on behalf of my leadership, National Security Council, and in the same voice, the senior White House rep. I think, frankly, he probably took that at face value and thought it was probably good counsel.

I also believe that the Ukrainians have been savvy in understanding the risks of partisan activity and have also tried to stay clear of any seemingly partisan activity.

Q In part, because there's pretty consistent bipartisan support for Ukraine here in the U.S. Is that right?

A That is correct.

Q Were you aware of a meeting that Fiona Hill had with Amos Hochstein?

A I am aware of the meeting and maybe just a very, very

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superficial readout of this meeting, yes.

Q And what was that superficial readout?

A So my understanding is that Amos, based on his activities and serving I think at the time -- I'm not sure if he's still in position -- on the board of Naftogaz, was, through his contacts, aware of efforts to do a couple things. One, as far as I recall, was facilitate or I guess that Mr. Giuliani was attempting to facilitate financial transactions, if I recall correctly.

And I just want to make sure I'm not combining a couple of different meetings. I think that's, frankly, it. I think he was -- he spoke to Fiona about the influence into financial transactions, business transactions. I also vaguely recall he may have been the person that identified Ambassador Sondland was also, you know, involved in this somehow.

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[2:50 p.m.]

BY MR. GOLDMAN:

Q Do you recall when this conversation between Mr. Hochstein and Dr. Hill was approximately?

A My best guess would probably be in the timeframe after Ambassador Yovanovitch left, so May timeframe, maybe as late as June.

Q And do you know whether he indicated to Dr. Hill that he had had a conversation with either President Zelensky or leading Ukrainian officials about Rudy Giuliani more broadly than Naftogaz or financial transactions?

A I don't recall.

Q When you returned from the inauguration, were you aware of an Oval Office meeting with the President on May 23 related to Ukraine?

A Yes.

Q Do you know how that meeting came about?

A So, on the night of the 21st of May, after a successful day of bilateral meetings, we had a discussion. The members of the Presidential delegation exchanged a number -- I'm aware of a conversation, and then we exchanged some emails in which we discussed the idea of providing the President a readout of what we assessed to be a very positive trip. And I said that I'd advance this notion through my chain of command and present a schedule proposal, and I was also told that Ambassador Sondland was going to reach directly to the chief of staff to schedule this meeting.

Q And was the meeting ultimately --

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A Yes.

Q -- scheduled?

A It was, for the 23rd.

Q Did your process to schedule it go through?

A It did not.

Q So how was the meeting ultimately scheduled?

A It was scheduled through their chief of staff's office.

Q Via Ambassador Sondland?

A Correct.

Q And who attended that meeting, to your knowledge?

A So it would have been -- I did not attend. It was attended by Secretary Perry; Kurt Volker, Ambassador Volker; Ambassador Sondland; Deputy National Security Advisor Dr. Charlie Kupperman represented the National Security Council; and I believe that Senator Johnson also attended that meeting.

Q So that was effectively everybody who went to the inauguration except for you?

A Correct.

Q Right?

And do you know why you were not included in that meeting?

A Dr. Hill told me that there was personal risk with me attending that meeting.

Q Did you ask her what that meant?

A I did. She explained that there was -- first of all, I'm a director of the National Security Council, so, you know, if there's

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a more senior person that can go to the meeting, that's fine. But I was told that there was a gentleman that was providing information, representing himself as director for Ukraine, and that I would be confused with this person.

Q Providing information to whom?

A That I don't know, but to folks in the White House.

Q And who is this person?

A It's a senior director on the National Security Council.

She identified him as Kash Patel.

Q And did Kash Patel have anything to do with the Ukraine portfolio?

A He did not.

Q Did you learn anything else about what his involvement was in the Ukraine portfolio?

A I did not. I didn't really inquire. I just went about my business.

Q So, just to be clear, Dr. Hill explained that you might be confused for him?

A Yes. I don't understand the entire mechanics of this. All I know is that she said that there was somebody representing himself as the Ukraine director, and since I'm not the individual providing information directly to the White House, it would be -- there's risk in me going to the Oval Office. And I believe she came to this decision in conversation with Ambassador Bolton. She told me that she had discussed it with Ambassador Bolton. They thought that it was best

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I don't go.

Q And, just to be clear, other than the President of the United States, everybody else at that meeting knew that you're the director for Ukraine for the National Security Council, right?

A Yes. I, frankly, don't know who from the Chief of Staff's Office or who else was there outside of the Presidential delegation, so I doubt people in the exterior Oval would know who I am. But the people who were on the Presidential delegation, members of the National Security Council would know that, yes.

Q Was it your understanding that this confusion would rest with the President?

MR. VOLKOV: If you know.

LT. COL. VINDMAN: I mean, I guess, I don't know -- to the best of my knowledge, she just said that there was risk, and there was confusion because somebody was misrepresenting himself or representing himself as a Ukraine director, and there was risk involved, and I shouldn't go, and that was sufficient for me.

BY MR. GOLDMAN:

Q Did you ever come across Kash Patel again related to Ukraine matters?

A I know who he is. I know he's on staff. I've, frankly, not had any interactions with him, so it's not a conversation -- I don't recall any time I've actually had a conversation with him.

Q And did he -- he had nothing to do with Ukraine prior to that meeting, right, as far as you knew?

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A The only time I've heard his name come up in the context of Ukraine was just what Dr. Hill relayed to me in relation to this Presidential delegation debrief.

Q Did you get a readout of that May 23rd meeting?

A I did.

Q From whom?

A It went through from Dr. Kupperman, who represented the National Security Council, to my deputy senior director, John Erath. Dr. Hill was on travel at that point.

MR. SWALWELL: Can you spell that last name?

LT. COL. VINDMAN: E-r-a-t-h.

MR. SWALWELL: Thanks.

LT. COL. VINDMAN: And he had a conversation with Dr. Kupperman, who relayed to him basically how the meeting went.

BY MR. GOLDMAN:

Q Did Dr. Kupperman put that readout in writing, or was it an oral readout?

A I think it was an oral readout.

Q So what did Mr. Erath say to you about what occurred at that meeting?

A Counselor, I just would want to make sure it's clear that this is like Kupperman talking to Erath talking to me. So there's a couple steps in there, and it's, you know -- I'm just --

Q Don't worry about that. All we're interested in is what your understanding was as the policy director --

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A Sure.

Q -- for Ukraine coming out of a meeting related to Ukraine in the Oval Office.

A Okay. So the meeting didn't go superbly well. The President voiced deep skepticism on Ukraine and its ability to end corruption, that it was a corrupt state, and that they are not friendly towards him. The Ukrainians are not friendly towards President Trump and his administration -- this is what was recounted to me -- and that there was a serious reluctance to engage with the Ukrainians.

I also was told that the concerted efforts of the individuals that had a very positive view of President Zelensky and his team were able to influence the President to give the Ukrainians a chance, and that the leadership that was there was given kind of the mandate to make something happen within the next 90 days with a focal point on energy. And Secretary Perry basically got the marching orders to, you know, show some successes.

Q In the readout that you got thirdhand, was there any mention of Rudy Giuliani in this meeting?

A I don't believe so, not that I recall.

Q So, following this meeting, who took the lead on Ukraine policy for the U.S.?

A Following the meeting I think that Ambassador Sondland -- Kurt Volker was already heavily involved in managing the Ukraine -- helping the Ukrainians navigate their negotiations with the Russians, so, I mean, he had a consistent role, and Secretary Perry

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to make something happen in the energy sphere.

Q You testified earlier that you had some conversations with Kurt Volker about engaging with Rudy Giuliani. Do you recall that?

A I do.

Q Do you recall when the first conversation that you had with Ambassador Volker about Rudy Giuliani was?

A I don't. I think there were probably maybe two conversations at most, and I have the impression that they were later in the summer. I work with Ambassador Volker on a pretty regular basis in his role as the special representative for Ukraine negotiations, so it would not be atypical for me to see him certainly over the course of the summer, you know, some probably less than half a dozen times, but a sufficient amount of times.

Q Were you aware of whether anyone who was at that May 23rd meeting from the Presidential delegation had a conversation after that meeting with Rudy Giuliani about Ukraine?

A So I learned at some point that there was -- later in the summer that Ambassador Volker had some contact with Mr. Giuliani. My best recollection is, before he had actually engaged Mr. Giuliani, I vaguely recall a conversation in which I suggested that that's probably not a good idea, and it's possible that Dr. Hill said the same thing, but --

Q What did he say in response to that?

A I don't think he said anything. And then --

Q You don't recall when that conversation was more

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specifically?

A I don't.

Q But it was before he --

A It would have been --

Q -- before he reached out to Rudy Giuliani, whenever that was?

A Yes, it would have been before because, you know, certainly at some point it became known that he had contact with Mr. Giuliani.

Q Okay. And then, on May 29th, do you recall that there was a letter sent to President Zelensky from President Trump?

A Yes, I do.

Q What do you know about that letter and what went into sending it?

A So I think all the President's correspondence is confidential. Because it went to the Ukrainians, it wasn't classified, but it's still confidential and privileged. Is it okay if I talk about that?

Q Sorry, about what went into sending that letter?

A Well, I mean, I guess, if we're talking about the letter and any content in it, it's a privileged Presidential communication.

Q The letter is public.

A Oh, is the letter out now?

Q Yeah.

A Okay. I wasn't aware of that. All right. Sorry.

Okay. So I drafted the letter. I actually drafted it sometime the week of the 21st of -- the week prior to the 21st of May. And the

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idea would be that, you know, the head of the Presidential delegation would provide this letter to the President of Ukraine in lieu of the fact that the President is not there, and it was a very positive letter.

Q And what was the reaction to it from the President?

A Okay. So the President didn't sign the letter. It was submitted with sufficient time to get it through the process and actually have it available for the Presidential delegation to move with it. Even though it was a compressed timeline, it was there. My understanding is that it was with staff sec at the White House.

Q That's staff secretary?

A Staff secretary at the White House. And no action was taken on it until sometime after this debrief on April -- I'm sorry, on May 23rd. And then my understanding is that it was -- as part of the process of convincing the President it was worth engaging with the Ukrainians, he had signed the letter with the addition of a line at the end that offered an invitation to meet at the White House.

Q And did you have any conversations with Ukrainians about that letter following the letter up through July until the call?

A So, of course, in terms of my coordination role, I would let them know that there's a letter coming from -- the Ukrainians have the letter. It was from our President to the Ukrainian President. So I let them know that there's a letter coming.

And then, frankly, the way we did it -- we chose to do it was to empower Ambassador Taylor and give him some credibility by having him deliver the original hard copy to President Zelensky in their first

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meeting. So that's why I think it went out, you know. We may have even had it available a couple days before, but it went with him so he could travel with it and deliver it.

Q Let me rephrase the question to be a little more clear. So, from the date the letter was sent at the end of May until July 25, when you spoke to your Ukrainian counterparts in any way, how frequently did they raise the issue or idea of a White House meeting that was referenced in that letter?

A Every meeting.

Q And you said earlier today that that July 10th meeting was the first time that you were aware of a U.S. official conditioning that White House meeting on the investigations when Ambassador Sondland mentioned that. Is that right?

A That is correct.

Q So you had no conversations with Volker or Sondland or Kent or anyone in June, or Taylor or Dr. Hill, about any concerns that Mr. Giuliani's narratives, as you call them, were seeping into U.S. official representatives?

A So, Counselor, I did have concerns about the narrative seeping into the Ukrainians. I think the way I'd characterize it is, the first time I heard anybody articulate this scenario in which the Ukrainians would have to deliver an investigation in order to get a White House meeting, that became clear during the July 10th meeting. But before that, there was certainly concerns about, you know, Mr. Giuliani and the narrative that he was --

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Q So the conditionality wasn't clear until July 10th, but were you aware prior to July 10 that the Ukrainians were feeling pressure to initiate these investigations?

A Only from press reporting in that this was part of what Mr. Giuliani was saying publicly. You know, he was definitely calling for investigations and looking for the Ukrainians to be cooperative in providing the investigations.

Q And did you understand that at that point that President Trump's views on Ukraine were informed by Mr. Giuliani's at all?

[Discussion off the record.]

LT. COL. VINDMAN: Yeah. I don't know what the President was thinking. I know that he had a negative view of Ukraine, and I don't exactly know why.

BY MR. GOLDMAN:

Q Let me rephrase it. You obviously don't know, but did you hear anything from either Ambassador Bolton or Dr. Hill or Dr. Kupperman or any of the other interagency folks that you talked to about whether President Trump shared Mr. Giuliani's views?

A Yes, I think so.

Q Okay. And what was the upshot of that?

A So, I guess, even in the earlier March timeframe, when there were negative narratives emerging prior to, you know, the explicit involvement of Mr. Giuliani, the President was seeing some of the negative press and reacting to it.

I remember looking at, you know, tweets and things of that nature

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in which him or his family members said something negative about Ambassador Yovanovitch. So I was aware of the fact that this other narrative was reverberating through, you know, senior leadership at the White House.

Q I'm going to move to the security assistance issue now. And when was the first time that you became aware that there was a hold placed on security assistance for Ukraine?

A Certainly by about July 3rd. It's possible I had some earlier indications in late June as the departments would alert me to the fact that they were getting queries from the Office of Budget and Management, you know, asking questions that, in their view, you know, were abnormal or something of that nature. But by July 3rd, that's when I was concretely made aware of the fact that there was a hold placed by OMB.

Q What were the abnormal questions that you can recall?

A Something along the lines -- and, you know, some of this is, through hindsight, it becomes clearer, but at the time, there were questions about how much funding the Ukrainian Government was receiving, what kind of funding.

Initially, it seemed like the hold might just apply to foreign military financing, the \$115 million coming from State, and that it looked like the security assistance from -- the Ukraine security assistance initiative funding from DOD was going to be allowed to move forward, and then, ultimately, all security assistance was put on hold.

Q What happened on July 3rd that solidified this for you?

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A As I recall, I received a notice from State Department that their foreign military financing congressional notification was being held by OMB.

Q So explain what that means.

A So, as part of the process -- and I'm not a budget guy, but as part of the process, in order to obligate the funds, the departments and agencies have to clear congressional notification through the interagency, which I have a role in facilitating that potentially, and then, once it's cleared, that congressional notification moves through a process to the appropriate bodies within the Congress. And I was made aware that OMB had held up this congressional notification.

Q And did you understand why?

A I did not initially.

Q At that time, you did not understand why?

A Yes.

Q Did the State Department understand why?

A Yeah, I'm not sure I know. I don't think there was much clarity as to why it was being held up. And the reason I say that is because all of the work that we had done to that point was about expanding cooperation with Ukraine, ensuring that, you know, we were actually backing the new administration, providing adequate support.

We saw it as seizing the opportunity to work with a willing partner in the form of President Zelensky and his team and locking in the Euro-Atlantic orientation of Ukraine. So the consensus up until that point from the policy community was that we need to do more; we need

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to be more supportive; we need to make sure that their position is strengthened.

Q So the consensus of the entire interagency on Ukraine was that -- and, obviously, Congress, which passed the law -- was that the security assistance was a positive thing for U.S.-Ukraine relations?

A Sure. So I guess, to be a little bit clearer, we had gone through an interagency process to develop a plan to seize the opportunity of working with a Ukrainian Government. And the pillars of that plan were security cooperation, energy cooperation, and economic cooperation were the areas that we chose to focus. So, in going through this process, we firmly said that we need to do more in the security cooperation sphere, which included this whole military assistance piece.

Q Right. So military assistance was also -- military assistance for Ukraine was also part of official U.S. policy?

A Yes.

Q After July 3rd and -- between July 3rd and July 18th, what did you do related to security assistance, and what did you learn?

A So I think, over the course of that period, there was a short July 4th break or so that accounted for a couple days, but basically we were trying to get to the bottom of why this hold was in place, why OMB was applying this hold.

There were multiple memos that were transmitted from my directorate to Ambassador Bolton on, you know, keeping him abreast of this particular development. And I'm not sure of what actions he may

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have taken at his level, but we were keeping him informed about, you know, why this is important, what the costs were, and so forth. And there were probably quite a few memos that went forward in that regard and various notes.

Q Did you come to learn why -- during that period of time why the hold had been placed?

A So where it became quite apparent is in my sub-policy coordinating committee meeting on the 18th. I think I, frankly, probably had some idea before that because of my contacts, interactions throughout the interagency. So I probably had some sense, but it became crystal clear when OMB staffers reported that the hold came from the Chief of Staff's Office.

Q And was there a reason given at your --

A Yeah.

Q -- sub-PCC meeting on July 18?

A So initially it was unclear. Eventually it became the -- what I was told is to ensure that the assistance aligned with administration priorities was what was the reason.

Q What does that mean?

A I'm not sure, but that's what was communicated, to make sure that the assistance continues to align with the administration priorities.

Q Okay. But just to be clear, it was certainly an interagency priority for Ukraine policy to provide this security and military assistance, right?

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A Yes. And in this meeting on the 18th, there was absolute consensus from everybody present that we need to move forward, we need to figure out how to, I guess, you know, continue developing this topic through the interagency process. I did it at my level, elevating it to the PCC level, elevating it to inform policymakers of why this is important. That's what we did.

I mean, you know, if there is a direction, and there is, you know -- if there is a direction that we receive from higher, we'll implement it. But in this case, we had a consensus view that seek to inform that this was not the consensus view of the community and elevate that to the proper channels to inform leadership to potentially change that view or inform that view in a different direction.

Q So, following your sub-PCC meeting on the 18th, was there a PCC meeting on this topic?

A There was.

Q Did you attend that?

A Yes, I did.

Q And what occurred at that meeting?

A Same consensus view with, again, you know, OMB identifying that there was a hold in place.

Q And what was the do-out from that PCC meeting?

A It was agreed that the matter would be elevated to deputies, the deputies from all the departments and agencies, as quickly as possible to recommend a release of security assistance.

MR. SWALWELL: Mr. Goldman, can you -- I may not have heard. Can

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you remind me what PCC stands for?

LT. COL. VINDMAN: Policy Coordinating Committee.

MR. SWALWELL: Thanks.

LT. COL. VINDMAN: So I hold at my level sub-PCCs, Deputy Assistant Secretary level. PCCs are my boss, senior director with Assistant Secretaries. DCs are with the deputy of the National Security Council with his deputy counterparts within the interagency.

MR. SWALWELL: Thank you.

BY MR. GOLDMAN:

Q Going back to the July 18th meeting, your sub-PCC meeting, who announced that there was this hold on the Ukraine security assistance?

A I'm sorry. Which one?

Q July 18th, the one you ran.

A July 18. So staffers, my counterparts within OMB.

Q And do you recall who that was?

A Yes. There was -- ██████████ attended the meeting for OMB, ██████████. Frankly, another counterpart that I worked with on a regular basis, but I don't know if he -- I can't recall explicitly if he was there, but he was involved in the process, was a gentleman named ██████████.

I think there were a couple of other folks, but, frankly, you know, I don't know if I paid -- I spoke to my counterparts and maybe didn't pay attention to all the representation that was in OMB. I think there was probably one more person at least though.

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Q So, moving ahead, do you recall when the deputies committee meeting was?

A On the 26th of July.

Q Did you attend that?

A Yes.

Q And what occurred there?

A It was unanimous consensus on the approach that we had laid out in expanding engagement, the areas of cooperation that we wanted to focus on, and that this should be elevated to a PC as quickly as possible to release the hold on security assistance because we're talking about the end of July, and time these funds were set to expire September 30th, so there was an urgency to it.

Q And just so everyone understands, which agencies are represented at these either deputies committee meetings or the PCC meetings?

A The entire interagency.

Q Entire interagency.

A So, you know, the principal actors would be State Department, Defense, the Intelligence Communities, Treasury. The entire interagency is represented.

Q And it was unanimous consensus that the security assistance should be provided to Ukraine?

A Yes.

Q At either the PCC meeting or any of these three meetings you discussed, did anyone raise the concerns about the legality of the hold?

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A The matter was raised at various levels, all the way from the sub-PCC to the PCC and even at the deputy small group, on the 26th.

Q And what do you recall about that?

A So I'm not a legal expert, but there was a sufficient amount of -- a significant amount of work done to determine whether it was legal for OMB to be able to place this hold.

Q And was there a general view expressed?

A I think at the -- so my recollection in the sub-PCC was that the matter was raised; at the PCC, it was tasked for further development; and I think by the time it got to our DSG it was determined that, you know, there was a legal basis to hold.

Q So the DC meeting was on the 26th, and it was decided at that meeting -- was it decided at that meeting that there needs to be a principals meeting on this?

A That was what was recommended.

Q Do you know whether there was a further meeting on this though at the PCC level?

A At PC, there was not.

Q PCC.

A Oh, so there was a PCC on the 31st of July that covered some ground, including, you know, the departments and agencies indicating the urgency to release the security assistance funds, but there were also other topics that are not covered by this.

Q Just focusing on the security assistance, what was expressed about the urgency?

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A That the lack of security assistance would significantly undermine the message of support for Ukraine if it became -- if it was revealed, and that this would also signal to the Russians that they could potentially be more aggressive. Those were the views that were expressed by various members.

Q Colonel Vindman, did there come a time when you were involved in presenting this issue to the President and other principals?

A So I'm sorry. Could you be more specific?

Q Did there come a time after July 31st when you were involved in a process of trying to tee this issue up for the President and other principals?

A So, after I came back from vacation on the 12th, I was instructed, I think, probably on the 13th or 14th, to draft a Presidential decision memo for Ambassador Bolton to be able to take along with his principal counterparts to the President for a decision.

Q And what's a Presidential decision memo?

A It is a memo that lays out -- it ends with a recommendation, but it also has a discussion about why this is -- and I remember this one being relatively cursory, but it basically laid out the case of why we should be doing this.

It had the -- as one of the documents included, it had the consensus views from the entire deputies small group with their recommendations, and then it recommended that the security assistance be released.

Q And did Ambassador Bolton present this to the President, to

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your knowledge?

A So my understanding, the readout that I received is that, ultimately, it was presented to the President.

Q Do you know when?

A I believe there was travel, and it was when the President was outside of the White House and the principals, Ambassador Bolton, I want to say, the Secretary of Defense, and the Secretary of State were meeting with the President.

Q Where?

A I don't recall, but I believe it was not at the White House. There was some travel involved.

Q Do you know what the date was -- well, do you know the date of the memo?

A So the memo was produced on the 15th of August.

Q And do you know when the date of this meeting was?

A If somebody had a calendar, I think it was that Friday or the adjacent Friday to the 15th. So that might have been -- actually, I produced it on Thursday. If the 15th, if I recall correctly, was a Thursday, then Friday is when I was supposed to go to the President.

Q Okay. And who provided you a readout of the discussion with the President on the Presidential decision memo?

A I don't recall definitively, but I think, you know, because we kept having questions -- did the memo get presented? What was the readout? -- I believe, to the best of my recollection, it may have been John Erath that had some information as my senior -- that, in

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communication with the front office, he received this information.

Q Did you speak to Ambassador Bolton personally about this?

A I did not.

Q Okay. And what did you learn that occurred at the meeting between the President, and Ambassador Bolton, Secretary of State Pompeo, and Secretary of Defense Esper related to the Presidential decision memo that you drafted?

A So, frankly, there were some conflicting reports. At least one report suggested that the topic never came up, but another report suggested that it did come up and, you know, no decision was taken.

Q And what does that mean?

A That means that, amongst the various issues that were discussed, this was also raised, this issue of security assistance was also raised, and, I mean, the President didn't act on the recommendation.

Q And what was the recommendation?

A To release security assistance funding to Ukraine.

Q Okay. Now, at some point, did you come to understand that the security assistance to Ukraine was also conditioned on Ukraine initiating the investigations into the Bidens and the 2016 election?

A At the time, I did not believe -- I knew that the Ukrainians weren't really aware until sometime in the middle August timeframe, so, I guess, I didn't draw that conclusion at the time.

Q At the time of the Presidential decision memo?

A Yes.

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Q How about at a later time, did you come to understand that?

A Once the news broke of the security assistance funding, later in the August timeframe, that's when it seemed clear that it was also a point of pressure to -- you know, so -- this is my own personal assessment, so I don't really -- I can't speak definitively.

I guess, what I could relay is, once the news broke of security assistance funding being on hold, I started getting, you know, quite a few queries from the Ukrainians about this topic, security assistance -- about this topic, and they asked me, you know, is this true, what do we need to do, type of thing. So my impression is that they were under pressure.

Q And what did you respond to the Ukrainians?

A I don't recall, but I do recall that in an effort to preserve relationships, I think I said that there was a review ongoing, which was what we were -- you know, the talking point that we had, and that, you know, there's still time to be able to obligate the funds. It's a review. There's an ongoing review. I think that's what I recall saying.

Q Did you ever learn whether there was a reason provided why the President didn't sign off on releasing the aid at that meeting with the principals?

A No.

Q And you said earlier today, I believe, that you were aware of the Politico article but that you understood that there was -- that the Ukrainians knew before that Politico article came out. What was

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the basis for your understanding that?

A So there were what I would describe as light queries about anything -- you know, have I heard anything about security assistance being on hold, things of that nature, based on, again, you know, early reports, early leaks of security assistance being on hold. But I don't think it was substantive until after the news broke right around the time of the Warsaw summit when there was --

Q So there were some questions about it --

A Yeah.

Q -- but nothing definitive?

A Right.

Q And then one last question, you said that the talking point you got was that there was a review going on.

A Uh-huh.

Q Was that accurate? Were you aware of any review at all?

A The only review that I was aware of, as the director for Ukraine, was the review process that I had launched to inform the policymaking authorities that this was essential. That's the only review that I'm aware of, but there could very well have potentially been other reviews.

MR. GOLDMAN: All right. I believe our time is up. We'll yield to the minority.

MR. CASTOR: Mr. Stewart, I believe, had a question.

MR. STEWART: Thank you.

THE CHAIRMAN: I would suggest we have a break after the minority,

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but if you need a break now --

LT. COL. VINDMAN: I'm okay, Chairman.

THE CHAIRMAN: Okay. Forty-five minutes to the minority.

MR. STEWART: If you keep chugging that water there, you're going to need a break.

MR. VOLKOV: No, he has got his twin ready to come in, so --

MR. STEWART: Colonel, thanks for your service. As an Air Force guy, I know the Army guys are down in the trenches doing the hard work. So thank you for doing that.

I have a couple questions, and it won't take long, and these aren't gotcha questions at all. I'm just trying to understand your thinking and getting some insight into what was in your mind, what's in your mind now.

You say a couple things that I think are interesting in your opening statement, and we've talked about them a little bit. I want to dive into it a little further if we could. One of them is you talk about outside influencers. And when questioned on that, you described, I think, The Hill reporting.

LT. COL. VINDMAN: That was probably the earliest one, yes, Congressman.

MR. STEWART: Okay. And then I kind of lost you after that. Would you elaborate on what you mean by "outside influencers"?

LT. COL. VINDMAN: So when this became -- when this came on my radar was in the March timeframe when Hill -- when a reporter named Solomon wrote about this and started to identify sourcing --

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MR. STEWART: And I want to make this easier for you. I'm not asking for specifics. I'm just wondering, in general, are you talking about media?

LT. COL. VINDMAN: Yes, correct.

MR. STEWART: Okay. Anything else other than media?

LT. COL. VINDMAN: I can't recall any media or anything beyond media until it actually resulted in Ambassador Yovanovitch being recalled, and that would have been in the April timeframe, and, you know, the discussions that we had around why this was occurring.

MR. STEWART: So, when you say, "In the spring of 2019, I became aware of outside influencers," you're talking only about media?

LT. COL. VINDMAN: In the spring of 2019, so, initially, it was just in the form of media. But then, later on, it became, you know, again, when the Ambassador was recalled, that brought it into the policy process, and then there were some discussions on, you know, was the basis of these claims against Ambassador Yovanovitch, and I undertook the due diligence to understand the issues, the accusations that Mr. Lutsenko was making.

MR. STEWART: Okay. But, again, and I'm just trying to understand what you're saying. You're talking about media, but now you're saying it's the media and what else that would be outside influencers?

LT. COL. VINDMAN: So the outside influencers -- well, I guess, the outside influencers were, once Ambassador Yovanovitch was -- her name came up, I specifically recall tweets from government officials

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and --

MR. STEWART: Such as who? That's what I'm trying to get to, is who you consider to be outside influencers.

LT. COL. VINDMAN: Sorry, Congressman. This is just a very uncomfortable topic for me. I remember a tweet from the President's son that was very critical about Ambassador Yovanovitch, and that ended up getting quite a bit of traction.

MR. STEWART: So, by "outside," you mean anyone outside of USG?

LT. COL. VINDMAN: Maybe I didn't -- I don't quite understand.

MR. STEWART: By "outside," then you said Mr. Trump's son?

LT. COL. VINDMAN: Yes, these were outside of the U.S. Government, correct.

MR. STEWART: So anyone outside of the U.S. Government is an outside influencer then?

LT. COL. VINDMAN: And that's the way I have it, yes.

MR. STEWART: And I'm asking, is that what you mean to say?

LT. COL. VINDMAN: Yes. Correct. Correct. I understand now.

MR. STEWART: Okay. So you don't have a problem with outside influencers?

LT. COL. VINDMAN: I don't necessarily -- I guess, I don't have an outside -- all I'm doing is identifying when we had these -- it became apparent that there were less necessarily outside, because initially it started off with media, and then it became quasi-outside because it was -- then you had the Giuliani connection; the President's son was tweeting about this. So these are not irrelevant players

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anymore. It's not just a Hill reporter that's talking about it or Ukrainians. Ukrainians certainly would fall into that outside influencer category.

MR. STEWART: Because I think it would be hard to argue the President's son is outside. I mean, he's pretty involved here. And I'm just trying to understand, again, your frame of mind, because your frame of mind is important to me here to understand your motives and what drives you and what concerned you.

LT. COL. VINDMAN: Yes, Congressman.

MR. STEWART: And I'm not going to bore down on this forever, but I do want to understand it because I don't understand it yet. To you, outside influencers is anyone outside U.S. Government. And I'm asking, do you have a problem with someone outside the U.S. Government trying to influence the U.S. policy or decisionmaking?

LT. COL. VINDMAN: I don't think so, but the key element of influencer is that it has the effect of influencing.

MR. STEWART: Yeah.

LT. COL. VINDMAN: So, if it's, you know, an irrelevant party, you know, that doesn't carry any weight, then it's meaningless. But --

MR. STEWART: Who would be an example of an irrelevant party trying to influence --

LT. COL. VINDMAN: So, initially, if The Hill story didn't go anywhere, Mr. Solomon's Hill story didn't go anywhere, that would probably be not all that relevant.

MR. STEWART: So you maybe have some sympathy for those who are

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concerned about fake news. Would that be fair?

LT. COL. VINDMAN: I'm aware of the methodology employed by other powers to launch information operations to achieve a desired outcome.

MR. STEWART: Okay. And when you talk about false narrative, it concerns me as well, because I think there is opinion and there is fact. And I'll be honest with you, Colonel, I think you've stated some things as fact that I view as your opinion.

And you may have an opinion, and it may be an informed opinion, but it can't be stated categorically that you know this to be true and that every other option is untrue. And I'm concerned that you maybe have indicated that, and I'll allow you to correct me if you think I'm wrong.

LT. COL. VINDMAN: So --

MR. VOLKOV: Wait --

MR. STEWART: When you talk about, for example, that it was illegitimate to want to continue to investigate corruption, and you said that case had been closed or you were unaware of any legitimate concerns of corruption, that seems to me to be your opinion, and yet, you stated it as a false narrative as if it's either true or false, and you are telling us that it's false.

LT. COL. VINDMAN: So I think, in this case, as I mentioned, I attempted to do due diligence. Some of these items emerged before my time on the National Security Council. So I consulted with people that actually I considered to be authoritative to determine whether, you know, these narratives were truly false or if there was some underlying,

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you know, kernels of truth. And in describing it as a false narrative, I identified that there actually wasn't anything credible.

MR. STEWART: In your opinion, or are you stating categorically it is absolutely unequivocal that this is false?

LT. COL. VINDMAN: So, Congressman, I guess, I'm the director for Ukraine. I offer my judgments to my senior leadership.

MR. STEWART: Right.

LT. COL. VINDMAN: And my senior leadership view my judgments most the time as authoritative.

MR. STEWART: Okay. And I understand they're authoritative, and I've said to you these are informed opinions.

LT. COL. VINDMAN: I was just going to point out, and the way I develop these -- my own judgments and assessments is I take the consensus view; I coordinate the interagency to develop those views. So I consulted with -- if it's a gap, I don't really understand it, I will consult with the right people to determine, you know, what the facts are and then offer that as the kind of coordinated policy.

And in this case, in my due diligence to understand these matters, I made a conclusion that these were false narratives.

MR. STEWART: Okay. So I'm going to ask you one more time. Then I'm going to move on. Are you stating categorically here that you know for a fact and there is no other possible opinion that's viable on this that there was no reason to investigate Ukraine conspiracy or corruption because you have determined unequivocally that that is an illegitimate form of inquiry?

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LT. COL. VINDMAN: I don't think -- frankly, I cannot be that definitive.

MR. STEWART: Okay. Thank you.

LT. COL. VINDMAN: I cannot be that definitive because I also understand that there are multiple layers and that we're dealing with an imperfect state that's in transition, a country that has now made some significant commitments in the form of Ukraine to move forward.

I'm also aware of the fact that there are multiple agendas. Certainly, you know, I educated myself on some of these narratives about the 2016 interference and understand some of the players involved and that there could very well have been, you know, elements that were trying to advance their agenda. So it would be folly to try to be definitive.

MR. STEWART: Well --

LT. COL. VINDMAN: But to the best of my knowledge, I guess, I still stick to the fact that I think it was a false narrative.

MR. STEWART: Okay. And I appreciate that. And as someone who listens to counsel and advisers all the time, I've got to tell you, if someone came in and said, unequivocally, this is true or not, you know, I would be very skeptical of that on something as ambiguous as what we're talking about here.

If I could go on just very quickly, your July 25 phone call as well, there's just one point I think is fair to point out. And, you know, stating your words, you were concerned by the call: I did not think it was proper.

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And you said -- I think there were -- in the Situation Room, I think you said there were five or six other individuals with you on that call with you in that room? Is that true?

LT. COL. VINDMAN: I think I said five, if I recall properly.

MR. STEWART: Five. And I'm going to limit my questioning to just those five. I'm assuming that you knew them. You named them. You were able to recall and list their names. These are people you work with?

LT. COL. VINDMAN: Correct. Yes.

MR. STEWART: Would you say that you -- is there any reason at all that you would question the integrity of these other individuals in the room?

LT. COL. VINDMAN: No. Frankly, Congressman, I go back to my statement. My colleagues are all of them exceptional, and I value their opinion. And I'm not in any way questioning, you know, their competence or their intentions or anything of that nature.

MR. STEWART: No reason to question their integrity or their professionalism, is there? You respect them. Is that fair to say? You've said that.

LT. COL. VINDMAN: Correct.

MR. STEWART: And it's curious to me, and I really -- and I'll make my point. I mean, it's curious to me that none of them apparently shared your concerns. None of them went to the counsel. None of them took it, you know, to the level where they felt like they had to go express their concerns about it. Is that true or not true?

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MR. CICILLINE: Mr. Chairman, may I again ask the witness be reminded he does not need to accept the factual --

THE CHAIRMAN: Yeah. Many of us would dispute the --

MR. STEWART: The witness is not his counsel. He's free to answer any time he wants.

THE CHAIRMAN: But if you're asking the question --

MR. VOLKOV: Oh, I want him to answer it. I want him to answer it. I have no problem with him answering it.

MR. STEWART: There is nothing inappropriate about this question at all. I'm asking, did anyone else go to counsel --

MR. CICILLINE: But that's not what you asked. That wasn't your question.

THE CHAIRMAN: Yeah. I mean, the problem is when people represent facts that are not in fact true and ask the witness if they're aware of those facts --

MR. STEWART: Mr. Chairman, this was a perfectly legitimate question.

THE CHAIRMAN: Why don't you --

MR. STEWART: It was perfectly legitimate, and it had no intention of -- you said representing facts which are not facts. Let me ask the question. Quit interrupting us. Let me ask the questions, and let us --

MR. NUNES: Are you the inquisitor in every question, and we have to submit it to you before we ask it?

THE CHAIRMAN: Mr. Stewart, Mr. Stewart, Mr. Stewart, you

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represented that no one else had raised a concern.

MR. STEWART: I asked a question.

THE CHAIRMAN: Well, you represented it as a fact, Mr. Stewart. That's not accurate. It wasn't intentional. I will grant you, it's not intentional.

MR. NUNES: Mr. Chair --

THE CHAIRMAN: Mr. Stewart, Mr. Stewart, Mr. Stewart, you may ask your question again.

MR. STEWART: No. I'm going to ask the same stinking question, and I'm going to ask it the same way. You don't get to define the questions I ask. You don't get to define how I ask those questions.

The witness is standing there. He's got counsel. They can discuss it themselves. You're not counsel for this witness. You don't get to decide what questions we ask and how we ask them.

THE CHAIRMAN: I can point out if you are asking the witness to confirm things of prior proceedings that are not factually accurate. Mr. Stewart, you may ask the question again. I'm not accusing you of sinister motive here, but why don't you ask your question again.

MR. STEWART: I'm going to ask the same question in the same way I just asked it. Are you aware of any one of those five who went to counsel and shared their concerns or any concerns they might have had about that?

LT. COL. VINDMAN: So I would answer it in this way then: I would say, first of all, I'm the director for Ukraine. I'm responsible for Ukraine. I'm the most knowledgeable. I'm the authority for Ukraine

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for the National Security Council and the White House.

I understand all the nuances, the context and so forth surrounding these issues. I, on my judgment, went -- I expressed concerns within the chain of command, which I think to me, as a military officer, is completely appropriate. I exercise that chain of command.

MR. STEWART: I understand.

LT. COL. VINDMAN: I'm sorry, Congressman. And I also am not aware of what other actions were taken. I did not take a poll of other folks in the room, nor did I try to figure out who else may have been in the orbit that listened to it and what actions they took. I could only speak for myself and my actions.

MR. STEWART: So let me ask the question again. Are you aware of any one of those five who went and expressed any concern to counsel about this phone call?

MR. VOLKOV: Okay. And I'm going to object here. I mean, he's already answered it.

MR. STEWART: No, he didn't answer that.

MR. VOLKOV: He said he knows he went -- he doesn't know what anybody else in the universe --

MR. STEWART: That's right. He doesn't know if they did or didn't. I'm asking, can he affirm that --

MR. VOLKOV: And what I'm saying to you is, I'm not going to sit here and listen to asked and answered, pound, pound, pound, pound, pound. It makes no sense, you guys.

MR. STEWART: Okay. I'm going to ask the question one more time.

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MR. VOLKOV: And I'm going to object to it, and I'm going to ask the chair to sustain the objection.

MR. STEWART: Are you aware of anyone else who went to counsel --

MR. VOLKOV: He's already answered the question.

MR. STEWART: Okay. I'm going to say the answer is no then.

THE CHAIRMAN: Colonel, you have answered the question already.

MR. STEWART: Okay. So I will conclude now.

THE CHAIRMAN: It is up to you whether you want to answer it again, but I leave it to you.

LT. COL. VINDMAN: It's in the record. I'll just say that I can only speak --

MR. STEWART: It's a yes-or-no question. Are you aware of anyone --

MR. VOLKOV: Excuse me, can the witness be allowed to answer the question?

THE CHAIRMAN: Please allow the witness to answer the question.

LT. COL. VINDMAN: It's not a yes-or-no question, Congressman. It's a question on whether I'm aware of other people. The answer is I am not aware, but I also do not know if other people took a similar action.

MR. STEWART: Okay. That's fair. But what I was trying to get was are you aware of anyone, and you just said no. Thank you.

These are people that you respect.

MR. VOLKOV: Is that a question or not?

MS. STEFANIK: It's our time.

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MR. STEWART: Excuse me.

MR. VOLKOV: Excuse me. I'm sorry. It's got to be in the form of a question. If you want to make a speech, we can do that some other time.

MS. STEFANIK: It's our time. We control the time.

MR. STEWART: Excuse me. Excuse me, this is our time, counsel.

MR. VOLKOV: Ask a question.

MR. STEWART: I will do what I want with my time, and I will set up the question how I choose to set up the question.

MR. VOLKOV: That's fine.

MR. STEWART: You don't need to come in here and lecture us on how I will ask my questions.

MR. VOLKOV: I'm going to represent my client.

MR. STEWART: Represent your client.

MR. VOLKOV: And you're not just going to run over my client. I'm sorry.

MR. STEWART: Then talk to you client and say -- you're free to talk to your client and say: Don't answer that question.

What you're not free to do is to tell me how I can phrase a question to your client. If you don't like that question, advise him not to answer.

MR. VOLKOV: I'm going to object because it's not properly phrased.

MR. STEWART: Then go ahead and object. And by the way, Mr. Chairman, this should not be counted against our time.

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Okay. You have said that these were people that you respected. You have said that there's no reason to think that they were unethical or unprofessional in any way. Do you have a possible explanation for why they didn't go to counsel and share those concerns?

LT. COL. VINDMAN: I don't know that.

MR. VOLKOV: I'm going to object.

THE CHAIRMAN: Again, this is assuming facts that the witness has said he is not aware of whether or who might else --

MR. STEWART: He said he didn't think they did.

MR. VOLKOV: We're not going to get into speculation, and I'm going to advise him --

MR. STEWART: -- yes, he did say that.

MR. VOLKOV: If you want a metaphysical answer, Mr. Chairman, we'll try to do our best.

MR. STEWART: Mr. Chairman?

THE CHAIRMAN: Mr. Stewart, why don't you try asking the question again?

MR. STEWART: Mr. Chairman, I would like you to remind your members that this is our time and that we are asking the questions. You're free to respond if you want, but you should do it in a more respectful way. And if we laughed at you --

MRS. DEMINGS: You mention respect. Why don't you try showing some to this witness who is here today?

MR. STEWART: Colonel, do you feel I've been disrespectful to you?

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MR. VOLKOV: I'm going to intervene. Look, if you guys want to have your spat, we'll step out, okay, and you can spat it out.

MR. STEWART: Okay. I think I made my point. Unfortunately, it took much longer than I hoped it would. And that is this, that these other individuals on the phone call did not share the same concern.

I yield back to --

MR. VOLKOV: Is that a question or a statement?

MR. STEWART: That's a statement. I'll yield back to our counsel.

MR. VOLKOV: Okay. We're not answering that.

MR. JORDAN: Steve Castor.

MR. STEWART: Devin, did you want to say something?

MR. NUNES: No. Steve is going.

BY MR. CASTOR:

Q What do you know about Zlochevsky, the oligarch that controls Burisma?

A I frankly don't know a huge amount.

Q Are you aware that he's a former Minister of Ecology?

A I'm not.

Q Are you aware of any of the investigations the company has been involved with over the last several years?

A I am aware that Burisma does have questionable business dealings. That's part of its track record, yes.

Q Okay. And what questionable business dealings are you aware of?

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A I think that's more of kind of a generalization. I'm just aware that it had questionable business dealings, and they were known for that fact.

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[3:50 p.m.]

BY MR. CASTOR:

Q Okay. Do you know if they've been involved in misappropriation of energy licenses?

A I don't know. I don't think I could say that. But I think the general -- the general answer is I think they have had questionable business dealings.

Q So money laundering, tax evasion, if they were subject to those investigations, that would comport with your understanding of the company?

A That would my comport with my understanding of how business is done in Ukraine.

Q Okay. In 2014, they undertook an initiative to bring in some additional folks for their board, are you aware of some of the folks they added to their board in 2014?

A The only individual I'm aware of, again, after, you know, as it's been reported in the press is Mr. Hunter Biden.

Q Okay. And did you check with any of your authoritative sources in government to learn a little bit more about these issues?

A I did not.

Q Okay. Even when the narrative started to creep in?

A I did not. I didn't think it was appropriate. He was a U.S. citizen, and I wasn't going to ask questions. Frankly, that falls into the law enforcement sphere. I was not going to go and ask about -- if there was a question about Burisma, I would -- I inquired about it and

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determined that they had a problematic history, but I did not inquire about a U.S. citizen.

Q Okay. What other inquiries did you make with authoritative sources regarding Burisma?

A I think once I drew my conclusion of the company, I moved on.

Q Okay. What exactly did you do, though, with your authoritative sources to evaluate what was going on with Burisma?

A I spoke with to my interagency colleagues that were more knowledgeable about this company and asked them for their views, they shared them, I incorporated them into my own personal assessment, and that's it.

Q Okay. So just a couple telephone calls?

A Whatever the format of exchange was, I don't recall.

Q Telephone calls, emails, that type of thing?

A Something like that, yeah.

Q Okay. If there was an allegation of wrongdoing by Burisma board directors, that would be something that the Ukrainians could look into, right?

A I think so. They're a sovereign state, they can choose to do that, yes.

Q So if there's an American that is operating in Ukraine as a businessman and they are accused of wrongdoing, the Ukrainians can investigate that?

A Americans are not immune from criminal activity just because

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they're Americans overseas. So, yes, if there's a criminal activity, they should, yeah.

Q Okay. And do you have any knowledge as to why Hunter Biden was asked to join the board?

A I do not.

Q Did you check with any of our authoritative sources whether he was a corporate governance expert or --

A Like I said, I didn't -- he's an American citizen. Certainly there is domestic political overtones. I did not think that was appropriate for me to start looking into this particular --

Q Okay.

A I drew my conclusions on Burisma and I moved on.

Q Okay. I mean, is it reasonable to say if this company is subject to corruption allegations that perhaps they would want to add to their board people that might help protect them?

A Is it reasonable to believe that? I guess so, but I'm not aware -- I just don't have -- I don't know that that's the case. I can't draw any conclusions to that regard. But is it reasonable? Yes, of course, a company would want to try to legitimize itself or something of that nature.

Q Okay. And in your discussions with our authoritative sources did you get any information that led you to believe Burisma added Biden to the board because his dad was the Vice President?

A The answer is no, but I wouldn't be surprised if they attempted to do that to, again, legitimize themselves. That seems in

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line with the way some of these companies operate.

Q Okay. And if they did do that because they wanted to protect themselves and they wanted to maybe give themselves some cover for engaging in further corruption, that would be something that would be worthwhile to investigate?

A I guess --

Q By the Ukrainians?

A Maybe what's appropriate here is that in my effort to understand this narrative as it unfolded, I also asked my authoritative sources on, you know, whether they were aware of active investigations into Burisma, that seemed to be the most material element. Was there an active investigation? And what I was told is that there was not.

Q Okay. But you would agree that if Ukrainians acting with bad intent decided to add certain folks to their board to protect themselves, to allow themselves to continue to operate in a corrupt manner, that might be something worth investigating if those facts came to light, not the board members, but the Ukrainians and the Burisma officials?

A Yeah. I think in the course of enforcing the rule of law, that's what we're encouraging the Ukrainians to do is enforce the rule of law and identify, expose, end corruption.

Q Okay. The Ambassador, the Ukrainian Ambassador to the U.S. Chaly into the 2016 time period when President Trump was then candidate Trump?

A Right.

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Q He was outspoken in opposition to candidate Trump. Is that correct?

A I'm not sure if I would characterize it that way. I guess I became aware of the fact that -- at least some reporting seems to indicate that he spoke out potentially against the President, but this preceded my service there, so again, it was just in the form of understanding the various factors. I did, I guess, see in reporting that he did -- he was critical or may have been critical.

Q Okay. Are you aware that he wrote an op-ed?

A I'm aware of that fact now, yes.

Q Okay. And in the op-ed he was critical of then candidate Trump?

A Yes, but actually I do recall this incident even though I wasn't focused on the issue. My understanding was, you know, that he was critical of a statement by the President in which, if I recall correctly, there was a proposal by candidate Trump to, I guess, turn Ukraine -- Crimea back over to -- or I guess grant -- maybe this is a better way of putting it, grant Crimea to Russia.

Q Is it unusual for a sitting U.S. Ambassador to be critical of a candidate in a major U.S. election?

A I don't know if it's unusual, I think it's ill-advised, frankly, because it's part of this whole idea of interfering in domestic matters of a foreign state. It just seems ill-advised because you don't know how the election is going to turn out, certainly, in a free and fair election. And you're undercutting your ability to be able

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to engage with that particular leader.

Q Okay. So if the President was aware of that op-ed he might feel like there's at least one element of the official Ukrainian Government that's not supportive of him?

A It seems reasonable.

Q Are you familiar with a Minister of Internal Affairs named Arsen Avakov?

A I am.

Q And what you do know about Mr. Avakov?

A He is a key power player in Ukraine. He's a survivor. He's managed to -- when other ministers -- this is a clean slate with Zelensky's government, a clean slate in terms of, you know, parliamentarians from his party, a clean state with regard to ministers, he's managed to survive because of the power that he's managed to concentrate in his control over the Ministry of the Interior and interior troops, as well as actually paramilitary forces.

Q And he's one of the unusual Ukrainian officials that was able to stay on after the Poroshenko election?

A True.

Q Are you aware of any negative comments Minister Avakov said about the President, then candidate Trump?

A I'm not aware.

Q Okay. You know, it's been on Twitter, he said some negative things, called the candidate a clown. Are you familiar with that?

A I have become aware through reporting of that, but I wasn't

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aware at the time or this kind of history, frankly.

Q I think there was a Facebook post where he used the terminology, you know, misfit, in regard to then candidate Trump. Is that something that you might also lump in the category that you said with Ambassador Chaly was ill-advised?

A I would definitely lump it into that category, yes.

Q Okay. So, you know, from President Trump's perspective, he's got a very powerful minister, a very influential minister, a very influential Ambassador, probably the most influential of all the Ambassadors in Ukraine, the one to the U.S., right?

A Right.

Q Those were two key people who were against his candidacy?

A So -- yes.

Q What do you know about the Ukrainian parliamentarian Serhiy Leshchenko?

A I know that he was a reporter -- an investigative reporter before he joined President Poroshenko's party and became a parliamentarian.

Q Are you aware of his role in revealing facts relating to the Paul Manafort matter?

A I became aware of those facts, again, as this narrative unfolded. I became aware of, I guess, how should I put this -- I don't know if I would call him authoritative, but I guess I was aware of the fact that this was in the reporting stream, that he played a role in it.

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Q That he played a role in publicizing --

A I would also say that when I inquired about Mr. Leshchenko, I received generally positive assessments of him. That he was a reformer, patriot, attempting to advance Ukrainian interests. So, I mean, these are broad characterizations, but I can't focus on every single personality, and I use these from authoritative sources to determine, you know, who are the relative factors and how they might fit into the, I guess, landscape.

Q Okay. But you're aware that Leshchenko had a role in publicizing Manafort's Ukraine dealings, right?

A Yes.

Q And as candidate Trump is progressing during 2016, that is certainly another element that might give him pause with the Ukrainian Government establishment?

A I could see that. I guess, frankly, I'm a Russia expert and, you know, what a couple of actors in Ukraine might do in order to tip the scales in one direction or another is very different -- and I'm not categorizing anything about how the outcome, I'm talking about -- I'm deeply aware of what the Russians did to interfere in U.S. elections, and we're talking about a completely different scale of interference.

Q I'm not trying to make comparisons, I'm just trying to walk through, you know, these elements that might give rise to the President of having concerns about, you know, certain elements of the Ukrainian Government?

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A Okay.

Q So you can understand that the President might rightly have these concerns?

A The reason I'm having a hard time with this questioning is, the Russians did far more interference.

Q Just separating from the Russians.

A Yeah. Yeah.

Q You know, we got Chaly, the Ambassador to the U.S., we got Avakov, we got Leshchenko.

A Okay.

Q You know, all government officials all doing outward activities to try to, you know, advocate for the defeat, at least, of then candidate Trump.

A Okay.

Q So you can understand why the President might -- the now President might have some concerns about elements of the Ukrainian Government as being against him in 2016?

A Yeah, I think it's speculation, but I think those are reasonable conclusions.

Q Okay. When you got the read-out of the 5/23 meeting from Volker, Sondland, Kupperman, what was the word communicated from the briefing party about how the President felt about Ukraine?

A He had negative views.

Q Okay. And what were those negative views about?

A He had negative views about corruption.

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Q Did he also have negative views that they were out to get him?

A I believe so, yes.

Q Okay. Are you familiar with [REDACTED], she's an Ukrainian American. She's been involved with the Democratic National Committee?

A Just from press reporting.

Q So you never met [REDACTED]?

A Not as far as I know.

Q Okay. And do you know anything about her efforts to work with the embassy to promote, you know, negative narratives about then candidate Trump?

A I guess I'm assuming that you're talking about the Ukrainian Embassy in Washington?

Q Yes.

A I don't know anything about her efforts, just what is in the press reporting.

Q Okay.

A But, you know, I think it's also appropriate to see -- some of this might go into -- I don't know if I can get into some of this. In looking into, you know, where some of these narratives emerged, it's unclear whether these are in fact fake news or substantive, and what other parties may have been advancing of these narratives.

Q Okay. Well, we know Chaly wrote the op-ed, right?

A Right.

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Q We know Avakov had a number of social media posts?

A Yes, we do know --

Q So we know Leshchenko had a role in publishing and publicizing the Manafort role in Black Ledgers, right?

A I believe so.

Q None of that is fake news?

A I don't think so. I guess I'm not familiar with all the facts, but I think that's accurate, yes.

Q Okay. So the fake news component would be the [REDACTED] involvement with the Ukrainian Embassy in the U.S?

A Yes.

Q Okay. Do you know somebody by the name of [REDACTED] [REDACTED]?

A The name doesn't ring a bell.

Q Okay. You mentioned -- we were sort of kicking through the roster of Ukrainian officials that you deal with on a regular basis, and you mentioned Ambassador Chaly at the time, he's since been recalled. Do you have communications with the new Ambassador?

A So there's no new Ambassador. There's a Charge d'affaires, and that's the name --

Q Andriy (ph)--

A Andriy (ph). I can't -- I know the guy, I met with him a few times. I just -- the name -- his last names escapes me at the moment.

Q No problem. And then Oksana Shulyar?

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A Yes.

Q Is she still the Deputy Chief of Mission?

A The last report I heard is that she might not be.

Q Okay. Who do you communicate currently on a day-to-day basis?

A Well, I don't -- I guess it wouldn't be day-to-day basis, but probably a weekly basis I communicate with the DCM, so that was previously Oksana and now it's Andriy (ph).

Q Okay. Any other Ukrainian officials?

A No, not on a regular basis. Those are the more common folks.

Q Okay. And about the issues in play that we're discussing here such as the call and some of the Volker, Sondland, Rudy Giuliani matters. Have you had any other discussions with Ukrainian officials that you haven't described outside of official delegations and so forth?

A Outside of -- I'm just actually thinking about whether there are even official delegations. Outside of official delegations, Ukrainians, I don't recall having any of these kinds of conversations.

Q Okay. So you don't have telephone calls or emails specifically with, you know, any other Ukrainian officials that you haven't identified?

A No.

Q Okay. You don't have any?

A Not to my knowledge, no.

Q You don't have any back channels with Yermak or one of

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Yermak's assistants or anything of that sort?

A No.

Q Or any other official close to Zelensky?

A No. The only official that, you know, I had a somewhat closer relationship, but again, it's just during his official visits would be Oleksandr Danylyuk.

Q Okay. And do you maintain regular communications with any other Ukrainians that are not part of the government?

A No.

Q So there's not outside advisors to the President that aren't officially part of the government that you connect with?

A No.

Q Okay. Do you know if President Zelensky has any outside advisors that not part of the government that help him govern?

A I don't know --

MR. VOLKOV: In the Ukraine or --

BY MR. CASTOR:

Q In the Ukraine.

A Nobody that -- I guess, I don't know what advisors you might have, but there is nobody I talked to.

Q That's the question.

A Yeah.

Q The hesitancy on the part of the National Security Council to set up the July call --

A Uh-huh.

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Q Could you just walk us through what the concern was prior to the call?

A I think it was -- the best that I understand, it was Ambassador Bolton, you know, Fiona and I probably also had some concerns about how the narrative was developing and that there was inherent risk in trying -- in terms of trying to organize a call.

And we were comfortable in certain ways that there was broad interagency consensus on the direction for Ukraine, how we need to work with Ukraine to advance U.S. national security interests, and that we probably -- there's a lot we can accomplish just in that channel. And there was potentially risks that -- the rapport that President Zelensky was trying to build, the ability to obtain a meeting, and develop a close bilateral relationship wasn't going to come to fruition.

Q Okay.

A So I think I could speak about that, but I understand that through -- from Ambassador Bolton to Dr. Hill, there were some similar type of concerns from Ambassador Bolton.

Q And as we understand it, there may have been a concern to postpone such a call until after the parliamentary elections. Is that consistent with your understanding?

A So there had been a push -- I mean, this was billed as a congratulatory call, so it was going to be on the heels of the parliamentary election -- maybe I'm misunderstanding your question because you --

Q Was there an effort to try to get the call scheduled by some

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factions prior to July 25th from Volker or Sondland or --

A Yes. So this is the idea of assisting President Zelensky with strengthening his position, moving into elections, again, reform, agenda, anticorruption, and his hand could be strengthened if he has this kind of engagement with the President.

Or frankly, or if they were able to pin down a date for a White House meeting. So that was the -- that was the idea, yeah.

Q Okay. I understand.

A And those folks were pushing for that.

MR. CASTOR: Okay. Mr. Ratcliffe needs some time here.

MR. RATCLIFFE: Colonel Vindman, I want to get clarification on the issue of security assistance because I'm not sure if I heard different things or not.

Ambassador Taylor, in response to questioning from me, stated his belief that Ukrainians first became aware of a possible hold on security assistance after the August 29th Politico article.

I wasn't in here when Mr. Castor asked you a question about that, and he related that he thought you believed that they knew earlier sometime in mid-August, but then I heard questioning from Mr. Goldman that I was here present for where you talked about light inquiries and Ukrainians saying to you, had I heard anything. I'm just trying to pin down. I'm not trying to trap you or trick you. I want to hear from you when you believe, based on personal knowledge, you believe the Ukrainians were first aware of the hold on military aid?

LT. COL. VINDMAN: Yes, Congressman. So to the best of my

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knowledge, the Ukrainians, first of all, are in general pretty sophisticated, they have their network of, you know, Ukrainian interest groups and so forth. They have bipartisan support in Congress. And certainly there are -- it was no secret, at least within government and official channels, that security assistance was on hold. And to the best of my recollection, I believe there were some of these light inquiries in the mid-August timeframe.

MR. RATCLIFFE: Okay.

LT. COL. VINDMAN: About security assistance. But this didn't become a big issue until --

MR. RATCLIFFE: But here's what I wanted clarification on that because I want to go back to the discussion that you and I had earlier about your opinion that there was a demand by President Trump to President Zelensky during that July 25th phone call to investigate a U.S. citizen.

And I just wanted to be clear, is it fair then that when you related that opinion that the withholding of military aid was clearly not part of the demand during that July 25th phone call?

LT. COL. VINDMAN: I don't think the Ukrainians were aware of it. So my understanding is this was all about getting the bilateral meeting.

MR. RATCLIFFE: Terrific. Thank you. One other thing I wanted to make sure -- I heard some testimony when I came in about Fiona Hill telling you that you might be confused with an individual named Kash Patel, and that Kash Patel had been misrepresenting himself as a Ukraine director. Did I hear that accurately?

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LT. COL. VINDMAN: Yes, Congressman. I will tell you that this whole episode was odd. I didn't, you know, this was a complete total revelation to me because when I showed up, you know, happy as a clam coming back from the Presidential delegation, and we had the meeting in the Oval Office, we thought it was an opportunity to kind of reboot the relationship, have a positive next step and develop a relationship.

So all of this that Dr. Hill relayed to me was something that I had not heard of before. I had, you know, this was kind of like -- what are you talking about? I didn't understand it.

MR. RATCLIFFE: Okay. And I understand -- I understand that a little bit better now. And I'm really trying to ask you about what Dr. Hill told you specifically. I'm trying to understand --

LT. COL. VINDMAN: Sure.

MR. RATCLIFFE: Misrepresenting himself as a Ukraine director to who?

LT. COL. VINDMAN: You know, I don't know. I think that the concern was that the President would believe that somebody that was representing himself as the Ukraine director that wasn't me, was meeting with him. Is that maybe a little bit difficult.

MR. RATCLIFFE: Yeah, it sounds like you and I are both not read into this completely. I'm just trying to make sure I understand what Dr. Hill related to you, and you've fully explained that, I think, as much as you can recall?

LT. COL. VINDMAN: I'm sorry, Congressman.

MR. RATCLIFFE: Yeah, I'm just asking. Have you fully related

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to me the details about what Dr. Hill said to you about Kash Patel as much as you can recall?

LT. COL. VINDMAN: I think so. I think so. And, frankly, he seems to be in high regard, he's been since promoted to senior director. At the time I knew him as a director.

MR. RATCLIFFE: Okay. And did you have any follow-up conversations with anyone about that?

LT. COL. VINDMAN: No.

MR. RATCLIFFE: Okay.

THE CHAIRMAN: The time of the gentleman has expired.

MR. RATCLIFFE: I yield back.

THE CHAIRMAN: Why don't we take a 5 or 10 minute break and then we'll resume.

[Recess.]

THE CHAIRMAN: All right. Let's go back on the record.

I just have a few questions and then I'm going to hand it off to my colleagues.

The minority counsel asked you questions about the President's -- asked your views or speculation about the President's thoughts on things vis-à-vis Ukraine, and I think you were asked at one point about whether the President felt that Ukrainians were out to get him.

President Zelensky isn't out to get President Trump, is he?

LT. COL. VINDMAN: In my view, he is not.

THE CHAIRMAN: In fact, President Zelensky wants to have a good

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relationship with President Trump, doesn't he?

LT. COL. VINDMAN: That's correct.

THE CHAIRMAN: And in the first phone call between the two leaders made every effort to establish a good relationship with President Trump?

LT. COL. VINDMAN: Yes, and even in the second phone call he attempted to be very engaging and witty and humorous to try to build a relationship with him.

THE CHAIRMAN: And that was one of the hopes of the State Department and the National Security Council was that the two leaders would form a good relationship. Am I right?

LT. COL. VINDMAN: That is correct.

THE CHAIRMAN: You mentioned, and I don't want to get into anything classified here, but in the context of my colleagues on the minority asking you about these false narratives, you mentioned other parties have an interest in the advancing of false narratives. Is it fair to say that one of those other parties interested in advancing a false narrative about Ukraine is Russia?

LT. COL. VINDMAN: Absolutely.

THE CHAIRMAN: And Russia has a vigorous, as we saw in 2016, a vigorous information operation capability, do they not?

LT. COL. VINDMAN: Chairman, if I may, the Russians are in a state of war, and they will do everything they can to achieve their objectives, vis-à-vis Ukraine, which is, first of all, fracturing the relationship with the United States, as their biggest supporter, and

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then, therefore, increasing their influence and pulling Ukraine back into their orbit.

THE CHAIRMAN: And so it would serve Russian interests if false narratives were promulgated that would drive the President of the United States away from Ukraine?

LT. COL. VINDMAN: That is correct.

THE CHAIRMAN: In terms of -- let me ask you a couple things. From the perspective of Russia, are there many issues, many neighbors, of as great a significance to Russia as Ukraine?

LT. COL. VINDMAN: No. The single most important neighborhood Russia has is -- correction, from the former Soviet Union, China is obviously a critical neighbor, and they have to walk a fine line in their relationship with China. They're trying to balance with China against U.S. power and U.S. influence. But in terms of reestablishing Russia as a preeminent power, I think, frankly, paraphrasing Zbigniew Brzezinski, Russia with Ukraine is a power, Russia without Ukraine is a regional player.

THE CHAIRMAN: So the Russians have a paramount interest then in advancing false narratives through social media, throughout outside influencers through any means that they can to drive a wedge between the President of the United States and the Nation of Ukraine?

LT. COL. VINDMAN: They do have that interest, yes.

THE CHAIRMAN: And without getting into any specifics, have you seen Russian information operations in fact employed for that purpose?

LT. COL. VINDMAN: Yes.

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THE CHAIRMAN: Now, you mentioned that during mid-August you started to get light inquiries from Ukraine from the embassy about the aid. Was there a problem with the aid? Was there a hold up with the aid? Is that right.

LT. COL. VINDMAN: That is accurate.

THE CHAIRMAN: And that Ukraine is very sophisticated, they know how the Congress works, they know how the appropriation process works, and at some point in August they had reason to be concerned with the status of this vital military assistance?

LT. COL. VINDMAN: That is accurate. Correct.

THE CHAIRMAN: Now, let me turn to the July 25th phone call between the two Presidents. In that call, the foreign military financing, the two aid packages, were not explicitly brought up, but the Ukraine President did bring up a form of military support, that is the javelins, right?

LT. COL. VINDMAN: The Ukrainian President did bring that up, correct.

THE CHAIRMAN: And it was immediately thereafter that the President asked Zelensky for the favor?

LT. COL. VINDMAN: That is the correct sequence, yes.

THE CHAIRMAN: And it was certainly true by late July that the President understood that the aid to Ukraine had been suspended and withheld. At that point the President was aware because the President had a role in halting that assistance. Is that right?

LT. COL. VINDMAN: Could you say that one more time, Mr. Chairman?

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THE CHAIRMAN: At the time of the July 25th call, the President, one of those two parties would have been aware of the formal hold placed on the Ukraine funding because it was placed by the President through OMB?

LT. COL. VINDMAN: Correct.

THE CHAIRMAN: And if that hold persisted, the President would know eventually Ukraine was going to find out about that?

LT. COL. VINDMAN: That seems like a reasonable conclusion, Mr. Chairman.

THE CHAIRMAN: Now, the President asked for favors of the President of Ukraine. What does it mean to a foreign leader when the President of the United States asks them for a favor?

LT. COL. VINDMAN: So I characterize it in my statement, and I stand by, it was a demand that the Ukrainians deliver these investigations in order to get what they have been looking for, which is the presidential meeting.

THE CHAIRMAN: Okay. I'm going to yield to -- why don't we go down the line, if members have questions. Representative Sewell.

MS. SEWELL: No.

THE CHAIRMAN: Okay. Representative Swalwell.

MR. SWALWELL: Thank you, Chairman. And, Lieutenant Colonel, thank you for your service to our country and for being a part of today's proceedings. I want you to take us into the Situation Room on July 25 of this year, and tell me about the President's tone on the call. Can you describe that, because you can't get a sense of that from the call

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record?

LT. COL. VINDMAN: So, Congressman, I don't have an enormous amount of experience I guess, you know, listening to these types of private conversations. So I can't say how consistent it is or -- what I can say is that the tone was significantly different between the first phone call, the congratulatory call on the April 21st, and second phone call on July 25th.

MR. SWALWELL: Well, let me ask you about this about tone. Would you agree that with President Trump, it is obvious to the listener when he is reading, as opposed to when he is speaking with his own words? Do you understand the question?

LT. COL. VINDMAN: Yes, I do understand the question. I think -- yes, it seems that you can tell when he's reading versus when he's speaking in his own voice.

MR. SWALWELL: And on that July 25 call, were you able to interpret whether he was reading from a prepared statement or talking points, or whether you judged he was using his own words?

LT. COL. VINDMAN: This is my own opinion, and it's really -- you know, I'm not sure how valuable it is, but I think he was using his own voice.

MR. SWALWELL: That May congratulatory letter that you referenced, do you know if President Trump actually saw that letter?

LT. COL. VINDMAN: He signed it so he would have seen it.

MR. SWALWELL: When you say he signed it, did you see him sign it?

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LT. COL. VINDMAN: I did not.

MR. SWALWELL: Is it the practice of the White House to use auto pen? Do you know what that is?

LT. COL. VINDMAN: Yes, I do. I was told that he had signed it.

MR. SWALWELL: Okay. Who told you that he had signed it?

LT. COL. VINDMAN: I was just thinking through. It was relayed through our front office, referred to as upper suite that he had signed it, but, I mean, I'm not sure if that -- and I believe I recall something to the extent of, you know, changes -- the additional line was put into the letter about the meeting, and he signed it. I recall something to that extent.

MR. SWALWELL: In your interactions with your Ukrainian counterparts, did they ever convey to you what our assistance means to them as far as life and death?

LT. COL. VINDMAN: They did not.

MR. SWALWELL: Well, what did you understand our assistance means to them as far as just life and death in places like Donbas and other places where the Russians have invaded?

LT. COL. VINDMAN: Sure, Congressman. I mentioned this morning that the amount of aid that the U.S. provides and the kind of U.S. aid the U.S. provides is vital to Ukraine. It amounts to some 10 percent of their military expenditures roughly. And that amounts to, frankly a significant portion of actually their GDP.

U.S. aid would amount to a fairly significant portion of their GDP. And in order to undertake even the basic things like reforms,

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developing the kinds of skills that they need to more effectively defend themselves against Russian aggression, it was critical. And it's also important to realize that this ongoing war also has relatively frequent flare-ups. You know, some of them are along the line of contact, others are more relevant. The November 25th attack outside the Kerch Strait was considered a fairly significant escalation. And some of the assistance that was being provided was specifically to address critical shortfalls from maritime security, one of their weakest areas. If they had been spending a lot of resources to develop their land forces and so forth, this was an area that they desperately needed some assistance. So it was significant.

MR. SWALWELL: Today you talked about and used words about sense of duty and being a patriot, but also following the chain of command. As a military officer, are you obliged to carry out what you would perceive as an unlawful order?

LT. COL. VINDMAN: I am not.

MR. SWALWELL: And, finally, why are you here today? Others from the White House and the administration have defied lawful subpoenas, but here you sit in your uniform.

LT. COL. VINDMAN: So I'd say at the most basic level, I maintain that my actions of reporting through the chain of command, expressing my concerns to leadership, were appropriate, were in accordance with my training, were frankly my duty, and it's also out of respect, frankly, for this body of Congress, which is a coequal branch of government.

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I was subpoenaed to appear here. You know, absent a subpoena, I would believe I was operating under the President's guidance to not appear, but I was subpoenaed and I presented myself.

MR. SWALWELL: Thank you. Chairman, I yield back.

THE CHAIRMAN: Mr. Quigley.

MR. QUIGLEY: Thank you, Mr. Chairman. Colonel, thank you for your service. I hope that respect you mentioned isn't diminished too much. You were on the call and you have transcript in front of you. Five times in that transcript Mr. Giuliani's name is mentioned in an extraordinary way as the person the President seems to think is going to carry out his wishes here.

Before this time, and you only mentioned him briefly, you must have been curious about his role and what he was doing, and obviously, after this, what he was doing. Did anyone at any time ever tell you what his role was? What he was doing as sort of a parallel government? Or did the Ukrainians ever ask you or tell you what they thought?

LT. COL. VINDMAN: The Ukrainians were certainly seeking to understand whether Mr. Giuliani had an official role, and if he was in an official role that would imply, you know, formal requests for assistance.

So I think they were looking for some clarity on that. I think also up until the call there were concerns about Mr. Giuliani and how he could be -- as a key influencer, could be undermining the consensus policy. But, frankly, up until that call, you know, in certain regards he was acting as a private citizen advancing his own interests to a

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certain extent. It wasn't until that call that it became, that he was pulled into kind of an official role.

MR. QUIGLEY: But at no time before then did anyone in State or in the military or anyone in the administration advise you, Mr. Giuliani is going to be working here, he's going to be doing A, B, or C?

LT. COL. VINDMAN: No.

MR. QUIGLEY: When you're done today, you're going back to Ukraine, correct?

LT. COL. VINDMAN: Yeah.

MR. QUIGLEY: I mean, back to your functions in Ukraine, I apologize.

LT. COL. VINDMAN: I appreciate the clarification.

MR. QUIGLEY: I meant back to the Ukraine functions.

LT. COL. VINDMAN: As I said --

MR. QUIGLEY: I'm sure you'd still be welcome there.

LT. COL. VINDMAN: Congressman, as I said, I believe I have something to contribute to advance U.S. national security interests. And I'm not sure if they're realistic, but I'm hopeful that I can continue to serve my Nation, serve the White House and advance our interests.

MR. VOLKOV: Just for the record, he is -- and he's quite modest, he was accepted into the War College beginning in July of next year. So his detail continues at the White House, supposedly, until July, and then after that he goes to the War College.

MR. QUIGLEY: So next July.

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MR. VOLKOV: Next July.

MR. QUIGLEY: He's he going to continue to work on -- your understanding, you're going to continue to work on Ukraine issues?

MR. VOLKOV: I expect it -- I expect he'll continue his job.

MR. QUIGLEY: And that has gone on, correct?

MR. VOLKOV: Correct.

MR. QUIGLEY: You've continued to maintain your function on Ukraine?

LT. COL. VINDMAN: I am. And to be completely accurate, Ukraine amounts to a portion of my portfolio. I'm also responsible for other elements of national security. I'm responsible for Ukraine, Moldova, Belarus, the Caucasus states, and --

MR. QUIGLEY: Finally, so --

LT. COL. VINDMAN: And Russia.

MR. QUIGLEY: In your responsibilities involving Ukraine, you're continuing to communicate with Ukrainians?

LT. COL. VINDMAN: If I needed to, yes, I would -- I wouldn't feel incumbered to communicate with the Ukrainians if there was a reason to do that for --

MR. QUIGLEY: Well, have you still communicated with them?

LT. COL. VINDMAN: I have, yes.

MR. QUIGLEY: Okay. And can you -- has their attitude changed toward us?

LT. COL. VINDMAN: I perceive that -- I perceive that that our relationship is damaged. I think as this process wears on, I think

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the relationship will continue to be damaged and undercut. It undercuts U.S. resolve to support Ukraine and certainly puts a question into their mind whether they, in fact, have U.S. support.

MR. QUIGLEY: A trust issue.

LT. COL. VINDMAN: Yeah, it's a trust issue, and we are their most important ally. So this is not -- this is not helpful in terms of advancing U.S. national security interests.

MR. QUIGLEY: Thanks again for your service.

THE CHAIRMAN: Mr. Malinowski.

MR. MALINOWSKI: Thank you. And thank you, Colonel, for your service and your patriotism. My mother brought me to the United States from Poland in the 1970s, and I ended up serving on the NSC staff myself, and here I am in Congress. I feel a very special kinship with you, and I want to thank you for being here.

MR. VOLKOV: Does that mean he has to run for Congress after this?

MR. MALINOWSKI: Yes. Just not in New Jersey, Seventh District, any time soon.

So I wanted to explore with you this theme of alleged Ukrainian interference in 2016, which has come up and was brought up by some of my Republican colleagues, and kind of take a couple of different pieces of it.

One of those pieces we actually have heard now, I think, in nine straight depositions, and that is this allegation concerning an op-ed that Ukrainian Ambassador Chaly published in August of 2016. And every single time this has been brought up, it has been presented to us as

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if somehow Ambassador Chaly condemned President Trump personally, interfered in our election, took sides in our election. We haven't actually looked at the op-ed and I've got it here and I'm going to pass it to you in a moment and ask that it be entered into the record. But let me just read a couple of details.

First of all, this was a response to a statement that -- yeah, if you could put it in the record. Do you have it there? Okay. Good.

MR. VOLKOV: I have it here. Is that okay?

MR. GOLDMAN: Go ahead.

[Majority Exhibit No. 2

Was marked for identification.]

MR. MALINOWSKI: This was a response to a statement that President Trump had made in an interview with George Stephanopoulos (ph) in which Stephanopoulos (ph) about reports that he might recognize Russian sovereignty over Crimea, to which candidate Trump responded: I mean going to take a look at it. And he added: The people of Crimea, from what I've heard, would rather be with Russia than where they were, and you have to look at that also.

In your judgment as a Ukraine expert, does it surprise you that the Ukrainian Government was concerned about that statement and might have wished to express themselves?

LT. COL. VINDMAN: No, it doesn't surprise me, Congressman. In fact, I don't believe that the population in Crimea was interested. The popularity of the pro-Russian party in Ukraine was somewhere on the order of 4 -- less than 5 percent. Other than that, there was just

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like the eastern portions of Ukraine, there was a heavy Russian speaking population, the minority ethnic Crimean Tatar population certainly didn't support it, and they're right now being opposed daily by the Russians.

And, in fact, I would say that except for a couple of areas, Sevastapol, which is the Black Sea fleet headquarters, which is heavily Russian with Russian retirees, I don't think that's accurate that the population was interested in --

MR. MALINOWSKI: Understood. Now, looking at the Ambassador's op-ed, if you look at the third paragraph on the first page. I'm just pointing to the places where he comments on candidate Trump. He wrote: Even if these comments are only speculative and do not really reflect a future foreign policy, they call for appeasement of an aggressor and support the violation of a sovereign country's territorial integrity.

Does it surprise you that a Ukrainian ambassador would state that view?

LT. COL. VINDMAN: Congressman, it would not.

MR. MALINOWSKI: It's actually consistent with the U.S. Government's view under the Trump administration in addition to under the previous administration?

LT. COL. VINDMAN: That is correct.

MR. MALINOWSKI: Is that correct? And I think the only other reference --

LT. COL. VINDMAN: But, Congressman, I understand that sometimes when politicians run for office, what they say when they're campaigning

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is not the same thing that --

MR. MALINOWSKI: Thankfully, yes, in this case.

MR. VOLKOV: He gets immunity. He gets immunity everybody. He gets immunity.

MR. MALINOWSKI: No, I applaud that. And I think the only other reference to then candidate Trump comes at the very end of the op-ed, I guess on page 3. He doesn't actually mention Trump by name, he just refers to these comments after talking about what Ukraine stands for. He writes: Neglecting or trading the cause of a Nation inspired by those values cemented by Americans in their fight for independence in civil rights would send a wrong message to the people of Ukraine and many others in the world who look to the U.S. to be a beacon of freedom and democracy.

Do you see this as interference in the U.S. election as we've currently come to understand that term?

LT. COL. VINDMAN: I don't think so. To me it seems like a policy dispute, and he was -- just looking at what we have here, he's respectfully disagreeing with, I guess, a particular candidate.

MR. MALINOWSKI: Kind of as if, you know, imagine now a hypothetical that somebody was running for President of Ukraine or Russia or France, and said that if they won they might recognize that California is part of Mexico because the United States stole it, and that they would, if elected, not recognize U.S. sovereignty over one of our States. Would it be strange for a U.S. Ambassador posted in that country to say, well, we might have a problem with that?

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LT. COL. VINDMAN: It would not.

MR. MALINOWSKI: So that's the op-ed. There are a couple of other examples that my Republican colleagues mentioned of alleged Ukrainian interference in 2016. There was a Facebook post by Ukrainian official that referenced candidate Trump in very insulting terms, and I think you agreed that that was inappropriate, as I think all of us would.

But would a Facebook post calling somebody a clown constitute election interference, as we've currently come to understand that term? I think you compared it to Russian interference.

LT. COL. VINDMAN: So in my relatively deep understanding of election interference, these are not open public displays. This is a much, much deeper insidious effort to undermine a foreign country's elections, falsify those elections, redirect those elections, completely different.

MR. MALINOWSKI: Understood. And then the third example related to --

MR. SWALWELL: Can you clarify when you say these, which country are you speaking about?

LT. COL. VINDMAN: Russian interference in U.S. elections.

MR. SWALWELL: Thank you.

MR. MALINOWSKI: The third example that we heard related to a Ukrainian anticorruption activist and parliamentarian who reportedly publicized some evidence against Paul Manafort. Are you aware that Paul Manafort was prosecuted by the Justice Department and convicted

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for acts of corruption related to his activities in Ukraine?

LT. COL. VINDMAN: Yes, Congressman.

MR. MALINOWSKI: Is it inappropriate for a Ukrainian anticorruption activist to publicize evidence of corruption by someone who we end up prosecuting successfully?

LT. COL. VINDMAN: I don't think so. And Mr. Leshchenko was also a -- prior to joining government he was an investigative journalist, so it seemed to be consistent with his professional background.

MR. MALINOWSKI: Investigated many people, this is just one case. Would this constitute election interference as we currently come to understand that term?

LT. COL. VINDMAN: In my view, I don't think it would.

MR. MALINOWSKI: Okay. So I guess this comes back to the ultimate question, which is that if these are the complaints, would it be appropriate for the U.S. Government, anybody speaking for the U.S. Government, to ask the Government of Ukraine to investigate this op-ed and its author, a social media post and its author, and an anticorruption campaigner who revealed information about Mr. Manafort for interfering in our elections?

I mean, investigate suggests using their prosecutorial powers to potentially criminally investigate people for these three actions. Does that strike you as appropriate? Would it be appropriate?

LT. COL. VINDMAN: I don't think it's appropriate, and I also, as my statement, I think it speaks for itself, I have deep concerns over -- or I had concerns over the call to investigate -- a call to

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a foreign power to investigate a U.S. citizen.

MR. MALINOWSKI: A U.S. citizen, right, which is a separate thing, which in this case -- okay.

And then, finally, imagine that President Trump came to you -- you're his, in effect, chief advisor on Ukraine, and said to you, you know, we really need to take on this issue of corruption in Ukraine. It's a huge problem in that country. Presumably you would welcome that sort of interest from the President of the United States?

LT. COL. VINDMAN: Definitely. And that was in fact in the talking points that were provided to reinforce efforts to root out corruption.

MR. MALINOWSKI: Understood. And if the President were to ask you, Colonel, give me your list, steps that the Ukrainian Government should be asked to take to root out corruption in their country, what would be the highlights of your list? How would you respond to that question?

LT. COL. VINDMAN: Sure. So, I guess, at a top of the list would be to reduce -- significantly reduce the influence of the oligarchs, it's a form of state capture where the oligarchs, a relatively small group of folks, have the bulk of control, political elites would not operate in accordance with the rule of law and target to extract rents or extract wealth, would target businesses, and target oppositions.

I mean, frankly, Congressman, there are a lot of problems all the way up. Everything from petty graft and the police collecting bribes, all the way out to institutional corruption. So there are a lot of

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things that need to happen. And, frankly, there are a lot of good templates for the Ukrainians to follow. The Poles, the Georgians have been successful in eliminating some of the more rampant forms of corruption.

So there are a lot of things we can do to help the Ukrainians. There are a number of programs and some of the funding that -- you know, there are a number of programs that are there to support efforts to end corruption.

MR. MALINOWSKI: I take it that --

THE CHAIRMAN: Mr. Malinowski, if I could just interrupt because I have to head to the floor. When you're concluded with the questions --

MR. MALINOWSKI: I mean, I'm basically done, so I'm happy to yield.

THE CHAIRMAN: Oh, I was just going to recognize because they have been able to be present for most of the day, Mr. Espaillet next, Mr. Cicilline to follow, and then Mr. Welch and Mr. Allred.

MR. ESPAILLET: Thank you, Chairman. Colonel, is this your first time on the Hill? Have you ever had the experience to come to the Hill or advise us or testify?

LT. COL. VINDMAN: Congressman, I've had the privilege of being up at the Hill once before, as I recall, in that case I was providing expert assessments of the way we were spending some funds in support of European deterrence, European reassurance and so forth. It was with a number of staffers.

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[5:05 p.m.]

MR. ESPAILLAT: But you weren't advised or encouraged back then not to show up here, correct?

LT. COL. VINDMAN: No. Maybe to a lack of judgment.

MR. ESPAILLAT: But you were -- were you encouraged, advised, or told not to come here?

LT. COL. VINDMAN: So, frankly, nobody approached me directly in my chain of command at the White House or other and told me to not come here, come here, or anything. The only, frankly, guidance I had on this was, you know, the letter that the White House counsel proffered about not cooperating and, you know, the instruction that I received from this -- these committees per subpoena.

MR. ESPAILLAT: So that letter instructed you not to come, but you felt compelled to be here before Congress, correct?

LT. COL. VINDMAN: I appear here, Congressman, pursuant to a subpoena.

MR. ESPAILLAT: Okay. Now, Ambassador Sondland was here before, and his testimony and his statement, on several occasions, he spoke about corruption, as you have, spoke about corruption in the Ukraine and that he felt that there were many companies in the Ukraine that were very corrupt.

Is that your view as well? Are there many companies in the Ukraine that are corrupt?

LT. COL. VINDMAN: Yes.

MR. ESPAILLAT: So it's not just Burisma that's corrupt or

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practices corruption, but there are many others that are involved in that type of corruption. Is that correct?

LT. COL. VINDMAN: That is very true, although that is improving under President Zelensky, and they are targeting certain areas to improve their business environment.

MR. ESPAILLAT: We're wrestling with the potential that perhaps Burisma was cherry-picked because the former Vice President's son was on their board. However, Ambassador Sondland stated that it wasn't until very late that he didn't know that Hunter Biden was part of the board of Burisma.

Do you know if Ambassador Sondland knew that Hunter Biden was a board member of Burisma?

LT. COL. VINDMAN: Congressman, I do not know what Congressman -- or what Ambassador Sondland knew about Burisma.

MR. ESPAILLAT: Do you know if he expressed particular interest in that particular company being investigated?

LT. COL. VINDMAN: I learned of this during the July 10th post-meeting, what I referred to as the Danylyuk bilateral meeting and then the post-meeting.

MR. ESPAILLAT: And when you became aware of these irregular practices and you went before your superiors to complain or make them aware that you felt uncomfortable about these irregular practices, who did you speak to exactly?

LT. COL. VINDMAN: Congressman, I'm not sure if you mean during the course of my military career, or do you mean specifically with

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regards to Ukraine and my service to the --

MR. ESPAILLAT: No, I mean following the July 10th meeting, right, leading up to the July 25th call, did you express concern to anybody besides the lead counsel at the NSC?

LT. COL. VINDMAN: I had conversation -- so through the, for official purposes, official chain of command, certainly the lead counsel, and then, frankly, my brother as the lead ethics official, and also my identical twin brother, although little brother, I also discussed it with him.

MR. ESPAILLAT: Have you ever felt compelled in the past to complain about any other interaction to any other --

LT. COL. VINDMAN: At the NSC, I have not. But I have also learned during the course of my career that I have been encouraged to speak up if I had concerns in general. I distinctly recall a -- in my previous position on the Joint Staff -- a general officer telling me that I have good instincts and, you know, to exercise judgment, but feel free to express your concerns.

MR. ESPAILLAT: So this was the first time that you ever did that at the NSC?

LT. COL. VINDMAN: At the NSC, the first time I took my concerns to I guess --

MR. ESPAILLAT: A superior.

LT. COL. VINDMAN: -- a superior would have been -- I mean, to be clear, I talked to Dr. Hill on a regular basis. I think we, all along, as this kind of influencer narrative was developing, we had

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discussed what we were seeing and, you know, tried to figure out what the best way to navigate this minefield was.

But in terms of like concrete items that I felt like I needed to talk to an authority figure or, you know, the lead legal official, that would have been the July -- following the July 10 meeting.

MR. ESPAILLAT: Thank you so much, Colonel. Thank you for your service.

I yield.

MR. SWALWELL: [Presiding.] The gentleman from Rhode Island is recognized.

MR. CICILLINE: Thank you, Mr. Chairman.

Lieutenant Colonel Vindman, thank you for your extraordinary service to our country and for your patriotism and for your testimony today.

I want to just focus for a moment on the context in which the phone call was made and the state of affairs between Ukraine, Russia, and the United States.

You described in your early testimony that the Ukrainians believed that they were at war with the Russians. Was that an accurate assessment by the Ukrainians?

LT. COL. VINDMAN: That is an accurate assessment.

MR. CICILLINE: In fact, they had stolen part of their country, and they were continuing to kill Ukrainians in the eastern part of the country, correct?

LT. COL. VINDMAN: That is correct. The Ukrainians have

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suffered over 13,000 killed.

MR. CICILLINE: And would you just -- you're familiar, of course, with the Russian military capability, generally?

LT. COL. VINDMAN: Yes.

MR. CICILLINE: And you are very familiar with Ukrainian military capability?

LT. COL. VINDMAN: I am very familiar with both the Russian and the Ukrainian military capability.

MR. CICILLINE: And how would you compare the two in July 2019?

LT. COL. VINDMAN: The Ukrainians are significantly more capable of defending themselves against the Russians -- that's, you know, that's a general assessment -- than they were at any other point in their history. And much of that is the result of the partnership with the U.S. and with other allies to help the Ukrainians develop interoperability and develop a capable force.

In terms of pure military disparity, the Russians are -- remain a much more capable military, and if they applied all their resources, they could crush the Ukrainian military.

MR. CICILLINE: And when you say the Ukrainians are more capable in that period of time than previously, how much of that is a result of U.S. military assistance?

LT. COL. VINDMAN: A significant portion of it, just because the United States has provided -- has, in fact, been the largest provider of military assistance, providing over \$1.5 billion in military assistance. The training, partnership training has been significant.

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And, to be fair, our allies also have contributed measurable -- made measurable contributions to help the Ukrainians.

MR. CICILLINE: So that would have only intensified the power, the leverage of withholding military assistance from the United States at the same time the President was requesting a favor from the new Ukrainian President.

LT. COL. VINDMAN: The Ukrainians need U.S. military assistance. I agree that the Ukrainians need it, and they would feel pressured to ensure that they received U.S. military assistance.

MR. CICILLINE: And, finally, Lieutenant Colonel, you heard a series of questions from Mr. Castor about specific things that were done by individuals, one a Facebook post, one an op-ed, and one I think a Twitter criticism. I think you've already said those don't constitute, in your mind, election interference in the way we've come to understand that, correct?

LT. COL. VINDMAN: Correct.

MR. CICILLINE: And does knowing about any of those three things in any way change the judgment or the conclusions you came to when you listened in on the telephone call and concluded that what you heard the President do was wrong, improper, troubling and disturbing?

LT. COL. VINDMAN: I stand by what I said in my statement. I was concerned and felt it warranted report -- it warranted me communicating my concerns to chain of command.

MR. CICILLINE: And you made the ethical and moral judgment, based on your oath of office, your training, to report your concerns

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to the NSC lead counsel. Is that correct?

LT. COL. VINDMAN: Correct.

MR. CICILLINE: The Nation thanks you for that.

And I yield back.

MR. SWALWELL: The gentleman from Vermont.

MR. WELCH: Thank you very much.

MR. SWALWELL: Can you use the microphone, Mr. Welch?

MR. WELCH: Thank you very much. I want to direct your attention to your statement when you're writing about the call. In it, in your third paragraph, this is page 5: I was concerned by the call. I did not think it was proper to demand that a foreign government investigate a U.S. citizen.

You chose the word "demand," and I'd ask you to elaborate on why it is you chose that word.

LT. COL. VINDMAN: I didn't maybe -- I didn't parse I guess the terminology all that clearly. I was, frankly, trying to get ready for this testimony and wanted to best articulate my views.

And, in total, looking at the transcript, that I saw it as this is a deliverable, this is what was required in order to get the meeting that the Ukrainians had been aggressively pushing for, had been trying to coordinate.

MR. WELCH: Then I understand you've been asked about this, so I won't continue on that. You were asked by Mr. Swalwell that you discerned I think an energetic tone in the President in this call that indicated this was his expression of what he wanted, not something he

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was just reading. Is that correct?

LT. COL. VINDMAN: Congressman, I guess I'm not sure if this could be -- if I could say that in a definitive manner. What I could say is the tone in the call on the 21st of April was very positive, in my assessment. The call, the tone of the call on July 25th was not. It was -- it was -- I'm struggling for the words, but it was not a positive call. It was dour. If I think about it some more, I could probably come up with some other adjectives, but it was just -- the difference between the calls was apparent.

MR. WELCH: You were listening in real time to this call along with President Zelensky when President Trump was speaking?

LT. COL. VINDMAN: Correct.

MR. WELCH: And was there any doubt in your mind as to what the President, our President, was asking for as a deliverable?

LT. COL. VINDMAN: There was no doubt.

MR. WELCH: Thank you.

I yield back.

MR. GOLDMAN: Thank you, Mr. Welch.

BY MR. GOLDMAN:

Q Colonel Vindman, you said earlier in this round, I think, that the July 25th call was the first time that you had -- you were aware that the President had specifically invoked Rudy Giuliani's name in the July 25th call. Is that right?

A I think that's right, yes.

Q But you were aware, obviously, before then from Mr.

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Giuliani's own public statements about what he wanted Ukraine to do, correct?

A That is correct.

Q And you were aware that two of the things that he wanted Ukraine to do after the Ambassador was removed, which was a third, was to investigate Joe Biden, Hunter Biden and Burisma, and then also investigate the 2016 election, right?

A That is correct.

Q So, when the President specifically referenced the Bidens and matters related to the 2016 election, that was very consistent with what Rudy Giuliani had been pushing to that point, correct?

A That is correct.

Q And so, even though you don't -- you were not present for conversations between Rudy Giuliani and President Trump, the request by President Trump on July 15th mirrored Rudy Giuliani's public statements on those two issues, right?

A Yes. July 25th, yes.

Q Sorry, that is correct. Okay.

And just to be clear, because I think there have been some aspersions cast about open source reporting or media reporting, when you were observing what was going on with Ukraine and in particular with Rudy Giuliani, you were observing Mr. Giuliani's own statements, correct?

A Correct.

Q Through the media?

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A Correct.

Q So this is not some sort of media spin thing. This is Rudy Giuliani saying these things himself?

A Correct.

MR. GOLDMAN: I think our time is up, and we will yield to the minority unless you need a break.

LT. COL. VINDMAN: I think we're okay.

MR. GOLDMAN: You're okay? Forty-five minutes to Mr. Castor.

BY MR. CASTOR:

Q When I was asking you some of these questions about Ukrainians making their opinions known publicly that they did not support candidate Trump, I just want to be clear that it's reasonable, don't you think, that the President was aware that some of these key Ukrainian players were -- you know, had expressed negative attitudes towards him?

A Counsel, I think that it is fair. And certainly, the influencers that we discussed here multiple times were feeding into that narrative.

Q So, even after the election was over, you know, whether you want to argue if that amounts to interference or interference of a significant degree, I think we know where certain folks come out on that question, but the President had a negative view of Ukrainian -- of some Ukrainian Government officials for those reasons, correct?

A That is correct.

Q And that made it difficult to reboot this relationship?

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A That is correct.

Q Okay. In the call record, this morning you identified one or two, I think it was two --

A Yes.

Q -- potential tweaks that you would have --

A Right.

Q -- you would have made or maybe you tried to make and didn't make it into the final version.

A Sure.

Q Were there any political appointees that you think intentionally overrode your edits, or do you think it was more of just in the normal course of things that it just didn't make its way in?

A So I do not think there was malicious intent or anything of that nature to cover anything up. I don't know definitively, but I don't think that's the case. And I think, in general, the people I work with try to do the right thing.

Q Okay. So, at the top of page 4, "if you can look into it," and then there's the ellipse, and you added that you suggested there are recordings --

A Yes.

Q -- of the misdeeds. I mean, I think the President was talking about Joe -- you know, the Vice President, former Vice President Biden had made sort of a swashbuckling speech about what he told the Ukrainians, you know, relating to Prosecutor General Shokin.

A I think you're referring to the same thing that the President

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was referring to, yes.

Q Okay. So that's the video he's referring to, the account former Vice President Biden has given about --

A Sure. I take it at face value, yes.

Q Okay. And then the only other tweak was the company to Burisma, that phrase?

A Yes. That's the only notable -- I mean, that's really the only notable one. There are a couple of other things, but yes.

Q Okay. But you don't think there was any malicious intent to specifically not add those edits?

A I don't think so.

Q Okay. So, otherwise, this record is complete and I think you used the term "very accurate"?

A Yes.

Q Okay. So, if we're trying to understand what happened on the call, this certainly is a very accurate record?

A Correct.

Q And you were on the call, so --

A Yes.

Q -- you're a good person to say that.

There's been some discussion a couple different -- at a couple different points today about whether, you know, when the President used the terminology "I'd like you to do us a favor" constitutes a demand. And, in your mind, it did.

A That's -- I continue to stand by what I said in the statement.

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It's just like when a superior talks to me and tells me he would like me to do something. I take that as, you know, an order.

Q Okay.

A So maybe that's as a result of my background, but I -- you know, it wasn't like, hey -- it didn't strike me as there was no cost associated with choosing not to fulfill that deliverable.

Q You know, as this transcript has been hotly picked over, can you understand that there might be other people that read this, whether it's supporters of the President or neutral parties, which there may not be a lot, you know, might come to the conclusion that the terminology and the utterances of the President on page 3 and then again on page 4 did not constitute a demand?

A I think there are many people with many different views, and some people certainly do believe that it may not have. The reason I stick to my assertion is because I've watched this unfold over the course of months. Initially, just, you know, again, influencers in more remote -- more remote influencers in the form of Lutsenko and reporters, then Mr. Giuliani, then more significant influencers. And it really all culminated in this July 25th phone call.

Q The President in the transcript uses some, you know, words of hedging from time to time. You know, on page 3, he says, "whatever you can do." He ends the first paragraph on page 3, "if that's possible." At the top of page 4, "if you could speak to him, that would be great." "So whatever you can do." Again, at the top of page 4, "if you can look into it."

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You know, is it reasonable to conclude that those words of hedging for some might, you know, lead people to conclude that the President wasn't trying to be demanding here?

A I think people want to hear, you know, what they have as already preconceived notions. I'd also maybe point your attention to "whatever you can do, it's very important that you do it if that's possible."

Q "If that's possible."

A Yeah. So I guess you can interpret it in different ways.

Q Okay. With the introduction of the Justice Department component to the call, is it conceivable that the President was, you know, referring the Ukrainians to Attorney General Barr for purposes of, you know, the MLATs or the Foreign Corrupt Practices Act?

A Certainly, yes.

Q And if he was trying to do that, would that have been an appropriate avenue to evaluate these issues?

A I think the -- that would very well significantly change the entire transcript if his attorney, personal attorney that was pedaling this alternative narrative and these investigations, wasn't in it and this was an official -- you know, this was a request through official channels, I think that would completely kind of change the whole nature of the conversation.

Q We --

A I think it would, frankly, still be troubling that, you know, the President called a foreign power to investigate a U.S. citizen,

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but I think, you know, it certainly wouldn't be the same thing as his personal attorney that had been peddling this other alternative narrative.

Q I mean, it was a U.S. citizen sitting on a board of a company in Ukraine.

A No, I'm referring to -- could you maybe clarify? I'm not sure what the followup there is.

Q Do you think the President was trying to get the Ukrainian Government to investigate former Vice President Joe Biden?

A Look, Congressman -- I mean, sorry, Counsel -- I'm used to saying "Congressman." It's all in the future.

I guess, look, it doesn't take a rocket scientist to see where the gain would be for the President in investigating the son of a political opponent.

Q Okay. But he had business dealings in Ukraine. I mean, the Vice President, nobody's -- I mean, the President is not accusing the Vice President of wrongdoing, is he?

A So, Counsel, if the son is -- and there are many -- I think it's been pointed out that there are many different corrupt entities. If the son of his chief, potentially chief, political opponent is investigated, then that does harm to his political opponent.

Q And you're quite certain that at no time did the President mean, you know, investigate Ukrainian misdeeds related to naming Hunter Biden to the board, which would be distinct from investigating Hunter

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Biden but at the same time could, if it came out in a clumsy fashion, come out as the Bidens?

A I don't know, Counsel. I would say that I guess I -- I don't know what was in the President's mind and if that was the intent. And, frankly, all I did was go through my chain of command and report to the lead legal counsel some concerns.

That could have been the end of it. You know, the legal counsel could have then followed up with White House legal and said, "Hey, this is -- this is the perception," or -- I'm not looking for accountability from the President, don't get me wrong. But this issue would have been addressed. But, unfortunately, that's not the way things unfolded. You know, this is now in the public space.

Q Okay. You know, if you were to come to learn that, you know, John Eisenberg looked at the call record and he didn't have concerns, would that change anything for you, the top lawyer at the National Security Council?

A Yeah, I think that would -- I think I, frankly, trust Mr. Eisenberg, and if he had followed up with me and said -- I mean, you know, I made my -- I guess I expressed my concerns. That was kind of the end of my actions. If he had followed up with me and said, "Hey, look, there's nothing here, this is just kind of a miscommunication," I don't think I would dismiss his views or his assessment.

Q Okay. Were you disappointed that he didn't follow up with you?

A No. I mean, no.

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Q And what if, like, the National Security Division officials from the Justice Department were engaged here to examine the call transcript, if they were called upon to look at this and they determined that there was no wrongdoing here, would that be influential for you?

A So, Counsel, I'm not -- you know, my judgment is almost irrelevant here. I just made a -- I forwarded my concerns through the chain of command, and the seniors then decide what actions to take. So I guess I am not sure I understand what -- you know, what the followup would --

Q Well, you know, if the head of the National Security Council, the top lawyer --

A Yeah.

Q -- if somebody, if some senior official at DOJ's National Security Division takes a look at the facts and comes back and decides that they don't see any issue here, you know, it may be inartful, but, you know, there's nothing improper or illegal, would that be influential, you know, for you to look at this through a different lens?

MR. VOLKOV: If I can, it's kind of -- it's a little bit of a difficult question. First off, he's not a lawyer. He is not -- you know, we're throwing around terms, National Security Division, DOJ. I mean, okay, so if I told him it was okay, what does that mean? He did what he did, and that's it.

MR. CASTOR: Okay, fair enough.

MR. VOLKOV: And the rest is so theoretical that it's not fair to him. He's not a lawyer. You can ask his twin brother; he's a

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lawyer.

LT. COL. VINDMAN: Don't. I'd rather not.

MR. VOLKOV: I already got him in trouble so --

BY MR. CASTOR:

Q I guess what I'm saying, though, is if somebody -- I mean, somebody like John Eisenberg has a lot of experience with these types of things. If he takes a look at the call record and determines that there's not an issue, I mean, that's a pretty definitive authoritative person to make that conclusion, right?

A I think that's significant. And certainly, you know, his judgment on whether it was criminal or not would be very persuasive, but I don't know if it would alleviate my kind of, you know, moral/ethical concerns.

Q Okay. Now, did you -- after you got done communicating to Eisenberg, did you think that -- was that the end of your, you know, flagging of concerns to authorities?

A I think that's what I had in my mind.

Q We talked about, and I don't want to go there right here right now, but some of the other people that you raised concerns to, did you ask any of those folks to do anything with the concerns?

A That was -- that was -- that's -- I don't think that's an accurate characterization, Counsel. I think what I did was I fulfilled my coordination role and spoke to other national security professionals about relevant substance in the call so that they could take appropriate action. And, frankly, it's hard to -- you know, without getting into,

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you know, sources and methods, it's hard to kind of talk about some of these things.

Q Okay. Did you expect any of those officials that you spoke to to take appropriate action?

MR. GOLDMAN: Can we table this? This is now delving, once again, into this area that the chairman has ruled pretty clearly on. He has stated just now that his concerns are really irrelevant. You indicated before that the reason why you're asking these questions is to see what the quality of his concerns --

MR. CASTOR: Well, that's not accurate.

MR. GOLDMAN: So let's just move on.

MR. CASTOR: Let's move on, but we would like to revisit it when the members are back.

MR. GOLDMAN: Fine.

MR. ZELDIN: Steve, can I ask something on that real quick?

MR. CASTOR: Sure.

MR. ZELDIN: All right. So something I'm stuck on. So you said your judgment is irrelevant. You said that a couple minutes ago, correct?

LT. COL. VINDMAN: Maybe that was a poor word choice if I understand where you're going with this.

MR. ZELDIN: If you want to change it, what would you have preferred to have said?

LT. COL. VINDMAN: So my judgment on next steps and how this gets adjudicated is irrelevant. I took actions based on what I thought were

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concerns, legitimate concerns, you know, providing those concerns to the right authorities.

MR. ZELDIN: I'm not familiar with how your chain of command works there. You're uniformed military. Your -- who's your rater? Like, who's your supervisor in the Army?

LT. COL. VINDMAN: So there's no real military supervision, per se. I have administrative control through Fort Meyer. They handle, like, leave and pay issues, whatever, administrative stuff.

I don't have a military chain of command at the National Security Council. I work -- I'm detailed over to the National Security Council, and my, you know, supervision is my senior director and the National Security Advisor.

MR. ZELDIN: Who rates you?

LT. COL. VINDMAN: So that would be Dr. Hill rated me, and senior rated me.

MR. ZELDIN: When -- so you have concern. You go to the legal counsel. And then you -- is it true you told the Ukrainians not to investigate? Did I understand your testimony earlier today?

MR. VOLKOV: Wait, wait, wait. First off, there's an assumption that he told the Ukrainians not to --

MR. ZELDIN: I think he testified to that earlier today.

MR. VOLKOV: No, that's a mischaracterization. That is a mischaracterization, sir. You can say what you want as to what he said, but we're going to live by the record. You're not going to make statements like that, and I'm going to object every time you do that

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on the record.

MR. ZELDIN: That's fine. Are you done?

MR. VOLKOV: Yeah, I'm going to be done in a second. He's not going to answer your question.

MR. ZELDIN: You don't even know what my next question is.

MR. VOLKOV: I already heard it.

MR. ZELDIN: My next one?

MR. VOLKOV: No, I heard what you said already.

MR. ZELDIN: My last one. All right.

MR. VOLKOV: I don't need to know --

MR. SWALWELL: Mr. Zeldin, ask your question.

MR. ZELDIN: Okay.

Colonel Vindman, did you have direct communication with Ukrainians about whether or not to investigate?

MR. VOLKOV: Objection. I'm going to object to that. Whether to investigate what, when, where? Be more specific.

MR. ZELDIN: Colonel Vindman, did you have any discussions with Ukrainians about whether or not to investigate regarding the 2016 election and/or Burisma and the Bidens?

LT. COL. VINDMAN: I don't recall having any such conversation. So all I said to them --

MR. VOLKOV: Just answer the question, okay? Just answer the question.

MR. ZELDIN: Following the July 25th phone call, there was no conversation -- were there any conversations between you and

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Ukrainians with regards to investigations at all?

MR. VOLKOV: Wait a minute. I'm going to object again.

MR. SWALWELL: I imagine you're going to say it's vague.

MR. VOLKOV: No. It's, what time period are we talking about? It's vague. I mean, you've got to ask a proper question.

MR. SWALWELL: Can you just clarify, Mr. Zeldin?

MR. ZELDIN: The time period I said was after the July 25th call.

MR. VOLKOV: No, no, no. Until when?

MR. ZELDIN: Until the present.

MR. VOLKOV: Until today?

MR. ZELDIN: Sure.

MR. VOLKOV: Okay. And can you restate the question now properly? Thank you.

MR. ZELDIN: Have you had any conversations with Ukrainians since the July 25th call with regards to investigations at all?

LT. COL. VINDMAN: The answer I'm quite certain is no. And I think this would actually clarify this. I went -- I told you I went on leave. I said to the committees I went on leave. I had one conversation with a Deputy Chief of Mission sometime I think it was around the 31st. She would not have had a readout of any of the calls, the substance of the calls, and would not -- you know, I would not go into certainly harmful content that was going to undermine their relationship.

So there was no conversation at that point, and that's immediately afterwards. And I don't recall ever having conversation about not,

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you know, pursuing an investigation. All I would do is I would tell them to not interfere -- not get involved in U.S. domestic politics.

BY MR. CASTOR:

Q These outside influencers, do you consider Volker and Sondland outside influencers, or is it just Giuliani and the media?

A I think in certain regards, you could -- you could identify Ambassador Sondland as a bit of an outside influencer.

Q Ambassador Volker?

A Ambassador Volker, when he's fulfilling his role as the special -- when he was fulfilling his role as a special representative for Ukraine negotiations, he was working in concert with the interagency. And when he was engaging with Mr. Giuliani, I would say that that was -- that was not the case.

Q How about Secretary Perry?

A I'm not aware, frankly, of Secretary Perry taking a contrary -- a position contrary to I guess what we had discussed.

Q Now, does any of that change if the President had asked them to do this, Secretary Perry, Sondland, or Volker?

A Yeah, I mean, I don't think it would. I think, frankly -- let me make sure I answer this question correctly. If the President asks somebody to do something, then that's -- you know, he's the President. It's a -- certainly, to anybody in the U.S. Government, it's -- they take that action, as long as it's legal.

Q How many communications did you have with Volker during this time period?

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A Probably about half a dozen or so and probably more.

Q Did Volker ever relate to you that, in his communications with the Ukrainians, the name Joe Biden never came up?

A I don't recall. I don't recall. I know that we certainly -- there were some discussions about Giuliani and the narrative that he developed, but I don't think we necessarily -- and I said that -- I do recall telling him that I didn't think it was wise to, you know, wade into that discussion. But I, frankly, don't recall -- I'm trying to remember. There were several meetings that Ambassador Volker joined us for, and it's possible that he said something. I just -- nothing comes to mind.

Q Okay. Are there any elements, of the 2016 sort of category or Burisma category, are there any elements of those two that could be a legitimate avenue worth pursuing or worth advocating for?

A I think if -- I think rooting out corruption in Ukraine is in Ukrainian interests. And because of the fact that it makes the Ukrainian institution stronger, it's in the U.S. interests. So I think fighting corruption is something that we have been encouraging all along.

Q Okay. So is it possible, though, that Volker, when he was working with the Ukrainians, he was trying to channel some of these, you know, inartful ideas into a more appropriate --

A I think that is -- that was exactly his intent was to channel, you know, these -- these -- these efforts into something more closely aligned with the consensus policy objectives and policy efforts. I

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have no question that him, Ambassador Volker, Ambassador Sondland, and Secretary Perry were trying to do the right thing and build a bilateral relationship between Ukraine and the U.S.

Q Okay. So Volker had a lot of communications with certain Ukrainian officials, like Yermak, which we --

A Yes. He had a very large network of contacts.

Q Yermak is pretty close with the President?

A He -- with the Ukrainian --

Q President Zelensky.

A Yes, he is.

Q So it's possible Volker was talking with Yermak and trying to target this into something less inartful than what the outside influencers were promoting?

A I think that's -- I think that's -- that was his objective, yes.

Q Okay. Did you ever have any communications with former U.S. Ambassador to the Ukraine, John Herbst?

A I have not infrequent but also not regular contact with Ambassador Herbst.

Q Did you ever have any communication with Ambassador Herbst about the -- some of the issues here?

A I did not -- I did not discuss any investigations or anything of that nature. If you could be more specific, that would be helpful. I see him relatively frequently --

Q Okay.

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A -- during kind of, you know, work-related roundtable discussions. And when I say "relatively frequently," probably over the course of a year, you know, I probably had about half a dozen interactions with him. I've hosted him in my office. I think Fiona Hill may have met with him or at least said hello. He's a former Ambassador, and he has some interesting perspectives.

Q Okay. Did Ambassador Herbst ever communicate to you any information he had about the call?

A That he had about what call?

Q The 7/25 call.

A I am actually not aware of any -- of him having any information.

Q So you never had any communications with him about the call, whether he initiated it or you initiated it?

A I don't recall having any substantive conversations with him.

Q Okay. The -- you mentioned the Orban call, and you used the term -- you know, you mentioned that there is -- you know, the National Security Council's official position was they didn't want to facilitate that call, and there may have been, I think you used the term "leveraged capital." Do you remember saying that?

A Yes.

Q And the U.S. Ambassador to Hungary was trying to promote that?

A Correct.

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Q And you mentioned Mick Mulvaney was getting involved with that?

A My understanding -- again, I didn't -- wasn't directly involved -- is that this was organized, Ambassador Cornstein organized this through Mr. Mulvaney.

Q Okay. Does anything with that fact pattern remind you of the Ukrainian fact pattern, where there were, you know, influencers trying to go outside of the National Security --

A Sure.

Q -- Council function?

A Yes.

Q Okay. Does that happen a great deal, or are they the only two examples that you've ever heard of?

A I don't think so. I think, frankly, one of the benefits of having political appointees that are well-connected in key locations is that they can use that influence to, you know, to bring in key leadership in order to advance U.S. national security interests.

Q So you were comfortable with the way Ambassador Cornstein set that call up?

A Well, I wasn't comfortable with the outcome, because I didn't think that, frankly, the Hungarian President's position was accurate. And, certainly, if they had concerns, the Ukrainians were willing to potentially resolve those concerns in order to -- I mean, the bigger picture here is that Hungary blocks NATO-Ukraine cooperation, and, you know, not being able to resolve this issue prevents closer cooperation

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between Ukraine and NATO.

So that was not helpful. That's not just in my view, as the Director of Ukraine, but that was definitely not helpful in the view of my superior, Dr. Hill. And my understanding, also Ambassador Bolton didn't think that was helpful --

Q Right. But sometimes --

A -- to advance U.S. national interests.

Q Sometimes the U.S. Ambassador to a country can leverage his capital to effectuate outcomes that are different than the National Security Council recommends, right?

A Sure. But I guess the National Security Council's consensus view tends to be the best, most informed judgment across, you know, across the U.S. Government. I think there have, in fact, been, you know, other Ambassadors that have advanced U.S. policy interests. You just happened to point out, you know, a couple that I don't think advanced U.S. policy interests.

Q I want to turn your attention to the May 29th letter from President Trump to Zelensky. Do you know if that letter was -- a draft of the letter was shown to the President during the 5/23 briefing?

A My understanding is that it was, but I don't know for certain.

Q And the initial draft, was that prepared by you?

A Yes.

Q Okay. And did you hear anybody relate to you how the President evaluated that letter or what he thought about the letter?

A He signed it ultimately, but initially he didn't. And, you

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know, I guess what was relayed to me is that -- I was also getting ready to do travel, so I wasn't able to kind of follow this all the way through. I just knew that when I was getting ready to board the aircraft for Ukraine, that the letter wasn't signed and that I had kind of got -- I learned that he wasn't potentially going to sign it or something.

Q Okay. Do you know if anybody added edits to it from the version that you prepared?

A I think there were -- so in -- from the version I prepared, it went through staffing. I think I'm guessing my -- Fiona Hill had some edits. People --

Q Any of the outside influencers?

A I -- so I know, in the final version that was produced, Ambassador Sondland, in concert with Chief of Staff Mulvaney, added a line inviting the Ukrainian President to Washington for a bilateral meeting, which is, of course, helpful.

Q Okay. So that was the only edit that you're aware of added by Ambassador Sondland?

A I think so. That's -- I do recall looking at the various versions and noting that that was the only thing that was -- that seemed to be added.

Q And did you ever have any communications with Dr. Hill about what happened with the letter?

A There were some -- we did try to figure out -- because by the time this letter went out, it was way past when we thought we would need it. We still, obviously, thought it was very useful for

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Ambassador Taylor to deliver it when he showed up, but we thought that the letter had actually gone away. And then, eventually, we learned that the letter was signed, and then we tried to get our hands on the letter to make sure it was distributed to the Ukrainians.

Q Did you ever hear that the President, you know, ripped up the letter at one point?

A No. No, I hadn't heard that.

Q This issue with Mr. Patel, is it possible there was just a misunderstanding?

A All I know is what was relayed to me by Dr. Hill. So, I mean, I don't really know that much, I don't think.

Q Like did you ever come into a set of information, you know, indicating that Mr. Patel had been representing himself as a Ukraine director on the National Security Council?

A Outside of what Dr. Hill relayed to me, I had no other basis on which to make that assessment. That was a single I guess data point. But I'm not sure where -- she's also -- you know, frankly, in my view, she's a credible person. I know her, and I'm not sure how she came by that.

Q Okay. But that was just one little episode, right?

A That's right.

Q Okay. And, to your knowledge, Mr. Patel didn't join the meeting?

A Not as far as I know.

Q Okay. But at the time, when you were instructed not to go,

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you thought maybe he would be in the meeting and --

A I didn't -- I didn't necessarily think that, because it was clear to me that Dr. Kupperman was going to represent the National Security Council. And, you know, I don't know all of the way -- all the factors to influence the decision, but I do know what Dr. Hill told me is she had this conversation with the National Security Advisor, Ambassador Bolton, and that's what they settled on.

Q Turning your attention back to the July 25th call, you said that you went and you spoke to Eisenberg. How many other officials at the NSC did you have communications with about the call, other than the Eisenberg meeting that you already --

A On the 25 July call?

Q Yeah.

MR. VOLKOV: Just to clarify, you mean at the meeting with Eisenberg, were there other people there or --

MR. CASTOR: After the meeting with Eisenberg.

MR. VOLKOV: Oh, after the meeting, okay.

BY MR. CASTOR:

Q How many other discussions did you have with officials about the call where you related your concerns?

MR. VOLKOV: By "officials," you mean NSC officials?

MR. CASTOR: The officials that he's related to us here today.

A Right. So --

BY MR. CASTOR:

Q I'm just trying to get at, like, how many communications were

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there?

A So --

Q Are we talking 1 or 5 or 10?

A No, definitely not 10 and maybe not even 5. I -- you know, I pulled my brother into this meeting with me, and it's -- I don't recall, but it's quite possible I would have made sure that, you know, John Erath, Deputy -- I hate bringing his name in here because he really is not involved, but he's probably --

THE CHAIRMAN: Can I just caution again not to go into names of people affiliated with the IC in any way.

LT. COL. VINDMAN: I understand, Chairman.

THE CHAIRMAN: Thank you.

LT. COL. VINDMAN: So within -- that's within the National Security Council. And then -- so I didn't really talk to --

MR. CASTOR: And, like, you can say person number one if we don't want to identify people, or person number two.

MR. VOLKOV: Well, wait a minute. We're just talking about national security people. You're talking about NSC?

MR. CASTOR: No, I'm getting back to officials, the --

MR. VOLKOV: Oh, you want to join the issue. Okay, well, we might as well join this issue right now, because we're not going --

MR. CASTOR: Can we evaluate the questions that I'm asking and --

MR. VOLKOV: I mean, you can start the questions, and then we're going to ask the chair to rule, but that's fine if you want to start the questions. They're not going to be answered until we get a ruling

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from the chair.

THE CHAIRMAN: If the witness has any concern that it may lead to the revelation of the identity of the whistleblower, the witness should feel free to decline to respond to the question.

MR. VOLKOV: Can I just clarify one thing? He doesn't -- my client does not know who the whistleblower is, so --

VOICE: We got that in the statement.

MR. VOLKOV: And out of an abundance of caution, we came here to make sure -- we don't know all the information that you have. We have no idea.

And my concern is, as a former Federal prosecutor, I'm not going to out confidential informants, okay? There's plenty of reason that everybody can do what they got to do, but my client is not going to be engaged in that.

MR. JORDAN: Mr. Chairman, can I have just a clarification. Are you objecting to the witness answering the questions from our side, and particularly the ones Mr. Castor has posed throughout the day, based on a classified concern or just the whistleblower concern?

THE CHAIRMAN: No. My concern is over not jeopardizing the life of the whistleblower. And, of course, there are --

MR. JORDAN: It's nothing to do with classification?

THE CHAIRMAN: It's not an issue of classified information. It's an issue of where the questions appear to be leaded, which is to, by process of elimination, identify --

MR. JORDAN: That's your conclusion, Mr. Chairman.

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THE CHAIRMAN: You know, unfortunately, there is a good-faith basis for that concern.

MR. JORDAN: Mr. Chairman, if I could, just for the record here, we just got a resolution that I think is going to be voted on on Thursday, and it says at some point in that resolution, whatever winds up happening here is going to go to the Judiciary Committee. They are going to want to call witnesses at some point.

We would like to give them some help in who they want to call. One of the things you do to determine that is ask the who, what, when, where, why questions of whatever witnesses you allow us to have in here. And all we've been asking is, who did Colonel Vindman talk to after important events that happened this past July? That's all we're asking.

And you're saying you're not going to let him answer, not based on any classification concern, solely because you have some concern that we're trying to get to the whistleblower, which isn't the case. We're trying to get to a list of witnesses that we think will be helpful at some point if, in fact, this goes to the Judiciary Committee.

THE CHAIRMAN: I've made my ruling.

MR. MEADOWS: Mr. Chairman, a point of order then. As you know, the rules require that the only reason for a witness to not actually answer a question is one of privilege under the joint deposition.

And so I would respectfully appeal the ruling of the chair, and, as required by the rules, I'm required to give written notice of that appeal. And so I want to, for the record, submit that objection and

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ask that the committee certainly resolve this issue by a vote, as the rules dictate.

But I can say, since the witness does not know who the whistleblower is, just mentioning names could not possibly out the whistleblower. But, regardless, I would say the rules are very specific. I would appeal the ruling of the chair, and I'll give this to the Clerk as well as to the chairman.

THE CHAIRMAN: And I would just say, Mr. Meadows, that what you've said -- and it's certainly not intentional -- I don't believe is accurate for the reason that the witness' counsel mentioned, which is it's not just about what this witness knows. It's what we cumulatively know from the interview of other witnesses. And that's what may allow the outing of the whistleblower, the testimony of other witnesses and the process of deduction and elimination.

And, you know, I would love to have you make a statement, Mr. Meadows, of your support for the ability of the whistleblower to remain anonymous so that we do not discourage other whistleblowers from coming forward. I would love to have you acknowledge that there have been threats made to this whistleblower and that Members should make every effort not to identify the whistleblower. I would love to hear my colleagues express their support for whistleblowers overall. I haven't heard any of that.

What I do hear are questions which -- you know, pardon me for being skeptical -- appear designed to meet the President's goal of outing the whistleblower, and that does concern me greatly. And the witness

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and the witness' counsel have made it clear they have no interest in being party to that. And I don't have any interest in our proceeding being party to the outing of the whistleblower. But I will consult with my staff.

MR. MEADOWS: With your Parliamentarian.

Mr. Chairman, with all due respect, I mean, there are times when we wish the rules said something different than they actually do. In this case, the rules are very clear -- you can ask your counsel -- that the only exception is one granted of privilege, and that's not being invoked here. And so that's why I respectfully appeal the ruling of the chair.

MR. JORDAN: Colonel Vindman, the question from Counsel Castor is real simple: How many individuals did you talk to after the July 25th call after your meeting with Mr. Eisenberg, and how many times did you talk to them? So that's what we're looking for, how many people and how many times?

MR. CASTOR: So person one, two, three, four -- just let me finish and then -- person one, two, three, four, or person one, and then communication one, two, three, four. Was it one person, one communication?

MR. VOLKOV: Yeah, and we'll object to that. He's already testified as to one conversation that he did have, which was with the -- Mr. Kent, okay, from the State Department.

MR. CASTOR: Okay. So --

MR. VOLKOV: Wait a minute. That's one person. What I'm not

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going to be a party to is we're not going to be a party to any information that can be used to out a whistleblower.

MR. CASTOR: How would it be used to out a whistleblower to say, "I spoke with a person unidentified"?

MR. VOLKOV: The test is, would the information tend to provide identification evidence?

MR. CASTOR: Okay. Can we go one question at a time? How many people are there?

MR. VOLKOV: I'm just telling you I'm not going to go through that.

MR. CASTOR: So we can't even say there's only one person?

MR. VOLKOV: Look, he came here. He came here. He tells you he's not the whistleblower, okay? He says he feels uncomfortable about it. Try and respect his feelings at this point.

VOICE: We're uncomfortable impeaching the President.

MR. VOLKOV: Excuse me, excuse me. If you want to debate it, we can debate it, but what I'm telling you right now is you have to protect the identity of a whistleblower. I get that there may be political overtones. You guys go do what you got to do, but do not put this man in the middle of it.

MR. CASTOR: So how does it out anyone by saying that he had one other conversation than the one he had with George Kent?

MR. VOLKOV: Okay. What I'm telling you right now is we're not going to answer that question. If the chair wants to hold him in contempt for protecting a whistleblower, God be with you. And you guys

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can go run out there and talk to the press about it and have a great time, but I'm telling you right --

MR. CASTOR: You know, none of us is having a great time.

MR. VOLKOV: Well, look, what I'm telling you is I've never seen either party ever try to out a whistleblower in the same concerted way that is going on in here. It's not going to happen.

MR. CASTOR: We're just trying to find out if it's one person or five people.

MR. VOLKOV: Look, I was a prosecutor for 25 years, sir, okay? I handled confidential informants. I handled very risky situations. What these questions are designed to do, you've already -- you don't need this. You don't need to go down this. And, look, you guys can -- if you want to ask, you can ask -- you can ask questions about his conversation with Mr. Kent. That's it. We're not answering any others.

MR. ZELDIN: The only conversation that we can speak to Colonel Vindman about is his conversation with Ambassador Kent?

MR. VOLKOV: Correct, and you've already asked him questions about it.

MR. ZELDIN: And any other conversation that he had with absolutely anyone else is off limits?

MR. VOLKOV: No. He's told you about his conversations with people in the National Security Council. What you're asking him to do is to talk about conversations outside the National Security Council. And he's not going to do that. I know where you're going.

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MR. ZELDIN: No, actually, you don't.

MR. VOLKOV: Oh, yes, sir.

MR. ZELDIN: No, you really don't.

MR. VOLKOV: You know what? I know what you're going to say. I already know what you're going to do, okay? And I don't want to hear the FOX News questions, okay? Yeah, yeah, that's exactly right.

MR. ZELDIN: Listen, this transcript is going to be out at some point, okay?

MR. VOLKOV: I hope so.

MR. ZELDIN: Just for the record so that you understand, Counselor, that the question that Mr. Castor is asking is with zero desire whatsoever to get information to out the whistleblower. Do you understand?

MR. VOLKOV: That's not true. I don't believe you.

MS. SEWELL: The chairman has ruled. Respect the counsel he's paying for on his own dime. The chairman has ruled.

THE CHAIRMAN: The gentleman will suspend. Let's suspend. Counsel has made his position clear. I think his client has made his position clear. Let's move on.

Time has expired. Let's take a break.

MR. ZELDIN: We just spent 8 minutes debating that.

THE CHAIRMAN: Well, that was your choice. That was your choice.

MR. ZELDIN: We spent 8 minutes on a filibuster.

THE CHAIRMAN: We will take a 5-minute recess, and then we will resume.

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[Recess.]

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[6:21 p.m.]

THE CHAIRMAN: Okay. Let's go back on the record. I recognize Mr. Noble for 45 minutes.

BY MR. NOBLE:

Q Colonel Vindman, after the July 25th call, am I correct that Mr. Eisenberg instructed you not to talk to others about the call?

A After the July 25th phone call, he initially did not. The point at which he advised me not to talk to anybody else was after --

Q Could you move the mike?

A Sorry. You know, I think we're going to stray into areas that are -- that the chairman has already ruled on actually.

MR. VOLKOV: Well, let me state it this way, and I could proffer what he would say. What he would say is that --

MR. NOBLE: Can you speak into the mike?

MR. VOLKOV: Oh, I'm sorry. That there was a time when Mr. Eisenberg came to him, asked him who he had talked to, and then he told him, do not talk to anybody else.

MR. NOBLE: Okay.

MR. VOLKOV: Okay? And that was the end of all their communication.

BY MR. NOBLE:

Q Okay. And your notebook that you reference that you said contains classified information, that's the notebook that you used to take notes about the call?

A That's the notebook I used to take notes about everything,

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all my meetings, you know, all my day-to-day activities.

Q But you don't consider your notes about the call or what you've conveyed here to be classified, correct?

A No, not about the call. But I would just, again, say that this book is -- I'm almost at the end of it, and it's filled with all my contacts, all sorts of different levels of classification, all sorts of sensitive materials.

Q Okay. In the days following the July 25th phone call, can you explain or describe what the reaction of others at the National Security Council were, kind of --

A Yeah. So it was -- I may have mentioned earlier, it was an extremely busy week. We went from a -- for me -- from a PCC on the 23rd to the phone call on the 25th to a deputies small group on the 26th.

I basically -- after I provided my concerns to Mr. Eisenberg, I moved on and continued on trying to work on this issue of, you know, building consensus, assessing the impacts of, you know, the cessation of security assistance, and working through the process and through the chain of command to inform senior leaders so they could make a decision on this.

Q Okay. And I believe, sticking with the July 25th call, in response to some questioning from our Republican colleagues, you had said something about, if President Trump were to ask about an MLAT assistance, that that might be appropriate. Is that what you said?

A I guess, I think the question was something closer to, am

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I aware of what an MLAT is? And I said yes. And then I'm trying to remember, I guess, exactly what I said. You know, I took the actions I did. I explained, I guess, those actions in the statement. Everything else about if this had happened, if that had happened is, you know, hypothetical and speculative. So I guess I'm not sure --

Q Fair enough. But on the MLAT issue, you said you are familiar with MLATs, right?

A Yes.

Q What does MLAT stand for?

A So multilateral -- now you're going to put me --

Q I'm sorry. Mutual legal assistance treaty. Is that correct?

A Yeah, mutual legal assistance treaty. So the context that this had come up, again, during the course of my normal activities and in an effort to assist the Ukrainians with corruption, we were discussing, you know, the exchange of, you know, between the legal counsels, exchange of information to help, I guess, resolve some ongoing issues, either pending legal action against oligarchs or just, in general, cooperation between -- bilateral cooperation.

Q So is it your understanding that an MLAT is used by the Department of Justice to request evidence that may be located abroad, foreign witnesses, or documentary evidence, electronic evidence for use in U.S. criminal prosecutions and investigations?

A Right. And then the same thing in reverse for the foreign power to ask for the same types of materials for investigation, yes,

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sir.

Q That might exist here in the United States --

A Correct.

Q -- that the U.S. could provide to the foreign country --

A Correct.

Q -- to assist in their own foreign criminal investigation or prosecution?

A That might be about as much as I know about MLATs.

Q Okay. To your knowledge, was there any MLAT request, official DOJ MLAT request relating to the 2016 election interference by Ukraine or Burisma or Hunter Biden or former Vice President Biden at the time of the July 25th call?

A I'm not aware of any such requests.

Q Okay. Now, you said you went on vacation sometime after the July 25th call. What were the dates of your vacation?

A From the 3rd -- it was supposed to be through, I think, the 16th or so. I came back a little bit early because there was a lot of things going on, so --

Q Okay. So are you aware on August 2nd that Rudy Giuliani met with Andrey Yermak in Madrid?

A I was not aware at the time, no. I learned about it afterwards.

Q How did you learn?

A I'm not sure if it was initially press reporting or -- I'm just trying to think if maybe I heard of it from -- Mr. Volker would

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be the only other person that I think -- Ambassador Volker would be the only other person that logically I may have learned it from, but probably press reporting, I think. I don't know for certain. I apologize.

Q Do you recall any meetings or discussions with Ambassador Bolton where Giuliani was discussed and particularly his activities in Ukraine?

A I know of such conversations only as they were relayed to me from Dr. Hill who had such -- at least a conversation. I'm not sure if there were more.

Q Okay. But you didn't have any one-on-one or group discussions --

A No.

Q -- where Ambassador Bolton was present and Giuliani came up?

A No.

Q Okay. Were you aware that, around the time that you were on vacation, Ambassador Sondland and Volker were working with Andrey Yermak on a possible statement that President Zelensky was going to release announcing the Burisma and 2016 election interference investigations?

A I don't think I learned of that until actually, you know, Ambassador Volker's testimony and the release of his text messages, WhatsApp text messages.

Q So you had no contemporaneous knowledge?

A No.

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Q Okay. Are you aware of whether any Department of Defense official may have communicated to a Ukrainian Government official on or about August 6th about the freeze of U.S. assistance to Ukraine?

A I'm not. So I'm just trying to think of -- yeah, I'm not aware. I don't recall anything of that nature.

Q Okay. Are you aware that the statement that Ambassador Volker and Sondland were working with Andrey Yermak on that was supposed to include Burisma and 2016 elections was ultimately not issued by the Ukrainians? Did you ever see a statement like that?

A No. I learned of all this, you know, after the whistleblower report and after I think Ambassador Volker gave testimony.

Q And was there ever any discussion about the Ukrainians not issuing the statement around the time, I believe you said it was August 16th, that the President rejected your recommendation that the assistance be reinstated?

A I have no knowledge of these events.

Q Okay. Are you aware of conversations that Tim Morrison had with Ambassador Taylor and Ambassador Sondland, you know, the last couple weeks of August relating to the freeze and the potential White House meeting for President Zelensky?

A I'm not.

Q Okay. So Mr. Morrison never looped you into those calls?

A He didn't.

Q Okay. So you're not aware of an August 22nd call that Morrison had with Ambassador Taylor?

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A I don't recall being -- I don't recall participating in that call, no. I guess, I mean, there were still times that I was communicating with Ambassador Taylor, but not on this topic, I guess. So there are other relevant issues that we were handling. I don't recall this particular call, but I was still in communication at times with Ambassador Taylor.

Q Did you ever communicate with Ambassador Taylor about concerns that the Ukrainians were raising about the pressure being put on them to do these investigations or announce these investigations?

A Sure. So certainly the call on July 19th, in his account. You know, I wouldn't have thought about it, but I do recall having that conversation with Dr. Hill and Ambassador Taylor, so -- and that had to do with security assistance.

Ambassador Taylor was also a participant in sub-PCCs, PCCs, and he was voicing his concerns about how this is going to impact our Ukraine policy, bilateral objectives, and so forth. And so, in that context, yes, we had conversations about it.

Q Later, in August, or in early September, did you ever have any conversations with Ambassador Taylor where he expressed the concern that the assistance to Ukraine was being conditioned on Ukraine announcing the investigations?

A Counsel, I guess, I would just say that, you know, at some point in time, I was not involved. I became less involved in these conversations, and, you know, I don't think I have much insight into conversations that Mr. Morrison had with Ambassador Taylor from

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that -- really, frankly, from about August onward, middle to late August onward.

Q Okay. So two questions on that. Just first, sticking to my original question, did you have any conversations with Ambassador Taylor about his concerns that the assistance was being conditioned on the investigations that you recall?

A I guess, I'd return back to what I said just a moment ago, that there were ongoing conversations about the impact of security assistance. I guess, if the question is specifically, you know, the pressure that the Ukrainians were under to provide some sort of deliverable to release security assistance, I don't recall that kind of conversation.

Q Okay. And then the second followup question is, why do you feel like -- I can't remember exactly the words that you used -- but that you were not as involved in these discussions after you came back from vacation in early August?

A That would be speculation. I don't know why.

Q Okay. So Ambassador Bolton traveled to, among other places, Kyiv on August 27th through, I believe, August 29th. Is that right?

A One more time, please.

Q I'm sorry, I said Taylor, but I meant Ambassador Bolton traveled to Kyiv in late August --

A Correct.

Q -- the 27th through the 29th?

A Yep.

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THE CHAIRMAN: I was just going to see if I could clarify, the point that you mentioned in August when you were less involved in these issues and you weren't able to speculate as to why, how was that reflected? Was it reflected in your not being invited to a meeting that others were on the topic or not being part of conversations? What gave you the impression that you were being excluded from some of those discussions you had been a party to earlier?

LT. COL. VINDMAN: So, Chairman, I would say that the trip to Ukraine, Moldova, and Belarus, all three countries in my portfolio, that occurred in the August timeframe, I didn't participate in. So I'm not sure why that's the case, but that's -- I don't think that's typical for a director in which there's travel to all those countries to be excluded from that travel and, you know, providing the support that's offered to the leadership at that time.

THE CHAIRMAN: And your exclusion from that trip, that took place after you went to Mr. Eisenberg to express your concerns with the July 25th call?

LT. COL. VINDMAN: Answering just factually, yes. But, again, I would not want to speculate as to, you know, what the motivations were or anything of that nature.

THE CHAIRMAN: Did you ever seek an explanation for why you were not included on that trip?

LT. COL. VINDMAN: I did, yes.

THE CHAIRMAN: And who did you inquire with?

LT. COL. VINDMAN: I inquired with the deputy senior director,

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John Erath, and I believe I inquired with Tim Morrison also.

THE CHAIRMAN: And what was their answer?

LT. COL. VINDMAN: So I received different answers, frankly, at different times. But the answers were, you know, there's limited space on the plane and, you know, Mr. Morrison had it covered or something of that nature, and that's -- you know, things of that nature, but nothing -- I guess, I don't know. I'm not sure.

THE CHAIRMAN: Were there other ways in which the way you were integrated into Ukraine policy changed after talking to Mr. Eisenberg?

LT. COL. VINDMAN: So I understand, Chairman, that, you know, there's a logical connection there. I don't want to be the one to draw it for you.

THE CHAIRMAN: Yeah. No, and I'm just talking chronologically.

LT. COL. VINDMAN: Right.

THE CHAIRMAN: But in the August timeframe and September, were there any other ways in which you felt your responsibilities vis-à-vis Ukraine had changed?

LT. COL. VINDMAN: So I would request readouts, for instance, of -- in order to be able to do my job effectively, understand kind of the latest state of play, you know, if there was a policy direction or some other element that needed action. I would ask for readouts, and I wasn't able to successfully obtain readouts of those trips.

I did eventually get information through, you know, my interagency contacts and cables that kind of read out some of these things, but it was not directly from Mr. Morrison and -- yeah.

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THE CHAIRMAN: Thank you. Mr. Noble.

BY MR. NOBLE:

Q On the trip that Ambassador Bolton made to Ukraine, did you help prep him for that meeting?

A That was the reason I came back -- well, let me think through this. So that was the reason that I had come back early is to frankly put together the prep and to get ready for travel, because at the time when I thought I was -- when I was coming back, I thought I was going to be part of the trip.

MS. SEWELL: Daniel, could I ask a question?

MR. NOBLE: Sure, of course.

MS. SEWELL: Colonel, I'm Congresswoman Terri Sewell from Alabama.

How would you characterize your duties and responsibilities currently? Are they the same that they were back in May, in April, May, June, July? Like how would you characterize what you currently do? You said that, in August, you were -- trips that you would normally participate in you didn't participate in. I just want to see how you would characterize your job responsibilities and access to information and to people, you know, now.

LT. COL. VINDMAN: Thank you, Congresswoman. So I have other elements in my portfolio. I have plenty of work to do there. And, frankly, there's still plenty of work to do in Ukraine on my portfolio.

I'd say that the -- if I had, in fact, felt that I was being cut out, I think the situation is somewhat normalized to a certain extent,

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and that, you know, I'm still able to advance U.S. interests and coordinate policy in a lot of ways. There was that period of time where, I guess, you know, where I felt I wasn't having access to all the information and not attending the things that I would typically be participating in.

MS. SEWELL: You don't feel that way now? Let me rephrase. Are there things that you would normally, typically have access to, people, documents, information that would help you best do your job as the person who, you know, basically coordinates interagency responsibilities with respect to a number of countries, including Ukraine?

LT. COL. VINDMAN: Right. So I have a pretty strong network of folks that I collaborate with outside the -- I had no kind of degradation in my ability to coordinate with external folks. I think, you know, isolating it just to the NSC, there probably were some challenges in the August/September timeframe, but, like I said, now I feel like, you know, the situation is somewhat normalized.

And, also, Congresswoman, you know, I'm not sure how much of this is just the fact that there's also a natural adjustment period between a change in leadership, Dr. Hill to Tim Morrison, doing, you know, operating in different ways. So, you know, I'm not sure how much of that is unique to me versus, you know, broader.

MS. SEWELL: Thank you.

BY MR. NOBLE:

Q When you were prepping Ambassador Bolton for the trip to

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Kyiv, did he ever express any concerns about not wanting to get involved in politics?

A So the preparation was in the form of background papers, talking points, and I prepared all that. I did not prepare him, you know, one-on-one or anything of that nature. Yeah, I believed Tim -- Mr. Morrison -- prepared him based on the materials I provided.

Q Verbally, you mean, had meetings with him?

A So, again, based off experience, when I traveled with Ambassador Bolton the previous year to meet with the Russian counterparts and to Ukraine, I put together the prep, I traveled with him, and then I provided some prep to him on aircraft and things of that nature.

So I would imagine that Mr. Morrison took that role and provided that prep to the Ambassador. It was a multiday trip, lots of moving pieces, and, you know, with unique activities in each one of those three countries. So I think probably there was more than likely some sort of prep.

Q Okay. And Mr. Morrison went on that trip with Bolton, correct?

A Yes.

Q Are you familiar with a cable that Ambassador Taylor sent to Secretary of State Pompeo on August 29th about concerns that he had?

A Yes.

Q Okay. Were you on the distribution list for that?

A Frankly, I don't recall. It's called the first-person cable

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that you're referring to.

Q That's correct.

A I don't recall whether I saw that -- at what point I saw it, but at some point, I did see the first-person cable. And, in general, I think Embassy Kyiv is quite good about collaborating, coordinating, keeping me in the loop about what's going on.

Q And do you remember the gist of what the cable said?

A I think it was expressing what I would characterize as a deep concern over the fact that the security assistance was being held up; it was now a public issue; and how this was going to affect our bilateral relationship and national security.

Q Do you know what, if anything, happened to the cable at the White House?

A I don't.

Q Okay. Do you know if it ever made its way to the President?

A I don't. And, frankly, you know, the fact that you asked the question that way, typically what I would do is it's a significant event, so I would take this, package it in the form of an information memo and send it forward. I don't remember doing that in this case.

Q Okay. Do you know if anyone else did that?

A No, I don't think -- not that I'm aware of.

Q So I'm going to ask you some questions about a series of events. We're trying to get through -- cover some territory, and if you don't have any knowledge about it, perfectly fine, obviously.

But Ambassador Bolton's trip to Kyiv was leading up to a meeting

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in Warsaw, a bilat between Vice President Pence and President Zelensky, is that right, in connection with the commemoration of World War II?

A It was initially scheduled to be a meeting between President Zelensky and President Trump, and then that changed to Vice President Pence when the President was unable to attend because of Hurricane Dorian.

Q And did you participate in that?

A I participated in the preparation for it, but, again, I didn't attend the meeting.

Q Did you help prepare Vice President Pence for the meeting?

A I helped his -- I assisted his staff with preparing him.

Q And which staff members prepped him?

A That would have been Jennifer Williams.

Q Okay. Was Keith Kellogg involved at all?

A I'm sure -- I didn't have that interaction, but it would be logical that General Kellogg would be part of the prep, you know, with the actual senior adviser, Jennifer Williams, providing the material, the content, I guess.

Q Do you know whether in advance of the Warsaw meeting with President Zelensky Vice President Pence had any knowledge of the favor that President Trump had asked of Zelensky during the July 25th call?

A I do not.

Q Okay. Do you know whether Vice President Pence was provided a copy of the July 25th call summary?

A I do not, no.

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Q Is that something normally -- that the Vice President would normally receive?

A I think that his staff was in the call and provided him a readout and certainly had the ability to, if that wasn't sufficient, follow up with something more detailed.

Q And by "staff," you mean -- that was Keith Kellogg and Jennifer Williams --

A Correct.

Q -- who were in the Situation Room with you?

A Yes.

Q Did you ever have any conversations with Kellogg or Williams about them briefing Vice President Pence on the call?

A On the meeting? Is that correct?

Q No, on the July 25th call.

A Oh, I did not.

Q So you don't know one way or the other if they briefed the Vice President on the call?

A I don't, no.

Q Would it have been normal for the staff to brief the Vice President on a call that the President had with a foreign leader that he was about to go meet with?

A I would -- so just in the idea that his staff participated in it, if they thought that there was something to brief him on, they would. I have no knowledge of whether they did, in fact, do that.

Q And, I mean, just to be clear, my question was, is that

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something that a staff would normally do for the Vice President if he's going to meet with a foreign leader that the President has just had a telephone conversation -- or had a telephone conversation with, I guess, a month ago. But would they brief him on that?

A I think due diligence would suggest that you provide readouts of recent, you know, key leader communications, the President's phone call.

Q Okay. Did you get any readouts of the Vice President's meeting with President Zelensky?

A I did.

Q And can you describe what happened based on your knowledge from the readout?

A So I don't -- this has not been declassified or anything of that nature, so I can't get into substance, but I can say that Jennifer Williams provided a pretty thorough readout of the conversation.

Q So there has been some public reporting about the conversation.

A Right, statement -- there was a statement released. And with regard to the statement, I think the -- what's in the public space is consistent with what Ms. Williams provided me in her readout.

Q Okay. Do you know whether Ambassador Sondland had any side conversations in Warsaw with Andrey Yermak?

A I don't -- I'm not aware of any side -- not being party to the trip, I, frankly, don't have a huge amount of insight into what activities may have occurred.

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Q Okay. Are you familiar with any conversations that Ambassador Sondland had with Ambassador Taylor around this time concerning the security assistance?

A No.

Q Did you ever -- no, okay.

Do you know anything about Secretary Pompeo's trip to Brussels on September 2nd where he met with Ambassador Sondland?

A I don't.

Q Are you familiar with any meetings that Tim Morrison had with Oleksandr Danylyuk in Warsaw?

A Yes.

Q What do you know about those meetings?

A So I know the ones that -- I guess, the ones that we had scheduled or the ones that we had discussed had to do with a topic that's not been discussed in this inquiry. It had to do with basically having the -- and I think this is -- actually, this -- Ambassador Bolton did discuss this, so I think -- I guess I could comment.

At the time, we were working diligently on [REDACTED], and I am aware of the fact that there were multiple conversations that Mr. Morrison was having to advance this initiative.

Q Okay. Do you know whether Danylyuk ever asked Mr. Morrison to meet him at his hotel to discuss the frozen assistance to Ukraine?

A I'm not.

Q Mr. Morrison never told you about --

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A No.

Q -- any conversation he had with Danylyuk --

A No.

Q -- about that? Okay.

Are you familiar with any telephone calls between Defense Secretary Esper and the Ukraine Defense Minister relating to the frozen assistance on or about September 6th?

A I don't recall the exact date, but on or about the same time -- and I think -- let's see if this is in the public record -- so, I mean, there was a conversation between the minister -- Ukrainian Minister of Defense and Ambassador Bolton, and I think it was discussed that this Defense Minister was going to have a follow-on conversation with Secretary of Defense. That's about as much as I know. I'm trying to remember if I even received a read -- I think I did receive a readout of it.

Q And was the conversation concerning the frozen assistance?

A That topic did come up, yes.

Q Okay. Do you recall what the Ukrainian Defense Minister asked and what Ambassador Bolton said?

A Sure. So, to the best of my recollection, Mr. Zagorodnyuk, the Minister of Defense, indicated the importance of security assistance to Ukraine, and I was looking for information on what was going on and whether that -- I guess, what he could expect with regards to security assistance.

Q Do you know whether the President's desire for

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investigations came up during that call?

A I don't believe so. From the readout, I recall it was, I think -- you know, my understanding is that it was the talking point that was being used. It was part of an ongoing review process.

Q That was the talking point that was supposed to be used?

A Yes.

Q But wasn't the interagency review process over in July?

A So, I mean, it wouldn't -- the interagency review process, I guess, if you -- I don't think the interagency review process talking point that was being offered, frankly, is consistent with what we were doing in July and August. What we were doing in July and August, we were looking to build interagency consensus and determine, I guess, a way to recommend the release of security assistance funding.

The talking point on security assistance being under review is when the information broke. That's when there was, you know, I guess that's when -- in the hope of eventually lifting the hold on security assistance and not harming the relationship that we have with the Ukrainians, that's the way we described it.

Q Again, some more questions about some things that -- just testing to see what -- not testing but --

A Sure.

Q -- figuring out the scope of your knowledge. Are you aware of any conversations that President Trump had with Ambassador Sondland on or about September 7th, September 8th, or September 9th?

A I'm not.

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Q Did you ever get any readouts from those --

A No.

Q -- conversations?

A No.

Q Do you know whether Mr. Morrison would have known about those calls?

A I don't know.

Q Are you familiar with a request by President Trump for President Zelensky to do a televised interview to announce the investigations into Burisma and the 2016 election interference that was being discussed in early September?

A Just what's come out in terms of reporting based on the activities of this inquiry.

Q You weren't aware of that at the -- those conversations at the time?

A No.

Q Okay. Were you aware that the three committees, the Intelligence Committee, Foreign Affairs, and Oversight, had launched an investigation into the President and Giuliani's activities in Ukraine on September 9th?

A Yes.

Q How did you learn about that?

A We received the notice through our leg affairs folks that this inquiry was being launched.

Q Leg affairs at the White House or --

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A National Security Council.

Q Okay. Was there discussion about that investigation at the NSC?

A I'm trying to remember if there was a discussion. You know, maybe only in the form of like water cooler talk on the fact that this was likely going to, you know -- this might have the effect of releasing the hold.

Q The hold on the security assistance?

A Yes.

Q Why?

A Just because it was -- there was an inquiry going on, and it would be potentially politically challenging to, you know, justify that hold.

Q Who did you have those conversations with?

A I think, if I recall correctly, it probably would have been John Erath.

Q John Erath?

A Yeah.

Q Okay. So the next day, September 10th, I believe, is when Ambassador Bolton resigned. Is that right?

A I, frankly, don't recall the exact date, so --

Q Are you familiar with the reasons for his resignation or --

A There was speculation, but I don't have any kind of deep, unique insight into why.

Q Was there discussion at the NSC for the reasons -- about the

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reasons?

A Yes, there was discussion at the NSC as to why.

Q Did you have -- did you engage in those discussions?

A Yes. But I think, you know, it was kind of speculation. You know, this is in the public record. This is after the Camp David Taliban peace effort, so that was identified as a potential issue. I think there was speculation as to -- I'm trying to remember if there was a Syria angle to it, a disagreement on Syria.

This was also not too far after, you know, the -- Ambassador Bolton's efforts to implement a pressure campaign on Iran were, you know, not being fully implemented. And eventually I heard -- and I, frankly, don't recall from whom -- that maybe Ukraine and support for Ukraine may have been a part of it.

Q Okay.

A But it's, you know, those are kind of -- you know, I'm relating to you the rumors that were being discussed.

Q Understood. And you don't have any personal knowledge based on conversations with Ambassador Bolton, for instance?

A No. No.

Q Okay. And then the next day, September 11th, 2 days after Congress launches the investigation, President Trump decided to lift the freeze on the Ukraine assistance, correct?

A Correct.

Q Did you know the reasons why President Trump decided to lift the freeze on September 11th?

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A No. I know that there was a late evening meeting. The issue was discussed, and the President decided to lift it.

Q Okay. Did you ever get any kind of explanation for --

A No.

Q -- why the freeze was lifted at that --

A No.

Q -- particular time?

A No.

Q Where did that meeting take place and who participated?

A I don't know. I think I just really received kind of the absolute wave tops, that there was a meeting on the night of September 11th, and that, you know, the decision was made to lift the hold.

Q Okay. At that point in time, September 11th, had the administration received any new assurances from Ukraine about anticorruption efforts that they were going to undertake to satisfy the President?

A No.

Q To your knowledge, had the Europeans agreed to commit to any additional assistance to Ukraine at that time?

A Not that I'm aware of.

Q So, to your knowledge, did any of the facts on the ground change before the freeze was lifted?

A No, not as far as I know.

Q Okay. A couple more questions that you may or may not know

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the responses to. But did you have any knowledge of Secretary Pompeo's call with the Ukrainian Foreign Minister on September 17?

A I believe I received -- I don't recall the details, but I believe I received the readout, yes.

Q Do you recall the nature of the conversation?

A My recollection is that this was closer to just a normal call to kind of reinforce U.S. support, to kind of alleviate residual concerns resulting from the, you know, the hold on security assistance, and kind of try to get the relationship back on track. That's my recollection.

Q Okay. And then the next day, Vice President Pence had a call to President Zelensky?

A Yes.

Q Are you familiar with that call?

A Yes, I am.

Q And what did they discuss on that call?

A It was the same type of kind of back to normalizing the relationship, you know. My recollection of the readout was something along the lines of, you know: We had our conversation. I spoke to the President, and, you know, security assistance has been lifted, continue to implement, you know, delivering the consistent message on reforms and anticorruption, and, you know, looking forward to working with you and so forth.

Q So was this number of high-level U.S. contacts with high-level Ukrainian officials in such a close period of time normal,

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or was this part of an effort to try to restore relations after the security assistance was frozen?

A What I can say to you, Counselor, is that we wanted to move back to a normalized relationship with Ukraine because of the inherent value of Ukraine to U.S. national security, and certainly we encouraged contact at the highest levels to reassure the Ukrainians and to continue to advance our mutual agenda and move to an absolutely normal relationship.

Q Okay. Did you participate in the United Nations General Assembly meeting between President Trump and President Zelensky?

A I did not.

Q So I do want to go back to the July 25th call for just a few more questions based on testimony you provided earlier. I believe you testified that, in advance of the July 25th call, you'd prepared some talking points. Is that right?

A Correct.

Q And you also indicated that you drafted a press release in advance of the call?

A Correct.

Q That would be the American readout of the call?

A Correct.

Q And is that something that you would normally do in advance of a head-of-state call?

A Absolutely.

Q But I believe you testified that much of the press -- many

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of the talking points were not used by President Trump, correct?

A Correct.

Q And much of the press release had to be crossed out essentially?

A Pretty much.

Q And what did you have to cross out and why?

A So there were the substantive -- you know, not to sound inflammatory, but there were the substantive aspects for the call. So, besides the congratulatory message that we were, you know, looking to arrange between the Presidents, there was also a returning back to some of the other relevant issues.

As I recall, there was a talking point on, you know, broader reforms, broader anticorruption efforts. I want to say that there was a talking point on this effort that we had launched to [REDACTED]

[REDACTED] I know that certainly was, as time went on, that became a more significant element. So it was in later talking points, but I think that was also an element of it. You know, I don't recall what elements were crossed out.

Q Okay. But the release was never put out, correct?

A I think there was -- I believe we provided a short release on the call.

Q Are you sure about that?

A I believe. As I said, I believe --

Q Where would we look for it if we wanted to find the American readout of the President's call on July 25th with President Zelensky?

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A Yeah. So it would have been on the -- that's interesting. I guess, you know, if that's the case, that would have been something that I would have missed. We had a readout. It was ready to go. We made the fine-tuning adjustments to it after the call with the expectation it was going to get released.

I don't always follow up because, you know, once it's in the pipes, it might take some time to release it, but it happens. So it's possible that it didn't happen in this case.

Q Who normally does the release or releases it?

A It would go through NSC press to White House press, and then it would go out through White House press channels. I think, it would be -- it should be easily google-able or something.

Q And do you recall the sum and substance of what it said?

A It just -- we did say that there was a congratulatory -- you know, the President conducted a congratulatory call with President Zelensky. And, you know, I guess, I don't recall, but there's probably at least one or two other elements in there.

Q Did it mention the Bidens?

A No, it did not.

Q Did it mention the server?

A It did not. But these things wouldn't typically be in -- we wouldn't get to that level. It would be just the top line, so, no, it wasn't.

MR. NOBLE: I believe Chairman Engel has some questions.

MR. ENGEL: Thank you. Thank you very much.

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Colonel, you have to be highly qualified to serve on the NSC. Am I correct about that?

LT. COL. VINDMAN: In all cases but mine, Congressman.

MR. ENGEL: Have you received commendations and awards for your prior service?

LT. COL. VINDMAN: I have, Congressman.

MR. ENGEL: Okay. Can you name them?

LT. COL. VINDMAN: I'm wearing most of them. So I --

MR. ENGEL: That looks pretty good to me.

LT. COL. VINDMAN: Yeah. On this side would be the various unit awards that I received, service on Joint Staff, service in Moscow, service with my combat unit. On this side are my personal awards. The Purple Heart is the senior one, so it's the most recent one -- or at the top. But then you have the Joint Meritorious Service medal that I received from my time on the Joint Staff. Another Joint Meritorious Service medal from my time in Ukraine. You know, there's an Army Meritorious Service medal further back. I'm just going sequentially. And then, you know, other various awards and decorations.

But those are -- I mean, I'm not sure if that fully attests to my expertise. I guess, if anything speaks to that, it'd be the fact that I'm working on the National Security Council.

MR. ENGEL: Have you ever had your honor or integrity publicly attacked prior to your brave decision to come and testify here today?

LT. COL. VINDMAN: Only by the Russians.

MR. ENGEL: Do you believe that it is because you've come forward

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to tell Congress the truth about how the President's conduct has threatened our national security and Ukraine's in an effort to get help in the 2020 election?

MR. VOLKOV: If I can intervene here, I'd rather he not sort of weigh in on that. I don't think it's really appropriate to ask him, you know, that type of question.

LT. COL. VINDMAN: I was going to not answer anyway.

MR. VOLKOV: Well, but I just don't --

MR. ENGEL: Well, I ask these questions because I'm really just appalled by what I heard before, by what I'm told has been going on here today. I just want to thank you for your service to our country. It's quite clear from your sterling record that you've dedicated your life to protecting and advancing American interests, and your presence here today is very much in keeping with that record.

It would have been much easier for you to have stayed out of this. Your bravery in coming forward should be publicly commended by all of us in this room and by the entire country.

And as the chair of the Foreign Affairs Committee with the work I've done to protect and support the men and women of the State Department, I know how much the work that keeps our country safe and advances U.S. interests is being done every day by public servants and career officials such as yourself.

So I'm just sickened to see how some are trying to discredit and retaliate against you, including some disgusting attacks in the media that accuse you of dual loyalty. Dual loyalty kind of resonates with

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me because I'm also a Jewish American of Ukrainian descent.

And your life story resonates to me on a personal level. And to hear that kind of baseless, xenophobic slander is downright disgraceful. It's counter to everything this country stands for, and anyone pedaling that sort of ugly attack ought to be ashamed.

And I want to also underscore for the record that I stand in full solidarity with Chairman Schiff and others in the room here today. We must and we will resist any efforts to expose the identity of the whistleblower whose urgent concern relates to the matter we're discussing today or for that matter any other whistleblower facing similar risk of retaliation. Such efforts are really shameful and irresponsible.

Thank you.

THE CHAIRMAN: Our time has expired.

We are going to go to 45 minutes for the minority. Do you have a sense of how much longer you all have? Do you think you'll use the full 45 minutes? Just to give the witness an estimate.

MR. CASTOR: I know Mr. Zeldin and Mr. Perry have some questions.

MR. ZELDIN: I think so. Do you want to take a break?

THE CHAIRMAN: Well, I'm ready to go forward, unless the witness would like a break. I was just trying to give the witness a sense of how long we're going to be. I think we're pretty much done. We may have some followup to what you ask, but -- so the end is in sight.

Forty-five minutes to the minority.

MR. CASTOR: Mr. Zeldin. I have some things too after

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Mr. Zeldin and Mr. Perry.

MR. ZELDIN: Colonel Vindman, I believe you testified earlier that around the middle of August you started to receive inquiries from Ukraine with regards to assistance. Is that correct?

LT. COL. VINDMAN: That's accurate, yes.

MR. ZELDIN: Who did you hear from in Ukraine?

LT. COL. VINDMAN: So the inquiry that I'd be referring to would be from the Ukrainian deputy chief of mission, the person that I'd speak to in general most often from the Ukrainian -- you know, Ukrainian side.

MR. ZELDIN: Was it just that one person who reached out to you?

LT. COL. VINDMAN: Yes.

MR. ZELDIN: And that was around the middle of August?

LT. COL. VINDMAN: To the best of my recollection, that's correct.

MR. ZELDIN: Was that a phone call? An email? Something else?

LT. COL. VINDMAN: I would typically choose not to speak on the phone, and I tried to meet with countries that I'm responsible for, you know, a short conversation or something of that nature. So the answer is it would be face to face.

MR. ZELDIN: And what did --

LT. COL. VINDMAN: Although, you know, to be completely accurate, some of this would be coordinated by phone, by email, and then we would follow up with -- you know, I wouldn't get into substance until we met face to face.

MR. ZELDIN: Was there just one substantive interaction in

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person?

LT. COL. VINDMAN: I would say that my door was always open to any of the countries in my portfolio. And while I don't recall any specific instance, there was at least one; otherwise, you know, I wouldn't be talking about it. But there could have been more than one also.

MR. ZELDIN: And what did your counterpart ask you about regarding aid?

LT. COL. VINDMAN: So I think at that time, the story hadn't broken. I said it was kind of like soft queries. You know, do I have anything to say about these rumors about aid being withheld, security assistance aid being withheld.

MR. ZELDIN: Did your counterpart know that there was a hold on aid, or was he trying to find out whether there was a hold on aid?

LT. COL. VINDMAN: It probably was maybe that, and that, you know, she was -- she had heard rumors and she was trying to determine whether, in fact, this was the case.

MR. ZELDIN: When you say, "I believe it was that" --

LT. COL. VINDMAN: What you said. It would be the latter, which is that she was attempting to determine, you know, if I had anything to offer on the rumors that she's hearing, because, like I said, these were soft kind of inquiries. The news hadn't broken.

MR. ZELDIN: I believe earlier in the day you testified that you started to believe aid was conditioned on investigations in late August. Is that correct?

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LT. COL. VINDMAN: I don't think that's an entirely accurate characterization. I would say that the pressure of withholding aid, certainly after the story broke and at the national level, it was not -- it was no longer a question about it. That would apply additional pressure to obtain the deliverable.

I think that's a much more accurate way of putting it, as opposed to, you know -- because, again, at that point, the Ukrainians didn't know that there was -- that aid was being withheld. But once it became apparent it was, it was an added pressure point to obtain the deliverable.

MR. ZELDIN: Are you aware of any communications where the United States told Ukraine that aid would be conditioned -- that the hold on aid would only be released if these investigations -- these investigations, these specific investigations, were pursued?

LT. COL. VINDMAN: Congressman, it is my belief that the message -- and, again, this is my belief -- but that the message was clear. The Ukrainians had been attempting to obtain a bilateral meeting for several months in spite of the fact that one had been offered and a couple phone calls and a letter, and they hadn't managed to obtain that.

They had a conversation on the 25th of July in which, again, going back to it the way I characterized it, the President demanded an investigation and they still haven't achieved the meeting, and now they're learning about a hold on security assistance.

So I cannot -- you know, the logic there seems inescapable that

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this would be their view -- and I understand the Ukrainians. I understand their, you know, their national security needs and so forth, that they would believe that this was another point of pressure.

MR. ZELDIN: And do you have any firsthand knowledge of that being communicated to Ukraine?

LT. COL. VINDMAN: No. And I'm trying to remember if there was anything that may have emerged since. Certainly Ambassador Taylor's testimony, you know, seems to draw that conclusion, but I'm not aware of anything specific.

MR. ZELDIN: Speaking of --

LT. COL. VINDMAN: But I also wasn't involved in a lot of things towards the end of August.

MR. ZELDIN: Speaking of Ambassador Taylor and the end of August, how did you know that he had sent a cable to Secretary Pompeo on August 29th?

LT. COL. VINDMAN: Well, I mean, I learned about the first-person cable afterwards. Like I said, I don't recall exactly when. The normal pattern would be something as significant -- because I'm now recalling specifically another first-person cable that came from another ambassador. I packaged it and flagged it and sent it to my chain of command.

I don't recall doing that in this case. So, at some point I learned about it, but I guess it probably wasn't, you know, immediately -- you know, it wasn't for that specific date because I didn't take action to pass it forward.

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MR. ZELDIN: Do you recall how you learned about the August 29th cable?

LT. COL. VINDMAN: I don't recall.

MR. ZELDIN: So, just to be clear, you don't recall how or when you learned about the August 29th cable?

LT. COL. VINDMAN: Certainly, you know, the -- as Ambassador Taylor's -- as kind of the leaks associated with Ambassador Taylor's testimony unfolded, I saw that cable, but I also believe I had seen it some point previously.

MR. ZELDIN: On page four of the transcript where President Zelensky says, quote, "he or she will look into the situation specifically to the company that you mentioned in this issue," I believe earlier in the day you testified that as you were listening to the call you believe that President Zelensky said "Burisma"?

LT. COL. VINDMAN: That is in my contemporaneous notes. That is what President Zelensky said.

MR. ZELDIN: So, if that's true, then President Zelensky knew that the Biden reference was a reference to Burisma?

LT. COL. VINDMAN: That is correct.

MR. ZELDIN: And you testified earlier, I believe, that you thought it was significant that President Zelensky mentioned Burisma specifically because he wouldn't have otherwise known about the Burisma issue. Is that accurate?

LT. COL. VINDMAN: Could you restate that?

MR. ZELDIN: So we've been here for several hours, so, if at any

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point in asking a question or if you don't remember what you testified to, feel free to --

LT. COL. VINDMAN: Thank you.

MR. ZELDIN: -- just tell us whatever is on your mind.

But earlier in the day, I believe you testified that you felt it was significant that President Zelensky mentioned Burisma specifically because he wouldn't have otherwise known about Burisma.

LT. COL. VINDMAN: I think that's accurate. That's what I said. That's what I reported earlier.

MR. ZELDIN: And you believe that -- do you believe that President Zelensky knew about Burisma because President Trump was interested in Burisma or for some other reason?

LT. COL. VINDMAN: That's speculation. It could be that, or it could be -- frankly, at this point, I'm trying to remember if -- so I wasn't party to this, but it's possible that, you know, this element was coordinated, that President Zelensky knew what he had to kind of deliver in order to get his meeting.

But, you know, frankly, when I heard Burisma, that's what went through my mind, you know. Why is he talking about Burisma? He's the President of Ukraine. You know, there was something there that I didn't really know what to attribute it to, whether it was the fact that he was prepped or that he had been following, you know, the Giuliani narrative, and that's how he knew about it. But there was something there.

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[7:20 p.m.]

MR. ZELDIN: Are you familiar with the corruption case against Burisma and Zlochevsky?

LT. COL. VINDMAN: I'm aware of the fact that at some point in the past there was a corruption case that wasn't active as of the time of the call, and hadn't been for an extended period of time.

MR. ZELDIN: Are you aware of just how many investigations have taken place by the Office of the Prosecutor General and the National Anti-Corruption Bureau of Ukraine against Burisma's owner, Zlochevsky?

LT. COL. VINDMAN: I am not, but I wouldn't be surprised if there were numerous companies. As I mentioned, you know, in certain ways Burisma was notorious as a corrupt entity, and the oligarch responsible also.

MR. ZELDIN: Earlier you testified that significantly reducing the influence of oligarchs was connected to the anti-corruption effort in Ukraine. Is that accurate?

LT. COL. VINDMAN: That is accurate.

MR. ZELDIN: But do you know why -- do you know what was being investigated in this corruption case against Burisma and Zlochevsky most recently?

LT. COL. VINDMAN: So most recently would be going back some time because there was no active case against them, but I believe, if my memory serves, going back a few years, I think even as far back as, you know, 2016, there was an investigation into Burisma, and I frankly don't recall, there may have even been some sort of Hunter Biden

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exercise I don't recall. But we're going back a few years, and it's not something that I monitored very closely.

MR. ZELDIN: Are you familiar with the name Zlochevsky?

LT. COL. VINDMAN: Not in any substantive way.

MR. ZELDIN: So you're not aware that he headed Ukraine's Ministry of Environmental Protection from June 2010 to April 2012?

LT. COL. VINDMAN: No, my background is solidly on Russia and, frankly, having a good depth of knowledge in Ukraine, that's why they assigned me to it. But I was not following Ukraine and Ukraine internal matters closely until I arrived to the National Security Council, besides the war.

MR. ZELDIN: Earlier at today's testimony there was a reference made to a John Solomon article, and I don't want to put words in your mouth. Did you say that you believed that was a false narrative?

LT. COL. VINDMAN: Yes.

MR. ZELDIN: And that was based on authoritative sources?

LT. COL. VINDMAN: Yes.

MR. ZELDIN: And what were those authoritative sources?

LT. COL. VINDMAN: I talked to my interagency colleagues from State and the Intelligence Community, and asked them for some background or if there was anything substantive in this area.

MR. ZELDIN: And did they state that everything was false or did they just say that parts of it were false?

LT. COL. VINDMAN: So the parts that were most problematic were claims -- I'm trying to remember now because it unfolded over two

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periods, March and then again in April, which resulted in Ambassador Yovanovitch being recalled. So there was an element in which Ambassador Yovanovitch proffered a no prosecute list, which frankly, based on my experience with her, seemed preposterous.

There was the claim that, you know, this ludicrous claim of the fact that she was embezzling funds, withholding some \$4 million from Lutsenko and the reform funds to reform the prosecutor general's office. But really, frankly, all of this began because in the March timeframe, very close to the Presidential election, Ambassador Yovanovitch became highly critical of President Poroshenko and the justice system because one of Poroshenko's closest aides, a member of the National Security and Defense Council, his son was implicated in a corruption scandal in which they drastically inflated the cost of military goods that were then, you know, given to the cash-strapped -- that were sold to the cash-strapped Ministry of Defense for use on the front. The whole thing just was, you know, it smelled really rotten.

MR. ZELDIN: Did your sources, though, say that everything was false or just parts of it were false?

LT. COL. VINDMAN: I think all the key elements were false.

MR. ZELDIN: Just so I understand what you mean when you say key elements. Are you referring to everything John Solomon stated or just some of it?

LT. COL. VINDMAN: All the elements that I just laid out for you. The criticisms of corruption were false.

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MR. ZELDIN: You mentioned --

LT. COL. VINDMAN: Were there more items in there, frankly, Congressman? I don't recall. I haven't looked at the article in quite some time, but you know, his grammar might have been right.

MR. ZELDIN: Were any of your -- are you saying that every substantive statement made by John Solomon was false or are you saying --

MR. NOBLE: If you want to put the article in front of him so he can review it, then do that. But he just said he doesn't remember.

MR. ZELDIN: Well, the last answer seems to indicate that everything other than -- everything substantive was false, I just wanted to clarify.

LT. COL. VINDMAN: I've been a little light-hearted about 8 hours into this, so I apologize. Is this a record?

Not yet. Okay. But anyway, I apologize, Congressman. I joke around a little bit, so I apologize.

But as far as I recall, the key elements that Mr. Solomon put in that story that were again proffered by Lutsenko, a completely self-serving individual to save his own skin, and to advance the interest of the President, more than likely actually with the backing of the President of Ukraine, and extremely harmful to Ukraine's own interests, all those elements, as far as I recall, were false.

MR. ZELDIN: Okay. And I don't want you to repeat any other answers, I was specifically asking about your last comment, which was funny, we all laughed. I just wanted to be clear. Are you saying that

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everything unrelated to grammar and commas that your sources said were false?

LT. COL. VINDMAN: I think the most accurate way to do this is, I believe I thoroughly vetted this issue, and maybe the best thing to do would be to take a look at the story and we can identify if there's something in there that's accurate.

MR. ZELDIN: Were any of your sources outside of government?

MR. VOLKOV: Just to clarify, do you mean people or the media or --

MR. ZELDIN: The reference to authoritative sources, Colonel Vindman spoke about State Department and IC, I'm just wondering if any of his authoritative sources were outside of government?

LT. COL. VINDMAN: So the truly authoritative sources would be government -- governmental folks that I trust, they have a clearance, they have the depth analysis. In fact, I would use every available data point to help inform my assessments. So when I say that, I'm talking about Ukrainian language press, U.S. press, you know, discussions with foreign officials, Ukrainian or other -- I'd use all of this information to develop a clear picture of what was going on.

MR. ZELDIN: And on page 4 of the July 25th call transcript, the middle paragraph from President Zelensky. Towards the bottom of the paragraph, President Zelensky references Ambassador Yovanovitch as, quote, a bad Ambassador. Says, quote: Her attitude towards me was far from the best, that she admired the previous President and she was on his side. She would not accept me as a new President well enough.

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End quote. Do you know what President Zelensky was basing that position on?

LT. COL. VINDMAN: I don't, and I didn't necessarily sense the fact that she was resistant to President Zelensky. I think, in general, probably the broader interagency community that I kind of chaired or pulled together had a more conservative view in terms of, you know, whether President Poroshenko was going to win or whether President Zelensky was going to win. She had an established a relationship with President Poroshenko, maybe that was perceived by now President Zelensky that he didn't get adequate backing or something of that nature.

As a matter of fact, as I'm talking through this, I remember at least two occasions in which the first time she met with President Zelensky she offered a positive assessment of him. But, I mean, his perception is obviously different, but she offered a positive assessment, and then subsequently, a couple weeks later, she offered another positive assessment more so saying that he's a very quick learner, you know, inexperienced, but he's sharp.

MR. ZELDIN: Now, earlier you testified that as this process wears on, our relationship with Ukraine will be damaged. Is that accurate?

LT. COL. VINDMAN: I believe so. That's my assessment.

MR. ZELDIN: When you say as this process wears on, are you referring to this impeachment inquiry?

LT. COL. VINDMAN: Yes, Congressman.

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MR. ZELDIN: Your opinion is this impeachment inquiry is damaging our relationship with Ukraine?

LT. COL. VINDMAN: I think so, Congressman.

MR. ZELDIN: Where were you late 2015, early 2016, what was your position, location at the time?

LT. COL. VINDMAN: So one more time, the timeframe is what?

MR. ZELDIN: Late 2015, early 2016.

LT. COL. VINDMAN: So are we talking about -- so I know where I was throughout that entire period, but we're talking probably December through February of 2016, is that the period you're inquiring about?

MR. ZELDIN: Yes.

LT. COL. VINDMAN: So I was assigned to the staff of the Chairman of the Joint Chiefs as his Russia pol-military officer. As far as I recall -- so let's see. Is that the time -- that could have been -- that could have been supporting travel -- I would have to double check the dates, but the chairman had engagements with his counterpart, Gerasimov, and if I was out of the country, it would be for that. But I think this is might still be early on in my tenure and I was probably just in the bowels of the Pentagon somewhere.

MR. ZELDIN: Did you have Ukraine in your portfolio then?

LT. COL. VINDMAN: No.

MR. ZELDIN: When did you -- remind me, when did you take your position in charge of the Ukraine portfolio at NSC?

LT. COL. VINDMAN: July 2018.

MR. ZELDIN: And who did you take it from?

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LT. COL. VINDMAN: I took it from a State Department staff officer, and Congressman, to be -- just to be completely forthright, I was hired not to be -- to pick up Ukraine. I was actually hired because of my experience working Russia, putting together the Department of Defense's military strategy for Russia. That's why I was hired.

But they needed somebody to cover Ukraine, Moldova, and Belarus, and I said I was willing to do that. I had, you know, I was best positioned out of the cohort of folks that were coming in with the knowledge, the background knowledge and the language to be able to step in and pick up that role. So I said I'd be happy to do that.

MR. ZELDIN: You took over the Ukraine portfolio in July 2018?

LT. COL. VINDMAN: Correct.

MR. ZELDIN: And you're scheduled to have it until about July 2020?

LT. COL. VINDMAN: If things go as planned.

MR. ZELDIN: Is that a typical 2-year term?

LT. COL. VINDMAN: Actually, I was initially hired for a year, and the Army wanted me to come back. Dr. Hill asked me to stay for a second year, and I thought I could serve better on the National Security Council, so I stayed.

MR. ZELDIN: And who is the person that you took over the Ukrainian portfolio from?

LT. COL. VINDMAN: Catherine Croft. She was the last senior advisor to Ambassador Volker.

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MR. ZELDIN: And how long of a term did she have with the Ukraine portfolio?

LT. COL. VINDMAN: I don't recall. I don't recall. I think it was either a 1 or 2-year term. I think -- it was a 1-year term.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

LT. COL. VINDMAN: Okay.

MR. ZELDIN: Earlier you testified that it was not in the U.S. national security interests when the President brought up investigating interference in the 2016 election and Joe Biden and Burisma. Is that accurate?

LT. COL. VINDMAN: Could you restate that?

MR. ZELDIN: I believe earlier in the day you testified that the President referencing investigating interference in the 2016 election and Joe Biden and Burisma not to be in United States national security interests?

LT. COL. VINDMAN: Actually, I'd go back to my statement, and I'd just refer to my statement, which -- just looking at it here. Where is it? So to be clear, and this remains my view to be consistent. I

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listened to the call in the Situation Room with my colleagues from the NSC and Office of the Vice President, as the transcript is in the public record, we are aware of what was said. I was concerned by the call. I did not think it was proper to demand that a foreign government investigate a U.S. citizen, and I was worried about the implications for U.S. Government support to Ukraine.

I realized that if Ukraine pursued an investigation into the Bidens and Burisma it would be interpreted as a partisan play, which undoubtedly would result in Ukraine losing the bipartisan support it has thus far maintained. This would undermine U.S. national security. And then following the call I reported to senior --

MR. ZELDIN: Investigating interference in the 2016 election wasn't a request to investigate a U.S. citizen, correct?

LT. COL. VINDMAN: No, it wasn't.

MR. ZELDIN: And earlier, as you were speaking with Mr. Malinowski, you were talking about some of the allegations related to Ukrainian interference in the 2016 election, correct?

LT. COL. VINDMAN: One more time, please.

MR. ZELDIN: I believe earlier you were answering questions from Mr. Malinowski where you were talking about some of the allegations regarding Ukrainians interfering in the 2016 election. Is that correct?

LT. COL. VINDMAN: What -- I apologize --

MR. ZELDIN: Oh, I'm sorry, he's not here. Earlier, though, you were answering questions from a Member --

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LT. COL. VINDMAN: Okay.

MR. ZELDIN: -- about some of the allegations that exist related to Ukrainians interfering in the 2016 election. Do you recall that?

LT. COL. VINDMAN: Yes. Was that the gentleman that kind of went through the -- Ambassador Chaly's statement?

MR. ZELDIN: Yes. I believe you spoke about Ambassador Chaly's statement and you're familiar with the issue with the Black Ledger and Mr. Manafort?

LT. COL. VINDMAN: Yes.

MR. ZELDIN: Have you ever heard of the name [REDACTED]?

LT. COL. VINDMAN: I never met this person. I heard it in the nature of this investigation unfolding.

MR. ZELDIN: And these are some of the allegations that existed. You're familiar with the investigation that Robert Mueller conducted regarding interference in the 2016 election?

LT. COL. VINDMAN: The investigation --

MR. ZELDIN: The special counsel investigation.

LT. COL. VINDMAN: Yes, on Russian interference.

MR. ZELDIN: Do you believe that that investigation was in the best interest of the U.S. national security?

LT. COL. VINDMAN: Yes.

MR. ZELDIN: And if there are allegations regarding other foreigners interfering with the 2016 election, wouldn't that also be in U.S. best -- wouldn't that also be in U.S. national security interest?

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LT. COL. VINDMAN: Congressman, I would say yes, but I also feel obligated to say that I don't have anything to suggest that these were particularly credible allegations. But, frankly, that's not even why I followed up. As I said in my statement, I was concerned about the call to investigate a U.S. citizen by a foreign power.

MR. ZELDIN: You weren't concerned about the request that the President made with regard to the 2016 elections?

LT. COL. VINDMAN: I don't think there was a huge amount of substance to substantiate it, but that's not the element that was particularly troubling. The element that was troubling is the element that I've, you know, stated repeatedly here now, that it was a foreign power investigating -- a foreign power that doesn't have an entirely credible justice system, yet, they are striving to move in that direction. Frankly, any foreign power to advance its own national security interest could do whatever they think they need to, but in this case it was a concern about a call for foreign power to investigate a U.S. citizen.

MR. ZELDIN: So just to be clear, your concern was about the -- was about one investigation not both investigations. It was with regard to Burisma -- the Burisma investigation as opposed to an investigation regarding the 2016 election?

LT. COL. VINDMAN: Congressman, you know, I guess I'd have to -- if we're parsing it, I'd have to think about it. I think I may have even said that in my view at some point these became not separate investigations, but basically one -- you know, when there's a call for

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investigations, I understood it to mean both elements because that was the narrative that had evolved and that was the narrative that was out there that was being promoted by Mr. Giuliani.

And, you know, I guess I could spend some time thinking about which element bothered me more, I think it's the investigation of a U.S. citizen. But I also, Congressman, I could say that in my -- as the director for Ukraine handling this portfolio for the National Security Council, I didn't think that that was, you know, there was that much there there and that, frankly -- we needed to focus on helping the Ukrainians root out corruption in general, implementing reforms. We at that point had been reporting consistently that the Ukrainians were making headway. That, you know, it's above my pay grade, that's what the President wants to do, I guess, you know, it's his prerogative. But I'm going back to what I said in the statement was that the investigation -- what I thought warranted at least a communication with the lead counsel was the call to investigate the U.S. citizen.

MR. ZELDIN: But your notes from the July 25th call, you believe that President Zelensky referred to Burisma in response to the President's reference to Biden?

LT. COL. VINDMAN: That is absolutely in my notes.

MR. ZELDIN: And Burisma is a natural gas producer in Ukraine that was investigated for corruption. Correct?

LT. COL. VINDMAN: My understanding is, yes, it was.

MR. ZELDIN: Run by a Ukrainian oligarch investigated for corruption?

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LT. COL. VINDMAN: That is my understanding, Congressman.

MR. ZELDIN: Paying the son of the sitting Vice President at least \$50,000 a month?

MR. ZELDIN: Correct? Is that your understanding?

LT. COL. VINDMAN: Congressman, that's all accurate. But I guess if we're going down this road, there are multiple entities in Ukraine that are corrupt. Frankly, some of them much bigger. There's an entity that's being run by Firtash, it's called the Obligaz, in this particular entity, and this is something that we've been struggling with in order to get -- help Ukraine achieve energy independence and --

MR. ZELDIN: Just for sake of time.

LT. COL. VINDMAN: I apologize, I'll be brief.

MR. ZELDIN: I know we're going on a tangent here.

LT. COL. VINDMAN: I'll be brief. There are much, much bigger issues. And this particular issue has a material effect on the price that the Ukrainian citizens pay in terms of tariffs, on the viability of Naftogaz, which is a core state-owned enterprise. And this particular entity has its very interesting arbitrage case in which they are obligated to sell gas, but are not obligated to pay for that gas.

So if we're going to go after things that really matter, that would seem to be one that we should go after. There are, I think, in the defense sector, I think, again, corruption is endemic.

MR. ZELDIN: We're out of time, so I just want to give you a little bit of rope to go on a tangent, but I know my colleagues have some more questions, too. So you're acknowledging that Burisma and Zlochevsky

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did have a corruption issue, and that there was this issue with Hunter Biden.

LT. COL. VINDMAN: To the best of my knowledge, Congressman.

MR. ZELDIN: But it wasn't corrupt enough for the President to --

LT. COL. VINDMAN: That's an interesting way to put it, Congressman. I guess all I'm saying is that -- I guess the contention is that, you know, there was an effort to fight corruption and, you know, what's being investigated is something that's connected to a U.S. citizen who's a son of a President -- or a Vice President and a future contender for 2020. I guess, you know, I don't think -- certainly I'm not the brightest guy in this room, but there seems to be something -- some sort of connection there, there are much bigger issues.

And my concern that I was expressing to my leadership within the chain of command was specifically about this, these investigations, and certainly the call for foreign power to investigate a U.S. citizen.

MR. ZELDIN: But did you vet that case as to whether or not there was actual corruption with regards to the hiring of Hunter Biden?

LT. COL. VINDMAN: I don't have any specific knowledge of this, Congressman, but, you know, my understanding is that, you know, power -- again, I'm not the smartest guy, but that power and prominence oftentimes translates to wealth and opportunities for, you know, for individuals and for their offspring.

MR. ZELDIN: Are you aware of whether or not Hunter Biden was qualified for that position?

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LT. COL. VINDMAN: From what I understand, it doesn't look like he was.

MR. CASTOR: Mr. Perry.

MR. PERRY: Thanks, Colonel, and congratulations on ascension to the War College. I guarantee you it will probably feel like it's lasting longer than this when you're there. Out of curiosity, when did you -- it says on page 1 of your opening statement, you served at the embassy in Ukraine. What year or years were you there?

LT. COL. VINDMAN: So in Ukraine, as a Foreign Area Officer, you go through an extensive training pipeline. I'm not sure if you're familiar with the program. In that program you learn language, you go to graduate school, they sent me, free of charge, to Harvard, and then you get to do something called in-country training, regional immersion. And I did that following language. So 2009 to 2010 before going on to graduate school.

MR. PERRY: So 2009 to 2010?

LT. COL. VINDMAN: Summer of 2009 to 2010.

MR. PERRY: Thank you. You're aware that a major benefactor to President Zelensky is this guy, Zlochevsky, who is tied to Burisma, are you not?

LT. COL. VINDMAN: I'm, frankly, not aware of that fact. There are more problematic individuals that we've actually raised for leadership to engage on. There's a gentleman named Kolomoisky who is a media magnet and owns the movie -- the TV channel that was backing President Zelensky as he was advancing his campaign. And the most

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pressing issue is whether President Zelensky is in fact supporting activities of Kolomoisky. The gentleman, Burisma, and these other connections, I'm not aware of them with President Zelensky.

MR. PERRY: Okay. I need to truncate my questions apparently. Let me move on to something else here. You said in previous rounds that you didn't think -- I don't want to put words in your mouth, but this is my recollection, so if you want to correct it and make it your own, I encourage you to do it.

You said in previous rounds that you didn't think it was appropriate that officials, whether it was Sondland or others, should reference investigations when there were none being conducted. Is that about right? I remember something to that effect.

LT. COL. VINDMAN: So, Congressman, I think maybe the more appropriate way to phrase this is that I didn't think it was appropriate for government officials to act on and advance the narrative of these influencers that were operating counter to the consensus policy for Ukraine, and I didn't think it was appropriate to advance -- to interact with them or advance those interests.

MR. PERRY: Okay. So, yet, no problem then with officials referencing the investigations, whether it was Sondland or anyone else? Because I remember you saying that, I just -- it's not in your opening statement, but I'm pretty sure you said something to that effect and I just want to clarify that.

LT. COL. VINDMAN: So if you're referring to the point in my statement where I identified Ambassador Sondland, this is page 5,

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second paragraph. Ambassador Sondland started to speak about Ukraine delivering specific investigations in order to secure the meeting with the President at which time Ambassador Bolton cut the meeting short. Is that what we're talking about?

MR. PERRY: It could have been. I mean, I'm more interested in your aversion to pursuing, talking about investigations --

LT. COL. VINDMAN: I understand.

MR. PERRY: -- as a matter of course in these discussions.

LT. COL. VINDMAN: So I don't think that's an accurate characterization, Congressman. What I would say is that what I had an issue with, and maybe it's the military mindset. We had all come together in various meetings and charted a course for Ukraine. We did this through multiple efforts at the sub-policy coordinating committee level with deputy assistant secretary equivalent, and then we confirmed that approach at a PCC with assistant secretaries.

That means at that point everybody below -- everybody that you're referring to, Sondland and Volker, fall within that level. And if we agreed to move into a particular direction, I believe it would be appropriate to move in that direction. If you're moving counter to that then there's an issue. And this is I think something that Dr. Hill also, you know, some concerns about.

MR. PERRY: Okay. Now, are you aware that there was a notice of suspicion reported in open source reporting in April 2019 that an investigation was or essentially what we would characterize as an investigation based on what they call a notice of suspicion had been

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either reinstated or commenced regarding individuals, including Zlochevsky?

LT. COL. VINDMAN: Yeah. So the timing is -- I vaguely recall this, but the timing is consistent with Mr. Lutsenko advancing a self-servicing, self-promoting narrative -- a self-preserving narrative to ensure that he was serving his current master's interest and securing his position for his future master.

MR. PERRY: Right.

LT. COL. VINDMAN: So the fact that, if I recall correctly, the fact that the Ukrainian prosecutor general took this kind of action to, again, you know, to what he thought was caterer to, you know, curry favor doesn't surprise me.

MR. PERRY: But does that mean that there was no -- there was no notice of suspicion that there was no investigation?

LT. COL. VINDMAN: Congressman, I would bring your attention to the fact that in, I want to say the May timeframe, Mr. Lutsenko recanted and said that there was no such -- there was no substance or there was nothing really to look into.

MR. PERRY: So you're saying there was no investigation?

LT. COL. VINDMAN: Correct.

MR. PERRY: Okay. That's your testimony. Okay. I yield.

LT. COL. VINDMAN: As of the time the call occurred, the July 10th, the incidents that I brought to -- I guess I voiced concern, the 10th of July and the 25th of July there was no active investigation. And, frankly, you know, I think I earlier said that there had not been

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an active investigation for years. You may have corrected me in terms of pointing out that there was a short period of time in which this prosecutor general, not credible individual, you know, tried to resurface this narrative to protect himself, and then recanted very shortly thereafter. So --

MR. PERRY: I yield.

BY MR. CASTOR:

Q Is there concern [REDACTED]  
[REDACTED] about Kolomoisky's influence on Zelensky?

A There is.

Q Did that hold -- that concern, did that hold up any official meetings or visits?

A It did not. As part of our policy of increasing engagement and focusing on the areas I've already addressed, we thought it best to, through engagement, coach, advise President Zelensky of the concerns that were surrounding his relationship with Mr. Kolomoisky, and have him realize that, you know, this is problematic for his, you know, his platform and his persona as an anti-corruption reformer. This was going to be problematic.

Frankly, now is this issue starting to get somewhat resolved in that Mr. Kolomoisky owned an interest called PrivatBank from which he stole \$5.5 billion, and he was looking to do a couple of different things. One, recoup that interest. Potentially, you know, eliminate this idea of paying back the \$5.5 million or looking for a couple of compensation -- a couple of billion dollars in compensation after

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stealing \$5.5 billion.

So we had concerns continuously that this relationship was problematic. And, frankly, only recently have there been kind of the right signals sent that, you know, Kolomoisky wasn't going to be able to reacquire this interest and destabilize Ukraine and so forth. And this is also, in fact, one of the key sticking points to the IMF granting, you know, granting the next -- I apologize for the term-of-art, but the next kind of -- the next loan package that's supposed to run through several years. But, again, you know, I think through engagement we've probably had some positive effects.

MR. CASTOR: Time's up.

THE CHAIRMAN: Colonel, I want to thank you for your testimony today. I want to thank you for your service to the country. We're grateful that we have such patriotic Americans, and we are adjourned.

[Whereupon, at 7:55 p.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: CHARLES KUPPERMAN

Monday, October 28, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304,  
Capitol Visitor Center, commencing at 9:37 a.m.

Present: Representatives Schiff, Swalwell, and Conaway.

Also Present: Representatives Maloney, Raskin, Jordan, and  
Meadows.

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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: Okay. The deposition will come to order. We will now begin today's proceeding.

This is a deposition of Dr. Charles Kupperman, the former Deputy National Security Advisor, 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.

On October 16, 2019, the committee sent a letter to Dr. Kupperman requesting that he voluntarily appear for a deposition as part of this inquiry. Through his counsel, Dr. Kupperman indicated to the committees that he would require a subpoena in order to testify.

On Friday afternoon, October 25, the Intelligence Committee served a duly authorized subpoena on Dr. Kupperman requiring his appearance today.

The few hours later, on Friday evening, counsel for Dr. Kupperman forwarded to the committees a 17-page complaint filed on behalf of Dr. Kupperman in Federal court here in Washington, D.C. The lawsuit alleged that the President had directed Dr. Kupperman to defy the subpoena and not appear for his deposition.

According to a letter from the White House Counsel, Pat Cipollone, the Office of Legal Counsel at the Department of Justice had issued an opinion that very same day, on October 25, that asserted that Dr. Kupperman was absolutely immune from compelled congressional testimony despite being a private citizen.

Citing the President's direction, Dr. Kupperman brought suit

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against the President, the Speaker of the House, and the chairs of the three committees undertaking this investigation as part of the impeachment inquiry. Dr. Kupperman sought a declaratory judgment from the court regarding whether he was obligated to comply with the congressional subpoena in light of the White House's direction.

In a letter on Saturday, October 27, 2019, the committees informed Dr. Kupperman that his lawsuit was improper and legally deficient. The lawsuit is a legal nullity that cannot be decided by any court. Such a lawsuit is not a valid legal mechanism to challenge or defy a duly authorized congressional subpoena of any sort and particularly one pertaining to an impeachment inquiry.

The committees also explained that neither Congress nor the courts recognize a blanket absolute immunity as a basis to defy a congressional subpoena.

The committees noted that the White House's role could only be construed as an effort to delay testimony and obstruct the inquiry, consistent with the White House Counsel's letter October 8, 2019. Dr. Kupperman, therefore, remained obligated to appear this morning.

In a response late Saturday night, October 27, counsel for Dr. Kupperman persisted in claiming that a court would need to decide whether he should comply with the subpoena without addressing the lawsuit's procedural deficiency. In a response yesterday, the committees once again reiterated that Dr. Kupperman remained obligated to appear today pursuant to a congressional subpoena and failure to appear could be used as evidence in a contempt proceeding.

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I am therefore entering into the record for the impeachment inquiry the correspondence between the committees and Dr. Kupperman's attorneys. Exhibit 1 is the committee's Saturday, October 26, 2019, letter in response to the lawsuit filed by Dr. Kupperman. Exhibit 2 is Dr. Kupperman's attorney's response to the committee the same evening, on October 26. Exhibit 3 is the committee's final letter on Sunday, October 27. And Exhibit 4 is a short letter from Dr. Kupperman's attorney last night.

[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: The mere act of filing a suit in court does not absolve Dr. Kupperman of his legal obligation under the subpoena to appear today. Only a court order could have done that, and he did not even attempt to obtain such an order prior to today, much less actually receive one.

Despite his legal obligations to comply, Dr. Kupperman is not present here today and, therefore, has defied a duly authorized congressional subpoena. Through this written correspondence, the committee has given Dr. Kupperman, through his counsel, ample

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opportunity to reverse his position and appear. As his counsel was informed, the committees may therefore consider Dr. Kupperman's defiance of the subpoena as evidence in a future contempt proceeding.

The subpoena remains in 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 directed Dr. Kupperman, a former White House official, not to appear based on an extraordinary claim of absolute immunity, which the Congress does not recognize and which the sole court to consider it has rejected.

Historical precedent is clear. History is replete with examples of senior White House officials testifying before Congress as part of congressional investigations into misconduct, abuse of power, and other topics. This includes testimony before Congress by three chiefs of staff of President Clinton and other senior officials during his impeachment proceedings as well as numerous senior White House officials during the impeachment proceedings of President Nixon.

Moreover, a court has previously ruled that Harriet Miers, former White House Counsel to President George W. Bush, was required to abide by a subpoena and appear before Congress notwithstanding a similar argument of absolute immunity.

This effort by the President to attempt to block Dr. Kupperman from appearing can therefore only be interpreted as a further effort by the President and the White House to obstruct the impeachment inquiry.

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and Congress's lawful 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 Dr. Kupperman was a percipient witness to the President's misconduct. We can only infer, therefore, that the White House efforts to block Dr. Kupperman from testifying are to prevent the committees from learning additional evidence of Presidential misconduct and that Dr. Kupperman's testimony would corroborate and confirm other witnesses' accounts of that misconduct.

At this point, I am happy to yield to the ranking member of the Intel Committee or, in his absence, one of the other Republican Members.

MR. JORDAN: Thank you, Mr. Chairman.

I want to thank you for entering in the record the response from Dr. Kupperman's -- the two responses from Dr. Kupperman's attorney, Mr. Cooper.

I would just highlight the most recent correspondence from Dr. Kupperman's counsel to Mr. Noble, counsel for the majority of this committee, where he says: "If your client's position on the merits of the issue is correct, it will prevail in court and Dr. Kupperman, I assure you again, will comply with the court's judgment."

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So if, in fact, the court agrees with the position that you articulated in your opening statement, Dr. Kupperman is going to be here. He's just waiting to see this -- this dilemma between the President telling him not to come and the subpoena from Congress. So he's more than willing to come, and I'm sure he will be, if that, in fact, is the decision of the court.

With that, I yield back.

MR. CONAWAY: Mr. Chairman, what time was the subpoena served Friday afternoon?

THE CHAIRMAN: Four o'clock in the afternoon.

MR. CONAWAY: Friday afternoon?

THE CHAIRMAN: Yes.

MR. CONAWAY: This past Friday afternoon?

THE CHAIRMAN: Yes.

MR. CONAWAY: Demanding his appearance at 9:30 on Monday?

THE CHAIRMAN: Correct.

MR. CONAWAY: And you expected all of that legal stuff to have gone on over the weekend, on a Sunday as well, and that in y'all's mind it was reasonable to expect all of that could've all gotten done on a Saturday and a Sunday.

THE CHAIRMAN: Well, I think you make a very good point, Mr. Conaway, and that is, the Office of Legal Counsel prepared an opinion that day --

MR. CONAWAY: I'm talking about the courts.

THE CHAIRMAN: I know what you're talking about. But I think

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it's important to note, the Official of Legal Counsel of the Justice Department had prepared this for Dr. Kupperman so that he could incorporate it into this lawsuit, and that was all done on the same day. So it certainly appears to be a coordinated effort led by the White House.

MR. CONAWAY: I'm not referencing that. I'm just referencing our conduct as a committee on demanding that a witness show up 60 hours after the subpoena, actually, on a weekend, and that we could've remotely prepared --

THE CHAIRMAN: Well, it is designed to avoid just this kind of White House obstruction.

But I would ask my colleagues this, and particularly the ranking member on the Oversight Committee: Do you countenance a Presidential claim of absolute immunity? Do you want to, in the future, allow Presidents to prevent witnesses from coming forward in cases of misconduct? Is that the position of the GOP leaders of the Oversight Committee?

MR. JORDAN: It's happened before. Our counsel tells me that President Obama blocked David Simas, a counselor for political affairs at the White House, so --

THE CHAIRMAN: And you support that position?

MR. JORDAN: No, what I'm saying is, there's a question, and Dr. Kupperman, through his counsel, has went to court to get an answer. And Dr. Kupperman has said, through his counsel, if, in fact, the court rules as you indicated you think they will, then he'll be here, and

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we'll sit down and you'll read some other statement, and Dr. Kupperman will answer our questions for 7, 8 hours, whatever it ends up being.

THE CHAIRMAN: I don't think my colleague has answered my question. Is it the Republican position that a White House can prevent senior administration officials from coming in in cases involving either impeachment or misconduct and simply refuse to testify, claiming absolute immunity? Is that now the Republican position?

MR. JORDAN: We're saying that there is a question between close counselors of the President and information they may have shared and talked about with the President and the subpoenas that are issued from a separate branch of government, the legislative branch. And as we've said now several times, Dr. Kupperman wants to get an answer to that before he comes in and testifies. That's all we're saying.

THE CHAIRMAN: That is a remarkable surrender of the congressional prerogative by the GOP.

MR. JORDAN: That's your words; that's not my words. I'm saying --

THE CHAIRMAN: No, but it is the effect of your words.

I would only say this. I conducted a deposition of Karl Rove, one of the closest advisors to President Bush, as we were looking into allegations of misconduct concerning the firing of U.S. attorneys.

MR. JORDAN: Uh-huh.

THE CHAIRMAN: George Bush did not make this assertion. And when he did with Harriet Miers, it went to court, and the White House lost. That's the only case that's been litigated.

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MR. JORDAN: And, Mr. Chairman, if that's the case here, then Dr. Kupperman is going to be here.

THE CHAIRMAN: So it's, further, the Republican position now that anyone who's given a congressional subpoena can file a suit against Congress to prevent enforcement of the subpoena? Is that --

MR. JORDAN: I'm not saying that at all. I mean, you can continue to try to put words in my mouth. All I'm saying is, the situation we're in today is Dr. Kupperman has went to court and he has said, whatever the court says, that's what he'll abide by. So if you're right, if you're right, he'll be here and we'll ask him questions and we'll get answers.

THE CHAIRMAN: Well, I would only say to my colleague -- and then I think we can wrap up here -- as my colleague should know, no one has standing to sue the Congress to prevent the execution of a subpoena. It is nonjusticiable. And I think my colleagues know that.

This is merely an obstruction tactic by the White House, which apparently my colleagues are countenancing. And I think we know why. The testimony that we have heard over the past 2 weeks has been damning. Dr. Kupperman would provide important corroboratory information which the White House and apparently some Republican Members of Congress do not want the Congress to hear.

MR. CONAWAY: It's not lost on us, Mr. Chairman, that you continue to testify on behalf of your side of the arguments. And you're laying it out great. It's going to be in the record. That's terrific. But you're simply just testifying on behalf of what your positions are.

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Is it also --

THE CHAIRMAN: And, Mr. Conaway --

MR. CONAWAY: -- the Democrats' position that Eric Holder should continue to defy the contempt-of-Congress charge against him? Was that your position then?

And so, you know, each side has its own issues. But I appreciate you continuing to testify --

THE CHAIRMAN: And, you know, I appreciate, during that investigation, the Obama administration provided thousands and thousands of documents to Congress. We have yet to receive a single document from the Trump State Department.

But, apparently, the Republican position now is that the administration can withhold documents from Congress, it can withhold --

MR. JORDAN: Maybe the chairman --

THE CHAIRMAN: -- witnesses from Congress, if it serves the President's interest. And I think that is a very --

MR. JORDAN: Maybe the chairman --

THE CHAIRMAN: -- a very short-sighted policy for a Republican Oversight Committee ranking member to take.

MR. JORDAN: Maybe the chairman should follow his own rules. Every single deposition, when it ends, you tell us, this is -- under the deposition rules, we're not supposed to go out and share information.

But on Sunday, on a national news channel, Sunday morning, you said: concerned that people in the State Department, Ambassador

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Sondland and others, Mulvaney, were cooking up a drug deal. And by that, you meant -- he meant a corrupt deal involving withholding White House -- you referenced direct testimony from an individual in this deposition, and you went on a Sunday show and directly quoted what that person said in his testimony.

So maybe if we're talking about rules and procedure and process and everything else, maybe you should follow what you tell us every single day when we leave these depositions, that we are not to go out and share substantive comments from the witness. And yet you did that just yesterday morning. Maybe that's the rule we need to be focused on.

THE CHAIRMAN: Mr. Jordan, I appreciate -- no one has appeared before the cameras more than you to discuss these proceedings.

MR. JORDAN: No, you have. You have --

THE CHAIRMAN: No, I think you have well outdone me, Mr. Jordan, and will continue to do so.

But let me just say this. If you wish to take this position, obviously we can't stop you. It will have no effect, however, on the legal force of the subpoena. But I think that you do great damage to this institution, I think you do great damage to your credibility, to take the position that a President can withhold from Congress documents and key witnesses in an impeachment inquiry where you have already heard substantial evidence of Presidential misconduct. You will weaken this institution indefinitely by taking that position.

And I hope you realize that, that the short-term political

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advantage that you take in seeking this position will do long-term damage to the institution, to your credibility, to your ability to do oversight --

MR. JORDAN: If we're going to talk about weakening this institution --

THE CHAIRMAN: -- should you ever be in the majority again. I think that is the case.

MR. JORDAN: -- we're going to talk about the guy, the guy who had his staff talk with the whistleblower, and you didn't tell -- we're going to talk about weakening this institution, when only 1 Member of 435 knows who the whistleblower is and who the people are, the sources -- are we going to talk about that?

THE CHAIRMAN: Mr. Jordan, you keep making that --

MR. JORDAN: Are you serious?

THE CHAIRMAN: You keep making that false statement. You keep making that false statement.

MR. JORDAN: What false statement?

THE CHAIRMAN: The one you just made.

MR. JORDAN: Your staff didn't talk with the whistleblower?

THE CHAIRMAN: The one you just made.

MR. JORDAN: What false statement?

THE CHAIRMAN: That I know who the whistleblower is. That is a false --

MR. JORDAN: Your staff met with him.

THE CHAIRMAN: That is a false statement.

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MR. JORDAN: My staff didn't meet with him.

THE CHAIRMAN: Mr. Jordan, you keep repeating that false statement.

MR. JORDAN: Oversight staff didn't meet with him. Mr. Castor didn't meet with him.

THE CHAIRMAN: Mr. Jordan, you --

MR. JORDAN: No, you brought it up. Look, I was ready to just enter this in the --

THE CHAIRMAN: -- you should do better --

MR. JORDAN: -- record, and you had to start going --

THE CHAIRMAN: -- than that.

MR. JORDAN: -- and you had to start accusing Republicans of weakening this institution.

All I'm telling you is you're the one guy --

THE CHAIRMAN: Mr. Jordan --

MR. JORDAN: -- in the Congress who knows who this person is. First you said he was going to testify, and now you said, no, it's --

THE CHAIRMAN: Mr. Jordan, your repeating the same false statement doesn't make it any truer than the first time you made it.

MR. JORDAN: It's not a false statement.

THE CHAIRMAN: We're going to bring these proceedings to a close. We're going to bring these proceedings to a close. One false statement from you is enough.

This meeting is adjourned.

[Whereupon, at 9:53 a.m., the deposition was concluded.]

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Congress of the United States  
Washington, DC 20515

October 26, 2019

Michael W. Kirk, Esq. & Charles J. Cooper, Esq.  
Cooper & Kirk PLLC  
1523 New Hampshire Avenue N.W.  
Washington, DC 20036

Dear Messrs. Kirk and Cooper:

On October 16, 2019, the House Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform requested that your client, Dr. Charles M. Kupperman, appear voluntarily for a deposition pursuant to the House of Representatives' impeachment inquiry.

You subsequently informed the Committees that Dr. Kupperman would not appear at a deposition on Monday, October 28, 2019, if he did not receive a subpoena by Friday, October 25, 2019. The Committees served your client, through you as counsel, with a duly authorized subpoena yesterday afternoon compelling his appearance for a deposition on Monday, October 28, 2019, at 9:30 a.m.

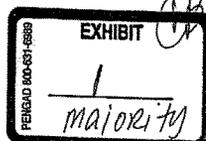
Shortly thereafter, you informed the Committees that you had filed a 17-page complaint in federal court on behalf of Dr. Kupperman seeking a declaratory judgment as to whether he should comply with the subpoena—even though such a complaint cannot be decided by a court and is legally without merit.<sup>1</sup> The complaint references an opinion from the Department of Justice Office of Legal Counsel (OLC) to White House Counsel Pat Cipollone claiming that Dr. Kupperman is “absolutely immune” from compelled congressional testimony, as well as a letter from Cipollone in which he states that the President directs your client take the extraordinary step of defying a lawful congressional subpoena.<sup>2</sup>

**Dr. Kupperman's lawsuit—lacking in legal merit and apparently coordinated with the White House—is an obvious and desperate tactic by the President to delay and obstruct the lawful constitutional functions of Congress and conceal evidence about his conduct from the impeachment inquiry. Notwithstanding this attempted obstruction, the duly authorized subpoena remains in full force and Dr. Kupperman remains legally obligated to appear for the deposition on Monday. The deposition will begin on time and, should your client defy the subpoena, his absence will constitute evidence that may be used against him in a contempt proceeding.**

In light of the direction from the White House, which lacks any valid legal basis, the Committees shall consider your client's defiance of a congressional subpoena as additional evidence of the President's obstruction of the House's impeachment inquiry. Such willful

<sup>1</sup> See Compl., *Kupperman v. U.S. House of Representatives et al.*, No. 19 Civ. 3224 (D.D.C. filed Oct. 25, 2019).

<sup>2</sup> See *id.* ¶ 18 & Ex. B.



Michael W. Kirk, Esq. & Charles J. Cooper, Esq.  
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defiance of a duly authorized subpoena may cause the Committees to draw an adverse inference against the President, including that your client's testimony would have corroborated other evidence gathered by the Committees showing that the President abused the power of his office by attempting to press another nation to assist his own personal political interests, and not the national interest.

*The Complaint is Invalid, as is the White House Attempt to Assert "Absolute Immunity"*

Based on substantial evidence gathered in our inquiry, and your client's former role as Deputy and Acting National Security Advisor to the President, we have strong reason to believe that Dr. Kupperman has first-hand knowledge and information that pertain to allegations of President Trump's abuse of power, including Dr. Kupperman's reported participation in the President's July 25, 2019, call with Ukrainian President Volodymyr Zelensky and awareness of a separate, irregular channel of misinformation flowing to the President on Ukraine matters.

The lawsuit, and the legal argument advanced by the White House and the Justice Department upon which it relies, are unavailing.

Such a lawsuit is not a proper or valid legal mechanism to challenge or defy a duly authorized congressional subpoena, particularly in an impeachment inquiry.<sup>3</sup> The Speech or Debate Clause is a complete bar to any litigation attempt to interfere with the House's impeachment inquiry. As the Supreme Court has recognized, the Clause applies to all activities "within the 'legislative sphere,'"<sup>4</sup> which includes all activities that implicate, like impeachment, "other matters which the Constitution places within the jurisdiction of either House."<sup>5</sup>

The House of Representatives does not recognize the White House Counsel's blanket assertion of "absolute immunity" to prohibit a senior advisor to the President—much less a former senior advisor, like your client—from complying with a duly authorized subpoena—particularly one issued pursuant to an impeachment inquiry into the President's own abuse of power.

The asserted absolute immunity claim is without legal basis as it is "entirely unsupported by existing case law," as recognized over a decade ago in *Committee on the Judiciary v. Miers*.<sup>6</sup> The White House Counsel relies solely on the Executive Branch's own OLC opinions—including the one rejected by the Court in *Miers*. OLC opinions are not law and are not binding outside the Executive Branch, including on Congress and the courts.<sup>7</sup> As the *Miers* court found,

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<sup>3</sup> See *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 503–07 (1975) (holding that the Speech or Debate Clause of the U.S. Constitution provides "an absolute bar to judicial interference" with compulsory congressional process).

<sup>4</sup> *Doe v. McMillan*, 412 U.S. 306, 312–13 (1973) (quoting *Gravel v. United States*, 408 U.S. 606, 624–25 (1972)).

<sup>5</sup> *Gravel v. United States*, 408 U.S. at 625; accord *Eastland*, 421 U.S. at 504.

<sup>6</sup> 558 F. Supp. 2d 53, 99–105 (D.D.C. 2008)

<sup>7</sup> See, e.g., *Trump v. Vance*, No. 19 Civ. 8694 (VM), Slip Op. 47 (S.D.N.Y. Oct. 7, 2019) (reaffirming that OLC opinions "do not constitute authoritative judicial interpretation of the Constitution").

Michael W. Kirk, Esq. & Charles J. Cooper, Esq.  
Page 3

the OLC opinions on which the White House Counsel relies are largely “conclusory and recursive” and fail to cite “a single judicial opinion recognizing the asserted absolute immunity.”<sup>8</sup>

The White House and Department of Justice cite no authority allowing the President to direct *private citizens*, like your client, to disobey a congressional subpoena. The Supreme Court has held that the “President’s authority to act ... ‘must stem either from an act of Congress or from the Constitution itself,’” and the White House can point to no such authority for the President’s directive to your client.<sup>9</sup>

The OLC opinion’s incorrect position—that *Congress* lacks authority to compel your client’s testimony—does not establish that the *President* has affirmative authority to order your client, as a private citizen, not to testify. Neither the Constitution nor any statute grants the President general authority to direct the conduct of private citizens who are no longer his subordinates—much less to direct them to defy a lawful command from a coequal branch of government.

The White House’s categorical position that current or former senior Presidential advisors may never be compelled to testify before Congress flies in the face of the historical record, which is replete with congressional testimony by active and former senior advisors to Presidents of both parties.<sup>10</sup>

If such an abuse of authority by the President to muzzle current and former officials from disclosing to Congress evidence of his own misconduct were to stand, it would inflict obvious and grave damage to the House’s capacity to carry out its core Article I functions under the Constitution, including its impeachment inquiry into the President’s actions.<sup>11</sup> This would fundamentally alter the separation of powers that forms the bedrock of American democracy. The White House’s overbroad assertion of “absolute immunity,” at its core, is another example of the President’s stonewalling of Congress and concerted efforts to obstruct the House’s impeachment inquiry.

### *Dr. Kupperman has a Legal Obligation to Comply with Congressional Subpoena*

Filing this lawsuit does not alter the status quo: Dr. Kupperman’s legal obligation to comply with the October 25 subpoena remains unchanged. As the Supreme Court has stated, “[i]t is unquestionably the duty of all citizens to cooperate with Congress in its efforts to obtain the

<sup>8</sup> 558 F. Supp. 2d at 104.

<sup>9</sup> *Medellin v. Texas*, 552 U.S. 491, 524 (2008) (quoting *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952))

<sup>10</sup> See, e.g., 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>) (citing congressional depositions of White House Chief of Staff Mack McLarty, White House Chief of Staff Erskine Bowles, White House Counsel Bernard Nussbaum, White House Counsel Jack Quinn, and many others).

<sup>11</sup> See *In re Application of the Comm. on the Judiciary*, No. 19 GJ 48 (BAH), Slip Op. 47-62 (D.D.C. Oct. 25, 2019) (acknowledging that the House is engaged in a valid impeachment inquiry).

Michael W. Kirk, Esq. & Charles J. Cooper, Esq.  
Page 4

facts needed" for the exercise of its constitutional functions.<sup>12</sup> More specifically, "[i]t is [all citizens'] unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigations."<sup>13</sup>

The subpoena issued by the Committees on Friday remains in full force and effect, and we expect Dr. Kupperman to appear and answer questions at the deposition on Monday, October 28, 2019 at 9:30 a.m. in HVC-304 at the Capitol. We urge Dr. Kupperman to fulfill his obligation to comply with the duly authorized subpoena—and the oath that he took to protect and defend the U.S. Constitution—rather than aid and abet the President's unlawful efforts to obstruct Congress.

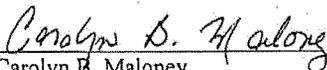
Sincerely,



Adam B. Schiff  
Chairman  
House Permanent Select Committee  
on Intelligence



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Carolyn B. Maloney  
Acting Chairwoman  
House Committee on Oversight and Reform

cc:

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

<sup>12</sup> *Watkins v. United States*, 354 U.S. 178, 187-88 (1957); see also *United States v. Bryan*, 339 U.S. 323, 331 (1950) ("A subpoena has never been treated as an invitation to a game of hare and hounds, in which the witness must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislatures, would be a nullity.").

<sup>13</sup> *Watkins*, 354 U.S. at 187-88; see also *Bryan*, 339 U.S. at 331 ("We have often iterated the importance of this public duty [to comply with Congressional subpoenas], which every person within the jurisdiction of the Government is bound to perform[.]").

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Lawyers

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1523 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

(202) 220- [REDACTED]  
Fax (202) 220- [REDACTED]

October 26, 2019

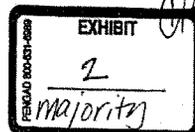
Daniel S. Noble, Esq.  
Senior Investigative Counsel (Majority)  
House Permanent Select Committee on Intelligence  
The Capitol (HVC-304)  
Washington, D.C. 20515

Dear Mr. Noble:

I write in response to the letter of this evening sent by Chairman Schiff, Chairman Engel, and Acting Chair Maloney (the "House Chairs"). As the District of Columbia rules of professional ethics prohibit lawyers from communicating directly with represented parties, we are directing our response to you. We make three points.

First, contrary to the assertion of the House Chairs, the lawsuit Dr. Kupperman filed last night asking the Judicial Branch to resolve the constitutional dispute between the Legislative and Executive Branches was not coordinated, nor even discussed, with anyone in the White House before it was filed. The White House had no advance knowledge of the lawsuit, and we informed the White House Counsel that the suit had been filed at the same time we notified you and other members of House staff. To be sure, we did inform the White House Counsel that we expected the Committee to subpoena Dr. Kupperman, and as stated in the Complaint, we provided a copy of the subpoena to the White House Counsel when we received it. But these contacts were only for the purpose ascertaining whether the President would assert absolute testimonial immunity and instruct Dr. Kupperman not to testify.

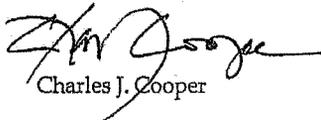
Second, your clients apparently misapprehend the nature and purpose of Dr. Kupperman's lawsuit. The House Chairs' letter offers an extended argument on the merits of whether the absolute testimonial immunity asserted by the President is valid, but Dr. Kupperman's Complaint makes clear that he takes no position on whether the Legislative Branch or the Executive Branch should prevail on this issue. He seeks only to carry out whichever constitutional obligation the Judicial Branch determines to be lawful and binding on him. We believe the arguments of both Branches are substantial and are offered in good faith. The arguments advanced by the House Chairs are properly directed to the Court.



Daniel S. Noble, Esq.  
October 26, 2019  
Page 2

Third, as stated in the Complaint, it would not be appropriate for a private citizen like Dr. Kupperman to unilaterally resolve this momentous Constitutional dispute between the two political branches of our Government. If Dr. Kupperman appears pursuant to the House's subpoena notwithstanding the President's contrary instruction, the issue will be resolved — indeed, it will be mooted. The proper course for Dr. Kupperman, we respectfully submit, is to lay the conflicting positions before the Court and abide by the Court's judgment as to which is correct.

Sincerely,

A handwritten signature in black ink, appearing to read "C. J. Cooper", written in a cursive style.

Charles J. Cooper

1989

Congress of the United States  
Washington, DC 20515

October 27, 2019

Michael W. Kirk, Esq. & Charles J. Cooper, Esq.  
Cooper & Kirk PLLC  
1523 New Hampshire Avenue N.W.  
Washington, DC 20036

Dear Messrs. Kirk and Cooper:

The House Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform write in response to your letter of October 26, 2019. Your letter responded to the Committees' notification that your client, Dr. Charles Kupperman, remains legally obligated to appear for his scheduled deposition on Monday, October 28, 2019 at 9:30 a.m. in HVC-304 at the Capitol.

Without any legal support or other justification, you persist in maintaining that Dr. Kupperman is unable to comply with the duly authorized subpoena served on your client on Friday, October 25, 2019, as part of the House of Representatives' impeachment inquiry. Your continued insistence that a federal court resolve a purported conflict between Congress' lawful subpoena and President Trump's baseless direction that Dr. Kupperman defy the subpoena—relying on an erroneous Department of Justice assertion of absolute immunity from compelled congressional testimony—is mistaken.

As the Committees made clear yesterday, there is no valid or justiciable legal claim for your client to make to a court to prevent his appearance. The lawsuit is a legal nullity. The Supreme Court has made it abundantly clear that a congressional subpoena requires that a citizen of this country appear before Congress at the stated date and time. That is the law, and no one is above the law.<sup>1</sup>

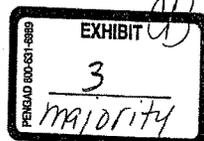
Your client, therefore, has a simple choice to make: either appear for a deposition tomorrow pursuant to a duly authorized subpoena, or abide by a baseless White House assertion that your client, a private citizen, should disregard his own legal obligations.

If Dr. Kupperman chooses to defy the subpoena and not appear before the Committees as part of the House's impeachment inquiry, his absence will constitute evidence that may be used against him in a contempt proceeding.

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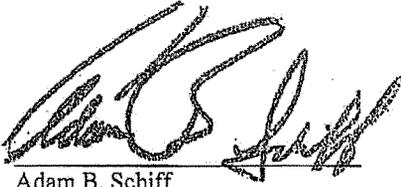
<sup>1</sup> Notwithstanding the White House's unprecedented refusal to recognize fundamental notions of separation of powers and congressional oversight, your client's deposition is not a novel or momentous event. History is replete with examples of senior White House officials testifying before Congress as part of congressional investigations into misconduct, abuse of power, and other topics. This includes testimony before Congress by three Chiefs of Staff of President Clinton and other senior officials during his impeachment proceedings, as well as numerous senior White House officials during the impeachment proceedings of President Nixon. Moreover, a court has previously ruled that Harriet Miers, former White House Counsel to President George W. Bush, was required to abide by a subpoena and appear before Congress, notwithstanding a similar argument of "absolute immunity." *Comm. on the Judiciary v. Miers*, 558 F.Supp.2d 53 (D.D.C. 2008).

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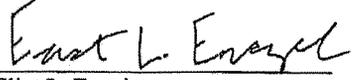
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Michael W. Kirk, Esq. & Charles J. Cooper, Esq.  
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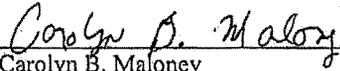


Adam B. Schiff  
Chairman  
House Permanent Select Committee  
on Intelligence

Sincerely,



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Carolyn B. Maloney  
Acting Chairwoman  
House Committee on Oversight and Reform

cc:

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

1991

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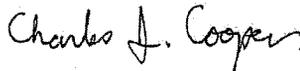
October 27, 2019

Daniel S. Noble, Esq.  
Senior Investigative Counsel (Majority)  
House Permanent Select Committee on Intelligence  
The Capitol (HVC-304)  
Washington, D.C. 20515

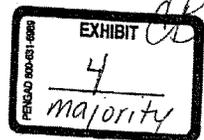
Dear Mr. Noble:

We have received just now your clients' letter reiterating their position that the House's subpoena commanding Dr. Kupperman's testimony is "lawful," that President Trump's contrary assertion of testimonial immunity for Dr. Kupperman is "baseless," and that "there is no valid or justiciable legal claim for [Dr. Kupperman] to make to a court to prevent his appearance." We want to assure your clients, again, that it is not Dr. Kupperman who contests your clients' constitutional claim. It is President Trump, and every President before him for at least the last half century, who have asserted testimonial immunity for their closest confidential advisors. If your clients' position on the merits of this issue is correct, it will prevail in court, and Dr. Kupperman, I assure you again, will comply with the Court's judgment.

Sincerely,



Charles J. Cooper





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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: PHILIP REEKER

Saturday, October 26, 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 11:03 a.m.

3           Present: Representatives Schiff, Swalwell, Heck, and Wenstrup.

4           Also Present: Representatives Engel, Connolly, Maloney, Lynch,  
5 Raskin, Malinowski, Meadows, and Perry.

6

1

2 Appearances:

3

4

5 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21

22

23 For the COMMITTEE ON OVERSIGHT AND REFORM:

24 [REDACTED]

25 [REDACTED]

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2 For the COMMITTEE ON FOREIGN AFFAIRS:

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

7

8 For PHILIP REEKER:

9 MARGARET E. DAUM, PARTNER

10 SQUIRE PATTON BOGGS LLP

11 2550 M STREET, NW

12 WASHINGTON, DC 20037

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1 THE CHAIRMAN: Good morning, Ambassador Reeker, and welcome to  
2 the House Permanent Select Committee on Intelligence which, along with  
3 the Foreign Affairs and Oversight Committees, is conducting this  
4 investigation as part of the official impeachment inquiry of the House  
5 of Representatives. Today's deposition is being conducted as part of  
6 the impeachment inquiry.

7 In light of attempts by the State Department and the  
8 administration to direct you not to cooperate with the inquiry, the  
9 committee had no choice but to compel your appearance today. We thank  
10 you for complying with a duly authorized congressional subpoena as  
11 other former and current officials from across the Federal Government  
12 have done.

13 Ambassador Reeker is the Acting Assistant Secretary of European  
14 and Eurasian Affairs and has held this position since earlier this year.  
15 Ambassador Reeker joined the Foreign Service in 1992 and has served  
16 with distinction in various positions through his long career in public  
17 service.

18 Ambassador Reeker, we are grateful your being here and we thank  
19 you for your service. We look forward to your testimony today,  
20 including your knowledge of and involvement in key policy discussions,  
21 meetings, and decisions on Ukraine that relate directly to areas under  
22 investigation by the committees. This includes developments related  
23 to the recall of Ambassador Yovanovitch, the President's July 25th,  
24 2019, call with Ukrainian President Zelensky, as well as the  
25 documentary record that has come to light about efforts before and after

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1 the call to get the Ukrainians to announces publicly investigations  
2 into two areas President Trump asked Zelensky to pursue, the Bidens  
3 and Burisma and the conspiracy theory about Ukraine's purported  
4 interference in the 2016 U.S. elections.

5 We'll also have questions about the Department's response to the  
6 impeachment inquiry, including the committee's subpoena, which the  
7 Department continues to defy, despite the fact that we know it has  
8 already collected significant documentary evidence that goes to the  
9 heart of our inquiry.

10 Finally, to restate what I and others have emphasized in other  
11 interviews, Congress will not tolerate any reprisal, threat of  
12 reprisal, or attempt to retaliate against any government official for  
13 testifying before Congress, including you or any of your colleagues.  
14 It is disturbing that the State Department, in coordination with the  
15 White House, has sought to prohibit Department employees from  
16 cooperating with the inquiry and with Congress and have tried to limit  
17 what people can say.

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

21 Before I turn to committee counsel to begin the interview, I  
22 invite the ranking member, in his absence, a minority member of the  
23 Foreign Affairs or Oversight Committee, to make any opening remarks.

24 MR. MEADOWS: Thank you, Chairman Schiff.

25 Ambassador Reeker, thank you for being here.

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1           Certainly as we look to today's hearing, it is my understanding,  
2 Mr. Chairman, that this is, I guess, a joint deposition. Is that  
3 correct?

4           THE CHAIRMAN: It is of the character I described in my opening  
5 statement.

6           MR. MEADOWS: All right. And so as a joint deposition, one of  
7 the concerns I have, as you know, you and I had a very respectful  
8 conversation as it relates to the rules, and access to the deposition  
9 transcripts is a key component. It is my understanding that you and  
10 your staff have access to the deposition transcripts currently. And  
11 under the rules, maybe I will quote it here, under paragraph 9 in the  
12 rules it says, the chair and the ranking minority member shall be  
13 provided with a copy of the transcripts of the deposition at the same  
14 time.

15           And so, Mr. Chairman --

16           THE CHAIRMAN: Sorry.

17           MR. MEADOWS: That's all right.

18           So, Mr. Chairman, in light of the rules, I think it's critically  
19 important that if we're going to have fair and equal access and follow  
20 the rules, that those deposition transcripts be provided to the  
21 minority at the same time.

22           And to date, it has been very laborious, I think, in a best case  
23 scenario, and impossible in a worse case scenario, to have access to  
24 those transcripts.

25           And so I would just bring to the chairman's attention the rules,

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1 and, respectfully, and I mean that respectfully, let's look and see  
2 if we can have an accommodation as it relates to the deposition.

3 I just find it very difficult to have sat in over 60 hours of  
4 transcribed interviews and then have it be very difficult for me to  
5 go back and compare notes or refresh my memory when I've actually been  
6 in the depositions.

7 I'm not saying wide access to those outside of the three  
8 committees of jurisdiction, but certainly the three committees of  
9 jurisdiction. And under the guidelines that you set forth in your  
10 opening statement, I think that would be appropriate.

11 I respectfully yield back.

12 THE CHAIRMAN: I think the gentleman.

13 My understanding is that under the rules the chairman and ranking  
14 member, so myself and Mr. Nunes, have access to the transcript in  
15 electronic form. All Members of the three committees have access to  
16 transcripts in hard copy, but they are not allowed to take the hard  
17 copy out of the spaces.

18 We don't print numerous copies because the very first transcript  
19 that the minority was allowed to print was then leaked to a conservative  
20 newspaper in very short order.

21 The point of doing the depositions in closed session -- and as  
22 you know, there are almost 50 Republican Members entitled to  
23 participate -- is so that witnesses are not influenced by the testimony  
24 of others. When transcripts are released, as the transcript of  
25 Mr. Volker's testimony was, it obviously undermines the integrity of

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1 the investigation and we're trying to prevent that.

2 MR. MEADOWS: And undermining the integrity of the investigation  
3 is certainly not what I'm suggesting.

4 And so with that, this is either a joint deposition or it's not.  
5 The House rules are very clear. You know full well that this rule was  
6 actually not put in place for this type of hearing as much as it was  
7 what I call the Issa rule. You were very familiar with that during  
8 the Benghazi hearings. It was put in place under a Republican  
9 majority, primarily because of the classified nature of those and the  
10 desire of Congressman Issa to be part of that.

11 I'm not asking for a printed copy. I've not seen a printed copy  
12 of any transcript. But what I am asking is, is that we're allowed with  
13 our staff to go in and review those depositions as we prepare for further  
14 witnesses. I think that would certainly be in keeping with the rules.  
15 I think it is in spirit with the rules.

16 My understanding is right now is that we can set up a time and  
17 have your staff come in and supervise that. That's not laid out in  
18 the rules, Mr. Chairman.

19 And again, I think when we look at this, it's paragraph 9,  
20 paragraph 10. I'm just saying respectfully, let's find a way to make  
21 an accommodation. And I'm not asking you to rule right now. Certainly  
22 we can have a further discussion off-line.

23 THE CHAIRMAN: And let's have that further discussion off-line  
24 so we don't have to use up the witness' time.

25 MR. MEADOWS: I'll yield back.

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1 THE CHAIRMAN: We'll see if we can reach an accommodation.  
2 Again, I'm happy to entertain any accommodation that doesn't expose  
3 us to the same risk of what happened with the first transcript that  
4 was made available.

5 And of course we have a problem with people willy-nilly ignoring  
6 the House rules as we saw when some of your colleagues came into the  
7 SCIF the other day.

8 MR. MEADOWS: Certainly the chairman and this ranking member are  
9 both committed to keeping the rules. And so I guess in that spirit  
10 is why I'm making the respectful appeal.

11 THE CHAIRMAN: I thank you.

12 I will now turn it over to Mr. Goldman to begin the deposition.

13 MR. GOLDMAN: Thank you, Mr. Chairman.

14 This is a deposition of Ambassador Philip Reeker conducted by the  
15 House Permanent Select Committee on Intelligence pursuant to the  
16 impeachment inquiry announced by the Speaker of the House on September  
17 24th.

18 As you know, Ambassador Reeker, the committees had to adjust our  
19 schedule due to the memorial events the past two days in honor of our  
20 dear colleague, Representative Elijah Cummings. And we appreciate  
21 your flexibility in accommodating our schedule in order to conduct this  
22 deposition on a weekend.

23 Ambassador Reeker, if you can now please state your full name and  
24 spell your last name it for the record.

25 AMBASSADOR REEKER: My name is Philip Thomas Reeker,

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1 R-e-e-k-e-r.

2 MR. GOLDMAN: And if you just want to pull the microphone in a  
3 way that makes you comfortable that you just speak and it goes into  
4 the microphone. Thank you.

5 AMBASSADOR REEKER: Got it.

6 MR. GOLDMAN: Along with other proceedings in furtherance of the  
7 inquiry to date, this deposition is part of a joint investigation led  
8 by the Intelligence Committee in coordination with the Committee on  
9 Foreign Affairs and Oversight and Reform. In the room today are  
10 majority staff and minority staff from all three committees, and this  
11 will be a staff-led deposition. Members, of course, may ask questions  
12 during their allotted time as has been the case in every deposition  
13 since the inception of this investigation.

14 My name is Daniel Goldman. I'm the director of investigations  
15 for the HPSCI majority staff. And I want to thank you again for coming  
16 in today.

17 Let me do some brief introductions. To my right Nicholas  
18 Mitchell. He is the senior investigative counsel for the Intelligence  
19 Committee. Mr. Mitchell and I will be conducting most of the interview  
20 for the majority.

21 And I'll now let my counterparts from the minority staff introduce  
22 themselves?

23 MR. CASTOR: Steve Castor with the Republican staff of the  
24 Oversight Committee.

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1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 MR. GOLDMAN: This deposition will be conducted entirely at the  
5 unclassified level. However, the deposition is being conducted in  
6 HPSCI secure spaces and in the presence of staff with appropriate  
7 security clearances. We also understand that your attorney has her  
8 security clearance as well.

9 It is the committee's expectation that neither questions asked  
10 of you nor answers provided by you will require discussion of any  
11 information that is currently or at any point could be properly  
12 classified under Executive Order 13526. You are reminded that EO 13526  
13 states that, quote, "In no case shall information be classified,  
14 continue to be maintained as classified, or fail to be declassified,"  
15 unquote, for the purpose of concealing any violations of law or  
16 preventing embarrassment of any person or entity.

17 If any of our questions can only be answered with classified  
18 information, please inform us of that before you answer the question  
19 and we can adjust accordingly.

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

24 Under the House deposition rules, no Member of Congress nor any  
25 staff member can discuss the substance of the testimony that you provide

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1 today. You and your attorney will have an opportunity to review the  
2 transcript of today's deposition?

3 Before we begin, I'd like to go over some ground rules. We will  
4 be following the House regulations for depositions, which we have  
5 previously provided to your counsel. The deposition will proceed as  
6 follow. The majority will be given 1 hour to ask questions, then the  
7 minority will be given 1 hour to ask questions. Thereafter, we will  
8 alternate back and forth between majority and minority in 45-minute  
9 rounds until questioning is complete. We will take periodic breaks,  
10 but if you need a break at any time, please just let us know.

11 Under the House deposition rules, counsel for other persons or  
12 government agencies may not attend. You are permitted to have an  
13 attorney present during this deposition. And I see that you have  
14 brought a personal attorney.

15 At this time, if counsel could please state her appearance for  
16 the record?

17 MS. DAUM: Margaret Daum, Squire Patton Boggs, for Ambassador  
18 Reeker.

19 MR. GOLDMAN: There is a stenographer taking down everything that  
20 is said here today in order to make a written record of the deposition.  
21 For that record to be clear, please wait until each question is  
22 completed before you begin your answer and we will try to wait until  
23 you finish your response before asking you the next question. The  
24 stenographer cannot record nonverbal answers, such as shaking your  
25 head, so it is important that you answer each question with an audible

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1 verbal answer.

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

6 You may only refuse to answer a question to preserve a privilege  
7 that is recognized by the committee. If you refuse or object to a  
8 question -- refuse to answer or object to a question on the basis of  
9 privilege, staff may either proceed with the deposition or seek a ruling  
10 from the chairman on an objection. If the chair overrules any such  
11 objection, you are required to answer the question.

12 Finally, you are reminded that it is unlawful to deliberately  
13 provide false information to Members of Congress or staff. It is  
14 imperative that you not only answer our questions truthfully, but that  
15 you give full and complete answers to all questions asked of you.  
16 Omissions may also be considered as false statements.

17 As this deposition is under oath, Ambassador Reeker, would you  
18 please now stand and raise your right hand to be sworn?

19 Do you swear that your testimony here today will be the whole truth  
20 and nothing but the truth?

21 AMBASSADOR REEKER: I do.

22 MR. GOLDMAN: Let the record reflect that the witness has been  
23 sworn.

24 And you may be seated?

25 Ambassador Reeker, if you have an opening statement or your

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1 attorney has any matters to discuss before we proceed, now is the time.

2 AMBASSADOR REEKER: I have no opening statement.

3 MR. GOLDMAN: All right. Then I will recognize myself for 60  
4 minutes.

5 EXAMINATION

6 BY MR. GOLDMAN:

7 Q Ambassador Reeker, before we get into the substance of  
8 today's deposition, we would like to just briefly go through your  
9 background.

10 As we understand, you joined the Foreign Service in 1992. And  
11 can you describe for us, generally speaking, some of your foreign posts  
12 and your more recent positions?

13 A Sure. I joined in 1992 after finishing graduate school.  
14 Actually went through the Foreign Service process and joined with the  
15 United States Information Agency, which at that time was separate.

16 My first assignment was to Budapest, Hungary, where I was the  
17 assistant information officer or press attache. I moved on then to  
18 be the public affairs officer at the U.S. Embassy in Skopje, what is  
19 now North Macedonia.

20 From there, I went back to Washington to become the director of  
21 the press office, the Office of Press Relations at the Department of  
22 State, and subsequently became the deputy spokesman, first under  
23 Secretary of State Albright and then through the transition for 3 more  
24 years under Secretary of State Powell.

25 From there, I went back overseas, returning to Budapest as the

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1 Deputy Chief of Mission from 2004 to 2007. From 2007 to 2008, I served,  
2 [REDACTED] in Baghdad at  
3 the U.S. Embassy there, as the Counselor for Public Affairs to  
4 Ambassador Ryan Crocker, working very closely with Ambassador Crocker  
5 and General David Petraeus on the so-called surge in that period in  
6 Iraq.

7 I was then nominated to be the United States Ambassador to again  
8 what is now called North Macedonia, confirmed by the Senate, and arrived  
9 at post in September 2008.

10 After a normal 3-year tour as Ambassador, in 2011 I was asked to  
11 come back and become the Deputy Assistant Secretary in the Bureau of  
12 European and Eurasian Affairs covering the Balkans, South Central  
13 Europe, as it's known, and then later expanded to include Central Europe  
14 and the office of Holocaust Initiatives.

15 And then after that assignment I followed [REDACTED], who had been  
16 assigned to Italy, to become counsel general in Milan. I served there  
17 from 2014 to 2017, at which time I moved. I had been asked to become  
18 the civilian deputy commander of the United States European Command,  
19 the U.S. military forces in Europe, serving as deputy to General Curtis  
20 Scaparrotti, who was at that time the commander of U.S. European  
21 Command, based in Stuttgart, and was serving in that capacity as his  
22 civilian deputy and foreign policy advisor until in late January I was  
23 approached or called by the Department upon the sudden resignation of  
24 the Assistant Secretary for European Affairs, Wess Mitchell.  
25 Secretary Pompeo asked me to come back to Washington to take over

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1 running the Bureau of European Affairs after Wess had departed.

2 So I -- formally I came back on the 18th of March to be able to  
3 be here for the NATO 70th anniversary ministerial, and then I was  
4 semi-dual-hatted. My technical assignment at European Command ended  
5 at the 26th of May, I believe, but I travel about 50 percent of the  
6 time back and forth to our various posts.

7 We have, as you know, 50 countries in the European -- under the  
8 European Bureau. That includes 49 missions, including NATO, the  
9 European Union, the OSCE, and 28 consulates or constituent posts as  
10 well. Back here in Washington we have about 300 employees under the  
11 Bureau of European Affairs. I have seven deputy assistant  
12 secretaries, a principal deputy who came on in August and then six more  
13 deputy assistant secretaries, and as I said, about 300 staff here.  
14 Overseas, the Bureau has about 11,500 personnel for which I'm broadly  
15 responsible.

16 Q Thank you for that background. We are going to focus  
17 primarily on your time as Acting Assistant Secretary in 2019.

18 A And if I may clarify, I think it's at least worth noting for  
19 the record, I am formally assigned as the Principal Deputy Assistant  
20 Secretary in the Bureau and in that capacity serve as Acting Assistant  
21 Secretary since I'm not confirmed.

22 Q Understood.

23 Are you -- prior to testifying here today, did you have  
24 any -- you, yourself, have any conversations with anyone at the State  
25 Department about your testimony?

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1 A The fact that I was doing it?

2 Q Let's start with the fact -- the fact that you were asked  
3 and whether or not you should testify.

4 A I let my supervisor, my boss, the Under Secretary, David  
5 Hale, know, as well as the Office of the Legal Advisor and my principal  
6 deputy know. I think I sent an email the night that I received the  
7 request to testify. One of my deputies had already testified, George  
8 Kent. And I certainly didn't keep it a secret that I'd been asked  
9 to -- requested to give a deposition as the email stated. And  
10 originally the request was for Wednesday.

11 Q Did anyone, other than in formal letters to you, did anyone  
12 discourage you from testifying?

13 A No, sir.

14 Q Did you have any discussions with anyone else about the  
15 substance of your testimony?

16 A No, sir.

17 Q Are you aware that the committees have subpoenaed the  
18 Department for documents related to this investigation?

19 A I do understand that from the press reporting, yes.

20 Q Only from the press reporting?

21 A Yeah, to the best -- well, I know we were -- when this began,  
22 I was traveling in Italy on official travel. And I recall that there  
23 was -- we needed to at least review files for documents relevant to  
24 this, and I understood that my emails were reviewed automatically.

25 Q Were you asked to collect any documents related to the

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1 subject of this investigation?

2 A There was a general request. And so, since I was traveling,  
3 my assistant went through files. And I really didn't have anything  
4 relevant. Everything I had was in email.

5 Q Okay. And I see you do have a binder of materials here today.  
6 Can you just generally describe what's in that binder?

7 A It's my emails.

8 Q Your emails.

9 A Not all of them obviously, because I get upwards of 300 or  
10 400 a day. But it's emails that I thought may be relevant to help me  
11 trace and recall.

12 Q And just for the record, it's a 4-inch binder, it appears  
13 that it's quite full of perhaps a couple hundred pages of documents.  
14 Is that accurate?

15 A Yes, that's accurate.

16 Q And you are aware of --

17 MR. MEADOWS: 3-inch binder.

18 BY MR. GOLDMAN:

19 Q -- are you not, that the Department has not provided the  
20 committees with any documents pursuant to the subpoena. Is that right?

21 A That is my understanding, yes.

22 Q Have you had any conversations with anyone at the State  
23 Department about whether the Department should --

24 A No, sir.

25 Q -- produce any documents?

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1 A No, sir.

2 Q Okay. But you've reviewed the relevant emails prior to  
3 testifying here today?

4 A Well, I've tried to review to the best -- I have a fairly  
5 fulsome job. And so in between, in preparing what was initially a short  
6 period and then with a couple of extra days, I did try to go through  
7 emails just to try to be able to recall and track the general timeline  
8 of things that I believe you may be interested in.

9 Q Okay. And that review, I assume, has helped you prepare for  
10 your interview today.

11 A I think so, yes.

12 Q Your testimony today.

13 A I may be able to refer to some of them.

14 Q So just so you're aware, because we don't have those  
15 documents and don't have any documents, we may be asking a lot of  
16 questions just to get some of the basics and the foundation. So it  
17 may seem basic, it may seem redundant, but we ask your indulgence as  
18 we try to determine the facts here.

19 In addition to emails, did you have any electronic  
20 communications, such as WhatsApp messages, related to the topic of the  
21 investigation?

22 A I do have some -- a few pages of WhatsApp, I guess you  
23 could -- would that be call a transcript? -- WhatsApp things which I  
24 converted to, as we're required to do, converted to archives -- I'm  
25 not very technically inclined here -- and sent to my email. So -- and

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1 I think those -- I reviewed those.

2 Q And generally speaking, who were those WhatsApp messages  
3 with?

4 A I think I have four people with whom they are relevant.  
5 Masha Yovanovitch. Let me just check to be accurate here. Sorry, I'm  
6 being a terrible witness. I apologize. Masha Yovanovitch, Bill  
7 Taylor, George Kent, and Kurt Volker.

8 Q All right. So you said that in January you were asked by  
9 Secretary Pompeo to return to D.C. to take on this new role. Is that  
10 right?

11 A Specifically, I can't actually find in my calendar the  
12 specific day, but I had been in Washington for a chief of mission  
13 conference. I was invited to join the European Bureau's chief of  
14 mission conference in my capacity as the civilian deputy at European  
15 Command where the focus was on trying to integrate defense and  
16 diplomacy, our State, DOD, EUCOM, EUR, the European Bureau work. So  
17 I was back for that. Returned to Stuttgart.

18 And it was several days later. I think it was close to the very  
19 end of January, Wess Mitchell had suddenly announced his resignation  
20 as Assistant Secretary. And I received a call from him saying: Sorry  
21 I didn't tell you this before. And then he suggested I was going to  
22 get another phone call because a new idea had come up. And I received  
23 that call from the Counselor of the State Department, Ulrich Brechbuhl,  
24 who talked to me for a little while and said they were interested in  
25 having me come back to take over for Wess.

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1 Q Could you just move your microphone a little closer to your  
2 mouth?

3 A I'm sorry.

4 Q You can pull it even closer to you just so you're comfortable.  
5 It's a large room.

6 A Lapel mikes or something. That's better. Is that all  
7 right? Sorry.

8 So he suggested that I come back to Washington. In fact, I was  
9 scheduled, I think, to come back for something EUCOM related. And I  
10 did return to D.C. then. I left -- I flew on the 6th of February and  
11 on the 7th and 8th I had a variety of meetings, including with Wess  
12 Mitchell, with Counselor Brechbuhl, and ultimately a short meeting with  
13 Secretary of State Pompeo. They asked me if I would do this. That  
14 was their desire, that my new assignment would be to come back and do  
15 that.

16 And so then I returned to Stuttgart on the 9th of February. The  
17 Secretary had suggested that I join him, along with Wess, who was of  
18 course still in his capacity as Assistant Secretary, on the trip to  
19 Central Europe that they took immediately after.

20 So I went back to Stuttgart, arriving on the 10th of February,  
21 changed my suitcase and then went to Budapest to join the Secretary's  
22 party on the 11th. We were in Budapest, Bratislava, then Warsaw.  
23 Stopped in Brussels later that week. And then the Secretary visited  
24 Iceland, Reykjavik, Iceland, and I accompanied on that trip. And then  
25 I went from there back to Munich actually on the -- I think it was the

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1 15th of February -- for the Munich security conference in my existing  
2 job as EUCOM deputy commander.

3 Q You mentioned a trip, part of that European swing was to  
4 Warsaw. What was in Warsaw? Do you recall?

5 A In Warsaw there was the Ministerial on the Future of the  
6 Middle East and bilateral meetings. I think we were there two nights  
7 as I recall.

8 Q Were you aware that Rudy Giuliani attended that conference?

9 A I do recall hearing somebody mention that Rudy Giuliani was  
10 in town. I do recall that. It had no particular significance to me  
11 or to the conference site. But I do recall that I never saw him or  
12 met him.

13 Q How did you hear that he was there? Who told you, do you  
14 recall?

15 A I just remember hearing it in the -- it's possible I may have  
16 read it in the press, but I do recall hearing that.

17 Q Do you know if he met with any employees of the State  
18 Department?

19 A I do not know.

20 Q When you were asked to take the job, what did you know about  
21 Ukraine?

22 A Well, I mean, I followed some developments in Ukraine. I  
23 think I had visited there twice in my life. The first time, in my very  
24 first assignment, I went to Kyiv, it must have been 1995, newly  
25 independent country from the Soviet Union of course after the collapse

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1 of the Soviet Union. I think that was when the President at that time  
2 made the first visit to independent Ukraine by a U.S. President. I  
3 just worked on the press support.

4 And then I accompanied Secretary Albright in my capacity as  
5 spokesman, deputy spokesman. I think I must have been Acting at that  
6 point. So traveled with her.

7 I was, of course, aware of the Russian -- the general current  
8 events in Ukraine and then the Russian, shall we say, invasion,  
9 attempted annexation of Crimea in 2014, our efforts to support Ukraine.

10 I was aware of the general policy. It wasn't particularly  
11 relevant to my working in Italy, although we often focused on the  
12 sanctions that the United States put in place, helping to explain those  
13 and encourage the support, because the European Union also had put  
14 sanctions in place against Russia because of their invasion of Ukraine,  
15 their occupation of Crimea, and the war that they had started in the  
16 Donbas in the eastern part of Ukraine.

17 And, you know, the extensive programs we've had, supported and  
18 funded by Congress, to help the Ukrainians over time in terms of their  
19 reforms and development.

20 And then at EUCOM I was familiar with Ukraine generally.  
21 Obviously EUCOM had a role there in terms of some of the military support  
22 that we were providing. I knew the Ambassador, Masha Yovanovitch. I  
23 knew the previous Ambassador. And that was part of my job at EUCOM,  
24 was to maintain a liaison there.

25 Q Did you have -- what was your relationship with Ambassador

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1 Yovanovitch like?

2 A I've know Masha for, I think -- she's been in the Foreign  
3 Service longer than I, but, you know, probably 20 years. We both have  
4 served in the broad -- broadly same region. When I was nominated and  
5 came for my confirmation hearing, we were on the same panel. She was  
6 being confirmed for Armenia, to be Ambassador to Armenia. She had  
7 already been, I believe, Ambassador to Kyrgyzstan. And so we were on  
8 the same panel. We knew each other. We're friends, colleagues.

9 Q And what was her general reputation as a Foreign Service  
10 officer?

11 A Outstanding. I mean, she's one of the Foreign Service great  
12 leaders. Outstanding diplomat, very precise, very -- very  
13 professional, considered an excellent mentor, you know, a good leader.  
14 And this was, of course, Ukraine was her third ambassadorship. We had  
15 served together in the European Bureau when I was Deputy Assistant  
16 Secretary for the Balkans and in Central Europe. She was another one  
17 of the DAS's. I think she had the Nordic and Baltic portfolio at that  
18 time. And then she became the Principal Deputy Assistant Secretary  
19 and Acting for a period toward the end of my time in the Bureau.

20 Q Had you ever heard any complaints within the State Department  
21 about the job that she was doing as Ambassador of Ukraine?

22 A No, sir. And at European Command she had an excellent  
23 reputation. The commander found her extremely professional and worked  
24 closely with her.

25 Q Soon after your official start date in this role as the Acting

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1 Assistant Secretary, I'm sure you're aware there became a lot of or  
2 there was a lot of publicity related to her and her role in Ukraine  
3 toward the end of March. I assume -- you became aware of that as well  
4 at the end of March, right?

5 A Yes, sir. I arrived late in the evening of the 17th of March  
6 from Stuttgart. Went home to my apartment and reported to work in the  
7 European Bureau on the 18th.

8 One of the first tasks that I had at hand, because my  
9 responsibility largely in sort of shepherding this bureau, the large  
10 bureau I described to you, is making sure the personnel issues at the  
11 top level are handled and the -- Masha was coming to the end of her  
12 3-year tour and we needed to find a new candidate, the chief of mission  
13 process, the usual Foreign Service process, which had been conducted  
14 and identified a candidate for nomination.

15 That candidate had been redirected to a different job and so there  
16 was then an opening. And one of my first tasks was to work within the  
17 Bureau and the bureaucracy to try to identify candidates to  
18 submit -- you know, there is a standard process for this -- to submit  
19 then to what's known as the Deputies Committee that then selects the  
20 Department's candidate, which then goes on to become, after the  
21 appropriate vetting, et cetera, become a nominee.

22 So we were focused on that. There were two posts that needed  
23 quickly to get new candidates.

24 Q Were you aware that she had been asked to stay a little longer  
25 than her usual tour?

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1           A    I was aware that that had been considered, because when the  
2 candidate, the person that was -- had been selected and was working  
3 towards, you know, submitting the necessary papers for nomination was  
4 revectorred, I had had conversations with Masha about -- you know,  
5 timing of confirmation is always a challenge. And I believe Under  
6 Secretary Hale had approached her about whether, you know, was she able  
7 to stay.

8           We go through this a lot with a number of our ambassadors in posts.  
9 Some have onward assignments, some of them are retiring, some of them  
10 have personal reasons. Others, when there's a gap because of, you  
11 know, a slow confirmation process we try to see if we can have them  
12 carry on. We have a number of posts right now, for instance, that are  
13 covered by the deputies in the capacity as Charge d'Affaires pending  
14 confirmation of that.

15           So I know that she had been approached as to the possibility of  
16 that certainly in the earlier period.

17           Q    Was there anything unusual about the reassignment of the  
18 other candidate that you are aware of?

19           A    Look, let me just be very candid, I was that candidate. So  
20 I had been approached by Assistant Secretary Mitchell as he was doing  
21 the annual chief of mission process, as we call it, and was I interested  
22 in any of the jobs that were open or coming open.

23           To be honest, I was ambivalent because I was extremely happy at  
24 European Command. It was a 3-year assignment and I was just finishing  
25 the first year of it. [REDACTED]

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1 [REDACTED]  
2 [REDACTED] Worked out reasonably well. The commute was  
3 tolerable.

4 But Wess was quite eager and so encouraged me to consider the  
5 Ukraine job. And ultimately I was -- I was the candidate and I had  
6 gotten as far, December 21st, I recall, just before the Christmas  
7 weekend, I got word that the White House had approved moving forward  
8 with potential nomination, which means they send you hundreds of pages  
9 of documents to fill out.

10 And I did not do that over Christmas and got through the holiday.  
11 And then as I was doing -- starting to work on those forms, and in fact  
12 when Wess Mitchell called me, I got a message, you know, Assistant  
13 Secretary Mitchell wants to call you. I said, oh, he's calling to say,  
14 where do you stand on those forms? And they weren't done, of course.  
15 And that's when he said, you know, we have this other -- we would like  
16 you to do this instead. So --

17 Q You said that Wess Mitchell's resignation was somewhat  
18 sudden or surprising. Why did you frame it that way?

19 A I mean, I knew Wess. Wess is a friend, a colleague I have  
20 known him even prior to his time as Assistant Secretary. And we had  
21 a good rapport. I made sure that he and the commander were well knitted  
22 up in terms of the task at hand, that is the integration of State and  
23 DOD, diplomacy and defense. And he had expressed a number of times  
24 he's got young children and that maybe he was coming toward the end.

25 So it wasn't a complete surprise that he chose to do that, but

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1 it was unexpected, I guess is the better word. Obviously it was his  
2 decision.

3 Q But it wasn't from -- as far as you knew, there was no policy  
4 or other reason that he --

5 A Not that I'm aware of. He always told me he was -- you know,  
6 again, little kids and more time with the family.

7 Q Are you -- what happened related to Ambassador Yovanovitch  
8 after you assumed duty, the duties of this job on March 18th?

9 A So that week, of course, there came this sort of avalanche  
10 of very, very negative press stories. There was a public prosecutor  
11 in Ukraine who was alleging things about the Ambassador. Ukraine was  
12 in a highly politicized period prior to their Presidential election.

13 I had actually been there in my EUCOM capacity, further to the  
14 question you started and we got partially through it in terms of any  
15 experience I had with Ukraine. I had visited there once with General  
16 Scaparrotti for a ship visit, the USS Mount Whitney, that paid a port  
17 call in Odessa, probably in the summer, late summer of 2018.

18 And then in February when I already had -- knew that I had been  
19 revectorred, I similarly took a trip down for another U.S. ship visit  
20 in Odessa and talked to Masha at that time. And we'd had a little  
21 conversation about what was she doing, what were her plans. And in  
22 fact one of the conversations we had was she expressed an interest in  
23 possibly succeeding me at EUCOM, because obviously that job was now  
24 suddenly coming open.

25 And so with her tour ending, you know, in the coming months, in

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1 the summer of 2019, I was quite enthused about that. In fact the  
2 commander at EUCOM was also quite enthused about that opportunity.

3 So then this storm of, as I literally arrived in the first days,  
4 all of these stories were coming out, lots of press inquiries to the  
5 European Bureau press office, to the Department as a whole, allegations  
6 of all kinds of what seemed to me very outlandish and unrealistic  
7 stories were coming out about this.

8 And it, you know, became kind of one of these media frenzies, lots  
9 of efforts to figure out where is this coming from, what is this about,  
10 and the press operation generating, of course, trying to generate  
11 responses to the queries from press.

12 Q Was there internal discussion within the State Department  
13 about the allegations themselves against her?

14 A I discussed with -- primarily with the Counselor, Ulrich  
15 Brechbuhl, this, and also with David Hale, the Under Secretary, who  
16 is, of course, responsible for all of the -- the Under Secretary for  
17 Political or Policy Affairs and oversees all of the geographic bureaus.

18 And Ulrich did say: Any idea where this is coming from, what this  
19 is about? We started sort of trying to look into that, talking to the  
20 post, of course to Masha. My deputy for Eastern Europe, which includes  
21 Ukraine, George Kent, who is a real expert on the whole region actually,  
22 as well as the Caucasus that he covers, and he had been the Deputy Chief  
23 of Mission under Masha Yovanovitch until a year prior when he came back  
24 to be the DAS, he kind of led and coordinated a look into that.

25 I did understand from Ulrich that there had been, I think a year

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1 previously or sometime in 2018, a letter from Congressman Sessions  
2 which had criticized Ambassador Yovanovitch and accused her of being  
3 partisan, to which Ulrich said they had never found anything to suggest  
4 any foundation to those allegations.

5 And he had thought after that that perhaps that had sort of ended,  
6 but clearly this was coming back again. And I believe some of the press  
7 coverage in March referred to that letter from Congressman Sessions.  
8 And in fact, it was -- the letter was released with sort of some not  
9 so great blacking out of the name, but it was clearly that letter from  
10 2018.

11 Q Did the Department determine whether or not any of the  
12 allegations that came out about Ambassador Yovanovitch at the end of  
13 March had any merit?

14 A The general -- not even general -- the view was there was  
15 never any proof, was one word that was used, there was no documentation  
16 to suggest this. Ultimately -- and I don't have the full timeline  
17 right in front of me. Ultimately, the Prosecutor, who had alleged that  
18 she as Ambassador had given him a do-not-prosecute list, he ultimately  
19 recanted that. There was never anything to suggest this.

20 And I think certainly the Counselor underscored that. And I  
21 think efforts were made at his level and with the support of the  
22 Secretary to push back on some of these journalists and their reporting,  
23 to simply ask: Where are you getting this? On what basis are you  
24 writing this or tweeting this? Because, of course, this is common now,  
25 some tweet comes out and then is retweeted with no basis at all and

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1 it generates more questions.

2 And some of them were really not just highly, highly inaccurate  
3 and inflammatory, but threatening also to Ambassador Yovanovitch. And  
4 this affects not only, you know, our policy, our standing, the work  
5 of the embassy, which was, you know, extremely busy.

6 It's a large mission with a lot of very hardworking people working  
7 on programs to fight corruption, to promote economic reforms, to work  
8 on energy diversification, to promote antitrust, and try to help  
9 Ukraine emerge from the oligarchical system that has kept them far from  
10 their potential, to help them pursue their clearly Western orientation,  
11 with obviously fighting literally a hot war on their eastern front from  
12 Russia.

13 All that work is vitally important. That was key to our policy  
14 and that was being certainly distracted from. In fact, because the  
15 Prosecutor had put out these nasty allegations, these untrue  
16 allegations about the Ambassador, and he was known to be close to  
17 President Poroshenko, on my third day -- in fact, I guess it would be  
18 technically my fourth day -- Thursday, March 21st, with the advice of  
19 my Ukraine folks, we called in -- the Ambassador was not available,  
20 but -- the Deputy Chief of Mission of the Ukrainian Embassy here in  
21 Washington, we called her in to deliver a stern demarche, saying, this  
22 was unacceptable, to have Government of Ukraine figures maligning our  
23 Ambassador in this way.

24 Q Who met with the Ukrainian official?

25 A I did, as the --

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1 Q Just you?

2 A Well, I'm sure I would have had staff with me from the  
3 Ukraine --

4 Q You were the highest ranking --

5 A Yes.

6 Q -- Department official?

7 A Yes.

8 Q You mentioned something about there being follow-on press  
9 related to these allegations. Do you know who was amplifying these  
10 allegations and accusations in the media around this time?

11 A I mean, you can look at all those media reports and they quote  
12 a number of people. There was -- Mr. Giuliani, of course, was one of  
13 the main voices of this and he, himself, was on air. There was Mr.  
14 diGenova, I recall, who was also there and a stream of press reports  
15 which then, you know, they sort of feed on each other. And that really  
16 was lasting that whole week, and through the next week we continued  
17 to be bombarded with this. And I was pushing for responses, what we  
18 were going to say about this in terms of the pushing back, defending  
19 our Ambassador and our mission there.

20 Q Who did you have those conversations with?

21 THE CHAIRMAN: Could I before we -- before you answer that. What  
22 was the Ukrainian response when you did that demarche with the Ukrainian  
23 counterparts to raise these concerns?

24 A The Deputy Chief of Mission was mortified. And she was a  
25 young diplomat who did report that immediately back. And I believe

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1 the President himself or certainly his staff in Ukraine offered some  
2 apologies and tried to tone things down on the Ukrainian side. The  
3 Ambassador, who returned, I think, a day or 2 later, called me. I was  
4 in the midst of just sort of meeting these people, because, as I said,  
5 it was literally my first week on the job, and he came in to underscore  
6 that, you know, this was nasty politics in Ukraine and, you know, they  
7 valued the Ambassador, they valued the U.S. relationship, and all that  
8 the United States was doing to support Ukraine's progress and their  
9 efforts to defend themselves against the Russia aggression.

10 THE CHAIRMAN: And this was relayed to you by the Ukrainian  
11 Ambassador to the United States?

12 AMBASSADOR REEKER: Yeah, he came in, he followed up the  
13 demarche. He was not available when we called. The standard  
14 procedure would have been to call him in. He was, I think, traveling  
15 on the West Coast or someplace and that's why his deputy came to receive  
16 the demarche and our stern concerns about this. And then I had a  
17 meeting with him at some point.

18 THE CHAIRMAN: And what's the Ambassador's name?

19 AMBASSADOR REEKER: He's now gone. I can probably find it.  
20 Chalyy, Ambassador Chalyy, C-h-a-l-y-y.

21 THE CHAIRMAN: And was it Ambassador Chalyy who informed you that  
22 it would have been then President Poroshenko had expressed his regret  
23 as well.

24 AMBASSADOR REEKER: I think we heard that through our embassy in  
25 Kyiv.

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1 BY MR. GOLDMAN:

2 Q You said that Rudy Giuliani was one of the foremost  
3 individuals discussing these allegations in public. Were you aware  
4 of whether the President had commented or tweeted about these  
5 allegations for the article in the paper?

6 A I do not recall specifically. I know his son Donald Trump,  
7 Jr., retweeted or tweeted something to that -- the same thing with some,  
8 in my view, incorrect statements about Ambassador Yovanovitch.

9 Q Were you aware of whether this received some prominent  
10 attention on FOX News around this time?

11 A Yes. I mean, if I look through emails -- my -- the Ukraine  
12 office, and George Kent sort of overseeing that, he being the senior  
13 guy on my team, also with the knowledge and the expertise on Ukraine,  
14 knows all the players, all the -- knows the language, the political  
15 dynamics.

16 So they were with the embassy and his office compiling all of these  
17 reports and forwarding me volumes, of which I didn't have a chance to  
18 read everything, but we were trying to keep track of the stories and  
19 how it was generating and where was this coming from, which was the  
20 question that the Counselor was asking.

21 And I was forwarding not all, but summaries, ones that I thought  
22 captured well the context, you know, what was happening, who it was  
23 coming from, and how it was demonstrably wrong. I was forwarding those  
24 to Under Secretary Hale and to Counselor Brechbuhl.

25 Q You said over the next week or two there were internal

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1 discussions within the Department about a potential response to defend  
2 the Ambassador. Can you describe what conversations you had and what  
3 recommendations you made?

4 A Most of the process of developing press guidance or  
5 statements starts with our press office in conjunction with the subject  
6 matter experts drafting potential guidance or statements, with the  
7 embassy obviously contributing, and I think Ambassador Yovanovitch  
8 herself who had a clear interest in getting some solid push back on  
9 this.

10 And that goes through a clearance process in the Department and  
11 I would -- often it would get through the Bureau up to my deputies and  
12 myself, and then it would move upstairs to what we call the seventh  
13 floor for the "P," known as the Under Secretary for Political Affairs,  
14 David Hale, and then "C," Ulrich Brechbuhl, the Counselor, who were  
15 kind of in the main my senior go-to people on this.

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1 [12:03 p.m.]

2 BY MR. GOLDMAN:

3 Q And what -- describe the conversations that you had -- well,  
4 withdrawn.

5 There was an immediate statement issued by the Department  
6 specifically rejecting the allegations. Were you aware of that, that  
7 followed very closely on to the publication of the first article?

8 A Yeah, if you give me a chance here, I'll --

9 Q And by the way, feel free to review your emails as we go on  
10 today if they are helpful to you.

11 A Exactly. That's why I brought them. So I think I should  
12 try to use them. Let's see.

13 Okay. So by Wednesday, March 20th, when a lot of this stuff had  
14 come out -- and the way the press operation usually works, it's response  
15 to particular queries from journalists.

16 And we did get a response to the query that there were rumors at  
17 that time circulating around the dismissal of the Ambassador to  
18 Ukraine, and citing articles in The Hill publication.

19 And so we had a statement -- a response. Just to be technical,  
20 it's a response to the press query, versus a formal statement that is  
21 released by the Department. And they sent me a draft, which was cleared  
22 by Deputy Assistant Secretary, DAS Kent, by D staff, that's the Deputy  
23 Secretary of State; P staff, the Under Secretary of State, and by the  
24 NSC. And then they came to me looking for clearance.

25 This was actually in response to a Ukrainian TV query, this

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1 question on rumors circulating about the dismissal of the Ambassador,  
2 because that was a theme that had emerged, was, oh, she's already been  
3 fired or she's gone. And, obviously, that was of particular interest  
4 in Ukraine as a story line.

5 And I did make a suggestion here that afternoon, just switching  
6 the order of sentences in a particular paragraph. And I can read you  
7 that statement if you want -- or, again, it's not technically a  
8 statement -- read you the response, the particular paragraph that I  
9 asked to be moved.

10 Q Who was on this email chain with you?

11 A Oh, this is lots of staff throughout the Bureau, the press  
12 office staff. And then I forwarded those up to Ulrich, I think. I  
13 was sending him emails, you know, fairly often.

14 The office for Ukraine on the Thursday then, the 21st, forwarded  
15 up a package of this providing sort of -- this was up to the seventh  
16 floor, to the Secretary's office, giving kind of the story, what had  
17 transpired over the last couple of days, what The Hill had published,  
18 this op-ed which really kind of started this, an op-ed by a journalist  
19 called John Solomon, relating to the Ukrainian Prosecutor General,  
20 Lutsenko, whom I mentioned earlier, and then providing some facts in  
21 terms of what we knew about it.

22 Q Was a response to the press query ultimately provided?

23 A Yes, I believe -- I believe it was. And then there were  
24 further -- there were further questions, queries by the media, and we  
25 continued to use -- sometimes, I think, with minor

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1 refinements -- language that we had.

2 Q What was the approved language that ultimately was issued?

3 A I'm just trying to make sure. The cleared guidance, this  
4 is on Thursday the 21st of March, cleared guidance from last night,  
5 so as of the evening of the 20th, as all this had come out. I mean,  
6 it begins: "Ambassador Yovanovitch represents the President of the  
7 United States here in Ukraine" -- this is what the embassy was  
8 authorized to put out -- "and America stands behind her and her  
9 statements. The allegations by the Ukrainian Prosecutor General are  
10 not true and are intended to tarnish the reputation of Ambassador  
11 Yovanovitch. Such allegations only serve the corrupt. Ukraine, like  
12 the United States, is a free country with a free press. That is one  
13 of the fantastic and unifying qualities of U.S. and Ukrainian society.  
14 Politicians, pundits, and the media are entitled to share their  
15 opinions as part of the political process. It does not mean the claims  
16 are true. Such attacks redouble our resolve to help Ukraine win the  
17 struggle against corruption."

18 Q Now, following this statement or response to a query, did  
19 you have additional conversations with anyone above you in the State  
20 Department about issuing a statement to defend Ambassador Yovanovitch  
21 more persuasively and powerfully?

22 A I did. We were trying for a statement. As this went on,  
23 dealing with this kind of press thing, you know, you give your response,  
24 and certainly in my experience it was wise to then see where the story  
25 goes, if it continues, and it did continue on.

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1 Q And just to be clear, you have, in your career, you've had  
2 a lot of experience dealing with press matters in the State Department,  
3 having worked --

4 A Yeah.

5 Q -- at that office multiple times, right?

6 A To be clear and fair, the press world, the world of the media,  
7 has changed dramatically since the days when I conducted daily  
8 briefings and dealt with the press as the focus of my job. We didn't  
9 have Twitter. There was a news cycle.

10 But that's -- and just to interject here, because it gets to the  
11 point you made earlier, I found the statement by the Ministry of Foreign  
12 Affairs in response to the demarche, that as the chairman asked, we  
13 demarched and said we really expected the Ukrainian Government to step  
14 up and say something about this. And the Ministry of Foreign Affairs  
15 did put out a statement through their ministry spokesperson, Zelenko,  
16 saying how: The ministry fruitfully cooperates with the U.S.  
17 Ambassador and thanks the American diplomat and her team for their  
18 contribution to building strategic partnerships between our states.

19 So that was an important piece.

20 But this -- so getting back to my point about, you know, where  
21 does the story go? It kept coming.

22 So by Friday night, March 22nd, I was sent then Saturday morning  
23 a roundup of Friday night U.S. media developments. And our press  
24 office information officer in Kyiv was trying to monitor everything  
25 for us and send in bundles that sort of captured this.

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1           And this included some of the nastiest of the tweets that included  
2 some implied violence, references to "lynching" against the  
3 Ambassador, which we turned over, or were turned over, obviously, to  
4 the security people as well. Some details, the program about -- by  
5 Laura Ingraham that referenced then the letter that then-Congressman  
6 Sessions had sent in May of 2018.

7           Q   And just so the record is clear, you're reviewing emails that  
8 you had from that time where you're --

9           A   Yes, sir.

10          Q   -- summarizing what is included in them?

11          A   Exactly, yes.

12          Q   And so I had asked you earlier about conversations about  
13 issuing a more formal defense of Ambassador Yovanovitch from the  
14 executives or from the seventh floor and you indicated you did have  
15 those conversations.

16          Q   Can you describe a little bit more generally the nature of those  
17 conversations?

18          A   So by the weekend, as I noted, you know, with this still  
19 going, so now we are on the weekend of the 23rd, I've been in town 5 days,  
20 and my team was, as I said, passing the stuff to me, excerpts from the  
21 various press things, trying to sort of compile it. And I did forward  
22 it up to Under Secretary Hale, copying the Counselor on the 23rd in  
23 the afternoon: "Looping you in" -- this is to Ulrich  
24 Brechbuhl -- "Looping you in on the latest I've received." And the  
25 references I mentioned before that include Twitter-based threats

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1 against the Ambassador.

2 And then Under Secretary Hale said he "deferred to coms people,"  
3 or the communications folks, "but I believe Masha" -- that is,  
4 Ambassador Yovanovitch -- "should deny on the record saying anything  
5 disrespectful and reaffirm her loyalty as Ambassador and Foreign  
6 Service officer to POTUS and the Constitution."

7 And we transmitted --

8 Q What is the date of that email?

9 A That is the 23rd of March.

10 Q Is Ambassador Yovanovitch on that email or is that just --

11 A No, that was his reply to what I had forwarded up to him and  
12 to --

13 Q Can you just tell us who else was on that email?

14 A Under Secretary Hale and Counselor Brechbuhl.

15 Q And you?

16 A He was replying to me.

17 Q So the three of you --

18 A Yes.

19 Q Okay.

20 A Let's see here.

21 Q While you're looking through, if I could follow up on  
22 something else. You said Rudy Giuliani was one of the people  
23 prominently promoting these allegations in the media.

24 Prior to the publication of these articles and Mr. Giuliani's  
25 comments on them, were you aware of Mr. Giuliani's interest in issues

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1 related to Ukraine?

2 A I would say I had a vague awareness through the press. I  
3 mean, mind you, I had been back now 5 days, and I think I was aware  
4 of things he had said broadly regarding Ukraine, but it certainly wasn't  
5 something that I was tracking particularly. It didn't have a  
6 relevance.

7 Q So when you assumed the job on March 17th --

8 A 18th.

9 Q Or 18th, rather, did you have any specific knowledge from  
10 within the Department as to any involvement or interest by  
11 Mr. Giuliani?

12 A No, I got a better idea of it later on with George, my Ukraine  
13 expert, the Deputy Assistant Secretary for Ukraine and Eastern Europe,  
14 who later had sort of, with his team, gone through and tried to capture  
15 what he then described as four different narratives that were being  
16 pushed in all of this.

17 So by April the 1st, by the end of the second week, essentially,  
18 after 2 weeks of this, George had kind of identified four strands, as  
19 he called them, four narratives that were emerging.

20 This one that had started it, the anticorruption, that there had  
21 been undue pressure by the U.S., by Ambassador Yovanovitch on -- in  
22 the efforts against corruption.

23 Narrative two was a theme about 2016 collusion between Ukraine  
24 and the Clinton campaign.

25 The third was -- there was -- how he wrote it here was, this "Biden

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1 (Burisma)" -- Biden as in Hunter Biden, and Burisma he put in  
2 parentheses, because I don't think I knew what Burisma was at that  
3 point, corrupt gas company.

4 And the fourth narrative that we sort of identified as a general  
5 theme that was in all of this was regarding the Soros organization,  
6 because one NGO, called AnTAC, that had received grants through U.S.  
7 assistance programs had also received a grant from the Open Society  
8 Institute.

9 Q And based on what Mr. Kent explained to you, either in email  
10 or otherwise, and any other information that you gathered about these  
11 four different strands, were you aware of any validity to any of these  
12 four strands of accusations or allegations?

13 A I was not.

14 Q Was Mr. Kent, to your knowledge?

15 A No. And, again, he was positioned to be able to sort of  
16 provide context because he had served at the embassy in Ukraine and  
17 was familiar with these narratives and some of these things that are  
18 happening.

19 And I think, just from reading more recent press reports, he  
20 described that to you in his own deposition before you.

21 Q Right. I just was asked -- the question just related to,  
22 at that time, did you have any indication from him or anyone else that  
23 there was any validity to these allegations?

24 A No, sir.

25 Q Okay. I think our time is up, and I will now yield --

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1           A    Well, maybe we can come back to something else regarding the  
2 question of a statement.

3           Q    Yes. We'll pick that up next time.

4           MR. GOLDMAN: Great.

5           Mr. Castor.

6           BY MR. CASTOR:

7           Q    Ambassador, if you have something on the tip of your tongue  
8 regarding a statement, it might be helpful to just continue on that.

9           A    Okay. Just because I am dealing with these reams of paper.  
10 And, you know, if these are just emails about Ukraine, one of my 50  
11 countries, you can imagine the number of binders. And this was in the  
12 first week. So, yeah, exactly.

13           So this, again, is March 25th, where we had tried by the end of  
14 that first week of all of this to say, you know, can we put out -- and  
15 Masha was interested in some kind of statement, not just the response  
16 to queries that we were doing, but a formal statement from the  
17 Department.

18           And, you know, queries continued to come in following, for  
19 instance, the -- specifically on some of the FOX News programs of Laura  
20 Ingraham and Sean Hannity, we got a lot of questions about the  
21 allegations there.

22           And we forwarded it around for clearance, to put it out. And I  
23 was sent from the staff on Monday the 25th, 12:04 p.m., from the Special  
24 Assistant to the Under Secretary for Political Affairs: "P" -- that  
25 would be the Under Secretary -- "says no statement."

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1           And then that actually -- that was not sent to me. That was sent  
2 to the European Bureau press office, which then forwarded it to me,  
3 highlighting the response of P.

4           Q    So that was no statement?

5           A    Correct. He said there will be no statement. "P says no  
6 statement."

7           Q    Do you have any additional information about why that  
8 decision was made?

9           A    I don't. There would be no statement. We would continue  
10 to use the press guidance that we had, that had been cleared.

11          Q    Okay. Did you ever come to learn why there was a reluctance  
12 to offer a statement, an additional statement?

13          A    No, that was the decision that came down.

14          Q    And the Ambassador was subsequently recalled early.

15          A    Actually, I do not believe that that is a factual statement.

16          Q    Okay.

17          A    The Ambassador remained -- we are talking now March.

18          Q    Right.

19          A    We got through this period, which was about 2 weeks.

20 I -- and as I indicated, I think as we looked at why now, where is all  
21 of this coming from, Ukraine was in a highly political season with  
22 Presidential elections around the -- around the corner.

23               As I said, in that period, the first week of March 18th into the  
24 second week of March 25th through 30th, my interlocutors were the  
25 Counselor and Under Secretary Hale in terms of what could be the press

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1 guidance, what potential statements.

2 By the end then of the month, the 31st of March, was the Ukraine  
3 Presidential election, the first round, and that's when Mr. Zelensky  
4 had an extremely strong showing and things, I think, kind of died down  
5 a bit maybe as there was more of a focus on Zelensky and the 3 weeks  
6 until the runoff.

7 We had, of course, in Washington the NATO ministerial. I know  
8 I was extraordinarily tied up and focused on that. Masha Yovanovitch  
9 remained as Ambassador and at post, albeit I know that this continued  
10 to hum below. And as you can imagine, the embassy was extremely busy  
11 focused on covering the elections, doing the analysis and diplomatic  
12 reporting that is their bread and butter.

13 And I returned then to Europe, my first trip after having come  
14 back to cover this. I left on the 8th of April and was in -- back in  
15 Stuttgart, where, of course, I remained still technically assigned.

16 I had a forum I had to speak at in Brussels, the Daimler Forum,  
17 and there were farewells that week for General Scaparrotti, the  
18 commander, who was leaving, both in Berlin, honored by the Germans.

19 And then it was while I was still in Germany that the story picked  
20 back up again in, I think, in anticipation of the second round of  
21 elections, which were held on our Easter holiday, April 21st.

22 And, in fact, from my calendar, I recall that on April 21st, I  
23 spoke with Masha Yovanovitch in Kyiv. The focus of that phone call  
24 was about her interest -- I think I mentioned earlier -- in possibly  
25 succeeding me as her next assignment, you know, given that her tour

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1 was coming to its 3-year conclusion.

2 And I believe it was in that phone call where she told me that  
3 she had thought about it and it wasn't the right fit for her. She wasn't  
4 going to pursue it. And, in fact the commanders had all said, oh, they  
5 would love to have Masha there again. Her reputation was such that  
6 European Command commanders were eager to have her take over that  
7 position. But she had decided against that.

8 And then it was on that weekend that the media storm happened  
9 again, and I got some urgent calls from Counselor Brechbuhl. I spoke  
10 to him in a phone call on the 24th of April, as well as with the Under  
11 Secretary and the head of human resources, that things had gotten, in  
12 their words, suddenly much worse.

13 There was a lot of unhappiness -- without anything explicit,  
14 because we were speaking on open lines -- there was unhappiness from  
15 the White House that Ambassador Yovanovitch was still there, and the  
16 belief that she needed to come back, the belief in the State Department  
17 that she needed to come back to Washington for consultations. And the  
18 head of human resources, the Director General of the Foreign Service,  
19 Ambassador Carol Perez, made that call to her.

20 And I talked to Masha. I think we had a WhatsApp conversation.  
21 So we just had this conversation about, you know, was she interested  
22 in coming to EUCOM? She had said, no, she was grateful, but that was  
23 it.

24 Here from the WhatsApp texting, it's okay to share that with  
25 General Scaparrotti and Wolters, she told me, and let me know -- I asked

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1 her to let me know when you feel comfortable with me speaking to Carol,  
2 the head of human resources, and with the Political Military Bureau  
3 to let them know we need to continue to focus on a successor at EUCOM.

4 And Masha said: Fine, fine to do that.

5 Then on the 24th after these calls with Ulrich, and then Masha  
6 had been told she needed to come into the embassy to take an important  
7 call from the Director General and she was asking me if she knew what  
8 was going on. And I did tell her in a call with Ulrich he said things  
9 had suddenly, quote, "changed for the worse," unquote, but he couldn't  
10 share anything on an open line.

11 Then I had a call from Carol -- that would be Ambassador  
12 Perez -- who also offered no details, but was about to call you, Masha,  
13 next.

14 And I said to Masha in text message: "So I'm largely in the dark,  
15 but it doesn't sound good. Let me know if you want to talk."

16 And she was at that time hosting a large reception and she was  
17 going into the embassy to talk to Carol. And I believe Carol told her  
18 that she really should come back to Washington. Carol didn't have a  
19 picture of this, but just that she needed to -- she felt Masha should  
20 come back to Washington.

21 So that's when she came back to Washington. That would not be  
22 considered recalled. She was told to come back to Washington, which  
23 I believe she did on Friday, the 26th of April.

24 I, myself, returned to Washington, arriving Sunday evening, the  
25 28th of April. And then we had a series of meetings on the 29th, where

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1 the discussion was about what to do.

2 You know, at this point, I should add, the expectation -- I  
3 believe Masha had set a date of, I think it was around July 5th or  
4 July 8th, and in terms of the planning that I was doing with Counselor  
5 Brechbuhl in a separate track, but, obviously, related because it had  
6 to do with the chief of mission job in Ukraine, we had a couple of plans.

7 That was what I was tasked with doing, was how do we cover our  
8 mission. We were trying to identify a new person to be proposed for  
9 nomination as Ambassador, and then we were trying to figure out how  
10 we cover, after Masha would depart.

11 The date of early July was out there because July is, typically,  
12 in the Foreign Service, a transition day for these things. You have  
13 your Independence Day reception as a sort of farewell, and then you  
14 leave. I think she was looking at July 5th or 6th, possibly 8th,  
15 something in that range.

16 And, well, why don't I let you, if you have more questions.

17 Q So you said that the term "recall" wasn't accurate. What  
18 would be the word to describe her departure from the embassy?

19 A So, when she met on the 29th with the Deputy Secretary of  
20 State, I was asked to sit in with that, and I joined that meeting. I  
21 read the press reports of her deposition to you where the Deputy  
22 Secretary is quoted as telling her: "You've done nothing wrong." And  
23 that is what I heard sitting there as well.

24 The problem at hand was that, essentially, the President had lost,  
25 what we term, had lost confidence in her as Ambassador in Ukraine. And

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1 the question then was, what comes next? And the Deputy Secretary of  
2 State, to my recollection, gave her the option to decide what date she  
3 wanted to return, understanding -- and I think we all  
4 understood -- that with the media storm and the focus on this, that  
5 going back to Kyiv and staying through July could be, you know,  
6 difficult.

7 Masha was staying on in Washington for a preplanned event. In  
8 fact, she had already asked for, before she came back at the behest  
9 of the Director General so quickly on the 26th, she had asked for  
10 permission to come back to Washington, be away from post, to receive  
11 an award, to be honored at the National Defense University and inducted  
12 into their hall of fame, an event we were looking forward to, and, again,  
13 something which speaks to the esteem within which she is regarded both  
14 professionally and personally.

15 She determined at this meeting she would stay through the -- that  
16 event, which was on the 9th of May. I was able to get back from travel  
17 with the Secretary to actually be there for that event. And then I  
18 think she went back to Kyiv on the 10th of May, and then decided to  
19 depart fully. She packed out and left on the 20th of May, which,  
20 coincidentally, was the day of the inauguration of President Zelensky.

21 Q And so you said the term "being recalled" wasn't the right  
22 word. Is there a better word?

23 A There is a term of that, her -- again, my greatest concern  
24 was for Masha as a person and a professional. None of us -- well, I  
25 certainly, and I know many of other colleagues, were not pleased about

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1 this. No one wants to see someone go through this and such, you know,  
2 inaccurate and unpleasant things being said about a colleague, a  
3 professional, about a United States Ambassador in the press,  
4 particularly in her own country.

5 And -- but I wanted to make sure Masha was going to be okay.  
6 Obviously, I had two responsibilities. One was to the post, making  
7 sure our post was properly and legally covered, and one was to Masha  
8 as a human being, as a colleague, as a United States Ambassador.

9 So when she made the decision to make her last day the 20th of  
10 May, I fully supported that. And so I think the best term would be  
11 to say that she ended her assignment on the 20th of May, which was  
12 6 weeks earlier than the date we had been focusing on.

13 Q What was your role in helping select Ambassador Taylor to  
14 serve as the Charge?

15 A So that was something I was assigned, worked closely with  
16 Ulrich Brechbuhl, the Counselor. Also the Under Secretary wanted to  
17 always be involved.

18 Once we realized that the nomination process was not -- there was  
19 no possibility that that was going to produce an Ambassador in time  
20 to take over for Ambassador Yovanovitch, we realized we needed some  
21 coverage.

22 And I want to note why. Ambassador Yovanovitch had a deputy, a  
23 chief of mission, who had moved into that spot from another position  
24 when George Kent had left the year before to come be Deputy Assistant  
25 Secretary under Wess Mitchell. That deputy was assigned to move in

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1 the spring to become the Deputy Chief of Mission at our embassy in  
2 Stockholm, Sweden.

3 At first I said: Well, she's been really good. She knows the  
4 place. She should stay. You know, we don't need -- it turned out we  
5 had no Ambassador in Stockholm. He was in the process, but not through  
6 the confirmation process, and there was no other senior Foreign Service  
7 officer at post. So we felt we had to let the DCM leave Kyiv to go  
8 to Stockholm.

9 Another senior Foreign Service officer in Kyiv -- did I just  
10 misspeak? -- she needed to leave Kyiv to go to Stockholm. Another  
11 officer in Kyiv stepped up, Senior Officer Joseph Pennington, to be  
12 the Acting Deputy Chief of Mission, and the new Deputy Chief of Mission  
13 was coming from Embassy Paris, and she, a great officer, had no Ukraine  
14 experience, no language.

15 And my feeling, supported by my higher-ups, was that it was  
16 absolutely unfair to throw her into this situation which was in focus.  
17 So we were trying to find someone who could act as Charge d'Affaires.  
18 We have a roster of people known as WAE, while actually employed, who  
19 are usually retired senior Foreign Service officers, retired  
20 ambassadors. There were a number there. And we, as part of this  
21 process, sort of who could be, we got out the list of former ambassadors  
22 to Ukraine.

23 And the one guy on there who was potentially available who was  
24 not involved in business or aligned with, you know, one political side  
25 or another in Ukraine was Ambassador Bill Taylor, who was at that time

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1 executive vice president at the U.S. Institute of Peace.

2 And so we approached him: Would you be interested and available,  
3 potentially, to do this job? And he said yes. And so we pursued that.  
4 And it was a complicated administrative, bureaucratic thing to do it,  
5 but ultimately -- ultimately, he agreed and he was approved.

6 They looked at different ways he could be sent, under what -- what  
7 official title. Finally, they worked that out. And he did agree to  
8 go and got there in June, early June.

9 Q Did you have any discussions with Under Secretary Hale or  
10 Counselor Brechbuhl about the tricky external environmental factors  
11 in play that led to the Yovanovitch situation?

12 A What do you mean by tricky?

13 Q Well, the Rudy Giuliani, the President's unhappiness, the  
14 statements made by the Prosecutor General. It was -- I think it has  
15 been described to us, variously, as a bit of a snake pit.

16 A I don't recall that term specifically, but it's not a bad  
17 description, I suppose.

18 Yeah. No, I mean that was -- clearly, part of the challenge was,  
19 you know, a difficult time in Ukraine to be putting someone in, all  
20 of these allegations about the U.S. Embassy or Ambassador, which were  
21 making difficult our very important tasks there, things that were, you  
22 know, I think, critical to the U.S. interest, national security  
23 interest, foreign policy priorities, remembering that, you know,  
24 Ukraine is a country that is partially occupied by Russia and in a hot  
25 war.

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1           And so that, combined by the political scenario in the States,  
2 the press, the allegations there, made it a very difficult and delicate  
3 position, which is why we were viewing, you know, who would be -- who  
4 would have the background and capabilities, who would be willing to  
5 send themselves into this, as you describe it, snake pit. And I think  
6 we were very fortunate that Ambassador Taylor was willing to take that  
7 on.

8           Q    Did the Department make any commitments to Ambassador Taylor  
9 that they would have his back or help him with these external  
10 environmental factors?

11          A    He wanted to be very clear -- or he was very clear that he  
12 wanted to be sure that Ukraine policy was going to continue as it was,  
13 that our support for Ukraine and its Western orientation and its desire  
14 to reform and our support for them against the Russian malign and  
15 military actions was going to continue.

16          And he was worried. He did express concerns. You know, some of  
17 the WhatsApps I had with him reflect that -- about that. Because he  
18 felt if the policy was not going to remain, then he wasn't the guy.  
19 But as he was waiting for the bureaucracy, the bureaucratic processes  
20 to catch up to see if this would be possible, he was also waiting for  
21 this.

22          And he really wanted to see the Secretary. He was in touch with  
23 Ulrich Brechbuhl. I met him for the first time on the 2nd of May, just  
24 to make sure that's correct. Too many notes.

25          Yeah, the 2nd May, after I'd come back and all of this had happened

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1 with Masha, I met Bill Taylor late that week, traveled again on the  
2 5th of May, I departed with the Secretary. Got back in time for Masha's  
3 ceremony on the 9th of May. But Bill had made clear he really wanted  
4 to meet with the Secretary here, since, as Ambassador -- as Charge  
5 d'Affaires, obviously, he is reporting through -- to the Secretary.

6 And we did have that meeting on the 28th of May, and he left that  
7 meeting, I believe "confident" would be the right word, and  
8 comfortable, and ready to do that. And then, ultimately, got out  
9 to -- shortly thereafter, [REDACTED] I think, the 1st  
10 of June, so he couldn't be gone that weekend. But early June he arrived  
11 at post and he has been a terrific leader.

12 Q Was there any understanding among yourself, Under Secretary  
13 Hale, Counselor Brechbuhl, the Secretary, that the situation needed  
14 to be monitored closely?

15 A Yeah, we -- I mean, I think, obviously, Ukraine is important.  
16 You know, it is one of the 50 accounts that I have. But I think, I  
17 mean, I guess -- what do you mean by monitored? The situation in  
18 Ukraine?

19 Q The situation, yeah.

20 A I mean, as we monitor a situation anywhere --

21 Q The situation that led to the end of Ambassador Yovanovitch's  
22 tenure there?

23 A We needed to make sure -- you know, one of my concerns has  
24 always been for the mission and its personnel who were, I think it is  
25 fair to say, shaken by all of this, the Ambassador's abrupt early

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1 departure. And Bill was -- and from the beginning, from the time he  
2 landed, he was well-known still to the embassy, to the local staff,  
3 to Ukrainians, and that helped. And so he certainly brought stability  
4 to that.

5 And, of course, we were launching into a whole new era with the  
6 new President, Zelensky having won the election, having been  
7 inaugurated on the 20th of May. And at that point, I think you're all  
8 aware, certainly it's been in the open media based on testimony here,  
9 that for the inauguration the White House had delegated Secretary  
10 Perry, the Secretary of Energy, to lead the delegation that included  
11 Kurt Volker, Ambassador Volker the Special Representative for Ukraine,  
12 and Ambassador Gordon Sondland, the Ambassador to the EU.

13 And there was another person, I think Mr. Vindman, from the  
14 National Security Council, who went, and I believe Senator Johnson was  
15 also there, in a slightly different capacity as a legislative  
16 representative.

17 And they were really then pegged as the leads on Ukraine,  
18 obviously, with George Kent remaining as the Deputy Assistant Secretary  
19 with the great, kind of, institutional knowledge about the country,  
20 about the post, in his capacity covering Eastern Europe and the  
21 Caucasus.

22 And it was after that inauguration when that team came back and  
23 they met with the President, I believe, on the 23rd of May, and  
24 Ambassador Volker provided me a readout of that which kind of laid out  
25 the path forward in terms of implementing our strategy and policy with

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1 Ukraine.

2 Q What was your experience with Ambassador Volker?

3 A I had known Kurt Volker almost my entire career. Again, we  
4 were -- we became ambassadors about the same time, he, to NATO, when  
5 I went to what is now North Macedonia, and we have been friends and  
6 colleagues.

7 And he had been useful in, as I came back to Washington, dealing  
8 with, you know, 50 countries and 12,000 staff, I talked to him a couple  
9 of times about Ukraine and where he saw the direction, you know, how  
10 he was implementing the strategy, the role he was playing both in terms  
11 of the negotiations part, to try to help bring an end to the war, as  
12 well as ideas in terms of things like antitrust, moving forward on  
13 continuing our push against corruption.

14 He is a pro. I mean, I was very confident that, you know, he's  
15 got it, he's got the lead on this. He was doing a lot of, I think,  
16 very useful messaging and communication. He was getting under the skin  
17 of the Russians, which was great. They were complaining regularly  
18 about his statements.

19 And he was, of course, trying to meet with a Russian counterpart,  
20 and they, the Russians, had not agreed to a meeting since January  
21 of 2018.

22 So I had, you know, from my perspective overseeing and shepherding  
23 all of these pieces, the mission was falling into a good place with  
24 Bill at the helm, the new DCM getting up to speed very quickly. So  
25 on the ground, the embassy and U.S. Mission Ukraine was well taken care

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1 of, and the engagement and policy management was being handled by, I  
2 think they have been referred to as the Three Amigos. But Ambassadors  
3 Sondland and Volker -- and Ambassador Sondland, whom I knew, of course,  
4 had been very clear, I know he had the direct access to the President.  
5 And I know that the Secretary had great faith in Ambassador Volker and  
6 also direct contact with Ambassador Sondland. So that's where things  
7 were being handled.

8 Q What was your understanding of what Ambassador Volker was  
9 doing with regard to the new incoming administration? Was he trying  
10 to build relationships?

11 A Yeah, he -- I mean, let me turn to a particular page which  
12 is very helpful on this. Give me a second here.

13 Q And just while you're looking for it, he's a person of high  
14 integrity and great experience with regard to Ukraine, correct?

15 A Absolutely, yeah.

16 Q And everything that he did during the course of these events  
17 were in the best interest of the United States to the best of your  
18 knowledge?

19 A Yeah, I guess I'd have -- I don't -- I don't know everything  
20 he did.

21 Q To the best of your knowledge.

22 A So to the best of my knowledge, I know Kurt to be, you know,  
23 an outstanding American, a fine diplomat. I would say my view -- he  
24 really wanted to see Ukraine succeed and to see our policy and strategy  
25 succeed.

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1           And, you know, I had been brought in, my mandate was continuity.  
2    You know, Wess Mitchell had helped put in place a set of policies in  
3    line with the national security strategy, a set of individual  
4    strategies for the eastern Med and the Black Sea, for the Arctic, for  
5    the Balkans, and for Ukraine. And, of course, Kurt had been brought  
6    on as a Special Representative as part of that. And he had a vision.

7           With all of this churn over Masha, I think he felt badly. He knew  
8    Masha, of course, from, you know, his long -- his career at the State  
9    Department and since then. And he was, you know, very dedicated to  
10   this. And after the briefing with the President that they had, I  
11   was -- pull this out -- I was, I believe, traveling at that time.

12          Once again, as I've mentioned, my mandate is to spend about  
13   50 percent of the time on the road trying to engage with our 50  
14   countries, our missions, the leadership, bilateral and multilateral,  
15   the conferences, representing the -- sometimes traveling with the  
16   Secretary, sometimes representing the Secretary at ministerial  
17   meetings and other such things.

18          So, in fact, on that period I was back -- we were having a chief  
19   of missions conference, my first opportunity to bring all of the chiefs  
20   of mission from within the European Bureau together, cosponsored by  
21   EUCOM in Stuttgart. But I had waiting for me an email, unclassified,  
22   that Kurt had forwarded in terms of the readout of the Ukraine  
23   delegation White House meeting, and it laid out the sort of key  
24   takeaways and what we were going to proceed with, focusing on the  
25   President signing a congratulatory letter to Zelensky, inviting

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1 Zelensky to the Oval Office. Our goal had been to have that happen  
2 before the July parliamentary elections to show support.

3 The delegation, that is what Ambassador Sondland referred to as  
4 the Three Amigos, will work with the Ukrainian Government and contacts  
5 to push for reform and flag the President's concern about corruption,  
6 poor investment climate, oligarchic control over the economy, and  
7 ensure that Zelensky comes prepared to demonstrate commitment to reform  
8 and improving U.S.-Ukraine bilateral relations.

9 And at this point, they had -- this was relevant to my other task,  
10 of course, which was the finding a long-term Ambassador. The decision  
11 had been taken that there would be a political, a noncareer Ambassador  
12 would be identified ASAP.

13 Secretary Perry, as part of the delegation, would focus his good  
14 offices to help Ukraine find solutions to their energy and gas needs,  
15 which was a real issue. I mean, already in May we were anticipating  
16 if the Russians turn off the gas, they need to be stockpiling now so  
17 that they could get through a winter, and media messaging discipline,  
18 which Kurt took the lead on.

19 So he had really laid out what they were doing, the way forward.  
20 They had the support and confidence of the President and the Secretary.  
21 And that's how we headed forward.

22 Q When did the Rudy Giuliani involvement become known to you?

23 A In terms of -- in terms of what? I mean --

24 Q Mr. Giuliani was -- developed a nontraditional role here,  
25 and I wonder when that first became -- you first became aware of it,

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1 A, and, B, did you ever see that nontraditional role as problematic.

2 A He was certainly named and in the press himself as being  
3 engaged in Ukraine. Going back to those earliest days when I first  
4 arrived in March, I think he was frequently on television and promoting  
5 some of these -- these allegations and narratives about our Ambassador  
6 and the Embassy.

7 So I think that was probably when I first was aware that he was  
8 involved. I know our press line, our response from the Department when  
9 I got there, so what do we say about Giuliani, was that, you know, he  
10 is not a government employee, we refer you to Mr. Giuliani's office  
11 for comment on him.

12 Q Did you ever come to learn that Volker was having  
13 communications with Giuliani?

14 A Kurt mentioned at some point that he was going to, I think,  
15 telephone, or maybe meet with Giuliani. I think his goal very much  
16 was to -- you had this harsh critic of Ukraine, and his goal was to  
17 help explain our strategy, our process, and the fact that Zelensky  
18 represented a whole new chapter in Ukraine and new opportunities to  
19 implement U.S. strategy and policy in Ukraine.

20 I wasn't a part of that conversation. I had never met  
21 Mr. Giuliani or spoken to him.

22 Q Did you ever learn from Ambassador Taylor that he had  
23 concerns about Giuliani's role?

24 A I do recall -- I think in a little of our WhatsApping -- is  
25 that a verb? -- WhatsApp -- because when -- before Bill finally went

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1 out, you know, we had identified him, as I've already described. We  
2 were going through just, you know, from a bureaucratic standpoint,  
3 Herculean efforts with the personnel people and the lawyers in figuring  
4 out how -- how we could send Bill out as the Charge d'Affaires. That  
5 ultimately all worked.

6 But he was -- he had expressed some concerns about that stuff.  
7 I will just take a minute here to try to find if I can find a specific  
8 reference. Just that, you know, this was such a distraction.

9 So in an exchange with Bill Taylor on the 26th of March -- I'm  
10 sorry, May, 5-26-19, this is before we have met with Secretary Pompeo  
11 and which then reassured Bill. He said to me: "I'm still struggling  
12 with the decision whether to go. Basically, whether the politics back  
13 here will let me or anyone succeed." Referring to this very political  
14 era around Ukraine.

15 Generally, I mean, when you said Ukraine in the public or the  
16 media, this is what people focused on. When you said Ukraine to me,  
17 it was like, we have got an embassy, we have got this country with  
18 enormous potential that is being, you know, at war. There's just all  
19 kinds of implications.

20 That was what, I think, Bill was worried about, and he said, again  
21 I quote: "The Giuliani Biden issue will likely persist for the next  
22 year. I'm not sure S," the Secretary, "can give me reassurance on this  
23 issue."

24 And then I was at my cousin's wedding. I said: Oh, I'll try to  
25 offer more response later. And at one point then Bill said: While

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1 you think about this, let me make another suggestion. You could send  
2 Kurt. He would be perfect. Knows the issues better than anyone.

3 And I just said: Well, Kurt has said no before. He didn't want  
4 to be Charge or Ambassador. And noted that he had met with the  
5 President, along with the rest of the delegation, and come away fairly  
6 optimistic. What I just described to you is about that.

7 And Bill said: We should definitely talk to him.

8 And I said: Kurt will be joining us for the meeting with the  
9 Secretary on Tuesday.

10 And Bill said: Perfect.

11 And then there was another little snag where there was some  
12 confusion that Bill got the impression that Kurt really did want to  
13 take the job. We clarified that.

14 Kurt said, no, he did not want to be Ambassador, he wanted to stay  
15 as Special Representative. And Bill made very clear at that time that  
16 the Secretary needed to hear Kurt's description of the debrief with  
17 the President on return from the inauguration.

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1 [1:00 p.m.]

2 AMBASSADOR REEKER: Based on that he said, I can't go, he was  
3 hesitant about going. Then we had the meeting with the Secretary, and  
4 Bill came away confident then that he would do it and at the same time,  
5 right about the same time on the 30th of May, I reported to Bill -- I  
6 was on the way to Berlin this time -- that the Legal Advisor's Office  
7 had found a way for you to go out as the Charge d'Affaires with Christina  
8 as your Deputy Chief of Mission. And Bill said -- I checked back in  
9 with him while I was on that trip, and I just said, Checking in, is  
10 everything in order for your adventure, I called it. Bill Taylor said,  
11 All on track, thank you.

12 And in fact I was on the way to Brussels that night, the 4th of  
13 June, and I noted to Bill, I expected to meet President Zelensky at  
14 a dinner that Ambassador Sondland was hosting, and so that was the first  
15 time I met President Zelensky.

16 BY MR. CASTOR:

17 Q You were at that -- I believe the dinner was around June 4th?

18 A June 4th, correct.

19 Q Let me just, as we try to sketch out our day of questions  
20 here, it might be helpful to just take stock of certain areas that you  
21 may or may not have firsthand information about.

22 A Uh-huh. Sure.

23 Q Firsthand information can take two forms. It can take the  
24 form that you may have been copied on an email which you may have read,  
25 or you may not have because you extraordinarily have a vast portfolio;

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1 and then there is firsthand information that you had actual  
2 conversations and so forth. And so let me just sort of run through  
3 some things if I may.

4 Did you have any firsthand information about the delay in funds  
5 and the PCC process? It started on July 18th, and ended around  
6 September 11th.

7 A Correct. I became -- to answer your question, yes, I had  
8 firsthand information on that. My staff notified me. We have a, in  
9 fact, he is a Congressionally mandated position, our assistance  
10 coordinator who reports directly to me as well almost like an eighth  
11 DAS in the Bureau, and he reported that there were holds on a lot of  
12 assistance. This was in July. And every day, there was sort of an  
13 update, and there was this hold on the military assistance for Ukraine,  
14 and there was sort of a puzzlement as to, you know, where is that coming  
15 from? Is that general?

16 There were holds on all kinds of stuff. I know they were really  
17 eager to get moving on some projects in Armenia, et cetera, so I was  
18 aware of that. And the decision was how do we handle this?

19 It wasn't clear where that was coming from as we pushed this into  
20 the PCC process, which is the best way to come to a decision, and if  
21 somebody is blocking this, they need to sort of show their hand.

22 Q So maybe we can go through that at some point today.

23 How about communications with National Security Council  
24 officials? Like did you have any phone calls or in-person interactions  
25 with some of the National Security Council officials on these issues?

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1 I can give you names or --

2 A Why don't you try to, and I will tell you.

3 Q Starting with Ambassador Bolton?

4 A No. I had no direct contact with Ambassador Bolton.

5 Q And his deputy, Mr. Kupperman?

6 A I have met Kupperman, but not in capacity -- not in  
7 connection with Ukraine, I don't believe.

8 Q Then Dr. Fiona Hill?

9 A Fiona, I dealt with from the time arrived, I have known her  
10 going back years. Again, I didn't have a lot direct discussion on  
11 Ukraine because that was handled by George and the Ukraine team, and,  
12 of course, the delegation as we would call it, Sondland and Volker.

13 Q So maybe, we will go back and try to unpack the communications  
14 you had with Dr. Hill.

15 How about Tim Morrison?

16 A Yeah, and he succeeded her. Again, I don't know that we have  
17 talked a lot specifically about Ukraine. I tended to have George from  
18 the State point take the lead on all of that, and I believe Tim was  
19 in contact with the team, the delegation, Kurt, Sondland, and perhaps  
20 Secretary Perry too.

21 Q And then there was a Lieutenant Colonel Vindman who had the  
22 Ukraine portfolio in the National Security Council?

23 A I don't believe -- I know him, I know we have met, but I didn't  
24 have conversations with him.

25 Q [REDACTED]

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1 A Not to my recollection no.

2 Q [REDACTED] [REDACTED] [REDACTED]

3 A It really doesn't and that could, I mean it is possible, I  
4 did attend a PCC meeting, not the one on the assistance process, it  
5 was another PCC that was about other issues in Ukraine. And some was  
6 those people may have been there, there was a huge interagency group,  
7 and that was on the 31st of July.

8 Q Okay.

9 A I couldn't tell you who all the people were there.

10 Q Going back to the PCC process, it is our understanding there  
11 was, began on July 18th, and there were meetings the 23rd, the 26th,  
12 and then, possibly, the 31st as well?

13 A That was, it was a PCC about Ukraine, but it was not focused  
14 on the assistance. The question of assistance came up because I  
15 specifically remembered, since she was sitting next to me, Laura Cooper  
16 from OSD did raise -- she said, I need to raise this because we were  
17 still wondering, you know, when is this, you are watching, first of  
18 all, it is vitally important to the Ukrainians; this is a key component  
19 of our policy, and second of all, you are watching the fiscal year  
20 calendar ticking away as you head toward August, which tends to be a  
21 somewhat of a down month.

22 So it came up, one piece on that, but there was still no  
23 resolution, and I know we were hoping that there would be a, there had  
24 been the, on the 26th I believe, and you may have had referenced that,  
25 this, the deputy small group, which Under Secretary Hale had attended.

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1 I wouldn't go to that anyway, but I was traveling. And I understand  
2 he had gone, and there was still no resolution of this, and there was  
3 anticipated to be a principals small group. But getting Secretary  
4 Pompeo and the Secretary of Defense together just wasn't happening  
5 until -- and then the lift was, the hold was, seemed to be gone.

6 The understanding was that, without definitive knowledge, but my  
7 understanding, or our operating understanding was that this was being  
8 held by Mr. Mulvaney, the White House Acting Chief of Staff.

9 Q So of those PCC-related meetings, you participated in one,  
10 is that --

11 A Yes. I was at the one on the 31st of July.

12 Q And did you ever have any communications with Acting Chief  
13 of Staff Mulvaney?

14 A No. I have never met him, to my knowledge.

15 Q Okay. Any communications with the President?

16 A No. I have never met the President.

17 Q And then Ambassador Sondland, what is your experience with  
18 him?

19 A So I got to know Gordon Sondland when I was still at EUCOM,  
20 because one of my jobs there, of course, was to engage our missions,  
21 our posts, our ambassadors throughout the AOR, area of responsibility,  
22 and that included the EU. We were really trying to pursue a lot of  
23 things, and have our EU mission be more robust in terms of engagement  
24 on things like military mobility, the European defense initiative, and  
25 the European defense fund, and some other aspects, and he was very

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1 welcoming of that. He was eager to do that. So I met him at  
2 gatherings. I paid a call on him when I went to Brussels, and knew  
3 him a bit, and then, I think, I mentioned the trip I took to Odessa  
4 in February of this year. I already knew, I had already been revector  
5 to come back to take this job, but I was still technically at EUCOM  
6 and we were going to do the ship visit. And Gordon joined me because  
7 we were trying to show U.S./EU solidarity for Ukraine. This was the  
8 ship visit largely done in response to the Kerch Strait incident when  
9 the Russians took some small Ukrainian craft in the Kerch Strait going  
10 into the Azov Sea illegally, I might add, and took hostages essentially,  
11 25 Ukrainian sailors.

12 So a U.S. ship was visiting, and Gordon had arranged to bring  
13 senior EU officials along. I met him in Brussels, and then we flew  
14 together to Odessa.

15 Q Did you ever have any discussions with Ambassador Sondland  
16 about the aid or the White House visit?

17 A The White House visit, yes. I mean he was clearly part, this  
18 was, his, he had the political lead as he told the Ukrainians as we  
19 talked about regularly, he had conversations with the President, with  
20 Ambassador Bolton, with Mr. Mulvaney, as far as he told me. Again,  
21 I talked to you about the readout I got from the meeting after the  
22 inauguration on the May 23rd meetings, so we talked about that way  
23 forward, what he was working on, and the, you know, getting a White  
24 House visit for Zelensky and he was determined to get that done.

25 Q The Ambassador Sondland has, he gave a TV interview, or he

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1 described that he has a rather large remit from the President?

2 A Yes. I have heard that phrase.

3 Q Was it your understanding that was, in fact, the case?

4 A Yes.

5 Q Okay.

6 A That was my understanding that he had the remit. I'm not  
7 exactly sure what that means, but certainly had the remit, the access,  
8 was very much in the lead.

9 Q And that he also had the support of the Secretary to get  
10 involved with some issues that may not traditionally be part of the  
11 EU portfolio?

12 A Yes, to undertake activities that would not, I think, when  
13 I asked Under Secretary Hale about this, he said it is irregular,  
14 irregular is the word.

15 Q Did you have any concerns about that?

16 A Well, it was irregular, but I knew Gordon, and I understood  
17 that he was given this task, and that is what you work with when the  
18 Secretary and the President have a team of Volker, Sondland, Perry,  
19 that was where the focus was.

20 Q I like to make sure our Members don't have questions as we  
21 approach the end of the hour. It is a very wise staff thing to do.

22 MR. MEADOWS: Go ahead.

23 BY MR. CASTOR:

24 Q We are just coming up on the end of the hour.

25 A How quickly time flies.

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1 Q While you're having fun.

2 Did you ever have any discussions with Under Secretary Hale about  
3 anything more than what you just offered about the irregular --

4 A Over time, you know, I would comment occasionally that, well,  
5 Gordon is doing X or Y, which would not necessarily be, as I said, the  
6 regular remit of the Ambassador to the EU, but starting in June, I know  
7 I reported on having been, Gordon had invited me and it worked out  
8 because I was with the Secretary at the Global Entrepreneurship Summit  
9 in The Hague, and so, I went down to Brussels, I think that is, I'm  
10 giving you the sequence right. Anyway, I was there for the June 4th  
11 dinner he had for his national day celebrations, and then this dinner  
12 with President Zelensky, as well the prime ministers of Jordan,  
13 Rumania, and the President of Poland.

14 Q Did Ambassador Taylor or DAS Kent ever communicate with you  
15 about Sondland's role and whether it is irregular or not? Or the issues  
16 they had?

17 A Yes, it was a regular topic of, well, Gordon handles this.  
18 It was irregular. It was, then it became normal, because that's what  
19 the mandated arrangement was. He and Ambassador Volker were in regular  
20 contact I think, coordinating.

21 Q At any point, did Ambassador Taylor develop a real issue with  
22 this?

23 A You know, I was looking back at, say, the WhatsApp, And once  
24 Bill was out at post, I didn't have a lot of contact with him. A few  
25 times he mailed and said, When are you going to visit? And I was just

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1 never able to get into the calendar. We were waiting to get through  
2 the elections, the government elections and other things. But he  
3 really was dealing directly with, as far as I knew, Kurt and Sondland,  
4 they would refer to that and, of course, George Kent was my point person  
5 on that. He was kind of keeping track and having, I think, quite  
6 regular interaction with Bill Taylor.

7 Q Ambassador Taylor, some of the text messages that have been  
8 posted at various news accounts, and his opening statement, which has  
9 also been made part of the media accounts --

10 A Uh-huh.

11 Q -- he clearly talks about his frustrations.

12 Did you see any of those news stories?

13 A I've seen the news stories since his testimony.

14 Q Were you aware, contemporaneously, that he was having issues  
15 to the point where he had even raised the prospect of resigning?

16 A I don't believe I was, I knew there was sometimes  
17 frustrations, but I was not -- again, I wasn't doing this sort of  
18 day-to-day interaction with him or with the posts, so it was kind of  
19 him working with --

20 Q So if he was seeking support from Washington --

21 A He did not go through me. He was -- I also knew, which was  
22 another point of, okay, that's being handled, he was, I think, in fairly  
23 regular contact every week or two with Counselor Brechbuhl.

24 Q Did George Kent ever flag this for you as an issue that needed  
25 to be solved or worked through?

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1           A    He would just sort of bring up the latest, depending on what  
2   was happening in Ukraine, I mean, things like the White House meeting,  
3   that became almost any news on the White House meeting, you know, I  
4   was looking at, in terms of the Ukraine account and my focus on it,  
5   you know, we had the leadership in place at the mission, we had a policy  
6   and a way forward, a team that was with the full support of the President  
7   and the Secretary of State working on this, and there were a few things  
8   to do. And one was the Zelensky White House meeting was very much in  
9   the fore, and, you know, "Is it scheduled? Is there any news?" would  
10  come up and still no news.

11           And that sort of proceeded throughout the summer until, of course,  
12  there was the expectation when the President was going to Poland on  
13  the 1st of September, that there would be a bilateral meeting in Poland.  
14  Of course, the President canceled because of the hurricane.

15           Q    But for these issues, you were largely in the background?

16           A    Yeah. My task, all of these 50 countries and the travel and  
17  the engagement, is to make sure things are being handled. So I have  
18  seven, potentially eight deputies, and 50 missions, and making sure  
19  people are plugged in so the seventh floor Hale and Brechbuhl are aware  
20  of what is going on.

21           MR. CASTOR: I think my time is up, Mr. Chairman.

22           THE CHAIRMAN: Why don't we take a 5- or 10-minute break and then  
23  we will resume.

24           [Recess.]

25           THE CHAIRMAN: Ambassador, I have a few questions I want to go

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1 through before I hand it back to our counsel.

2 You used a phrase in connection with the -- is "curtailment" the  
3 better word than "recall" of Ambassador Yovanovitch's tenure in  
4 Ukraine?

5 AMBASSADOR REEKER: Mr. Chairman, I don't want to -- I'm not  
6 trying to be pedantic here.

7 THE CHAIRMAN: She was told by Secretary Perez to get on the next  
8 plane.

9 AMBASSADOR REEKER: Yes, but that was to come back to Washington  
10 for consultation.

11 THE CHAIRMAN: And during those consultations, she was told:  
12 You've done nothing wrong --

13 AMBASSADOR REEKER: Correct.

14 THE CHAIRMAN: -- but the White House has lost confidence in you?

15 AMBASSADOR REEKER: Correct.

16 THE CHAIRMAN: An Ambassador that's told the President's lost  
17 confidence in them is pretty much being told your service is no longer  
18 required at your post. Is that fair?

19 AMBASSADOR REEKER: That is a fair characterization that  
20 technically she was given a choice of exactly what date, I mean, there  
21 were 6 weeks left until she was already scheduled to depart and finish  
22 her tour.

23 THE CHAIRMAN: But that is only part of the story right,  
24 Ambassador, because wasn't she asked if she would be willing to, in  
25 fact, extend her tour before all this happened?

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1           AMBASSADOR REEKER: I do understand that Under Secretary Hale had  
2 discussed whether she was willing and able to do that when the change  
3 in the process of identifying her successor was derailed because of  
4 the reassignment of that person, of myself. And as I noted, we do do  
5 that in some cases, the existing Ambassador does stay on.

6           THE CHAIRMAN: But here we're talking about going from a  
7 situation in which she is asked whether she can stay for a much longer  
8 period of time to being told to get on the next plane, come back to  
9 Washington and is informed that the President has lost confidence in  
10 her and then she ends up leaving that post prior to even her desired  
11 date in July.

12           Is that a fair summary?

13           AMBASSADOR REEKER: Correct. Yes.

14           THE CHAIRMAN: Now, the term the President has lost confidence  
15 is somewhat of a term of art. That can mean a lot of things, is not?

16           AMBASSADOR REEKER: Yeah, I wouldn't, I don't know that I could  
17 speculate. It is a term that we use. You see it in government, I  
18 guess, or in other situations. Certainly for an Ambassador, yes, that  
19 is, or it happens also within the embassy, we have had I know many cases  
20 where the Ambassador has lost confidence in somebody in his or her team  
21 and that person is sent home, finds a new position, curtails the  
22 assignment.

23           THE CHAIRMAN: But in this case, where the Ambassador is told  
24 you've done nothing wrong, these allegations against you are  
25 essentially meritless. On what basis can you say the President lost

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1 confidence in the Ambassador when the Ambassador has done everything  
2 she was supposed to do?

3 It seems like it is not quite the right description for what  
4 happened here.

5 AMBASSADOR REEKER: I did not use that term. The term was what  
6 the Deputy Secretary used in speaking with Masha.

7 THE CHAIRMAN: Well, do you know if that is really not the best  
8 description of what happened here?

9 What was the reason the President no longer wanted her to be U.S.  
10 Ambassador to Ukraine?

11 AMBASSADOR REEKER: I do not know, sir.

12 THE CHAIRMAN: And there was an effort to get a statement at the  
13 top level of the State Department from the seventh floor expressing  
14 support for Ambassador Yovanovitch; the answer was no.

15 Did you find out why the answer was no?

16 AMBASSADOR REEKER: What I got was the Under Secretary had said  
17 no to putting out a statement, and that we would stick with the cleared  
18 agreed response that we had used that I described earlier.

19 THE CHAIRMAN: Well, no, I understand that the decision was made  
20 that no, she would not be given that statement of support from the top  
21 of the State Department.

22 My question is why?

23 AMBASSADOR REEKER: I don't know.

24 THE CHAIRMAN: So you were never given an explanation even though  
25 you were in the chain of command responsible for Ukraine among 49 other

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1 countries?

2           AMBASSADOR REEKER: I don't know that the -- that that was  
3 germane, particularly to the decision of how to handle this particular  
4 case in response to the press and these allegations. I had urged --

5           THE CHAIRMAN: I'm asking you, though, given your  
6 responsibility, you were never given an explanation for why the seventh  
7 floor refused to issue a statement of support for their own embattled  
8 Ambassador, and Ambassador to which they believed had done nothing  
9 wrong?

10           AMBASSADOR REEKER: The guidance that we were given, the response  
11 to the press was where I was told they felt comfortable going.

12           THE CHAIRMAN: I think you referenced an email or a text message  
13 in which the Ambassador were told that she should express public support  
14 for the President, did I understand that correctly?

15           AMBASSADOR REEKER: I can, give me a moment, Mr. Chairman, I'll  
16 find for you that particular email.

17           Yes, what I quoted, I believe earlier, was an email from Under  
18 Secretary Hale. I had forwarded on the 23rd of March, as I mentioned,  
19 I tried to send updates because that is what I was asked to do about  
20 all of this negative, this -- these narratives. And so that morning,  
21 or that, it was afternoon according to this, although I said, good  
22 morning, I'm not sure why it shows 5 o'clock p.m.

23           But I say, good morning, looping you in on the latest I received  
24 this morning -- and this was regarding what diGenova/Ingraham are  
25 stating and claiming and this was also where there was reference to

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1 Twitter-based threats against Masha, which had me extremely concerned,  
2 and that we had passed that information to diplomatic security in the  
3 RSO. And the response from Under Secretary Hale was, defer to our coms,  
4 communications people, but I believe Masha should deny on the record  
5 saying anything disrespectful and reaffirm her loyalty as an Ambassador  
6 and FSO to POTUS and Constitution.

7 THE CHAIRMAN: So Ulrich Brechbuhl, I'm sorry this was Under  
8 Secretary Hale --

9 AMBASSADOR REEKER: Under Secretary Hale.

10 THE CHAIRMAN: Under Secretary Hale is recommending to a U.S.  
11 Ambassador that she make a public expression of support for the U.S.  
12 President and our Constitution?

13 AMBASSADOR REEKER: I have read to you, sir, the quote from the  
14 email and --

15 THE CHAIRMAN: Were you aware of any conversation that Ambassador  
16 Sondland may have had with others about telling the Ambassador to go  
17 big and issue a statement of support for the President?

18 AMBASSADOR REEKER: Ambassador Sondland? No. I'm not aware of  
19 that at this time.

20 I'm not aware of that in general.

21 THE CHAIRMAN: Have you ever seen a circumstance where a U.S.  
22 Ambassador was asked to give a personal expression of support for the  
23 President of the United States or the Constitution?

24 AMBASSADOR REEKER: Well, we all swear an oath to the  
25 Constitution to protect and defend --

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1 THE CHAIRMAN: That is not my question. Everybody takes an oath  
2 when they are sworn in.

3 AMBASSADOR REEKER: Right.

4 THE CHAIRMAN: But my question is have you ever seen a  
5 circumstance where a U.S. Ambassador, under false attack, is asked to  
6 defend themselves by making a public expression of support for the  
7 President or the Constitution?

8 AMBASSADOR REEKER: I cannot think of another instance of that.  
9 No, sir. I can't say it hasn't happened, but --

10 THE CHAIRMAN: You mentioned that Ambassador Sondland had direct  
11 access to the President and regular communications with Chief of Staff  
12 Mulvaney, is that right?

13 AMBASSADOR REEKER: He told me such, and I was aware of his, you  
14 know, ability. He would be in Washington and go to meetings at the  
15 White House, and then with the President. Yes.

16 THE CHAIRMAN: And I think you said that, essentially, he,  
17 although it was not part of his EU charter, he was given a commission  
18 of sorts, a remit of sorts, along with Ambassador Volker and Secretary  
19 Perry, to be the lead on Ukraine in this pivotal period?

20 AMBASSADOR REEKER: Correct.

21 THE CHAIRMAN: Did you ever have a chance to read Ambassador  
22 Taylor's written testimony?

23 AMBASSADOR REEKER: Yes, sir, I did. I definitely read the whole  
24 thing once.

25 THE CHAIRMAN: He makes a number of very disturbing -- oversights

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1 a number of disturbing facts involving an effort to coerce Ukraine to  
2 do two political investigations that would be helpful to the  
3 President's reelection campaign by withholding a desperately sought  
4 White House meeting between the two Presidents and military aid.

5 AMBASSADOR REEKER: Uh-huh.

6 THE CHAIRMAN: I take it you would think that if those facts are  
7 correct, that coercing an ally to engage in political investigations  
8 to help a President's reelection campaign is a terribly wrong thing  
9 to do.

10 AMBASSADOR REEKER: Can you just repeat? I want to make sure I  
11 get the exact context of the question.

12 MR. PERRY: I question the premise of the question, reelection  
13 campaign. It is never stated and it is all hypothetical, Mr. Chairman.

14 THE CHAIRMAN: I'm making reference to Ambassador Taylor's  
15 testimony.

16 But let me ask you this way, Ambassador: Would you agree that  
17 pressuring an ally to conduct political investigations that would be  
18 useful to a President's reelection campaign by withholding a White  
19 House meeting or withholding military aid would be wrong?

20 AMBASSADOR REEKER: May I have I second?

21 I was going to answer, I recall this from my day, it really is  
22 a hypothetical question.

23 THE CHAIRMAN: It is actually not hypothetical at all. But can  
24 you agree, as a decades-long State Department official, that it would  
25 be wrong to withhold military aid from an ally fighting the Russians

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1 for political favors in a Presidential reelection campaign?

2 AMBASSADOR REEKER: Again, it would depend on the exact context  
3 of that and what decisions may go with something like that, so I don't  
4 feel comfortable giving a definitive answer to that.

5 THE CHAIRMAN: Really. So you think under certain  
6 circumstances, it is okay to withhold --

7 AMBASSADOR REEKER: That is not at all what I said, sir.

8 THE CHAIRMAN: Okay.

9 AMBASSADOR REEKER: You're asking me to give a definitive answer  
10 to a hypothetical question.

11 THE CHAIRMAN: I wish it were hypothetical but nonetheless  
12 Ambassador Reeker, I think it is a fairly simple question.

13 The Ukrainians were deeply interested in having a meeting between  
14 the two Presidents, were they not?

15 AMBASSADOR REEKER: It was our strategy, our goal. We were very  
16 interested in having a meeting take place.

17 THE CHAIRMAN: And so were the Ukrainians, right?

18 AMBASSADOR REEKER: Yes.

19 THE CHAIRMAN: It was very important to Ukraine, was it not?

20 AMBASSADOR REEKER: To my understanding, it was, yes.

21 THE CHAIRMAN: And it was important to Ukraine, because a meeting  
22 with the United States President in the Oval Office shows that the new  
23 President of Ukraine has a relationship with the President of the United  
24 States, right?

25 AMBASSADOR REEKER: Correct.

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1 THE CHAIRMAN: And that is an important signal to send to  
2 adversaries like the Russians, who are were occupying Ukrainian land,  
3 right.

4 AMBASSADOR REEKER: That was one of the reasons it was part of  
5 our strategy was to demonstrate support for President Zelensky and the  
6 new chapter of Ukraine moving forward in accordance with the strategy  
7 that Kurt Volker had outlined had emerged from the meeting that those  
8 three, the delegation, had had with the President on the 23rd of May.

9 THE CHAIRMAN: And because that was in the best interests of the  
10 United States, our national security that that meeting happened, you  
11 would agree, would you not, to withhold that meeting for help of the  
12 Presidential campaign would be wrong.

13 AMBASSADOR REEKER: If that was the case. I don't know that that  
14 was the case.

15 THE CHAIRMAN: Yeah, but if that was the case, you would agree  
16 that would be wrong.

17 AMBASSADOR REEKER: It is the prerogative of the President to  
18 determine what meetings he schedules or doesn't.

19 THE CHAIRMAN: Is it the prerogative of the President to coerce  
20 an ally to help with a Presidential campaign.

21 AMBASSADOR REEKER: I mean, under the -- I don't think, I don't  
22 want to -- excuse me.

23 MR. GOLDMAN: Let the record reflect that the witness is  
24 consulting with his attorney.

25 AMBASSADOR REEKER: The witness has consulted his attorney

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1 because the witness is not a lawyer.

2 THE CHAIRMAN: I'm just asking about right and wrong. And  
3 wouldn't you agree that it would be wrong for the President of the United  
4 States to withhold either a summit meeting with a foreign leader, or  
5 withhold military assistance as leverage to get help with his  
6 Presidential campaign. Wouldn't you agree that that is wrong.

7 AMBASSADOR REEKER: If that were indeed the case in a  
8 hypothetical situation, that -- particularly when that was running  
9 counter to what was our described strategy for implementing policy,  
10 what we had determined was the way forward, I would find that  
11 disappointing.

12 THE CHAIRMAN: Well. Okay.

13 AMBASSADOR REEKER: Again, sir, you are asking me to comment on  
14 something that I don't know to be the fact.

15 THE CHAIRMAN: Well, I'm not asking you about a hypothetical  
16 here. You've read the call record of the July 25th call between the  
17 President of the United States and President Zelensky, haven't you.

18 AMBASSADOR REEKER: I read what was released, I was not on that  
19 call.

20 THE CHAIRMAN: And you read Ambassador Taylor's testimony.

21 AMBASSADOR REEKER: Yes, his released statement that he  
22 released.

23 THE CHAIRMAN: And the most you can say about a President who  
24 would use his office to coerce an ally to undertake political  
25 investigations to his advantage is that it would be disappointing?

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1           AMBASSADOR REEKER: I'm trying to refer to the released portion.

2           MR. MEADOWS: Mr. Chairman, with all due respect, what he is  
3 reviewing is not the full testimony of Ambassador Taylor. I want to  
4 make that clear. We sat in here for 7 hours. And so, unless he has  
5 the deposition. I haven't been able to see it. I don't know what he  
6 is referring to other than a leaked partial testimony of Ambassador  
7 Taylor.

8           THE CHAIRMAN: I'm not directing him to review anything.

9           Would you read the question back for me?

10          MR. MEADOWS: So, Counselor, is he reviewing the deposition  
11 there?

12          THE CHAIRMAN: I'm not asking for what he is reviewing, I'm just  
13 waiting for the reporter to read back the question.

14          AMBASSADOR REEKER: If you want to know, I'm reviewing the  
15 opening statement that was released publicly by Ambassador Taylor.

16          MR. MEADOWS: Well, two points: One, it wasn't necessarily  
17 released by Ambassador Taylor. I don't know that we --

18          THE CHAIRMAN: No, I don't mean to imply that it was released by  
19 Ambassador Taylor. I don't believe it was released by Ambassador  
20 Taylor.

21          AMBASSADOR REEKER: I think I pulled it off the internet.

22          THE CHAIRMAN: And do you factually dispute anything you saw in  
23 the copy of Ambassador Taylor's written testimony.

24          AMBASSADOR REEKER: I'd have to go over it in far greater detail.  
25 Much of it was stuff I was not aware of, he described his impressions

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1 and other things I --

2 THE CHAIRMAN: Well, Ambassador Taylor does describe, I think,  
3 in a text message and in his written testimony, are we really going  
4 to hold up military aid for purposes of a political campaign or words  
5 to that effect? You are aware of that.

6 AMBASSADOR REEKER: Uh-huh.

7 THE CHAIRMAN: And that Ambassador Taylor threatened to resign  
8 over that.

9 AMBASSADOR REEKER: I was not aware that he had, I read that he  
10 considered that, I was not aware that this was happening at the time.

11 THE CHAIRMAN: So this conduct that the Ambassador thought  
12 serious enough to potentially resign over, am I to understand that you  
13 think that conduct would be okay or only disappointing.

14 AMBASSADOR REEKER: No, sir, I never said that.

15 THE CHAIRMAN: Okay, then tell me, do you think that conduct that  
16 Ambassador Taylor described would be wrong.

17 AMBASSADOR REEKER: He would be justified fully in taking that  
18 decision to resign if that was the way he felt, that is a decision for  
19 him. Again, the conduct is, I don't know what the conduct was. You  
20 are describing for me what he questioned and wondered if that was what  
21 was taking place, and it may have been. I was not aware of that at  
22 the time. Subsequently, we have seen lots of reporting to that effect.  
23 So I'm not comfortable as a career foreign service officer, you know,  
24 to comment on something that I'm not familiar with, specifically, what  
25 the details or circumstances of any particular situation might be.

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1           As a general rule, I want to see our policies followed and  
2 implemented, and certainly promoting the White House meeting,  
3 supporting President Zelensky, providing the military assistance that  
4 had been appropriated and approved by the Congress of the United States  
5 was critical to our efforts to help Ukraine, and we had a tremendous  
6 opportunity, we still have, to support a whole new direction there.  
7 And that's -- as I got updates, and as I mentioned already, was asking  
8 regularly is there any news on the White House meeting, we were  
9 monitoring for that. We were monitoring formation of the government.

10           THE CHAIRMAN: I hate to cut you off, but you're a long distance  
11 from my question. I can you are very reluctant to express an opinion  
12 on this subject.

13           AMBASSADOR REEKER: Because my opinions are not what I understood  
14 this to be for.

15           THE CHAIRMAN: Ambassador, you were in charge of the policy of  
16 Ukraine among other countries.

17           AMBASSADOR REEKER: I was not, sir, in charge of the policy in  
18 Ukraine.

19           THE CHAIRMAN: Well, you had the responsibility in the chain of  
20 command for what was going on vis-à-vis Ukraine as one of your, as part  
21 of your portfolio, did you not?

22           AMBASSADOR REEKER: The Ukraine policy implementation was being  
23 handled, as I have described by Ambassador Sondland, Ambassador  
24 Volker in conjunction with --

25           THE CHAIRMAN: It was part of your area of responsibility, was

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1 it not.

2           AMBASSADOR REEKER: The Ukraine is one of the countries in the  
3 Europe and Eurasia bureau.

4           THE CHAIRMAN: I'm asking your opinion about what was happening  
5 to subvert U.S. policy vis-à-vis the Ukraine is important. But I  
6 understand your reluctance to express an opinion about the conduct of  
7 the President. But it is important, given your responsibility in this  
8 area, to know what you believe is right and what you believe is wrong.

9           AMBASSADOR REEKER: I do not know what the conduct of the  
10 President was. I have not met or spoken to the President or been part  
11 of the discussion involved in the phone calls or the specific meetings.  
12 What I was monitoring and tracking was, you know, accomplishing the  
13 things that had been set out, according to Ambassador Volker, embraced  
14 by the Secretary and the President to my understanding, in terms of  
15 moving forward.

16           To say that I was dismayed, frustrated that the White House  
17 meeting had not yet taken place is a fair, is a good statement. There  
18 was definitely concern, as I have already mentioned, that the  
19 assistance, particularly the military assistance, was held up. We  
20 didn't know exactly where or why, so we were pursuing this PCC process  
21 to try to force a decision and a movement forward on that, and that  
22 that was, indeed, through that period in July going into August was  
23 of concern to I think all of us working on Ukraine trying to figure  
24 out why, where the original idea had been to have a White House meeting  
25 before the parliamentary elections in Ukraine. That came and passed.

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1 It was very successful.

2 THE CHAIRMAN: Again, I hate to cut you off, Ambassador, but you  
3 are far afield from my question. So let's turn to the documents that  
4 you have indicated in your binder several yellow tagged pages. Could  
5 you go to the first yellow tagged page you have in your binder.

6 AMBASSADOR REEKER: Yes.

7 THE CHAIRMAN: Can you tell us what that document is.

8 AMBASSADOR REEKER: It is an email, from let's see, David Hale,  
9 the Under Secretary, responding to my forwarding to my forwarding to  
10 him, we had had an earlier engagement in terms of the broad question  
11 in March, for a couple weeks.

12 THE CHAIRMAN: What's the date of the email.

13 AMBASSADOR REEKER: 26th of March.

14 THE CHAIRMAN: Can you read us what that email contains.

15 AMBASSADOR REEKER: Ambassador Yovanovitch had told us -- sent  
16 an email noting to us that Ukrainian television had conducted public  
17 opinion polling regarding the level of trust to Lutsenko, he had been  
18 the Prosecutor who had raised all of these accusations, some of which  
19 he later recanted, about Ambassador Yovanovitch versus statements  
20 issued by the U.S. side, the statements, the embassy and the Department  
21 had put out in response to questions. And 83.4 percent of respondents  
22 trust Ambassador Yovanovitch, 5.5 percent trust Lutsenko, and  
23 11.1 percent do not care. And Masha had sent that to us noting the  
24 subject line, a bright spot in my day, which, indeed, underscored the  
25 fact that the Ukrainian people were, you know, understood the sort of

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1 nasty politics afoot in Ukraine.

2 THE CHAIRMAN: And what is the gist of the email that is in  
3 response to that.

4 AMBASSADOR REEKER: I forwarded further to Under Secretary Hale,  
5 you know, we had been discussing over this period why, and why now,  
6 was this happening in March.

7 Why did all this barrage of stuff begin?

8 And George Kent, the deputy who manages Ukraine, provided some  
9 insights from some Ukrainian journalists that he had meet in an event  
10 in Cambridge, Massachusetts, and they were commenting on the dynamic  
11 known as the Giuliani-Lutsenko dynamic and --

12 THE CHAIRMAN: And what was that? Would you read that paragraph?

13 AMBASSADOR REEKER: Sure. So I'm quoting here, from, now just  
14 to be very clear this is --

15 MR. MEADOWS: So is this an exhibit we have, Mr. Chairman? I  
16 guess what I'm saying is, is this a fishing expedition? Are we just  
17 going to ask him to read 400 pages of 3 inch --

18 THE CHAIRMAN: We may have to, Mr. Meadows, because these are  
19 documents that have not been provided the committee.

20 MR. MEADOWS: But they are government documents, Mr. Chairman,  
21 and from what I understand they were brought in to help him refresh  
22 his memory, not as an investigative tool.

23 THE CHAIRMAN: Representative Meadows, I'm asking the witness to  
24 read from the documents and --

25 MR. MEADOWS: Well, I guess --

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1 MS. DAUM: Mr. Chairman, I'm perfectly happy to let him read this  
2 one document. May I note that those yellow flags were placed by counsel  
3 as part of our discussions prior to this meeting. Asking him to review  
4 individual yellow flagged document and read them in the record, as  
5 Mr. Meadows has stated, was not the intention of bringing these  
6 documents. They are to help assist the committee in providing in  
7 helping Mr. Reeker understand the events in which he was participating.  
8 They are to help him refresh his recollection. We were more than happy  
9 to cooperate and provide assistance but, again, asking him to refer  
10 to each individual document is going to be -- is not the intention of  
11 this.

12 If you don't want him to refer to his binder, and if you don't  
13 want him to be able to provide you the detailed information --

14 THE CHAIRMAN: Counsel, you disclosed the substance of the  
15 yellow-tagged pages, I did not. That was your choice to disclose that  
16 attorney-client communication.

17 But the witness is referring to documents to refresh his memory.  
18 We are entitled to know what those documents are that refresh his  
19 memory.

20 MS. DAUM: You are.

21 THE CHAIRMAN: And no proper objection is laid.

22 So the witness will answer the question.

23 MS. DAUM: I'm not sure what the question was.

24 THE CHAIRMAN: If the question was, what does the email say  
25 pertaining to the Giuliani discussion?

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1           AMBASSADOR REEKER: So to provide the appropriate context, this  
2 is an excerpt of something that was forwarded to me by George Kent,  
3 our Deputy Assistant Secretary for Ukraine, who, as he described it,  
4 provided color commentary from Cambridge, where he was that long  
5 weekend in March, met with Ukrainian journalists, and they both -- he  
6 talked about two journalists who offered -- shared their views, quote,  
7 "offline" separately.

8           And I will quote what he wrote. He said they had talked to players  
9 extensively in Kyiv the past 5 days and knew that the Kyiv dynamic was  
10 Giuliani-Lutsenko. Both thought that Giuliani had probably initiated  
11 the relationship. Parenthetical note, (I remain unsure, and I think  
12 it was Lutsenko) close parenthesis. But even if Lutsenko had reached  
13 out, they felt that Giuliani shaped the dynamics of the, quote,  
14 "reveal." Of most note, Giuliani allegedly told Lutsenko that he was  
15 acting fully on the President's behalf and the President wanted Masha  
16 gone.

17           This alleged message feeds the determination of Lutsenko to  
18 proceed with the attacks, feeling they can validate their usefulness  
19 by delivering.

20           I don't feel comfortable using the names of two journalists. Is  
21 it all right just to refer to two people who told him this?

22           THE CHAIRMAN: That is fine.

23           AMBASSADOR REEKER: These two people also felt that regardless  
24 of how much Poroshenko knew or authorized the operation, the team was,  
25 quote, "all in" and would not stop, in reference to the attacks on Masha.

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1 Each was appalled at what Lutsenko had done and did not see any winner  
2 in this gambit except Moscow.

3 THE CHAIRMAN: If we could go to next yellow tabbed document.  
4 You can tell us, is that an email and who it is to and from.

5 AMBASSADOR REEKER: This is just a list of, let me figure out,  
6 this is forwarding George Kent's updates on the Wednesday, the 27th  
7 to Counsel Brechbuhl and Under Secretary Hale, for the Wednesday  
8 updates on The Hill article, and it is just a lot of press pieces.

9 THE CHAIRMAN: Is that the one you referenced earlier that had  
10 the four subject matters.

11 AMBASSADOR REEKER: The four narratives, I think, was the word  
12 I think I used, or George had another term for it for --

13 THE CHAIRMAN: So, I'm sorry, what date is that document.

14 AMBASSADOR REEKER: This one is the 27th of March, so it is in  
15 the second week as all that story was coming out. Yeah. I had come  
16 on the, started on the 18th, and this is the following week. And so  
17 it is -- this is not that specific one, I think it was from these, and  
18 I would have to find, again, the one where George sort of had, he and  
19 his team had looked at all of this with the embassy, because one of  
20 the questions posed to me by the Counselor, and the Under Secretary  
21 was exactly sort of what is prompting this and why now? I think the  
22 why now was very tied to the Ukrainian political season, and the  
23 presidential election. And so, he was forwarding these up. And I  
24 didn't send every single item because there were lots of them. I  
25 couldn't possibly read all of them, but I sent ones that seemed to

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1 capture sort of where the story was.

2 THE CHAIRMAN: Let's go to the next yellow tab then.

3 AMBASSADOR REEKER: And that is just simply me saying I inquired  
4 as to --

5 THE CHAIRMAN: Can you tell us is it an email to and from and the  
6 date.

7 AMBASSADOR REEKER: It is an email from me responding to an email  
8 from David Hale.

9 THE CHAIRMAN: On what date.

10 AMBASSADOR REEKER: The 28th, the next day.

11 THE CHAIRMAN: I can see that is a short email. What does it  
12 provide.

13 AMBASSADOR REEKER: This is just the Under Secretary saying I  
14 have tried to get guidance from the Counselor, and suggesting to me  
15 if --

16 THE CHAIRMAN: Do you want to just read it for us. It would be  
17 simpler than paraphrasing.

18 AMBASSADOR REEKER: I have tried several times to get guidance  
19 from Ulrich, to no avail. I suggest Phil call to see if we can okay,  
20 one, her -- Masha's -- use of social media in self-defense and, B,  
21 release of a Department statement.

22 And as we talked earlier, ultimately, the answer from David Hale  
23 was no statement.

24 THE CHAIRMAN: Let's go on to the next yellow tab.

25 MR. MALINOWSKI. Excuse me, seeking guidance, what was the

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1 seeking guidance all about?

2           AMBASSADOR REEKER: I couldn't tell you that definitively. All  
3 I have is just this email, just, "I tried several times to get guidance  
4 from Ulrich." I think at that time we were still in this issue of,  
5 how do we push back on this, and what can Masha do? And so his reference  
6 to using social media in self-defense to make that case, we discussed  
7 earlier, he had suggested she might want to put out some kind of  
8 statement, and then the question of releasing a Department statement.  
9 But I can't -- I think that is in the context of what he was seeking  
10 guidance on but I can't say that definitively, since it is from the  
11 Under Secretary. And here is the one that describes the, sort of, the  
12 comprehensive. So this is by now 2 weeks, so this is the April 1st.

13           THE CHAIRMAN: You are referring to another email now. Can you  
14 tell us who that is to and from and the date.

15           AMBASSADOR REEKER: This is from George to myself and others  
16 within the Bureau where he has put together this, what I described  
17 earlier, this four main narratives that were coming out of this barrage,  
18 the four narratives that he could see that all of this, these stories  
19 belonged to essentially one of these four major narratives.

20           THE CHAIRMAN: My colleagues may want to go through it more in  
21 detail, but let's go on to the next yellow tab.

22           AMBASSADOR REEKER: I think it is the last yellow tab.

23           Mr. MEADOWS: Mr. Chairman, again, what questions are we asking  
24 other than trying to get him to read emails so that you can ask different  
25 questions? I don't -- it really will have a chilling effect on every

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1 single witness if what you are going to tell them to do is don't bring  
2 in documents to refresh your memory, because I may get you to read them  
3 all. I can't imagine that in a --

4 THE CHAIRMAN: Representative Meadows, do you know what has a  
5 chilling effect? The White House sending letters to witnesses like  
6 this saying don't show up. So if you want to --

7 MR. MEADOWS: I don't know of a single witness that has not shown  
8 up.

9 THE CHAIRMAN: -- encourage the witnesses --

10 MR. MEADOWS: Has a single witness not shown up at this point?

11 THE CHAIRMAN: Yes.

12 MR. MEADOWS: They could be litigated --

13 THE CHAIRMAN: Yes.

14 MR. MEADOWS: Which one.

15 THE CHAIRMAN: Well, we can fill you in when we are not taking  
16 up the time of the witness.

17 MR. MEADOWS: I'm not aware of one.

18 THE CHAIRMAN: We just heard from one yesterday who is not going  
19 to show up.

20 MR. MEADOWS: I'm saying to date every single witness has shown  
21 up --

22 THE CHAIRMAN: That is not even remotely accurate, Mr. Meadows.  
23 But let's discuss this outside the presence of the witness. The  
24 witness has testified, Mr. Meadows, that he used these documents to  
25 refresh his recollection. We have every right to find out what he has

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1 used to refresh his recollection.

2 MR. MEADOWS: But recollection on what question, Mr. Chairman?

3 THE CHAIRMAN: On his testimony today. So, Mr. Meadows, I'm  
4 sorry, but there is no legitimate objection to lodge here, nor has there  
5 been one lodged. I can appreciate that members may not want the  
6 contents of these documents to become known to the committee, but there  
7 is no other reason to prevent this witness --

8 MR. MEADOWS: I don't object. I don't object to anything that  
9 actually furthers the transparency. What I do object to is you have  
10 got a counselor and a witness who have obviously gone through and tried  
11 to highlight things so that in the event that you or the minority ask  
12 a question where they can quickly refer to it, to suggest that they  
13 should go through and --

14 MS. DAUM: I do object to the characterization of the reason why  
15 those yellow flags are there.

16 THE CHAIRMAN: Well, you have given the characterization of why  
17 the yellow flags are there, and I accept your representation --

18 MS. DAUM: The reason why has not been --

19 THE CHAIRMAN: But, in any event, there is no proper objection  
20 lodged here. The witness will go back to the document we were referring  
21 to, and please describe the date --

22 MR. MEADOWS: So, Mr. Chairman, let me ask one other thing, then.  
23 You are not trying to induce the witness here to breach attorney-client  
24 privilege by asking them to read that out, is that correct.

25 Because that is what it appears --

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1 THE CHAIRMAN: My colleague, it is the lawyer's prerogative to  
2 disclose to the committee, her attorney-client privileges. She has  
3 done so in part. That was her decision, not mine. So if we can return  
4 to the document.

5 MR. MEADOWS: I don't recall it. Maybe she could read that.  
6 Could we have the clerk read that back, because I'm not aware of that.

7 THE CHAIRMAN: Mr. Meadows, I'm not going to allow any further  
8 delay.

9 MS. DAUM: Might I just say you are assuming that the reason why  
10 those flags were there is covered by the privilege.

11 THE CHAIRMAN: I'm not assuming anything, Counselor.

12 I'm just asking the witness to answer the question.

13 There will be no further interruptions, please.

14 MS. DAUM: It is an assumption.

15 THE CHAIRMAN: I'm not assuming anything except what you told us,  
16 so Ambassador Reeker, you may tell us what that document is, the to  
17 and from and the date on it, please.

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1 [2:32 p.m.]

2 AMBASSADOR REEKER: This is an email that I pulled out. I  
3 remember specifically pulling this out because that pertains to the  
4 question you asked and I answered earlier about the role of Ambassador  
5 Sondland.

6 There was stuff not at all connected to Ukraine, but I also asked  
7 the Under Secretary, reminding you that I've been on the ground in this  
8 job for 2 weeks, to understand better why Gordon is involved and the  
9 Under Secretary responded --

10 THE CHAIRMAN: I'm sorry, can you tell us the date?

11 AMBASSADOR REEKER: April 2nd.

12 THE CHAIRMAN: April 2nd. And it's from you to --

13 AMBASSADOR REEKER: Well, it's a string so it --

14 THE CHAIRMAN: A string between you and whom?

15 MR REEKER: And David Hale, the Under Secretary. My -- the head  
16 of policy.

17 THE CHAIRMAN: And if you could read us the string from the -- in  
18 chronological order, in terms of the time.

19 AMBASSADOR REEKER: It has nothing do with this case, the other  
20 things, until separately I asked to understand better why Gordon is  
21 so involved.

22 THE CHAIRMAN: Can you tell us what you asked about that and what  
23 the reply was?

24 AMBASSADOR REEKER: I just told you. I asked him: Separately,  
25 I'd like to understand why Gordon is so involved.

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1 THE CHAIRMAN: Okay.

2 AMBASSADOR REEKER: That's another thing. And he responded:  
3 Yes, Sondland angle is irregular. And I believe I already testified  
4 to that as the characterization of the role when I had asked, coming  
5 new into this, why the Ambassador to the European Union was that  
6 involved. And that was the answer from the Under Secretary.

7 THE CHAIRMAN: And was that the sum to total on that document of  
8 the discussion of Ambassador Sondland or Ukraine?

9 AMBASSADOR REEKER: Yes. The rest was separate stuff about  
10 George Kent and had do with Georgia, different thing.

11 THE CHAIRMAN: Okay. If we could move on to the next yellow  
12 tagged page.

13 AMBASSADOR REEKER: Okay. This was -- again, this had to do with  
14 keeping -- the date here is April 22nd. So I was at this time in -- back  
15 in Germany. Yeah. Yeah, I was in Stuttgart. The problem with email,  
16 it doesn't tell you where you are.

17 THE CHAIRMAN: Yeah, you don't need to look up your location. If  
18 you could just --

19 MR REEKER: Well, I want to be complete if I'm going to read you  
20 all my emails.

21 THE CHAIRMAN: I didn't ask you the location.

22 AMBASSADOR REEKER: I was in Stuttgart. So there had been a  
23 question about making sure Under Secretary Hale was getting all of  
24 the -- you know, he wanted to make sure he was getting information.

25 THE CHAIRMAN: So this is an email from you or is this another

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1 chain?

2           AMBASSADOR REEKER: This is a chain that begins: I'm not even  
3 a part of it. I had called back to the office to say, you know, Under  
4 Secretary Hale wants to be more tightly lashed up in the Ukraine  
5 decision information cycle. So this is back to the team that's  
6 handling Ukraine, George Kent and his team there, which, as I put it,  
7 have been whirring -- whirring, w-h-i-r-r-i-n-g -- at warp speed the  
8 last several weeks.

9           That's from George to the Under Secretary's staff. And this was  
10 sort of making sure how we were -- we broadly, how the Ukraine team  
11 was feeding information to the Under Secretary. And the response from  
12 the Chief of Staff was: That sounds right. The current flow is fine.  
13 If you flag things for the staffer and me when needed, we will be in  
14 good shape. Phil can reach out directly to P -- the Under  
15 Secretary -- or me -- the Chief of Staff -- whenever needed to ensure  
16 he is looped in, especially with regard to anything for the Secretary,  
17 because the Under Secretary handles that.

18           And then George has forwarded to me saying: Per the below and  
19 our evening telcon -- telephone conversation -- I engaged the Chief  
20 of Staff on how much he wanted and we've been shoveling information  
21 to the staffers, the staffers' way.

22           THE CHAIRMAN: And the date on that document again?

23           AMBASSADOR REEKER: April 22nd.

24           THE CHAIRMAN: Okay. And is that the gist of the communication?

25           AMBASSADOR REEKER: That is, yes, very much. And it includes a

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1 string of information, condensed versions of the press stories, a  
2 number of bylines, some tweets, various things that he just was  
3 demonstrating.

4 I was -- and I can remember being in -- that's why it was relevant  
5 where was I -- I was back in Stuttgart. And I wanted to make sure that  
6 the team, which had been feeding me stuff, was feeding it to the Under  
7 Secretary, who was really the -- you know, is the head of policy -- and  
8 filter stuff to the Secretary as appropriate.

9 MR. LYNCH: Could we know if Ambassador Sondland is on that chain?

10 AMBASSADOR REEKER: He is not. This was really the  
11 internal -- you know, the stuff was still coming, we're now about a  
12 month from this initial deluge, and how process-wise, we're just making  
13 sure everybody was in the loop, which, of course, is what leads to these  
14 complex email chains.

15 THE CHAIRMAN: Let's go to the next document.

16 AMBASSADOR REEKER: And this is George forwarding to me on the  
17 26th.

18 THE CHAIRMAN: The 26th of --

19 AMBASSADOR REEKER: April, I'm sorry, 26th of April this year.  
20 Just let me get reference of where I was, what I was doing.

21 Yeah, so this was -- I was still in Stuttgart. I had described  
22 for the record as part of the deposition earlier it was the 24th of  
23 April where things took a turn. I can't remember the quote that I read  
24 you, but I had lot of calls about the situation, unhappiness --

25 THE CHAIRMAN: Tell us.

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1           AMBASSADOR REEKER: -- about the situation. And so George was  
2 then forwarding to me on Friday the 26th new stuff. This is forwarding  
3 from Embassy Kyiv's press collection. So they had forwarded it  
4 throughout the embassy.

5           Subject: President Trump discusses Ukraine on the Hannity  
6 program and a new Ukraine-related column in The Hill, the publication.  
7 And George just pointed out for me -- again, I'm over in Germany trying  
8 to make sure we're generally there -- it says: No mention of the  
9 Ambassador, i.e., Ambassador Yovanovitch, focus instead on the alleged  
10 Clinton 2016 collusion and the Boden -- I think that's supposed to be  
11 Biden, but it's a typo -- Burisma strands of the story line. As I  
12 described the four strands that George had identified, what I  
13 identified as strands two and three, with the attack on the Ambassador  
14 and the anticorruption programs as strand one, and the attack on the  
15 anticorruption NGO as a Soros organization as strand four. So that's  
16 why I flagged this. It was reiterating --

17           THE CHAIRMAN: And who's in that chain of communication?

18           AMBASSADOR REEKER: George Kent sent it to myself, the Acting  
19 Principal Deputy, [REDACTED] was head of the press office.

20           THE CHAIRMAN: I'm sorry, who's the Acting?

21           AMBASSADOR REEKER: His name is Michael Murphy. While I was gone  
22 he was the Acting -- another one of the seven DAS's, and he was Acting  
23 while I was away. And the head of our press office, [REDACTED], who  
24 has since moved on to a new assignment.

25           THE CHAIRMAN: Let's go on I think to maybe the last.

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1           AMBASSADOR REEKER: I think you've expired the yellow tabs. And  
2 this is from the director, so he would be essentially the deputy to  
3 George Kent.

4           THE CHAIRMAN: What's the date?

5           AMBASSADOR REEKER: Friday, March -- May, excuse me, May  
6 the 10th. So context here. Ah, yes. I was -- I had gotten back.  
7 You'll recall I mentioned May the 9th I had returned with the Secretary.  
8 We traveled to Rovaniemi, Finland, for the Arctic Council meeting, to  
9 Berlin -- Berlin had been postponed. We'd had to go to Baghdad  
10 unexpectedly because of the Iranian issues there. And then we'd gone  
11 to London and I'd arrive at Andrews the morning of the 9th, gone to  
12 the --

13          THE CHAIRMAN: Ambassador, we don't really need your whole travel  
14 schedule, just interested in the document. Can you tell us --

15          AMBASSADOR REEKER: Well, it helps give me context, sir, into why  
16 they were sending me things and why I pulled them out. So this was  
17 forwarding on a Newsweek story, "How Rudy Giuliani's unfounded claims  
18 of an anti-Trump conspiracy in Ukraine may have ousted an Ambassador."

19          THE CHAIRMAN: And --

20          AMBASSADOR REEKER: And it just noted this Newsweek piece  
21 highlights the Giuliani-Lutsenko connection that is at the root of all  
22 this, as you'll recall, one of the sort of strands that George had  
23 described. There is also he refers to a New York Times article today  
24 that says, "Giuliani plans to go to Kyiv to meet with Zelensky and urge  
25 him to continue investigating the alleged Ukrainian collusion with the

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1 Clinton campaign and the case again Hunter Biden." So it's just  
2 informational on what was in the press.

3 THE CHAIRMAN: And did you get a reply when you sent that out from  
4 anyone?

5 AMBASSADOR REEKER: I did not send that out. This is an incoming  
6 email to me.

7 THE CHAIRMAN: Oh, it is. Okay.

8 AMBASSADOR REEKER: Sorry if I did not make clear. This is an  
9 email from the office director, who is essentially the deputy to the  
10 head of Ukraine, the DAS, George Kent.

11 THE CHAIRMAN: Did you receive a copy of the cable that Ambassador  
12 Taylor sent to the Secretary?

13 AMBASSADOR REEKER: I did not receive it because it was sent  
14 "NODIS," but I have seen it since.

15 THE CHAIRMAN: And what's the nature of that cable? And when you  
16 say you've seen it since, when does that mean you've seen it?

17 AMBASSADOR REEKER: This past week.

18 THE CHAIRMAN: Is that something you reviewed to prepare for your  
19 testimony?

20 AMBASSADOR REEKER: Yeah, I think that's a fair -- fair to say.  
21 I went back to find it. I had not seen it in the original that I recall.  
22 I think the date of it was -- let's see here -- August 29th. And this  
23 was -- again, it's a classified cable, so I won't speak to it under  
24 anything that is classified.

25 THE CHAIRMAN: Did you know about the cable at the time?

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1           AMBASSADOR REEKER: On August 29th, I don't believe I did, no.

2           THE CHAIRMAN: So was the first time you actually learned about  
3 the cable either when you read about Ambassador Taylor's testimony or  
4 when you went to review it last week?

5           AMBASSADOR REEKER: I believe it was the first time and that's  
6 why I went to review it. If I had seen it or been aware of it, I did  
7 not recall that. And it was when I read reference to it that I looked  
8 it up to find it, because --

9           THE CHAIRMAN: And how did you obtain it if you only saw it last  
10 week?

11          AMBASSADOR REEKER: I asked my staff to get it from the watch.  
12 You know there's lots of emails, lots of cables online.

13          THE CHAIRMAN: Were there other documents you also sought to  
14 review in preparation for your testimony today?

15          AMBASSADOR REEKER: Really just as much of the email as I could  
16 go through.

17          THE CHAIRMAN: So apart from the cable and the binder, were there  
18 other -- in the binder of documents you have with you today -- were  
19 there other documents you sought to review that you do not have with  
20 you today?

21          AMBASSADOR REEKER: Calendars mostly, which I have brought to try  
22 to sort of put together the timeline into -- which is, I was hoping,  
23 would be helpful to you to understand my engagement and involvement.

24          THE CHAIRMAN: Let me ask one more question and I'm going to hand  
25 back -- or are we out of time? We're out of time. Okay. Then I will

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1 yield to the minority.

2 MR. MEADOWS: If you need to eat.

3 AMBASSADOR REEKER: I'm fine with that. No, really, truly,  
4 Scout's honor. I'm been trying to figure out how to diet. No,  
5 absolutely, sir. Thank you for the consideration.

6 MR. MEADOWS: The deposition diet.

7 AMBASSADOR REEKER: This is not an  
8 appetite-inducing experience.

9 BY MR. CASTOR:

10 Q Always if you need to consult with your lawyer, step out,  
11 you know, please feel free to let us know. Because these depositions  
12 aren't super comfortable. So to the extent we can make them more  
13 comfortable, we try to do it.

14 A I finished my coffee, so by 45 minutes I'll probably need  
15 to step out.

16 Q Okay.

17 When you took your post as the Acting Assistant Secretary, what  
18 was your understanding of the U.S. policy towards Ukraine was at a high  
19 level?

20 A We were dedicated to supporting Ukraine, a democratic  
21 Ukraine, Western-oriented, supporting its reforms, which we had,  
22 supporting it against the Russian not only malign influence, but  
23 military attack, which was ongoing. That included of course a very  
24 robust sanctions policy. And our diplomacy more broadly across Europe  
25 included working with other countries to continue the broad support

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1 for those sanctions, European Union sanctions, from the public  
2 diplomacy standpoint, explaining that, trying to help others see,  
3 against the face of a lot of Russian disinformation, what was really  
4 going on in Ukraine.

5 And of course then the transition, you know, supporting free, fair  
6 elections, which were remarkably free and fair, and fairly resounding  
7 in terms of electing Zelensky. So that was all the broad thing. And  
8 as I've stated before, my marching orders, as it were, were continuity  
9 of supporting all of the policy aspects in regard to the whole portfolio  
10 in all 50 countries and NATO and EU engagement and other things.

11 Q And that was on track and proceeding according to the U.S.'s  
12 plan when you took your post?

13 A Yeah. I mean, when I arrived, the big focus was on the  
14 elections. As I mentioned briefly, I'd had the short trip down to  
15 Odessa in my EUCOM capacity, accompanied by Ambassador Sondland. Of  
16 course Ambassador Yovanovitch was there, Ambassador Volker was there,  
17 and these EU officials in a show of support by having this ship visit  
18 in the Odessa port.

19 So I think that was on track. We knew that these elections were  
20 crucial and we wanted to get through them and be able to move forward  
21 depending on the outcome.

22 And then, of course, what I did understand once I got on the ground  
23 was the role that Ambassador Volker played, I hadn't had as much of  
24 a grasp of that, but that he had a very leading role, and that Ambassador  
25 Sondland would play a big role.

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1           And, of course, that all became clearer and more defined after  
2 they had sort of been named as the delegation to the Zelensky  
3 inauguration and then met to brief the President afterwards and took  
4 the lead, with the full support of the Secretary and the President,  
5 in implementing the sort of way ahead that I described earlier.

6           Q   And part of implementing the U.S. policy with Ukraine was  
7 financial assistance and military assistance with the use of lethal  
8 defensive weapons?

9           A   That is correct, yes.

10          Q   And that was a slight change in policy from the previous  
11 administration?

12          A   I wasn't tracking particularly closely at that time the  
13 previous administration's Ukraine policy, but I do know that the  
14 lethal -- the provision of -- now I'm going to -- maybe I do need to  
15 eat -- went blank on the Javelins. The defense systems was a new aspect  
16 under this.

17          And I do know, I keep this note card all the time actually with  
18 me, that State and USAID assistance for Ukraine, which is earmarked  
19 by the Congress and so those allocations are different than our regular  
20 IEECA funding, or the assistance for Eastern Europe and Central Asia,  
21 was for fiscal year 2019 approaching \$450 million, \$445.7 million.

22          Q   And the provision of lethal defensive weapons was a  
23 substantial upgrade in the overall policy?

24          A   Yeah. Again, I don't -- I wouldn't want to get into  
25 characterizing too much because I just don't -- I wasn't familiar with

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1 what was. I inherited -- this is what I inherited and where we were  
2 and that's really what I was focused on.

3 Q Do you know what the thinking was behind providing lethal  
4 defensive weapons to Ukraine?

5 A I think those were debates and discussions that were had  
6 certainly before my time.

7 Q Okay. Was it to prevent further Russian incursion?

8 A It was certainly to help Ukraine defend itself from exactly  
9 that.

10 Q And has that aid done what it was intended to do?

11 A I'm not sure. I think the simple, broad answer is yes, that  
12 it's helped. The Russians are still there, there is still a war going  
13 on. There are various political and diplomatic processes at work,  
14 Ambassador Volker was very much a part of one, which have not moved  
15 anywhere, and I think that's largely because of Moscow's role.

16 Q When Ambassador Taylor went out to Ukraine, arriving in June,  
17 was the U.S. policy on track to meet its objectives?

18 A I mean, again, we had outlined, as I outlined for you, several  
19 goals more immediate, an immediate strategy. That included support  
20 for Zelensky, who was then new, and that included having the White House  
21 meeting, which was not on track. The hope had been to have that before  
22 the parliamentary elections in Ukraine. That did not occur.

23 Q Taylor had raised the prospect of resigning. Did you -- did  
24 I hear you say you that you only learned about that secondhand in the  
25 course of his statement or the news accounts?

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1           A    Correct. You know, I think I described some reluctance he  
2 had had about taking the position, and he wanted to meet with the  
3 Secretary and to be reassured that Ukraine policy was not changing.  
4 And I believe he found that reassurance, because after the May 28th  
5 meeting with the Secretary he was ready to go, and then subsequently  
6 then arrived and took charge at Embassy Kyiv.

7           Q    And since his arrival, U.S. policy has not changed, has it?

8           A    No, sir.

9           Q    And it remains on track?

10          A    Again, there were some, going back to what I described as  
11 the goals that Kurt Volker briefed me on following the meeting May 23rd,  
12 there were some -- some -- I can refer back to it. It does not have  
13 a yellow tag.

14          So, again, these were takeaways on the way forward, indeed the  
15 President has signed a congratulatory letter to Zelensky. He did  
16 invite --

17          THE CHAIRMAN: Could the witness let us know what the witness is  
18 referring to, what document?

19          AMBASSADOR REEKER: This is what I referred to earlier, sir.  
20 This is the readout I got from Ambassador Volker after the Thursday,  
21 May 23rd, meeting of the Ukrainian, what we called the delegation that  
22 had been appointed by the President to attend the inauguration of  
23 Zelensky, that is Volker, Sondland, Secretary Perry. And they had gone  
24 to the White House, met with the President. And I think I described  
25 earlier that this was sort of the way ahead.

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1           And we have, in fact, as I said, the goal had been to invite  
2   Zelensky and have an Oval Office meeting before the July parliamentary  
3   elections. That didn't happen. The idea had been to -- that there  
4   would now be seeking a noncareer ambassadorial candidate.

5           That process is still underway. So that is not quite there yet  
6   is my understanding. I think that's been handled by Counselor  
7   Brechtbuhl and others.

8           And I do understand that on the energy side, with help from experts  
9   and others, Ukraine has fully stocked up to meet its winter gas needs  
10  in order to get through the winter should the Russians try to turn off  
11  the gas flow.

12          And, of course, I think it's worth saying that our goal is engaging  
13  this new government and Zelensky on the reforms, continuing the press  
14  for countering corruption and moving forward, much of that accomplished  
15  through our various aid programs.

16                   BY MR. CASTOR:

17          Q   Ambassador Taylor, how long is his posting expected to last?

18          A   I'm hesitating because I do not recall if there was a finite  
19  date to it. One answer, which would be correct, would be upon the  
20  appointment of an Ambassador, since he is not Ambassador, he's Charge.

21          I would have to go back to check. There may be a sort of 1-year  
22  parameter, possibly extendable, but I would have to double-check the  
23  administrative detail and I don't recall.

24          Q   Do you know if there's any efforts ongoing at present to pick  
25  a permanent Ambassador?

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1           A    Yes.  I'm sorry if I wasn't clear.  That is an ongoing  
2 process.  And I believe, having talked to the Counselor, Brechbuhl,  
3 who I think has sort have been spearheading that, they are narrowing  
4 down on names.  I know he and I had one meeting where he floated a number  
5 of names that had emerged in their discussion, some of whom I was -- some  
6 of the names I was familiar with.

7           Q    Okay.  So if a name emerges in the next several months, we  
8 shouldn't be surprised?

9           A    Correct.  I think that's fair to say, yes.

10          Q    You mentioned this morning a meeting that you had after March  
11 21st, you had a meeting with the Deputy Chief of Mission of the  
12 Ukrainians?

13          A    On March 21st, correct.

14          Q    21st, right.  And then when Ambassador Chalyy returned to  
15 Washington, you met with him?

16          A    On March 26th, correct.

17          Q    Were you aware that during the campaign he had been outspoken  
18 against candidate Trump?

19          A    No, sir, I was not aware of that.

20          Q    Okay.  He wrote an op-ed during the 2016 election period,  
21 in August, critical of candidate Trump, and that's something you're  
22 not familiar with?

23          A    No, sir.

24          Q    Okay.  Is that unusual for a sitting U.S. Ambassador --

25          A    He's not the U.S. Ambassador.

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1 Q I'm sorry. A sitting Ukrainian Ambassador to the U.S. I  
2 apologize.

3 A I really couldn't say. I don't --

4 Q Can you think of a time when the sitting Ambassador to the  
5 U.S. has taken on a candidate in the U.S. election for President?

6 A Oh, I can think of instances certainly in Europe, I was  
7 covering during the 2016 election, where certain political figures,  
8 prime ministers from different countries, endorsed  
9 essentially -- endorsed one candidate or another in our elections. But  
10 for ambassadors, one doesn't come to mind, I certainly can't say.

11 Q Did you ever have an awareness of some of the President's  
12 skepticisms about Ukraine and their corruption environment?

13 A Yes, I had heard that quite regularly, that the President  
14 was not a fan of Ukraine.

15 Q And what had you heard and who had you heard it from, to the  
16 best of your recollection?

17 A I had heard -- as this started, when I came and it was  
18 arriving March 18th and was sort of hit with this deluge of the negative  
19 press about Ambassador Yovanovitch, essentially the four narratives  
20 that George Kent described, which pretty much capture most of what was  
21 out there, within that discussion.

22 And I think it was clear from some of his own statements or tweets,  
23 certainly his attorney's commentary, that he was not -- I think the  
24 general view that had been given to me from Ambassador Volker and  
25 Ambassador Sondland that I sensed from certainly the media coverage,

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1 that the President was not a big fan of Ukraine. And from the meeting  
2 that the delegation had, they said, you know, he's not a big fan of  
3 Ukraine.

4 Q Did Ambassador Volker ever communicate with you about his  
5 concerns that Mr. Giuliani may have been amplifying a negative  
6 narrative to the President?

7 A Yes.

8 Q And Ambassador Volker's engagement subsequently with Mr.  
9 Giuliani was in part to try to assuage those concerns?

10 A I think that is certainly what I took away from that, that  
11 he was going to -- because I do recall him telling me, I can't say  
12 specifically when, that, well, he was going to reach out to or was going  
13 to speak to Giuliani. And I think Ambassador Volker felt that there  
14 was this very good story to tell about President Zelensky and a new  
15 chapter in Ukraine. And that was his goal, was to hopefully take away  
16 some of that, what we sensed was a very negative stream coming from  
17 Mr. Giuliani to the President.

18 Q What was your outlook on President Zelensky as he was elected  
19 on his campaign of anticorruption?

20 A As I read more about him, it seemed impressive. The support  
21 that he gained in the electorate was interesting and I think a strong  
22 statement that he didn't win by a hair or a nose or whatever cliché  
23 you want to use. He had a fairly strong and resounding mandate from  
24 the first round and then underscored at the second round.

25 Then there was a lot of question, well, we'll see what happens

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1 in the parliamentary elections because they may not reflect the same  
2 support. But in fact they did.

3 I met him, albeit very briefly, it was his first trip outside of  
4 Ukraine since his inauguration. You're familiar with the dinner that  
5 Ambassador Sondland hosted in Brussels, and I was there. So I met him  
6 very briefly and his wife. And he seemed -- struck me as smart and  
7 pragmatic, young, a different, very different kind of leader, a new  
8 generation, I think, is a fair characterization of leader in Ukraine.

9 Q And he's genuinely interested in the Ukrainian people and  
10 not himself, was that your impression?

11 A I do believe so, yes. He made very clear at that dinner in  
12 what he was saying to us, saying to all of those gathered, including  
13 other leaders who I mentioned earlier, that his priority as he had  
14 campaigned was to try to bring an end to the war in the east, which,  
15 as you know, has taken more than 13,000 Ukrainian lives and continues  
16 to disrupt lives and economic potential there. And I think he's  
17 genuine about that.

18 Q So he wasn't running for President to get rich and to steal  
19 money from the government and to do all those corrupt things that maybe  
20 some other leaders have been accused of?

21 A That was not my impression, but I can't -- I've met him twice,  
22 so I don't -- that was not my impression.

23 Q But the information that you've heard from the field, and  
24 from DAS Kent and Ambassador Taylor, Ambassador Sondland, Ambassador  
25 Volker, you're encouraged by President Zelensky?

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1           A    Yes.  And that was the broad consensus that the experts were  
2 briefing me, is this is -- we've got this new President with a full  
3 mandate and we're going to our best to work with him and support our  
4 goal, you know, Ukraine, and offer U.S. friendship.  Obviously we had  
5 done this with previous governments, too, more or less -- more and less  
6 success, and that, of course, remains by definition work in progress.

7           Q    So to the extent Ambassador Volker had to engage more with  
8 Mr. Giuliani than a lot of traditional State Department officials would  
9 have liked, ultimately are you comfortable Ambassador Volker was trying  
10 to do the right thing?

11          A    Yeah.  I don't know that I can characterize what people would  
12 have liked or not in regards to that.  It certainly was -- I had never  
13 had any contact with Mr. Giuliani.  I do believe that what Kurt was  
14 doing, I mean broadly, was a very good-faith effort to move us forward  
15 on this policy.  And I think he was reaching out there to try to, as  
16 I described already, tell the good story that there is to tell with  
17 the hope that that would get Mr. Giuliani to a different place in terms  
18 of what he was saying about Ukraine.

19          Q    And Ambassador Volker had developed strong relationships  
20 with some of the key people close to Zelensky.  Is that something you're  
21 aware of?

22          A    Broadly.  I mean, Kurt could rattle off names of key  
23 officials that he engaged with and I couldn't probably.  I just, you  
24 know, 50 countries and I --

25          Q    Sure.

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1 A -- you know.

2 Q When he resigned at the end of September, was that a loss  
3 to the Department?

4 A Yes, I believe it was.

5 Q Was there any effort to try to convince him to stay?

6 A I have had no contact with him other than to wish him well  
7 on his wedding day, which I was unable to attend due to travel. And  
8 I can't speak for anybody else.

9 Q We were almost able to wish him well on his wedding day as  
10 he was here.

11 A We were -- my wife and I were invited to his wedding.  
12 Unfortunately, I was on official travel again, so I couldn't go.

13 Q I think when we spoke in the first round you identified some  
14 communications you had with Ambassador Sondland. Were there any other  
15 communications that you had with Ambassador Sondland during the time  
16 period of July 18th and September 11th when the aid was in the process  
17 of being held up, that you can remember?

18 A Yeah. I'm sure I did because that's a pretty big period of  
19 time and Gordon was in or out. Tell me the dates that you are  
20 referencing again?

21 Q July 18th is when the aid was initially subject to the hold.

22 A The hold, yeah.

23 Q And it was released in September 11th through 12th. News  
24 came on September 11th and the State Department --

25 A Yeah. Because the parliamentary elections in Ukraine were

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1 the 21st, and, of course, the President and Zelensky had a phone call  
2 on the 25th, as you all know now. And I do recall knowing that there  
3 was a phone call. I was not on that phone call or part of it.

4 Q Did you get a readout of that phone call from anybody?

5 A I know Kurt sent me a WhatsApp message and just said: Great  
6 POTUS-Ze -- we referred to him as Ze, Z-e -- POTUS-Ze call.

7 Q Anyone else?

8 A So, again, back to your specific question about Gordon  
9 Sondland, you know, I saw him here and there at things he would be in  
10 Washington once in a while or we would be in occasional touch, because  
11 there were also lots of other issues with the European Union. The  
12 presidency was changing, of course, in the summer to Finland, from  
13 Romania to Finland. We did some things there.

14 Yeah, Gordon's pretty energetic and active. So I can't specify  
15 when and exactly where I may have bumped into him, but we were in touch  
16 occasionally.

17 Q During that time period, what did you see as the likely  
18 outcome? Did you think the aid was ultimately going to be permanently  
19 held up and not delivered or did you think there was a way out?

20 A I was focused to the extent that it would come up to me, I  
21 mean, every day we'd kind of -- there were two sides. There was one,  
22 there was the assistance coordinator saying everything is held and  
23 today's instruction is you may release 2 percent or there were various  
24 aspects. On the Ukraine specifically, it was, "Any news?" And we were  
25 pursuing the PCC process, as I said, to hopefully push forward a

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1 decision on that.

2 And I don't -- I do have here a note that I had a call with  
3 Ambassador Sondland on the 30th of July, but I don't remember anything  
4 specific about that. I think it may have also had to do with -- that  
5 was around the time I had gone on the -- I went on the 31st to the PCC  
6 about other aspects of Ukraine.

7 Q If the aid was not going to be delivered there would have  
8 to be some sort of official process, whether that's rescission or  
9 reprogramming. Do you know if either of those efforts ever got  
10 underway?

11 A I do not. I just remember the conversation with Laura Cooper  
12 who was focused and brought it up at the PCC I attended on the 31st,  
13 even though the focus of that PCC was not the assistance. But she said  
14 on the assistance, we need -- we at DOD have to intend to keep moving  
15 forward on this. Because, you know, they had a separate legislative  
16 mandate to do that.

17 So we continued to be hopeful, I know, in terms of the PCC process.  
18 I already mentioned the expectation was hopefully there would be a  
19 small -- a principal small group that could help force the decision.  
20 The general idea that I recall was that if it's Mr. Mulvoney -- excuse  
21 me, Mulvaney -- blocking we need to get to that point and then have  
22 a real decision taken rather than this unknowing.

23 Q Okay. And for the principals that were involved in that  
24 decision, was it the hope that this would get resolved and the aid would  
25 be released?

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1           A    I don't know that for a fact.  It was certainly our policy,  
2  so that was my --

3           Q    Okay.

4           A    -- my understanding.  But I can't speak -- I did not discuss  
5  it with the Secretary.

6           Q    Okay.  Were you genuinely concerned that the aid would be  
7  not -- not delivered?

8           A    I was focusing on trying to get there.  So I think I  
9  reserved -- you know, it's like, well, we've got time, we've got to,  
10 you know, we'll keep hoping.  There was that and it was a question of  
11 the White House meeting where things we were hoping for news on.

12          Q    How unusual is it for these types of holdups to occur?  Was  
13 this extremely unusual or is this something that the system was built  
14 to withstand and work through?

15          A    I'm not sure I could characterize it particularly well.  I  
16 mean, again, I've been back and focusing on these broad issues of -- you  
17 know, assistance is one element in the European AOR.  I've been back  
18 for a couple of months.  So I don't think I could --

19          MR. MEADOWS:  Can I ask it a different way then?  Obviously  
20 you're involved with a lot of other aid components.  Are there other  
21 countries where aid has been held up that you're aware of?

22          AMBASSADOR REEKER:  Yes.

23          MR. MEADOWS:  Under your portfolio?

24          AMBASSADOR REEKER:  Yes.  And we were --

25          MR. MEADOWS:  More than one?

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1           AMBASSADOR REEKER: I think, as I described, there was a period  
2 where everything was held up and then we would get instructions that,  
3 as I recall, you know, they are were allowed to --

4           MR. MEADOWS: Dribble it out?

5           AMBASSADOR REEKER: That's a good description I think. Again,  
6 it's not a process I'm an expert on.

7           MR. MEADOWS: Right. So you're saying that under your portfolio  
8 all foreign aid was held up. Is that what you're saying?

9           AMBASSADOR REEKER: For a brief period there were -- I thought  
10 I had made a note of that -- a few days where -- where the assistance  
11 was -- I want to try to be correct and specific. Hold on 1 sec.

12           There was an OMB pause on all funds that came into effect on August  
13 3rd and was lifted on August 9th. At that point OMB -- and, again,  
14 I'm reading from what my staff passed to me from the assistance  
15 coordinator's office in recalling, because I asked them about  
16 this -- at that point OMB imposed restrictions on how much we could  
17 obligate at any time. So from the 3rd to the 9th. And then they  
18 lifted, but that was when they, as you described it, sir, dribbled out.

19           I recall specifically that Armenia was one. There was a \$9.2  
20 million budget there and I, on a trip to Tbilisi, Georgia, I met with  
21 our Ambassador to Armenia, who had traveled to Tbilisi, and one of her  
22 concerns was, again, we are getting down toward the end of the fiscal  
23 year, we really want -- you know, again, we talk about Ukraine, but  
24 there were so many other things happening across the AOR. One was  
25 Armenia, where there was a new government, that we were trying to see

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1 if that government would be more responsive.

2 MR. MEADOWS: So what you're saying is the aid was being held up  
3 in Armenia because of a new government that had come into --

4 AMBASSADOR REEKER: No, it was being held up in this broad OMB  
5 restriction. It had nothing to do with the government. Our  
6 Ambassador was expressing to me concerns --

7 MR. MEADOWS: Because it was a new government.

8 AMBASSADOR REEKER: -- because we really want to get these new  
9 programs going. And if can't get the money, then our strategy and our  
10 policy goals are not there.

11 MR. MEADOWS: So are you aware of any U.S.-Ukrainian policy  
12 directive from the State Department's point of view that's not being  
13 implemented right now?

14 AMBASSADOR REEKER: I'm trying to think broadly. Well,  
15 technically, I guess that President Zelensky had not come to the White  
16 House. But that's not to say --

17 MR. MEADOWS: Yeah, but that's not a broad policy.

18 AMBASSADOR REEKER: No, I agree with you.

19 MR. MEADOWS: I'm just saying that from a broad policy  
20 standpoint, because you put out initiatives, I was on Foreign Affairs  
21 for a number of years, you put out initiatives, that this is our  
22 Ukraine-U.S. or our U.S.-Ukraine policy.

23 AMBASSADOR REEKER: Uh-huh.

24 MR. MEADOWS: And I guess what I'm saying is, is there any  
25 U.S.-Ukraine policy initiative that's decided at your level and above

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1 that's not being deployed right now?

2           AMBASSADOR REEKER: At this point, I'm not aware of any, but I  
3 would have to go back and ask if there were certain initiatives that  
4 are for one reason or another --

5           MR. MEADOWS: But Mr. Kent has not raised anything with you, to  
6 your knowledge?

7           AMBASSADOR REEKER: Nothing comes to mind, sir, but I  
8 wouldn't -- you know, I'd have to go back and double-check or ask him  
9 if there's something there.

10          MR. MEADOWS: Thank you.  
11 Steve.

12          BY MR. CASTOR:

13          Q    Since the funds were released on September 11th or 12th, have  
14 the other aspects of the U.S.-Ukrainian policies been moving forward  
15 as you would like?

16          A    I think our engagement once those funds were released, and  
17 that was an important step, under Ambassador Taylor's leadership the  
18 mission is busy and active. I would say that the current focus, the  
19 current issue surrounding Ukraine has made it a little more difficult.  
20 But I think our team is working away on all of the different strands,  
21 energy diversification, energy security in terms of the stockpiling,  
22 military reforms.

23          One of things I know Ambassador Volker was hopeful to start  
24 working on was an antitrust thing, how do we deal with the oligarchy  
25 system in the bigger term, and of course now Ambassador Volker is no

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1 longer on the account.

2 Q Who is performing his duties?

3 A So we've looked at that, and for now, in the last -- is it  
4 3 weeks at this point? I can't remember the date when he left.

5 Q His last day I think was the 27th of September.

6 A Was while we were in Italy, yeah. So 3 weeks, 4 maybe.

7 George Kent remains the primary person in discussions with Ulrich  
8 Brechbuhl. We discussed whether we would -- whether the Secretary or  
9 the President would want to appoint another Special Representative on  
10 certain -- at this point I don't think there is a decision per se. We  
11 cover it through the regular channels now that we have, the embassy,  
12 obviously, with the Charge, the DAS, and lower levels, office directors  
13 and desks as appropriate, myself, if there's meetings that one would  
14 need to go to for some reason.

15 The Europeans have asked this too: Hey, who is our point person  
16 on Ukraine? I have pointed primarily to George Kent, but at the  
17 political director level, then David Hale would be the appropriate guy.

18 Q Were you tracking some of the events related to the statement  
19 that Ambassador Volker was working on, working with the Ukrainians,  
20 as a vehicle to demonstrate their --

21 A I recall Gordon talking about I think he used the term  
22 "script," but I wasn't particularly tracking it.

23 Q Okay.

24 A They were -- you know, again, it was Gordon, and Kurt, Perry,  
25 the team in charge that were moving forward on this. And I would

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1 occasionally ask: Do we have a date yet for the meeting or how is this  
2 going? But I wasn't tracking the day-to-day approach on that.

3 Q There were a handful or a couple of different vehicles  
4 discussed possibly for the Ukrainians to demonstrate that they were  
5 sufficiently committed to anticorruption efforts. One was  
6 potentially a statement, the other that has been talked about is a TV  
7 interview where the President would --

8 A I've seen reference to those. I was not tracking that --

9 Q Okay. So you don't have --

10 A -- or involved at my level, no.

11 Q So nobody engaged you --

12 A No, again --

13 Q -- as that was in --

14 A I think Gordon may have referenced that we're working with  
15 Zelensky, Volodymyr, as he called him. But I just don't know  
16 granularity on that.

17 Q When he mentioned that to you, did it give you any concerns  
18 or did you think it was just ordinary effort to achieve --

19 A You know, these were the guys that were tasked with this work.  
20 This is what I inherited. This is what we had, the structure moving  
21 forward, with the support of the Secretary and the President, to work  
22 on this stuff. It was irregular. We've already established that.

23 And, you know, as all these things come together, you know, I often  
24 wondered -- I would ask regularly, when's the meeting? Just the  
25 update.

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1 I think my view is they've got this. I mean, Kurt Volker is an  
2 absolute professional who I know, I was very confident was very  
3 dedicated to seeing Ukraine policy through. He took this role very  
4 seriously. You know, he was an unpaid special government employee  
5 doing this. He was extremely admired by other European diplomats both  
6 in Washington, but in capitals, for his response and his briefings.  
7 And so I was very comfortable with that. And Gordon, I knew, was, you  
8 know, was acting on behalf of the President and the Secretary.

9 Q Okay. We have a little bit of time left before our round  
10 ends. I want to make sure that our Members have an opportunity to  
11 answer ask you some questions if they have any.

12 Mr. Perry.

13 MR. PERRY: Thank you.

14 Thanks, Ambassador, for your service and for your patience here  
15 today.

16 In the last round there was some conversation about Ukraine  
17 desiring a meeting with the President of the United States, that it  
18 would bode well and that they desired it. Not only did we desire it,  
19 but the President of Ukraine would desire it for his own reasons,  
20 whatever they may be. Would you agree on that?

21 AMBASSADOR REEKER: Yes.

22 MR. PERRY: Would you also agree that -- I think you showed up  
23 is it March, March 17th or something --

24 AMBASSADOR REEKER: 18th was my first day.

25 MR. PERRY: 18th, right, by the evening. And the Presidential

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1 election was in May?

2 AMBASSADOR REEKER: Correct. May 21st I think was the first  
3 round.

4 MR. PERRY: Right, May 21st. But would it also be in the Ukraine  
5 President's best interest to have that meeting prior to the 21st, which  
6 is their parliamentary election?

7 AMBASSADOR REEKER: No. I'm sorry, Congressman, there's  
8 some -- some of that's not correct. So the first round of the Ukrainian  
9 Presidential election was March 31st.

10 MR. PERRY: Right.

11 AMBASSADOR REEKER: The second round of the Presidential  
12 election was 3 weeks later on our Easter, it was the 20 -- here it is,  
13 21st of April. And the Ukrainian government elections were then --

14 MR. PERRY: July 21st.

15 AMBASSADOR REEKER: July 21st, thank you. Yes, correct,  
16 parliamentary.

17 MR. PERRY: So getting a meeting prior to July 21st would be  
18 advantageous to the new President of Ukraine?

19 AMBASSADOR REEKER: That had been the goal when I talked about  
20 the readout I got going forward after the May --

21 MR. PERRY: That would be one of his considerations for wanting  
22 a meeting, but it also could be a consideration for the United States  
23 to maybe hold off beyond the 21st to not influence the Ukrainian  
24 parliamentary election.

25 AMBASSADOR REEKER: That's a reasonable --

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1 MR. PERRY: Could be, right, could be?

2 AMBASSADOR REEKER: Yeah. I mean, I think that the idea,  
3 certainly what Kurt was working toward, was to try to get this meeting  
4 early before that election, but he came through the election quite  
5 strongly. It was a validation of his Presidential victory.

6 MR. PERRY: Now, Ambassador Taylor, he showed up in country  
7 around June 17th. Would he talk to you about any of his concerns  
8 regarding Ukraine?

9 AMBASSADOR REEKER: I had very little contact with Ambassador  
10 Taylor. He talked to Ulrich Brechbuhl, I know, on a fairly regular  
11 basis and his main interlocutor in Washington would have been George  
12 Kent.

13 MR. PERRY: George Kent, right.

14 Did you -- I mean, you had heard -- had you heard prior to seeing  
15 his statement that he wanted to know that the policy would stay the  
16 same or he would not take the job?

17 AMBASSADOR REEKER: Yes. I mean, that was a concern and  
18 something he talked about from the beginning of the first time I met  
19 him when he had indicated his willingness to consider it, which was  
20 May 2nd. And I knew him a little bit from years past when he was at  
21 State. So that had continued to be a concern and he was -- his concerns  
22 were satisfied --

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1 [3:30 p.m.]

2 BY MR. PERRY:

3 Q Right.

4 A -- by the meeting with the Secretary on the 20th -- I want  
5 to make sure I get it -- the 28th of May.

6 Q And prior to the publication of the phone call between the  
7 President of the United States and President Zelensky, did Ambassador  
8 Taylor ever call you to express his concerns that there wasn't a  
9 meeting, or that funding was being --

10 A No, sir. I'm not the channel for Ambassador Taylor.

11 Q So he never talked to you about that?

12 A Not to my recollection.

13 Q And he never did resign, did he?

14 A No, no. In fact, he is back in Kyiv now.

15 Q Did you ever believe or tell anyone that you believed that  
16 the assistance, the security assistance, wouldn't be forthcoming?

17 A I don't believe I ever said that. I was, you know, focused  
18 on what can we do to try to break this impasse.

19 Q Okay. Thank you.

20 THE CHAIRMAN: Why don't we take a half-an-hour lunch break and  
21 resume at 4:00 o'clock.

22 AMBASSADOR REEKER: Sounds good to me.

23 THE CHAIRMAN: We should try to be prompt. So that -- we  
24 don't -- because we still have a long afternoon ahead of us.

25 [Recess.]

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1 [4:03 p.m.]

2 THE CHAIRMAN: Let's go back on the record.

3 Minority counsel asked you about a brief suspension of aid by OMB,  
4 which I think you said was between August 3rd and August 9th. Is that  
5 right?

6 AMBASSADOR REEKER: Yes, that's -- excuse me. I'm sorry,  
7 Mr. Chairman. Yes, that's what my recollection is, based on what my  
8 assistance coordinator had said, and then it was completely suspended.  
9 And then after August 9th, it was being -- I believe, as the Congressman  
10 said -- dribbled out bit by bit.

11 THE CHAIRMAN: Now, that was with respect to a broad range of  
12 foreign assistance?

13 AMBASSADOR REEKER: That's correct.

14 THE CHAIRMAN: But the suspension of the Ukraine military  
15 assistance, that actually took place in July, did it not?

16 AMBASSADOR REEKER: The date that that began, or that that came  
17 to light was the 18th of July, I believe. That was the sub-PCC, which  
18 has been referred to. I was traveling. I wouldn't go to a sub-PCC  
19 normally anyway, but I believe that's what others have referenced. And  
20 it was right around that time I was advised that there is a -- I think  
21 the term "hold" was used. Nobody was quite sure where it was coming  
22 from. The speculation, certainly, was that this was coming from  
23 Mr. Mulvaney.

24 THE CHAIRMAN: And the freeze in Ukraine aid wasn't lifted until  
25 some point in mid-to-late September.

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1           AMBASSADOR REEKER: September 11th, I believe, sir.

2           THE CHAIRMAN: So this is quite separate and distinct from the  
3 brief interlude for a more general hold between August 3rd and  
4 August 9th?

5           AMBASSADOR REEKER: Yes. The Ukraine aid was a particular  
6 thing, and then, of course, the Ukraine aid is a unique thing, along  
7 with the Georgia aid, because it is, to my understanding, it is  
8 appropriated quite separately.

9           It is legislated, and I know that's why my DOD colleague was  
10 anxious to keep this moving. He said, absent some explanation, we have  
11 an obligation under law to move forward with this.

12          THE CHAIRMAN: So she or others raised at that meeting a concern  
13 of the legality of withholding that aid?

14          AMBASSADOR REEKER: Not being an expert on the term "legality,"  
15 but I think that's a fair -- a fair description. I know -- again, this  
16 is DOD, so I don't want to speak for them, but that was -- my impression  
17 was that they needed to move forward because they were required to do  
18 that by law.

19          THE CHAIRMAN: Mr. Goldman.

20                 BY MR. GOLDMAN:

21          Q     Thank you, Mr. Chairman. Ambassador Reeker, we're going to  
22 try to move through.

23          THE CHAIRMAN: I'm sorry, I have one more question, if I could.

24          You made reference earlier in response to the minority questions  
25 about Ambassador Sondland referring to a script. Can you tell us what

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1 you meant by that?

2 AMBASSADOR REEKER: I recall that he was working with Zelensky  
3 to -- to work, you know, as he prepared for phone calls and engagement  
4 with the President toward this meeting, he had sort of a script. That's  
5 how he described it.

6 I don't know the specifics of what he meant by that, but he  
7 described it as a script for Volodymyr to help him as we move forward  
8 in this.

9 THE CHAIRMAN: So this was a script that Sondland had for Zelensky  
10 to use in the phone call with the President?

11 AMBASSADOR REEKER: Again, I couldn't say that that was  
12 specifically to that, or more broadly, as a script for Zelensky. Here  
13 is our script moving forward. You know, Gordon was very involved  
14 working directly with Zelensky to try to move forward on all of the  
15 things that we had -- they had discussed after the meeting of the 23rd  
16 of May.

17 THE CHAIRMAN: Or do you know if this was a script after the call  
18 to -- for him to use publicly in order to get a White House meeting?

19 AMBASSADOR REEKER: I don't know, sir.

20 THE CHAIRMAN: And how did it come to your attention? Did  
21 Ambassador Sondland use that term in a conversation with you?

22 AMBASSADOR REEKER: Yes, and recall, and I couldn't tell you if  
23 it was in a phone call or something. He is like, I'm working with -- and  
24 I'm paraphrasing here. I cannot quote specifically, but I recall:  
25 I'm working with Volodymyr. We have got a script moving forward. I

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1 just remember the term "script."

2 THE CHAIRMAN: And do you recall what timeframe you had that call,  
3 and would reference to your calendar assist you in finding the date  
4 of the call?

5 AMBASSADOR REEKER: It wouldn't, I'm afraid, because I talked to  
6 Gordon here, there.

7 THE CHAIRMAN: Is there any mention of this in your documents that  
8 would refresh your recollection?

9 AMBASSADOR REEKER: Not -- no, no, sir, not that I recall.

10 THE CHAIRMAN: Mr. Goldman.

11 BY MR. GOLDMAN:

12 Q Thank you. So just to follow up on this, you have no frame  
13 of reference in terms of the timing of this conversation with Ambassador  
14 Sondland?

15 A I mean, I had conversations with Ambassador Sondland over  
16 time about a lot of things. He was the U.S. Ambassador to the EU, so  
17 we had lots of things to talk about. Here and there, he was in  
18 Washington a couple of times. I saw him a couple of times in Europe.

19 Q Right. But you don't know, in terms of when over the last  
20 6 months, this conversation about a script may have occurred?

21 A It was certainly since -- since the elections, since  
22 President Zelensky was in office, and post the 23rd of May, in light  
23 of the sort of strategy, the way forward that Kurt Volker had read up.

24 Q Do you know what the context was? If he said: I've got a  
25 script to work with President Zelensky, or he called him Volodymyr,

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1 you said. Do you know what the context of that script was for?

2 A Exactly as I tried to describe to the chairman. I just  
3 remember the use of the word "script" as in Gordon, Ambassador Sondland,  
4 was working. He had always said he would take -- he was sort of the  
5 political lead for our engagement with the Ukrainians at the highest  
6 level, including President Zelensky.

7 Q I don't want to go back through all of the yellow tabs, but  
8 I do want to refer back to a few things that you read from them. And  
9 the first one that you referred to was a March 26th email that related  
10 some information from Ukrainian journalists in which, at some point,  
11 you read that there was a reference to the fact that Giuliani, I believe,  
12 had told Ukrainians that he represent the President.

13 Do you recall that?

14 A Yes, I recall being told that by my team. I believe, by Mr.  
15 Kent, George Kent, based on the conversations he was having with some  
16 journalists.

17 Well, how would one describe it? Journalists in the know,  
18 relating to him at an event he was attending in Cambridge, talking about  
19 where all of this was coming from. We were still in those weeks -- and  
20 to a degree, we still are -- what was generating, what generated this  
21 deluge of stories, false stories, accusations, threats against Masha  
22 Yovanovitch, an outstanding, you know, professional diplomat, and just  
23 a terrific human being. And as I alluded to several times, George and  
24 his team had been pulling together all of this, had identified kind  
25 of all of these stories seemed to -- seemed to distill into four -- four

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1 narratives. They pursue one or the other, or a combination of them.

2 Q I understand. But I just wanted to focus on the fact that  
3 the Ukrainians understood, or at least the information that DAS Kent  
4 gave to you from interactions that he had with Ukrainian sources, is  
5 that the Ukrainian officials were told that Rudy Giuliani represents  
6 the President of the United States?

7 A Correct.

8 Q Now, and as DAS Kent was able to flesh out these four strands  
9 that you described, I believe you said that two of them included an  
10 investigation related to the Bidens and the Burisma company, and an  
11 investigation related to the 2016 election in some fashion. Is that  
12 accurate?

13 A That's right. And I'm happy to refer.

14 Q No, I don't want you to because otherwise we will be here  
15 all night. So, we are trying to move forward as quickly as we can.  
16 I just want to recap a little bit.

17 And the four strands, as DAS Kent laid them out, and you read,  
18 were from an April 1st email. And then, I think, shortly thereafter,  
19 you had a conversation, or an email communication with Under Secretary  
20 Hale where he acknowledged to you that Ambassador Sondland's  
21 involvement with Ukrainian policy was, quote, "irregular," unquote.  
22 Is that right?

23 A Correct.

24 Q Now, in May, you referred to a Newsweek article about -- that  
25 had in its title "Rudy Giuliani's Unfounded Claims." And you, am I

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1 correct that you testified as you read a May 10th email that Giuliani  
2 planned to go to Kyiv to press Zelensky to pursue these investigations.

3 Is that the sum and substance without being --

4 A That is, I believe, what the press report recounted.

5 Q Right.

6 A I did not know anything about Mr. Giuliani's plans myself.

7 Q But you were aware, at least as of receiving that email, that  
8 that was reported publicly, correct?

9 A That it was reported in -- I think you referenced that it  
10 was Newsweek in that one.

11 Q Were you aware of a New York Times article that also addressed  
12 Rudy Giuliani's potential trip on or about May 9th?

13 A It does sound broadly familiar. I mean, I was aware of the  
14 press that was reporting that, I think -- again, I don't get much  
15 opportunity to watch television, to be honest, but I do believe there  
16 were -- Giuliani himself was saying I'm going to -- or at least widely  
17 quoted as saying he was going to Ukraine.

18 Q But based on your emails that you have now recited to us,  
19 you routinely receive press clippings related to issues of relevance  
20 to your portfolio, correct?

21 A At that particular time, because my -- my superiors, my chain  
22 of command were asking: Do you have any feel for where this is coming  
23 from, and why now?

24 And so, again, being a week, 2 weeks on the ground, I was turning  
25 to George and his team to -- can we figure all of this out?

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1 I couldn't possibly read even all of the emails and tweets and  
2 stuff that they forwarded up, but it was to give me an idea of, again,  
3 these four, what they had distilled into four seeming narratives.

4 Q And part of the reason that you were asking Mr. Kent to  
5 compile this information is that you were getting questions from your  
6 superiors about it, too, right?

7 A Right, and as I did, and then as I think I mentioned clearly,  
8 there was a question while I was in -- traveling. I think I was in  
9 Germany at the time -- to make sure that Under Secretary Hale was  
10 receiving the right amount, you know, that he was getting what he needed  
11 too, to keep him broadly abreast of what was being talked about in the  
12 press on this.

13 Q Right. And there was an email to you that said that Under  
14 Secretary Hale wanted to be more, quote, "tightly lashed up," unquote,  
15 with Ukraine matters, right?

16 A I believe that's what the email said without looking at it.

17 Q So there was a desire for more information about what's going  
18 on in Ukraine from your superiors?

19 A What the press was reporting. We get reporting from our  
20 embassy on an -- Embassy Kyiv is a mill that does excellent analysis  
21 and reporting.

22 What we were trying to track in those early weeks was: What is  
23 all of this coming out, and where is it coming from, and what are the  
24 themes so that we could at least be aware and know.

25 Q Of course. That makes perfect sense. Let me show you what

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1 is marked as deposition exhibit 1.

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

4 BY MR. GOLDMAN:

5 Q It is an article from The New York Times dated May 9th. Just  
6 take a quick look at this if you could.

7 A Uh-huh.

8 Q Are you familiar with this article?

9 A It sounds familiar. I know that I don't know Kenneth Vogel  
10 himself, but I know his byline.

11 Q Right. I'm not asking if you know Kenneth Vogel himself.  
12 I'm wondering if this is familiar to you because you saw it around the  
13 time that it was published.

14 A I couldn't say on May 9th. I arrived back on a, you know,  
15 red-eye flight from Baghdad and London, and went almost directly to  
16 Masha Yovanovitch's honoring ceremony at the National Defense  
17 University.

18 Q Right. So this is similar to that Newsweek article that you  
19 had in your email. I don't know whether you would have received this  
20 article in your email as well, but --

21 A Probably not, because I think it probably would have been  
22 a normal press clips and we get lots of these compilations.

23 Q So what was the difference in the Newsweek article versus  
24 this New York Times article?

25 A You would have to ask the people that sent it to me.

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1 Q All right, because notably, and I will read the second and  
2 third paragraphs.

3 It says: "Mr. Giuliani says he plans to travel to Kyiv, the  
4 Ukrainian capital in the coming days, and wants to meet with the  
5 Nation's President-elect to urge him to pursue inquiries that allies  
6 of the White House contend could yield new information about two matters  
7 of intense interest to Mr. Trump.

8 "One is the origin of the special counsel's investigation into  
9 Russia's interference in the 2016 election. The other is the  
10 involvement of former Vice President Joseph R. Biden, Jr.'s, son in  
11 a gas company owned by an Ukraine oligarch."

12 Do you know which gas company that is referring to?

13 A That is Burisma, right?

14 Q So this is consistent with what you were hearing at the time,  
15 Correct?

16 A Can I write on this, or is this yours?

17 Q I will give you another copy that you can write on. This  
18 is consistent with what you were hearing at the time, correct?

19 A Yeah, I mean, I think this was very much the narrative that  
20 was out there at that time. This was after the late April  
21 post-election. It means Zelensky was now fully elected. He was the  
22 20th of May would have been inaugurated, and this is very much similar  
23 stories that were circulating.

24 Q Now, earlier today you also -- you read, actually, a WhatsApp  
25 message between you and Ambassador Bill Taylor on May 26th, where

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1 Ambassador Taylor referenced something, the Giuliani-Biden issue. Do  
2 you recall that?

3 A Yes.

4 Q So when you received that text message from Ambassador  
5 Taylor, you understood what he was referring to. Right?

6 A Yeah. I mean, I think the general idea is, this is one of  
7 those strands, one of those narratives that was very much there. I  
8 think Ambassador Volker described it as a distraction from our focus  
9 on Ukraine and policy.

10 Q And Ambassador Volker would have described it to you as a  
11 distraction to the policy around this same time, in May?

12 A When Bill was -- Bill Taylor, that is -- was expressing his  
13 concerns and reservations about, you know, I can't take this job if  
14 there's going to be a change of policy and approach to Ukraine. That's  
15 why he wanted to meet with the Secretary. Ulrich Brechbuhl had  
16 confirmed that would happen and they were looking for a date.

17 Q Right. I understand that. I'm just asking, when you said  
18 that Ambassador Volker also reiterated something along this line -- if  
19 I can pin a time on that.

20 A When I said to him, Ambassador Volker, you know, I think Bill  
21 has got some cold feet, and I may have even shared with him some of  
22 the WhatsApps or messages. Here is what Bill is concerned about. He  
23 was saying, yes, that's -- that's distraction. We need to focus on  
24 moving our policy forward. I mean, I think that's the, you know,  
25 Giuliani, his distraction.

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1 Q Right. But like you, Ambassador Volker indicated he  
2 understood that this was -- that Rudy Giuliani was fomenting this  
3 interest in these investigations at that time, right?

4 A Correct. I think that's what Mr. Giuliani was saying  
5 himself quite publicly.

6 Q Correct. So that's on May 26th, and then you go into the  
7 May 28th meeting with Secretary Pompeo. And who was at that meeting  
8 that you recall?

9 A To the best of my recollection, it was the Secretary, of  
10 course, Bill Taylor; Kurt Volker joined us; Ulrich Brechbuhl was there;  
11 myself; and I think George was there, but I don't know that. And I  
12 haven't wanted to ask him in this last week because I didn't think it  
13 was appropriate.

14 Q And during that meeting, was there discussion about the  
15 May 23rd White House meeting?

16 A Yes.

17 Q And what do you recall being discussed with the Secretary  
18 about the May 23rd meeting?

19 A Kurt Volker gave a readout of the meeting because  
20 Gordon -- well, Gordon had been in the May 23rd meeting, and they -- you  
21 know, the general tone was the President, was the inaugural team, or  
22 the Three Amigos -- his term, not mine -- had come back, gone to this  
23 briefing, and the President was not in a good mood.

24 He was just unhappy about Ukraine, did not like Ukraine, and  
25 expressing a lot of skepticism, and then Kurt outlined, you know, we

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1 just kept pressing ahead and saying, but Mr. President, there are these  
2 opportunities. We have got Zelensky. This is a new Ukraine. We need  
3 to keep working on this. And that produced the readout that Kurt had  
4 given to me on the 23rd, and was considered the way forward.

5 Q Right. And it was a pretty unanimous view from those who  
6 went to the inauguration that Zelensky was a true reformer and would  
7 be good for Ukraine, correct?

8 A I think that is fair to say, yes.

9 Q Did Ambassador Volker, or -- well, let me ask you this: At  
10 that meeting with Secretary Pompeo on the 28th, did the name Rudy  
11 Giuliani come up?

12 A I cannot say for sure. I really can't.

13 Q In any of your conversations with Ambassador Volker about  
14 the May 23rd meeting, did the name Rudy Giuliani come up?

15 A I know that there was an understanding, certainly, from Kurt  
16 and others that were there that Rudy Giuliani is feeding the President  
17 a lot of very negative views about Ukraine. And --

18 Q Did you understand that that was, at least, part of the basis  
19 for the President's displeasure with Ukraine?

20 A Yes. That's fair to say. That was my -- that was what the  
21 takeaway was.

22 Q Did -- in any of the conversations related to, or that  
23 followed that May 23rd meeting, did Ambassador Volker, Ambassador  
24 Sondland, did anyone give you the impression that they -- that the  
25 President wanted them to coordinate or consult with Mr. Giuliani about

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1 Ukraine?

2 A Not specifically. I mean, I've seen that reported since,  
3 so I know that that idea is out there. But I did understand that Kurt,  
4 for instance, had mentioned he was talking -- talking to Rudy, and the  
5 goal was to try to help. I think Kurt felt -- I don't want to speak  
6 for him too much, but, certainly, the understanding from the -- it was  
7 the tail end of a conversation, I recall. And he said, you know, I  
8 can -- I can help him understand that this is a new Ukraine, and I think  
9 he just felt he could talk to him and change his view, which would then,  
10 hopefully, change the President's view.

11 Q Right. So just to recap. Entering that May 28th meeting,  
12 you were aware that Mr. Giuliani wanted Ukraine to investigate Burisma  
13 in connection with the Bidens and the 2016 election in some fashion?

14 A He said that very publicly, yeah.

15 Q But you were aware of that. That's what I just want to be  
16 clear about.

17 A Yeah.

18 Q And you had had a conversation with Ambassador Volker to that  
19 effect as well, prior to this meeting?

20 A Not specifically on Biden Burisma, this and that, but  
21 Rudy's -- Kurt, I think, called it several times a distraction.

22 Q So, but he was aware that Rudy Giuliani was posing a  
23 distraction in Ukraine?

24 A Yes.

25 Q And he was aware, as you just testified, that the President,

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1 that he needed to convince Giuliani about Ukraine in order to convince  
2 the President?

3 A I think he thought that at least would be helpful.

4 Q Right. So it would be, I mean, it's pretty basic deductive  
5 reasoning, that in order to convince someone of something, you have  
6 to know what they think, right?

7 A Well, I'm not -- I'm not a cognitive scientist. I mean, I  
8 think you can go into not knowing what somebody thinks and go about  
9 convincing them before they -- before you know what their view is.

10 Q Well, let me ask you: Was it your understanding as of this  
11 May 28th meeting, that Ambassador Volker understood what Rudy Giuliani  
12 was advocating in relation to Ukraine?

13 A As of May 28th, I do not know that for sure. I cannot read  
14 Kurt Volker's mind, nor did we have in-depth conversations on that.  
15 I do know that we all were aware from press reports, from everything  
16 else, his own television statements that Rudy Giuliani --

17 Q There's no question it was a secret. There's no question  
18 it was a secret. I'm trying to understand everyone's basis of  
19 knowledge going into this meeting. And Bill Taylor, you said you had  
20 a conversation, or at least WhatsApp?

21 A Bill Taylor had said, you know, I'm concerned that this  
22 Giuliani-Biden, as he called it again -- I won't go back to the  
23 email -- is going to cause a change in the policy, and if that's going  
24 to be the case, I'm not -- I'm not your guy.

25 Q And you understood that the Biden was a reference to this

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1 Burisma investigation. Right?

2 A I think broadly, yeah. That it was all Hunter Biden,  
3 Burisma, the company.

4 Q So if Ambassador Taylor's, one of his main concerns was this  
5 Giuliani-Biden issue that may influence Ukraine policy, and as you  
6 testified earlier, he wanted reassurances from Secretary Pompeo that  
7 the policy wouldn't change, you still have no recollection as to whether  
8 or not Mr. Giuliani was discussed at that May 28th meeting with the  
9 Secretary?

10 A I actually don't specifically.

11 Q Well, what did the Secretary say to Ambassador Taylor at that  
12 meeting?

13 A The Secretary reiterated what we were trying to do with  
14 Ukraine and the opportunities we had with Zelensky, and that that was  
15 the basis on which we were going to move forward.

16 I think he welcomed the opportunity to talk to Bill Taylor as well.  
17 I don't believe they had met before. And I think by the end of the  
18 meeting, he came away feeling, yep, Bill was the guy he wanted to go  
19 out in this role as the Charge, and Bill was, in his own words,  
20 paraphrasing, reassured and felt he could go out and do this job in  
21 good faith.

22 Q And just to be put a pin on it, what was he reassured about?

23 A You would have to ask him, but he told me, "I'm good to go."

24 Q That's all he said to you? And you don't remember how --

25 A He came out of that saying, good to go, you know. My problem

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1 set was to take care of the mission. Was Bill going to be the guy?  
2 We were still working on the bureaucratics of it, but shortly  
3 thereafter, even that worked out. That he -- they found a mechanism  
4 through a law that they hadn't looked at before that allowed him to  
5 be --

6 Q I understand. And you described that already. And I don't  
7 mean to be the rude. We just are going to be here all night if we don't  
8 start moving through.

9 A Believe me, my weekends are rare, so I will also be happy.

10 Q So then following that meeting, was it your understanding  
11 that these -- was it your understanding that these Three Amigos, as  
12 you've described them -- I know not your words --

13 A Yeah, as Ambassador Sondland has described them.

14 Q -- would lead the Ukraine policy for the State Department?  
15 How was this going to be --

16 A For the State Department and the White House. They were the  
17 three leads.

18 Q And did you have an understanding that the President had  
19 directed that?

20 A Yes, Gordon was very clear in that, that the President has  
21 asked me to do this; we will lead this up here. That was very clear  
22 in the readout I got after the May 23rd meeting.

23 Q And you had also said several times today that Secretary  
24 Pompeo had also affirmed that arrangement too. Is that right?

25 A Yeah. And I know Gordon was in touch with him. I know

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1 Secretary Pompeo thought very highly of Ambassador Volker. I mean  
2 he -- Ambassador Volker reported to the Secretary.

3 Q And so the President directed this relationship, Secretary  
4 Pompeo approved of it, and this was the, sort of, I think what Under  
5 Secretary Hale called the irregular arrangement?

6 A No. His reference to "irregular" was Ambassador Sondland's  
7 engagement in things that were outside the regular purview of the  
8 Ambassador to the European Union.

9 Q So in June and July, and I'm going to ask a general question,  
10 and then if we can try to drill down -- in June and July, do you recall  
11 having any conversations with anyone or receiving any emails that might  
12 have given you some information related to this idea that the President  
13 or Rudy Giuliani wanted Ukraine to initiate these investigations to  
14 the Biden and Burisma and the 2016 election, and that that was a message  
15 that was conveyed to the Ukrainians by anyone on behalf of the United  
16 States?

17 A I'm sorry to do this, but can you say that again?

18 Q Are you aware of whether any U.S. official relayed to any  
19 Ukrainian official that the United States, writ large, and perhaps the  
20 President specifically --

21 A Yeah.

22 Q -- wanted those two investigations to be the initiated by  
23 the Ukrainians?

24 A By an official, an American official, no, I'm not aware of  
25 that.

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1 Q So you are not aware of whether or not Ambassador Volker had  
2 any conversations with any Ukrainian officials about them initiating  
3 these investigations?

4 A No. Kurt and I did not discuss that.

5 Q And you're not aware of whether Ambassador Sondland had any  
6 conversations with any Ukrainian officials?

7 A No. I mean, I know he was having conversations with  
8 Ukrainian officials, but exactly what he was saying, I don't know.

9 Q All right. Well, let me ask this question: At what point,  
10 in the year 2019, did you come to understand that anyone, any American  
11 official, had been advocating to Ukrainian officials to initiate these  
12 investigations?

13 A I did not come to that understanding. I heard that. I saw  
14 that in the press, the suggestions of it. That was, certainly, you  
15 know, things we were asking, but there was no clear indication of that.  
16 That was not the policy that I was aware of, the strategy that we were  
17 moving forward on. This was a Rudy Giuliani thing.

18 Q Were you aware -- but you did indicate that you were aware  
19 that Ambassador Volker was speaking to Rudy Giuliani, correct?

20 A Correct, that he was -- what he indicated to me was, he was  
21 going to talk to Rudy and try to, sort of, clear up some of his  
22 misconceptions -- Rudy's misconceptions -- about Ukraine.

23 Q And did he ever report back to you on what happened in those  
24 conversations?

25 A I think I remember him saying once or twice, I spoke to Rudy,

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1 but, you know, again, I was not in this -- in this loop.

2 Q No, I'm just asking. I understand. That's very clear.  
3 The question is just: What readouts, or what reports are you getting  
4 back from Ambassador Volker about any of his conversations with Rudy  
5 Giuliani?

6 A Really, none. We did not, you know, we didn't have an  
7 opportunity to discuss it in any great detail unless, I mean, I  
8 can -- the WhatsApp, I have all of the WhatsApps with Kurt, and I think  
9 he may have mentioned he met with -- that's George -- I don't think  
10 he ever -- let's see, that's April, that's May.

11 He is asking about Bill Taylor going out. Yeah. So he's talking  
12 to -- he wants to -- knowing that I was going to -- his approach was,  
13 you know, Poroshenko will soon be gone. Zelensky is going into his  
14 place. This is on the 15th of May -- he will be inaugurated soon.

15 Q Can you move forward to sort of the end of June, early July.  
16 Do you have any conversations with him around then?

17 A Let's see. No, late June was totally about Georgia. I had  
18 nothing to do with that. One of the things we were in regular touch  
19 with, is I kind of tried to touch base on where things were. It was  
20 Kurt's role in this -- negotiated with the Russians, because we had  
21 talked for a long time, including at the May 28th meeting, that, you  
22 know, we were waiting for the Russians to respond about another meeting,  
23 Kurt and his counterpart, and they had been pushing off.

24 And up until the time he resigned, they never agreed to meet again.  
25 They told me when I was in Moscow a few weeks ago, Oh, yeah, we'll do

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1 it, we're getting ready. But they never had. So that was a question.

2 Q Well, let me try it this way: Were you aware that Ambassador  
3 Volker and DAS Kent went to Toronto in early July for a Ukrainian --

4 A Yeah, there was a big Ukrainian aid conference in July.  
5 Originally, I think the Deputy Secretary was possibly going. There  
6 had been a possibility of -- that I might go, and I was traveling on  
7 something else, and I know Kurt went, and --

8 Q Did you get a readout or a report back from Ambassador Volker  
9 about what transpired there and any meetings he may have had with  
10 Ukrainian officials?

11 A I don't recall anything from that, no.

12 Q He didn't tell you about a private conversation he had with  
13 President Zelensky?

14 A Not that I'm recalling.

15 Q Were you familiar with a July 10th meeting at the White House  
16 where Ambassador Sondland attended, along with Secretary Perry,  
17 Ambassador Bolton, and a couple of Ukrainian officials?

18 A That does sound familiar. I'm sorry to do this, but let's  
19 try to put myself -- yeah, I was speaking at a conference on freedom  
20 of the press, a ministerial meeting in London. I don't think there  
21 was any -- again, those were the guys that were charged in doing  
22 Ukraine, and I don't -- it sounds familiar, but I don't have any  
23 recollection of that.

24 Q You don't have any specific recollection of getting a report  
25 back?

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1 A No.

2 Q And the only readout you got from the July 25th call was from  
3 Ambassador Volker saying that it was a great call?

4 A Yeah. I never saw -- we don't get transcripts of the  
5 President's call. The President's --

6 Q I know that. I'm just asking you, that was the only readout  
7 you ever got?

8 A Yeah, I don't recall having anybody ever mentioning it too  
9 much.

10 Q DAS Kent didn't tell you anything about it?

11 A He might have. I just -- I don't have any specific  
12 recollection of that.

13 The 25th of July, again, you know, was -- if there was something,  
14 I was meeting with a new Greek Government in Athens, and that was, I  
15 think, when I came back already, that was when we were in that PCC  
16 process trying to push forward, find out --

17 Q So you went to the PCC meeting on July 31st?

18 A July 31st.

19 Q But not the one on July 23rd?

20 A No, because I was in Greece.

21 Q So prior to the July 31st meeting, you didn't get a download  
22 as to what happened on the presidential phone call with the President  
23 of Ukraine?

24 A I don't recall specifics of it, no. I knew there was a phone  
25 call. I had that in my notes. And that was -- that was the 25th of

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1 July, but the details of it, I don't have.

2 Q Were you aware of whether or not, or did you hear at any point  
3 that Mr. Giuliani may have met with any senior Ukrainian officials in  
4 early August?

5 A I don't -- I don't remember specific things. He had been  
6 talking publicly about going to Ukraine, but then he didn't, if I  
7 recall. So I -- I don't have any particular recollection of --

8 Q And were you -- did you have any conversations with  
9 Ambassador Volker or Ambassador Sondland about a potential press  
10 statement that the Ukrainians would issue in early to mid-August  
11 related to any of these investigations?

12 A No, I mentioned earlier at some point in probably this  
13 timeframe you're referencing broadly, Gordon talking about a script.  
14 I remember the word "script" for moving forward on this, the script  
15 with Zelensky.

16 And it sounds familiar now. I couldn't tell you if I'm conflating  
17 something I have now read in transcripts or press, but that concept  
18 sounds familiar. I don't recall somebody saying -- I mean, there's  
19 no reason they would come to tell me that. But that does -- I have  
20 to say that does sound familiar.

21 Q And this is now the second time that when we've asked you  
22 about that early to mid-August timeframe, you've referred back to that  
23 conversation with Ambassador Sondland about a script. Is it your  
24 belief that the conversation you had with him about a script was in  
25 that timeframe?

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1           A    Again, I have to say, I just can't remember. I shared with  
2   you to the best of my ability, that I remember Gordon talking about:  
3   I'm working with Zelensky with Volodymyr and, you know, we have got  
4   a script to move forward.

5           Q    And then you were aware -- or when did you learn that the  
6   hold on the Ukrainian security and military assistance became public.  
7   Do you recall?

8           A    Okay. No, I don't, I mean, in the -- we were hearing about  
9   it, you know, as it came out. And, again, we were trying to work this --

10          Q    Well, let me ask you about that. You obviously were working  
11   the PCC process. Did you ever get an explanation for why the Ukraine  
12   aid was being held?

13          A    No.

14          Q    Did you ask?

15          A    We -- I was asked, and I was told through my people that we  
16   think it's a Mulvaney -- that this has come from Mulvaney. There was  
17   different thoughts. Nobody could -- the hope was that through the PCC  
18   process, he would, sort of, determine, find that out, and force an  
19   actual decision, rather than somebody says OMB is holding this, and  
20   some people say it's Mulvaney has ordered that.

21                There are references that I have now since read in press reporting  
22   or in transcripts to, you know, at the earlier -- earlier iterations  
23   of the PCC process, the sub-PCC, or something, someone from OMB saying  
24   that this is being held, but definitively, I did not know.

25          Q    Were you aware at any time in August when this issue was

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1 presented directly to the President again? Did you hear?

2 A No. No, sir.

3 Q After, you know, we discussed those texts earlier that  
4 Ambassador Taylor wrote that some of which have been made public.  
5 Around that time, in early September, did you have any conversations  
6 with anyone in the State Department about the reason why the aid was  
7 being held up?

8 A I think we were in, sort of, staff meetings when we would  
9 catch up on these things. And I know George was hearing different  
10 things that were speculations --

11 Q What was he hearing?

12 A That these various stories that, you know, was this tied to  
13 something? That was a question. Was this tied to something to do with  
14 investigations? Was this tied to Rudy? But nobody knew for sure, and  
15 then, of course, by September 11th, the hold was -- if you call it a  
16 hold -- was lifted.

17 Q Did you ever have any conversation?

18 A This is helpful. I'm trying not go through all of my emails.

19 Q Do you want to clarify something?

20 A Yeah, let me just look at something here, because this may  
21 be helpful. Oh, right. This does help. So please let me go back to  
22 July 29th, and this is, I just mentioned that George was saying there  
23 was this -- this idea out there that D.C. had pushed Kyiv on  
24 investigating the Bidens.

25 Q I'm sorry. What are you looking at right there?

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1           A    I'm looking at an email where George was updating me on  
2 something he -- that another person we know out in the think tank world  
3 had heard that last Thursday, so that would have been the July call,  
4 that D.C. pushed Kyiv on investigating the Bidens. And George said:  
5 I said it wasn't in the call, but we're working on particulars of a  
6 visit, dates TBD.

7           Q    Sorry. So who is this email between?

8           A    This is from George Kent to myself, and copied Bill Taylor.

9           Q    And this was a forward?

10          A    No, this was just George saying, you know, someone else had  
11 heard this. This was, again, part of this broad speculation of things  
12 that was out there. It didn't clarify anything for us.

13          Q    So someone at a think tank had heard from the Ukrainian side  
14 that that was discussed?

15          A    I can't say that for sure.

16          Q    Well, maybe -- why don't you just read the email?

17          A    "He'd heard that in the call last Thursday, D.C. pushed Kyiv  
18 on investigating the Bidens. I said it wasn't in the call, but looking  
19 forward that we were working on particulars of a visit, dates TBD."

20          Q    Okay. And you've now read the call, right? The transcript,  
21 the record?

22          A    When we were in New York, yeah.

23          Q    And is that -- the rumor that the think tank person heard,  
24 accurate?

25          A    I'd have to go back to the specifics of that -- that --

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1 MR. MALINOWSKI: Can I ask who the think tank person was?

2 MS. DAUM: If we could good ask for some measure of  
3 confidentiality about that, if it is necessary to be publicly released.

4 THE CHAIRMAN: We need to know who it is. So you are going to  
5 have to answer the question, I'm afraid.

6 I would ask all Members, again, I would reiterate to all members  
7 and staff -- although I think members are the issue, not the  
8 staff -- that the testimony here should not leave this room. But, you  
9 know, if there are other witnesses that have sources of information  
10 that are relevant, we do need to know need to know who they are.

11 AMBASSADOR REEKER: I mean, understanding that George Kent has  
12 already spoken to you, so it was -- the subject line of his email was  
13 [redacted], who is a former Ambassador to Ukraine. I'm trying to  
14 remember when, and now I'm trying to remember what --

15 BY MR. GOLDMAN:

16 Q So it's not just a think tank person. It's a former  
17 Ambassador --

18 A Yeah.

19 Q -- who's now with a think tank?

20 A Right.

21 Q Okay. Did you finish the email? I'm sorry?

22 A Yeah, and that's in keeping with, you know, the stories that  
23 were circulating. What we had was no -- no clarity or definition.  
24 What -- and sort of my Ukraine box, we are still working on getting  
25 that date. Is there any, you know --

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1 Q No, I understand that's what you were doing. But just to  
2 be clear because our time is up, that was a July 29th email?

3 A July 29th.

4 THE CHAIRMAN: And I'm sorry, I think when you did read a portion  
5 of it, you just started with the word "he." Is that how the email  
6 starts?

7 AMBASSADOR REEKER: Yes, because the subject line says:  
8 "[Redacted]: Is it true that" and then the text of the email starts  
9 "He'd heard that in the call last Thursday."

10 THE CHAIRMAN: Thank you. The time is with the minority.

11 MR. CASTOR: Mark exhibit 2.

12 [Minority Exhibit No. 2  
13 was marked for identification.]

14 MR. CASTOR: Do you need a Politico article?

15 MR. GOLDMAN: I will take it.

16 AMBASSADOR REEKER: So I'm afraid I did a little scrawl on your  
17 exhibit 1.

18 BY MR. CASTOR:

19 Q I just marked exhibit 2. That is also an article by Ken  
20 Vogel.

21 A Right.

22 Q It is a Politico story by Ken Vogel before he went to The  
23 New York Times.

24 A Okay.

25 Q In January of 2017.

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1 A Okay.

2 Q And it goes through various efforts of people affiliated with  
3 Ukraine to, you know, sabotage candidate Trump. Are you familiar with  
4 this article?

5 A I am not, no, sir.

6 Q The paragraph -- I will just read it, one of the first  
7 paragraphs.

8 The second paragraph is: "Ukrainian Government officials tried  
9 to help Hillary Clinton and undermine Trump by publicly questioning  
10 his fitness for office. They also disseminated documents implicating  
11 a top Trump aid in corruption and suggested they were investigating  
12 the matter, only to back away after the election. And they helped  
13 Clinton's allies research damaging information on Trump and his  
14 advisors, a Politico investigation found."

15 And this is, you know, an 18-page story going through various --

16 A I didn't read it, living in Italy at the time.

17 Q And so are you familiar with the generalized allegation that  
18 the President or his supporters worried that Ukrainians were working  
19 against him?

20 A I am now, today, or in the last few months, yeah.

21 Q And some of the concerns -- and this goes through several  
22 categories of reporting -- one involves a Ukrainian-American named  
23 [REDACTED], a consultant for the Democratic National Committee,  
24 received a bunch of money, had some outreach with the embassy.

25 Is that an allegation you are familiar with?

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1           A    No, it is not. Well, I should say, again, I can't help but  
2   having read -- I mean, I read the press in the last few weeks and over  
3   time, and it was not something I was tracking particularly on Ukraine.

4           Q    Okay.

5           A    I had no connectivity to Ukraine until, you know, except for,  
6   sort of, focused on the Russia angle and the war until later. So I  
7   don't want to be disingenuous and suggest I've never heard that. I've  
8   heard it is all part of the stream of stuff out there. My focus was  
9   on, you know, running, you know, staffing, running our mission, and  
10  implementing U.S. policy.

11          Q    The first eight or nine pages talks about [REDACTED] and some  
12  of the efforts that she undertook, and some of the efforts that the  
13  embassy, the Ukrainian embassy to the United States, took in helping  
14  her.

15                And then the story pivots into the involvement of a Ukrainian  
16  investigative journalist and subsequent parliamentarian, and I don't  
17  believe he is currently in the parliamentarian, Serhiy Leshchenko, and  
18  this relates to the involvement of the Manafort ledgers?

19          A    The name is familiar, but I don't know.

20          Q    And as part of Leshchenko's journalism, you know, the aspects  
21  of the ledgers came out. Were you aware of the Ukrainian tie to  
22  the -- to the Manafort work, the publication of Manafort's work in  
23  Ukraine by Ukrainians?

24          A    You know, I probably read The New York Times or The Wall  
25  Street Journal or reports at that time. It wasn't something I was

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1 focused on beyond being --

2 Q Okay.

3 A -- a broadly interested citizen.

4 Q Fair enough. The story also talks about the op ed we  
5 discussed earlier, Ambassador Chaly prepared an op ed in The Hill, which  
6 we have copies of that, but unless you would like me to mark it for  
7 the record, we'll just stipulate to that.

8 On page 15 of this report, of this story, there's -- I'm sorry,  
9 on page 14, a Ukrainian minister of internal affairs, Arsen Avakov is  
10 mentioned. Are you familiar with Avakov?

11 A That name does not ring a bell, no.

12 Q He was and is a Minister of Internal Affairs in the Ukraine.  
13 Anyway, he had, according to this Vogel reporting, had some negative  
14 statements about the candidate Trump on Twitter and --

15 A Uh-huh.

16 Q -- called him a clown. Some Facebook posts called him, or  
17 referenced him as a misfit. Were you aware that Avakov, or anyone in  
18 the Ukrainian Government was engaged in an effort to making statements  
19 like that about the candidate Trump?

20 A I was not until more recently when this became an issue. I  
21 think as I stated, George -- and mostly George, but his team were kind  
22 of my -- to the extent I needed to be aware of context in Ukraine and  
23 what was going on, that this was its own strand of, you know, part of  
24 what had fed into all of this. But I was not, at the time, current  
25 with it, or following it with any closeness.

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1           Q    If the President had concerns about Ukrainians trying to work  
2   for Secretary Clinton and defeat him, would it be fair for him to want  
3   somebody to look into that if he thought it improperly led to the start  
4   of the Mueller probe?

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1 [5:03 p.m.]

2 BY MR. CASTOR:

3 Q And if he had a good faith belief that these issues were out  
4 there, could that be -- have been a motivating factor for some of the  
5 issues discussed in exhibit 1, the other Vogel article?

6 A Again, I can't prejudge the President's view. He's the  
7 President. He makes his own decisions.

8 Q Was that your understanding of what was concerning the  
9 President about Ukraine?

10 A I understood from -- certainly from press reports and from  
11 George's background -- backgrounding and explaining the context, that  
12 President Trump does not like Ukraine.

13 And that was very evident in the meeting when the delegation,  
14 after the inauguration, went -- you know, I don't -- Ukraine is a bad  
15 place, I don't like Ukraine -- and that Kurt and Gordon and I believe  
16 Senator Johnson and Secretary Perry were continuing to try to tell him:  
17 But this is a new Ukraine, this is Zelensky, and here what is we want  
18 to do to move forward.

19 Q And his negative energy on Ukraine, as far as you know, it  
20 didn't relate to political reasons, did it?

21 A I couldn't speculate. It was just relayed to me that he  
22 didn't like Ukraine.

23 Q And his skeptical views of Ukraine, that wasn't relayed to  
24 you in the context of him having political -- of thinking that if  
25 he -- you know, if these issues got -- somebody got to the bottom of,

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1 it would have a political upside for him, that wasn't relayed to you,  
2 was it?

3 A I mean, there was media reporting to that. I mean, that's,  
4 I think, what Mr. Giuliani was saying quite publicly.

5 Q But his deep-rooted skeptical view of Ukraine was just a  
6 personally held belief of the President as far as you understood?

7 A I don't know that.

8 Q Okay. During the breaks, or I guess the last break, I  
9 had -- leave the SCIF, get reconnected with the communications.

10 A You couldn't let go.

11 Q Well. And I guess some of our Members brought to  
12 Mr. Jordan's attention -- who can't be here today, and he apologizes.  
13 He has tried to be at all of these, and he appreciates your testimony  
14 here today. I'll note that.

15 A Former Ohioan. Give my regard.

16 Q He takes this investigation, all the depositions very  
17 seriously, and he has attended just about every one. So he is sorry  
18 that he couldn't be here today, appreciates your service.

19 Anyway, I guess the news reports had come out this morning before  
20 you appeared and signaled what you might testify to. And so he  
21 was -- there has been some just questions about whether that was being  
22 pushed out from you, or your camp, or whether that was coming from either  
23 our side or their side. I could say it wasn't coming from our side.  
24 I had no idea what you were --

25 A As you can imagine, I know a lot of journalists from my days

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1 as a spokesman, and they've all been extraordinarily frustrated that  
2 I will not talk to them.

3 Q Okay.

4 A They were -- I took calls regularly because they were -- or  
5 responded to emails, "Can we have your opening statement?" And as you  
6 know, I did not prepare one.

7 Q Okay. So to the extent there were stories written about what  
8 you were going to say, it didn't come from you or your camp?

9 A I think there's lots of people that chatter about this stuff  
10 and I'll be -- I saw a couple of things. There was a Daily Beast piece  
11 that came out last night that I -- now I can't even recall what it said,  
12 but I remember thinking, well, that's not -- I mean, it just had, like,  
13 inaccuracies about me. But that's the nature of this business.

14 Q Okay. But you didn't forecast your testimony to anybody?

15 A No, sir.

16 Q So if anybody did --

17 A The only thing I've ever done was -- and, frankly, State  
18 Department journalists have a much better grasp of understanding what  
19 the role is of an Acting Assistant Secretary for Europe. There were  
20 some press stories that were characterizing me as in charge of Ukraine  
21 policy, which has not been the case.

22 Q Okay. When did you first hear about the -- you spoke to us  
23 earlier this morning about George Kent's four narratives that he wrote  
24 up, and I believe you related that one of them had Burisma in it.

25 A Uh-huh.

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1 Q And it was in, I think you said, in paren, corrupt gas  
2 company?

3 A Yeah. He was -- for me, the neophyte who arrived a week  
4 before, he was laying that out, what is Burisma. At that, I think I  
5 was aware of that it was a gas company. I'm not terribly familiar with  
6 it.

7 Q Are you familiar, it's run by a former ecology minister,  
8 Zlochevsky?

9 A I can't say I actually know that name, no.

10 Q Okay. And would it surprise you that they've been under  
11 investigation at various points for money laundering, tax evasion?

12 A You're talking about Ukraine, so it doesn't surprise me at  
13 all.

14 Q Okay. In 2014, the company embarked on an initiative to  
15 bolster their image, I guess, and place people on their board to help  
16 them govern. Are you familiar with that effort?

17 A Well, I know that Hunter Biden went on their board. I'm not  
18 familiar with the effort per se, I'm just familiar with the stories  
19 that he went on the board. And I had some general conversations early  
20 on when I was trying to grasp what is all this about, George was able  
21 to give me some basic parameters.

22 Q Okay. And did anybody ever relate to you, does Hunter Biden  
23 have a particular expertise in corporate governance?

24 A I don't know.

25 Q Okay.

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1           A    I've never met Hunter Biden.

2           Q    Do we know, does anybody at the State Department know if he  
3 was put on the board for any other reason other than the fact that he's  
4 related to the former Vice President?

5           A    I couldn't say. I don't know the board and I don't know him.

6           Q    Okay. In any of your conversations with Ambassador Volker,  
7 did he ever relate to you that if there are corrupt Ukrainians or  
8 Ukrainians doing bad things that, you know, if that's the subject, and  
9 they're at Burisma or some other type of oligarch-affiliated  
10 enterprise, that Zelensky ought to reopen those investigations?

11          A    I do not recall that specifically. I know Kurt and I, long  
12 before I got this kind of out-of-the-blue transplant back to Washington  
13 and this job, when I was approached about and in the process of  
14 potentially being the candidate for nomination to Ukraine, and that  
15 Kurt had been named, I talked to him about his broad interest in what  
16 he believed was the critical piece in the Ukraine puzzle was somehow  
17 dealing with the oligarchs.

18          And his path toward that, I found very interesting, was looking  
19 at antitrust legislation and trying to borrow from what the U.S. had  
20 done, and that there is a certain difficulty in that if you go to the  
21 Department of Justice right now, antitrust is not what it was back in  
22 the trustbuster days, the early days of U.S. antitrust law.

23          So he needed sort of more kind of almost historical research to  
24 look at that and what ways forward, and to me it was just very  
25 interesting and anticipating potentially that I would end up at some

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1 point as Ambassador. We kind of looked forward to that. And I think  
2 I said to him, you know, I am actually sort of disappointed that I won't  
3 be able to learn all this and work with you on that.

4 But I know that was still part of his priority as he went forward,  
5 and I do remember sending him one email after Zelensky won the election  
6 just saying: Hey, Ukraine is a democracy, they had good elections and  
7 elected this guy. And that's still where we are, is how can we carry  
8 this forward.

9 Q In terms of any of the Ukrainians investigating corruption  
10 or reopening cases, whether it's Burisma or any other case, that would  
11 relate to Ukrainians, not investigating Americans. Is that your  
12 understanding?

13 A I don't think I probably thought about it.

14 Q Okay. I mean, did anyone relate to you that somebody wanted  
15 the Ukrainian prosecutors to investigate Americans?

16 A I don't recall except there was all this stuff about Hunter  
17 Biden. So I don't know if that was --

18 Q And do you know whether that like was an investigation of  
19 Hunter Biden or an investigation of Ukrainians and how they --

20 A I really don't, I don't. I never read the stories of all  
21 this to that.

22 Q But it could have been either way?

23 A I just don't know.

24 Q Okay.

25 MR. MEADOWS: You can go ahead.

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1 BY MR. CASTOR:

2 Q Earlier this morning or this afternoon when we were going  
3 through I guess the yellow tabs in your binder, I was just wondering  
4 how that came about. Was that like an organic effort where the majority  
5 just saw the yellow tabs and started asking you about it?

6 A So, yeah, I mean, because I find things like this amusing.  
7 So when I passed these emails to my counsel, who's a very nice  
8 like assistant paralegal, since I work 20 hours a day and don't have  
9 time to do these things myself and couldn't ask my staff to do it, I  
10 had printed a couple of things on yellow paper because I had it by my  
11 printer.

12 And in a few cases actually there was too much yellow paper in,  
13 so other things got printed. It was ones that I wanted that were key  
14 ones, like the one I had taken out here that is the readout from the  
15 23rd meeting at the White House.

16 And her very nice assistant took, when she made the copies, took  
17 all the ones that were on yellow paper and stuck a yellow sticky on  
18 it so that I would know.

19 Q Okay.

20 A And that's all it was, so --

21 Q Okay.

22 A And some of it was just because the paper was in the printer.  
23 Sorry.

24 Q You have to understand, from the vantage point of the  
25 minority when you see these things transpiring all of a sudden you're

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1 reading selected yellow-tabbed emails, our side wonders how that comes  
2 to be.

3 A It wasn't -- well, now you know. I should have taken them  
4 off. I don't think I even noticed they were there.

5 MR. MEADOWS: Let me jump in real quick.

6 So the email you read just a little bit ago, you mentioned that  
7 a think tank individual --

8 AMBASSADOR REEKER: Whom I know a little bit, former --

9 MR. MEADOWS: -- sent an email on the 29th of July. Did you not  
10 find that curious why he would be asking that kind of question on the  
11 29th of July about a phone call?

12 AMBASSADOR REEKER: Well, I knew there was a phone call on the  
13 25th.

14 MR. MEADOWS: Yeah, but how would he know?

15 AMBASSADOR REEKER: Well, this is Washington, I mean.

16 MR. MEADOWS: Well, but he worked for Burisma and for the Atlantic  
17 Council. Did you know that?

18 AMBASSADOR REEKER: I'm not sure I did.

19 MR. MEADOWS: Yeah. I mean, so I find it just very curious that  
20 here's a guy that has connections with Burisma, not one but multiple  
21 contacts with Burisma, would know about a phone call between the  
22 President of the United States and the President of Ukraine. You  
23 didn't find that curious?

24 AMBASSADOR REEKER: To be honest, Congressman, I probably  
25 didn't. I looked at it, and I saw what George had said, that no --

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1 MR. MEADOWS: Let me ask it in a different way then.

2 How often do think tank people call you about private phone calls  
3 or your subordinates about private phone calls between two leaders of  
4 sovereign states?

5 AMBASSADOR REEKER: That kind of stuff goes on all the time  
6 because there's constantly speculation and rumors and leaks and  
7 whispers. I mean, I couldn't put a date to it, but this town is full  
8 of former officials.

9 MR. MEADOWS: So you say you know him. How do you know him?

10 AMBASSADOR REEKER: He was a former Foreign Service officer,  
11 [redacted].

12 MR. MEADOWS: Is that the only context that you know him in?

13 AMBASSADOR REEKER: Yeah, I mean, I think I may have seen him at  
14 the Atlantic Council. I'm not sure if he is involved in other things.

15 You know, I think I had lunch with him some years ago, talking  
16 about when I was going to Milan and we were supporting the U.S. pavilion  
17 at the U.S. -- at the World's Fair, the Expo 2015, and he was possibly  
18 interested in that. I have a vague recollection.

19 MR. MEADOWS: So the response from your team was, no, that was  
20 not part of it, and to your knowledge there was no further contact?

21 AMBASSADOR REEKER: Yeah. I don't know if anybody's -- how  
22 often people hear from [redacted], or I may have bumped into him here  
23 or there, but I'm not particularly close to him. I don't know him that  
24 well.

25 MR. MEADOWS: Okay. And do you think that -- would you

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1 characterize Secretary Pompeo's leadership towards Ukraine as a good  
2 thing? I mean, how would you characterize it?

3 AMBASSADOR REEKER: I think he's been supportive of our policy  
4 and our goals. That's what he underscored to Ambassador Taylor in the  
5 meeting on the 28th. We haven't talked about it in any great detail.  
6 I joined one of his meetings where Kurt -- who, as I've mentioned,  
7 reported to him, and they had meetings where I wasn't able to attend.  
8 And he's remained certainly interested. It's, you know, it's up there  
9 in importance. You've got this hot war going on, 13,000 people already  
10 killed, so --

11 MR. MEADOWS: So would you say that Secretary Pompeo has been  
12 supportive of your efforts and your job overall?

13 AMBASSADOR REEKER: Of my broad efforts in the European Bureau?  
14 Yeah.

15 MR. MEADOWS: So any headlines that would say that you're being  
16 negative toward Secretary Pompeo would be misplaced then?

17 AMBASSADOR REEKER: That I'm being negative toward Secretary  
18 Pompeo?

19 MR. MEADOWS: Yeah.

20 AMBASSADOR REEKER: I don't know if there is such a headline,  
21 but --

22 MR. MEADOWS: But if there were would they be misplaced?

23 AMBASSADOR REEKER: Yeah, I would think so. I haven't had -- it  
24 looks like you're passing around the headline.

25 MR. MEADOWS: Well, I mean, it says, "Official to testify that

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1 Pompeo blocks show of support for ousted Ambassador." And then the  
2 article goes on to give more of a negative connotation about your view  
3 of Secretary Pompeo.

4 Would you say that that is an accurate reflection of your personal  
5 views?

6 AMBASSADOR REEKER: No.

7 MR. MEADOWS: Okay. I yield back.

8 AMBASSADOR REEKER: I mean, my -- I think it's only fair to add  
9 there, my view is that Ambassador Yovanovitch was subjected to just  
10 really outrageous press coverage and innuendo and threats coming from  
11 high levels, retweeting irresponsible journalism, which affected her  
12 personally, her safety, affected our mission, reflected on the United  
13 States, and it was pretty outrageous.

14 And I pushed, as you know, within the Department more robust  
15 language as we were -- we proposed putting out a statement, and that  
16 was not approved in that way. And so we used what we did have.

17 And I was -- you know, part of my mandate in the first week on  
18 the job was to take care of the mission, but most importantly, to take  
19 care of our, my people. And she was one of them and also a friend and  
20 a colleague of many years. So I was concerned about her safety, her  
21 future.

22 We had talked with her, of course, about the possibility of taking  
23 the assignment at EUCOM, which had come open because of my move here.  
24 And then, you know, I was with her in the meeting with the Deputy  
25 Secretary when the decision was made in terms of the timing.

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1           Of course she got her award and induction into the Hall of Fame  
2 at the NDU, went back, you know, was reassured by human resources then,  
3 which took over to find her the appropriate, if she wasn't going to  
4 do EUCOM, what assignment might she be interested and what were the  
5 possibilities, and reassured about that.

6           But I still, you know, think it is unfortunate that such a fine  
7 professional Foreign Service officer, American, and, most importantly,  
8 human being, had to go through that.

9           BY MR. CASTOR:

10          Q    The email relating to [redacted] that Kent wrote, what date  
11 was that?

12          A    July 29th, he says with confidence. Is that right?

13          Q    So if I have this correct, Kent wrote: D.C. pushing Kyiv  
14 to investigate Bidens. Is that right?

15          A    Well, let's refer to it again.

16          Q    Look, on July 29th, that's relatively remarkable  
17 intelligence from a call transcript that hadn't come out for 2 more  
18 months.

19          A    Well, the only thing I would say about that is that this story  
20 line had been out there going back certainly to March and the Rudy  
21 Giuliani stuff that was on live TV saying that, I mean, that was what  
22 he was doing, so --

23          Q    But was it in reference to the call?

24          A    That is the notion of the email. I can read it to you again.  
25 The subject line: [Redacted], colon, is it true that, question

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1 mark -- this is George sending that to me and Bill to be aware he had  
2 heard that in the call -- last Thursday D.C. pushed Kyiv on  
3 investigating the Bidens. I said -- that would be George -- I wasn't  
4 in the call, but looking forward, that we were working on particulars  
5 of a visit, dates TBD.

6 Q Okay. But that's not a generalized Rudy Giuliani is pushing  
7 these things, that is something happened on this call?

8 A And yeah, I mean, clearly he was -- he was -- I can't speak  
9 for [redacted] or where leaks like that come from, but --

10 Q But somebody evidently that had firsthand account of what  
11 occurred on the call is talking to [redacted], right?

12 A I can't say that with any definitiveness because I wasn't  
13 on the call. I don't know how [redacted] gets his information or his  
14 speculations or his trial balloons or where any of that would come.  
15 So I couldn't say.

16 But, you know, leaks in this town are of that kind, and we've heard  
17 of a number of people that were on the call. I don't -- I was not on  
18 it and didn't see a full readout of it until much later.

19 Q Did you ever have any discussions with Tim Morrison about  
20 the call?

21 A I don't recall if Tim and I ever got into details of the call.  
22 I remember clearly and I've shared with you Kurt Volker saying, "Great  
23 call." Sorry, that's Kurt Volker, always so upbeat. That's the  
24 problem with electronic communication.

25 I just -- I couldn't say if I had any. You know, I talk to Tim

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1 once in a while but not -- anything like that wouldn't be on an open  
2 line. And so it's possible that we had something, but I don't recall,  
3 although I think I know -- I feel like I know, but it's probably from  
4 more recent press reporting that he was on the call.

5 Q Okay.

6 A I don't know that I knew that.

7 MR. MEADOWS: So you've got a pretty detailed calendar. So you  
8 don't have a record of a call with Tim Morrison shortly after the call?

9 AMBASSADOR REEKER: Let's just check. I'll be quick.

10 The call was on July 25th, correct? And so I was in Greece that  
11 day. I was traveling from Thessaloniki up to the Republic of North  
12 Macedonia. I returned the night of Saturday the 27th. I will look  
13 quickly.

14 Tim Morrison? Tim Morrison?

15 I went to the PCC, of course, on the 31st of July, and Tim Morrison  
16 was at that. In fact he was -- I think he chaired it or his deputy  
17 was chairing at the beginning and then Tim came in, that I recall. And  
18 I did talk to -- I have a note that I had a call with Ambassador Sondland  
19 on the 30th.

20 And it was at the end of that week that Tim Morrison came over.  
21 He was quite new at that stage. He had just taken over from Fiona Hill.  
22 And we, my team, the seven DAS's, or particularly my Acting Principal  
23 Deputy, Michael Murphy, we had invited Tim Morrison over.

24 And so on the 1st of August, that Thursday, he came and did a series  
25 of meetings and briefings with some of our offices just to sort of get

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1 up to speed on European issues because he had moved over from the arms  
2 control directorate, I think, at NSC. And so that was the first time  
3 I met him in person and we had a quick sort of takeout lunch in my office,  
4 he and Michael and I.

5 And I don't -- we probably touched on Ukraine, but I don't have  
6 specific recollections of that. Because I do remember asking him over  
7 time, you know, any news on the date for the White House meeting?

8 And then I did see Kurt Volker that day, so August 1st.

9 BY MR. CASTOR:

10 Q Who was all at the July 31st PCC meeting?

11 A It was huge. I mean, there were probably 50 people in that  
12 room, or 40. It was interagency. We were late, and my -- one of my  
13 team, somehow his clearance didn't get passed so they wouldn't let him  
14 into the White House compound.

15 And so, finally, he said, "All right, you guys go ahead," because  
16 we were already late, George and I, and he handed me the locked bag  
17 with the materials we needed for the PCC, but he didn't hand me the  
18 key.

19 And so we went to the meeting and literally walked in and it was  
20 a full, full room, I mean very interagency. I know DOD was sitting  
21 right next to me, NSC folks, and there was Treasury and Justice and --

22 Q DNI?

23 A Homeland Security, probably DNI, and associated agencies and  
24 elements of that ilk. So it was a big meeting and focusing on  
25 some -- again, the focus was not on the assistance, there was that

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1 separate process, and at that point they were waiting to see if they  
2 could pull together the principal small group. But this was more  
3 focused on some other aspects, military -- or, sorry, commercial  
4 aspects in Ukraine.

5 Q Did you have any discussions with anybody offline, heading  
6 in or out of that meeting, about that issue?

7 A Well, we were late, so I didn't. And then we did, at least  
8 coming in and then with Laura Cooper from DOD, who I guess you've heard  
9 from, she had brought up again, she said: I know this isn't about  
10 assistance, but I just want to say is there any -- anybody have any  
11 updates on the assistance because we need to start moving on this  
12 because we have a mandate.

13 Again, it was DOD's issue. That stuff passes through State, but  
14 it was really vested with them, and we were all still wondering where  
15 that was going to be.

16 Q And you didn't have any communications with Morrison?

17 A At that meeting I don't believe there was anything specific,  
18 no.

19 Q And in this time period did he have any communications with  
20 you about his concerns about the call?

21 A I don't recall him raising anything. I don't recall knowing  
22 that he was on the call until later.

23 I mean, again, I look at the number of calls and country -- you  
24 know, we're talking 50 countries and the things that were going on in  
25 that period. But as of right off the bat it was not something I was

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1 aware of.

2 My focus on this was, okay, the Ukraine problem set is White House  
3 meeting and now assistance. We were trying to work this assistance  
4 thing and figure out where the holdup is, if it's Mulvaney. We were  
5 trying to have that become apparent and get a principals decision on  
6 it. The scheduling, as I've already said, was difficult. And then  
7 the White House meeting was still TBD.

8 Q You were originally scheduled to appear here last week and  
9 that was delayed until today?

10 A Yeah, I had agreed to come on Wednesday. And then I got a  
11 message saying -- it was through my counsel -- that they had asked if  
12 we could delay.

13 Q And they asked you to delay it to today?

14 A There were some options. I'm scheduled to leave Tuesday to  
15 go to Prague for the Velvet Revolution anniversary and to speak at a  
16 CEPA conference. So I had hoped I didn't have to cancel that, which  
17 is why when they offered Saturday I --

18 Q Okay. But Monday would have been a perfectly fine option?

19 A It would have been difficult to then leave and go because  
20 of my having canceled everything last week to prepare and then be here.  
21 My Monday is now very full, but --

22 Q Okay. Fair enough. You were scheduled to give a speech at  
23 the Atlantic Council, as I understand it?

24 A I was scheduled to be on a panel about, if I recall correctly,  
25 it was about on the eastern Mediterranean. And having just coming back

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1 from the Secretary's trip to Greece and all of the things we have done  
2 with the new Greek Government -- which is really quite something. The  
3 Secretary signed a new annex to the mutual defense cooperation  
4 agreement with Greece just taking us in a whole new direction. It's  
5 really quite interesting. Eastern Med is a very crucial part of our  
6 AOR, eastern Med and Black Sea.

7 So we determined -- you know, I get hundreds of these invitations  
8 literally for this panel, that conference, speeches, remarks, Q&A,  
9 press interviews, which I don't do many of, to talk about our policies.

10 So that was assessed to be a good opportunity. It was ripe, again  
11 just coming back from the Greece trip. But when I thought I was going  
12 to be testifying on or doing this deposition on Wednesday I pulled out  
13 of that, which I think was scheduled for Tuesday, as I recall.

14 MR. MEADOWS: I want to clear up, Ambassador, I don't know that  
15 when I mentioned the think tank individual, without going back to his  
16 name, certainly a connection with Burisma, I didn't mean to imply that  
17 he worked for Burisma, in spite of wearing a jacket and a hat that said  
18 Burisma. The only known connection that I have is that he works for  
19 the Atlantic Council. And so I just want to make sure that I'm clear  
20 for the record.

21 AMBASSADOR REEKER: Okay. I don't either, to be honest. My  
22 recollection is his focus is on energy issues, which would make sense,  
23 Burisma, the Caspian stuff as well, I would think.

24 MR. MEADOWS: I just want to make sure I was clear.

25 AMBASSADOR REEKER: Okay.

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1 MR. CASTOR: Any concern that the Atlantic Council gets some  
2 funding from Burisma?

3 AMBASSADOR REEKER: I don't think I knew that. No. I  
4 mean -- no. I mean, they get funding from lots and lots of sources.  
5 I don't know if that's -- I don't know how much, I don't know that they  
6 do. You're telling me that they do, but I don't know.

7 You know, now that you mention it, I went to an Atlantic Council  
8 event in New York during the UNGA week, the end of September, at the  
9 end of September, right around the time all this was starting. And  
10 that's right, I think among the 20 sponsors, you've been to these  
11 things, they had their names, I did notice that. So I take that back,  
12 I should know, I did know that -- or at least I inferred because they  
13 were listed among the sponsors that they gave some money to the Atlantic  
14 Council.

15 MR. CASTOR: Okay.

16 I'm good, Mr. Meadows.

17 I yield back.

18 THE CHAIRMAN: Ambassador, do you want to take a break or do you  
19 want to keep moving through?

20 AMBASSADOR REEKER: Let's just keep going. If the water kicks  
21 in I'll let you know.

22 THE CHAIRMAN: Well, at any time, no matter who's asking the  
23 questions, feel free to say I could use a small break.

24 AMBASSADOR REEKER: Okay.

25 THE CHAIRMAN: You know, you've had a lot of questions about

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1 Burisma, but it was quite clear very early on from Rudy Giuliani's  
2 public comments, not to mention anything he might have said to  
3 Ambassador Volker or the Three Amigos in private, it was quite clear  
4 from Giuliani's public comments that his interest in Burisma was the  
5 Bidens, right?

6 AMBASSADOR REEKER: Uh-huh.

7 THE CHAIRMAN: You have to say yes --

8 AMBASSADOR REEKER: Oh, I'm sorry. I thought you were just  
9 setting up. That's a question.

10 Yeah, certainly from what I was reading he referred to that a  
11 number of times.

12 THE CHAIRMAN: He referred to the Bidens?

13 AMBASSADOR REEKER: The Bidens and Burisma, yeah.

14 THE CHAIRMAN: So it wasn't a generic interest in all companies  
15 in Ukraine or even all energy companies, he was interested in the  
16 company that Hunter Biden worked on, served on the board.

17 AMBASSADOR REEKER: Based on the press reports and Giuliani's  
18 statements that I saw, that was certainly true. I don't know that that  
19 was his exclusive interest but --

20 THE CHAIRMAN: But that's clearly what he was talking about  
21 publicly. And he made no mystery of his interest. Am I right.

22 MR. REEKER. And as I've stated, testified, that George laid that  
23 out as one of these narratives. That was that Giuliani, Biden,  
24 Burisma, I think that's how he described it, telling me, you know, gas  
25 company, Biden, Hunter, that was Giuliani's thing, yeah.

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1 THE CHAIRMAN: And when you came back and took over this portfolio  
2 and all this was happening with Ambassador Yovanovitch, your shop made  
3 sure that you were aware of sort of what was going on in the press and  
4 what the issues were so you could be brought up to date.

5 AMBASSADOR REEKER: We were trying to figure out where this was  
6 coming from. Obviously, I was interested myself, that it started with,  
7 hey, we're getting these inquiries about this. And then we found the  
8 story in The Hill. In fact, I think they said we've gotten questions  
9 from The Hill who were writing a story that, and that starts generating  
10 the process, and then it was this deluge.

11 And so both for our interest in the Bureau to try to get a handle  
12 on it, but also to feed upwards certainly to my chain of command of  
13 Under Secretary Hill and Counselor Brechbuhl, the sort of what and why  
14 now, they were trying to feed that. That's why I had so many, so many  
15 emails of press clips from both Ukrainian and various American --

16 THE CHAIRMAN: Right. And those, that background, brought to  
17 your attention Giuliani's interest in the Bidens and Burisma.

18 AMBASSADOR REEKER: To the degree that George mentioned there  
19 were four strands, he was doing it. This was certainly not an enormous  
20 focus of mine because I had, you know, 50 countries to deal with and  
21 brand new to a job and then trying to deal specifically with Masha.

22 THE CHAIRMAN: And to those four strands, one was Bidens and  
23 Burisma. The other -- another was 2016, the alleged Ukraine  
24 involvement in 2016, right?

25 AMBASSADOR REEKER: Uh-huh. Right. Yes, sir. Sorry.

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1 THE CHAIRMAN: And then, you know, you've read the call record,  
2 that two issues the President brings up with President Zelensky are  
3 the Bidens and 2016, slash, CrowdStrike, right?

4 AMBASSADOR REEKER: CrowdStrike? I'm sorry, that's not --

5 THE CHAIRMAN: 2016, the President mentions the word  
6 CrowdStrike. That's -- CrowdStrike is part of the conspiracy theory  
7 about 2016, that the server's in Ukraine or the hack originated from  
8 Ukraine --

9 AMBASSADOR REEKER: Okay. I didn't remember the specific  
10 reference, but, yeah, yes, sir.

11 THE CHAIRMAN: But you are aware the call, the President actually  
12 does refer to Burisma, he refers to the Bidens, You're aware, you've  
13 read the call record.

14 AMBASSADOR REEKER: I have looked at it some time ago when it  
15 first came out. I don't have it with me. But yes. Yeah.

16 THE CHAIRMAN: Now, you've said some very positive things about  
17 Ambassador Volker. He is a thorough diplomat, would you say, he does  
18 his homework.

19 AMBASSADOR REEKER: Yes. My experience.

20 THE CHAIRMAN: Develops a deep understanding of the subject  
21 matter.

22 AMBASSADOR REEKER: Yes.

23 THE CHAIRMAN: And so if he had been given responsibility of one  
24 of the Three Amigos for Ukraine policy, he would dig into Ukraine. And  
25 he already had responsibility in Ukraine, correct.

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1           AMBASSADOR REEKER: He had been the Special Representative  
2 for -- I don't remember when he was appointed, long before my time,  
3 but he had been doing this for some time, yeah.

4           THE CHAIRMAN: And so in particular if he was charged with or took  
5 on responsibility of interacting with Giuliani he would have  
6 familiarized himself with the issues Giuliani had been raising publicly  
7 and the -- and their relationship to U.S.-Ukraine relations.

8           AMBASSADOR REEKER: I don't want to go too far because we didn't  
9 have those conversations, so I don't know how much he delved into it.  
10 He did mention to me that was going to try to talk to Rudy and help  
11 him understand, you know, what we were trying to do now with Zelensky.

12          THE CHAIRMAN: In the same way you were being thorough, though,  
13 making sure you understood the background, you would have expected that  
14 he'd be doing the same, right.

15          AMBASSADOR REEKER: Yeah. I mean, I think Kurt is thorough. I  
16 just can't testify to any specifics on that because we didn't talk about  
17 it.

18          THE CHAIRMAN: Now, you were asked -- you had responsibility for  
19 about 50 countries.

20          AMBASSADOR REEKER: Uh-huh.

21          THE CHAIRMAN: Is that right?

22          AMBASSADOR REEKER: Yeah.

23          THE CHAIRMAN: And at this time Ambassador Volker had  
24 responsibility for one.

25          AMBASSADOR REEKER: Well, he's the unpaid special government

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1 employee --

2 THE CHAIRMAN: I don't mean it as a rap, I'm just saying so he  
3 had a particular focus on Ukraine.

4 AMBASSADOR REEKER: Yeah. Correct.

5 THE CHAIRMAN: I want to ask you about the article, and I don't  
6 have it with me, that came out today apparently about your expected  
7 testimony.

8 You voiced support for a statement coming out from the highest  
9 levels of the State Department supporting Ambassador Yovanovitch, did  
10 you not?

11 AMBASSADOR REEKER: I did on a couple of occasions. In that  
12 process we tried to push for a stronger statement.

13 THE CHAIRMAN: And Ambassador Kent was very strongly in favor of  
14 a statement coming from the top of support for Yovanovitch. Is that  
15 right.

16 AMBASSADOR REEKER: Yes. Yes.

17 THE CHAIRMAN: And Ambassador McKinley felt even more strongly  
18 about it. Indeed, that ended up becoming -- the failure to produce  
19 that statement ended up becoming part of the reason why he would resign.

20 AMBASSADOR REEKER: Later.

21 THE CHAIRMAN: Later.

22 MR. REEKER. Yeah, in September. I believe Ambassador McKinley  
23 became focused on this when -- at the time that the transcript, or what  
24 word do we use to describe, the telephone call --

25 THE CHAIRMAN: The call record.

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1           AMBASSADOR REEKER: The call record was released and had these  
2 really unpleasant statements about Masha.

3           THE CHAIRMAN: And so there was a fairly uniform view that it  
4 would be necessary, appropriate, important, helpful to have a statement  
5 from the top of the State Department expressing support for this superb  
6 diplomat, Ambassador Yovanovitch.

7           AMBASSADOR REEKER: Correct.

8           THE CHAIRMAN: And yet the word you got back was no, correct?

9           AMBASSADOR REEKER: Correct.

10          THE CHAIRMAN: Now --

11          AMBASSADOR REEKER: No additional statement, from the statement  
12 we had put out.

13          THE CHAIRMAN: Well, yeah. Of course the request was not for  
14 what you had already put out in terms of press guidance, it was a  
15 statement on its own merits, standing on its own two feet, of support  
16 for the Ambassador, right.

17          AMBASSADOR REEKER: Yeah. We described in the draft, I think,  
18 of what they sent up were the ideas, and that came back as a no from  
19 the Under Secretary.

20          THE CHAIRMAN: That came back as a no from the Under Secretary.

21          AMBASSADOR REEKER: From the Under Secretary's office.

22          THE CHAIRMAN: And that was Under Secretary Hale.

23          AMBASSADOR REEKER: Correct.

24          THE CHAIRMAN: Was Hale supportive of issuing a statement.

25          AMBASSADOR REEKER: I don't know. I just got back the answer.

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1           No, he had, as I had mentioned in earlier testimony, he had  
2 suggested that Masha release her statement. In fact, I think you asked  
3 me about that, sir.

4           THE CHAIRMAN: But he never expressed to you opposition to  
5 issuing a statement, did he.

6           AMBASSADOR REEKER: I don't -- I mean, what I got back from his  
7 office was the no. The process, it did not -- P says no statement.

8           THE CHAIRMAN: Are you aware of whether the Under Secretary  
9 actually submitted his own request or supported the request for the  
10 statement.

11          AMBASSADOR REEKER: I do not know what he did.

12          THE CHAIRMAN: The decision to turn down the statement, that  
13 wouldn't be made by Ulrich Brechbuhl on his own, would it.

14          AMBASSADOR REEKER: It may have been. I don't know.

15          THE CHAIRMAN: Does the -- what's the title of his position?

16          AMBASSADOR REEKER: Ulrich.

17          THE CHAIRMAN: Yes.

18          AMBASSADOR REEKER: Counselor.

19          THE CHAIRMAN: Would the Counselor make a decision at odds with  
20 the uniform view of top State Department officials without consulting  
21 the Secretary of State.

22          AMBASSADOR REEKER: I just don't know. You'd have to ask him.  
23 I really couldn't tell you. He's my superior and I --

24          THE CHAIRMAN: Do you have any reason to believe that the decision  
25 not to issue the statement ultimately came from anyone other than the

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1 Secretary.

2           AMBASSADOR REEKER: I can't speculate on that. All I know is  
3 that the answer came back from the Under Secretary that there would  
4 be no statement.

5           THE CHAIRMAN: I presume that if the Secretary wanted a statement  
6 one would have been sent out. Is that fair to say.

7           AMBASSADOR REEKER: If the Secretary wants something, he can take  
8 that initiative, yes.

9           THE CHAIRMAN: Mr. Malinowski.

10          MR. MALINOWSKI: Thank you.

11          Well, just picking up on that, the Under Secretary for Political  
12 Affairs is the third ranking official in the State Department, correct?

13          AMBASSADOR REEKER: Correct.

14          MR. MALINOWSKI. So the second ranking would be D, the Deputy  
15 Secretary, and then the Secretary of State. All three the outrank the  
16 Counselor.

17          What is the Counselor's role in the State Department  
18 traditionally? I'm not talking about a particular individual, but  
19 traditionally what is that job?

20          AMBASSADOR REEKER: In some administrations there has been no  
21 Counselor. Other times the Counselor has had a very prominent role.  
22 I believe Counselor Brechbuhl is -- I mean, he is one of the people  
23 that I deal with certainly on all personnel messages -- personnel  
24 matters -- at the level that we're talking about, how to staff  
25 embassies, who to put forward as potential nominees.

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1 MR. MALINOWSKI: Right. But he doesn't outrank the Under  
2 Secretary for Political Affairs in any formal sense.

3 AMBASSADOR REEKER: I don't know that to be a fact. I don't.

4 MR. MALINOWSKI: Well, you know the -- you've been in the Foreign  
5 Service for --

6 AMBASSADOR REEKER: That's up to the Secretary, sir. I don't --

7 MR. MALINOWSKI: Okay. But his authority, but the Counselor's  
8 authority derives from the Secretary, in other words.

9 AMBASSADOR REEKER: Correct.

10 MR. MALINOWSKI: In any administration.

11 AMBASSADOR REEKER: He is not a confirmed position.

12 MR. MALINOWSKI. Exactly. So if an Under Secretary of State were  
13 to get word from the Counselor that there should be no statement and  
14 it is the consensus view of everybody working on this issue in the  
15 Department that there should be a statement, it would seem to me that  
16 the Counselor's view or his instructions would only be definitive if  
17 everyone assumed that he was representing the Secretary of State or  
18 perhaps -- is there an alternative, the White House, Mr. Mulvaney's  
19 office?

20 AMBASSADOR REEKER: Again, I don't know that that was  
21 determined -- I don't know anything more than what I have told you to  
22 the best of my ability.

23 On my first week in this office, when we proposed a statement that  
24 would include certain elements that we proposed, after waiting for  
25 feedback we got back an answer from the Under Secretary, my boss, saying

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1 his office said no statement.

2 MR. MALINOWSKI. Well, but he'd consulted with Brechbuhl, and the  
3 answer was no statement.

4 AMBASSADOR REEKER: I don't know that.

5 MR. MALINOWSKI: That's what you testified before, I believe.

6 MR. REEKER. No, I said he wrote that I had been trying to consult  
7 with Brechbuhl, but it was a separate chain from the no statement thing.

8 MR. MALINOWSKI: Okay. And are you aware of any communications  
9 between the State Department and the White House on this question, the  
10 Chief of Staff's office or any -- or the NSC --

11 AMBASSADOR REEKER: I am not.

12 MR. MALINOWSKI: -- with regard to whether a statement should be  
13 issued?

14 AMBASSADOR REEKER: No, sir. I know we got a question  
15 from -- toward the end of that week, around the 30th, there was a  
16 question from the NSC, I think from Fiona Hill herself perhaps, saying:  
17 Is there a statement about Masha? Is there a statement of support?  
18 And I did not personally -- I wasn't personally involved in the  
19 exchange, but I think they --

20 MR. MALINOWSKI: So that suggests that the NSC would have been  
21 supportive of a statement.

22 AMBASSADOR REEKER: I just can't draw that conclusion. All I  
23 know was --

24 MR. MALINOWSKI. Did you clear a draft statement with the NSC when  
25 it was going up the chain?

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1           AMBASSADOR REEKER: I'm not involved in that kind of -- sorry.  
2 I used to be, but not anymore.

3           MR. MALINOWSKI: Let me -- so shifting subjects a little bit, I  
4 want told a little bit of Presidential phone calls 101 with you.

5           When the President of the United States speaks on the phone to  
6 a foreign leader, that foreign leader is on the call, right?

7           AMBASSADOR REEKER: Is this a trick question?

8           MR. MALINOWSKI: It's a simple question. It's not a trick  
9 question.

10          AMBASSADOR REEKER: Yes, that would be my assumption, or we have  
11 to assume it's the foreign leader on the other end of the line.

12          MR. MALINOWSKI: That's true, sometimes it's a Russian comedian.

13          AMBASSADOR REEKER: It's a radio station in Kyiv, yeah.

14          MR. MALINOWSKI: There we go.

15          And don't we also assume that that foreign leader has staff, maybe  
16 their foreign minister, maybe their chief of staff, a secretary, they  
17 have a team that may be listening in on the phone call too? We may  
18 not know it, but we have to assume that --

19          AMBASSADOR REEKER: I think that's usually a fair --

20          MR. MALINOWSKI: Just as we have.

21          AMBASSADOR REEKER: Yeah. No, I think that's usually a fair  
22 assumption. I mean, I would -- I often talk to in the Balkans prime  
23 ministers on my cell phone, but for the President, a formal call, I  
24 think that that would be the assumption, yes.

25          MR. MALINOWSKI: And it would be safe to assume that in that

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1 foreign government's bureaucracy they produce a summary or a  
2 transcript, that they have their own way of reporting to relevant people  
3 in their administration what was said on that phone call, just as we  
4 do in ours?

5 AMBASSADOR REEKER: That's a fair assumption.

6 MR. MALINOWSKI: And this is one reason why we tend to be careful  
7 what we say on these calls, and they're not generally classified at  
8 the highest levels because we have no way of controlling what -- how  
9 the details of that call are disseminated on the other side.

10 AMBASSADOR REEKER: Or who else is listening in.

11 MR. MALINOWSKI: Exactly. That was my next question. And in  
12 Ukraine one would have to presume there is another great power that  
13 might conceivably learn what happens on a conversation like that.

14 And isn't this one reason why most administrations --

15 THE CHAIRMAN: Do you want to have him respond to that.

16 MR. MALINOWSKI: I'm sorry.

17 AMBASSADOR REEKER: I mean, I assume that any call I make on an  
18 unsecure phone is being listened to by somebody, including in this town.

19 MR. MALINOWSKI: Right. And in Ukraine, Russia has very  
20 aggressive intelligence-gathering operations, we assume. We don't  
21 know necessarily know in every case.

22 AMBASSADOR REEKER: That is a presumption that one would make,  
23 yes.

24 MR. MALINOWSKI: Okay. And this is also one reason why most  
25 administrations the contents of a Presidential phone call with a

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1 foreign leader are shared with our Ambassador to that country, with  
2 the Assistant Secretary, with people who commonly deal with officials  
3 from that country. Is that correct?

4 AMBASSADOR REEKER: That has been my experience in the past.  
5 That has not been my experience in this current administration.

6 MR. MALINOWSKI: Correct. But it is sort of logical, because you  
7 may be dealing with your counterpart in the Ukrainian Government, our  
8 Ambassador may be dealing with people, and it sort of puts you all in  
9 a difficult position when the folks you are talking to know what our  
10 President said but you don't.

11 AMBASSADOR REEKER: Yeah, I think that's a fair characterization  
12 of diplomacy.

13 MR. MALINOWSKI: All that is fairly safe to assume. Is it also  
14 reasonable -- and, of course, we don't know and you don't know -- but  
15 is it reasonable to assume that if the President of Ukraine heard  
16 something in a phone conversation with the U.S. President that  
17 concerned him about perhaps U.S. policy veering in a different  
18 direction from where it had been, that this news would spread within  
19 the Ukrainian bureaucracy and that somebody might reach out to a  
20 friendly American contact, perhaps a former U.S. Ambassador, to say:  
21 What's going on here? It's not inconceivable, right?

22 AMBASSADOR REEKER: It is not inconceivable.

23 MR. MALINOWSKI: Right. And it could happen very quickly.

24 AMBASSADOR REEKER: These days everything happens very quickly.

25 MR. MALINOWSKI: Exactly. So Mr. Herbst might very -- and,

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1 again, we don't know and I'm not asking you to suggest you know -- but  
2 it's conceivable that he might have learned about this from his many  
3 Ukrainian -- one of his many Ukrainian contacts?

4 AMBASSADOR REEKER: That is perfectly conceivable, yes.

5 MR. MALINOWSKI: Okay. And then shifting again, foreign  
6 assistance getting cut happens --

7 AMBASSADOR REEKER: Frozen.

8 MR. MALINOWSKI: Frozen, suspended, as has been mentioned  
9 before, it happens all the time. We suspend, hold, cut, redirect  
10 assistance to foreign countries for multiple reasons, sometimes for  
11 purposes of conditionality, sometimes because, you know, our  
12 priorities change.

13 And you testified that you had no idea and that the team working  
14 on Ukraine had no idea why the aid was held. You knew it had been held,  
15 but you didn't know why. You tried to find out, you didn't know.

16 AMBASSADOR REEKER: Right, the exact, at least what was filtering  
17 up to me from the assistance coordinator, from George and the Ukraine  
18 desk -- you know, I was in and out. As I've said, I travel about  
19 50 percent of the time. But I was back and we were getting  
20 updates -- was, there's still no movement on that. There was  
21 definitely a feeling that this was -- this was Mr. Mulvaney who --

22 MR. MALINOWSKI: Right, it was coming from there.

23 AMBASSADOR REEKER: -- who affected this, that's right.

24 MR. MALINOWSKI: But you didn't know why.

25 AMBASSADOR REEKER: But we did not know for sure.

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1 MR. MALINOWSKI: Can you think of any, in your long Foreign  
2 Service career, can you think of any instances you were involved with  
3 when aid to an important country, a country you were working on, was  
4 cut or suspended or held or whatever, and nobody working on that country  
5 knew why? Is that regular?

6 AMBASSADOR REEKER: I think it's fair to say that's not regular.

7 MR. MALINOWSKI: Right.

8 AMBASSADOR REEKER: I'd have to go back. I mean, it's possible  
9 that there were cases. I'm just trying to think of my experience,  
10 particularly in the Balkans. Occasionally Congress will put a freeze  
11 on something.

12 MR. MALINOWSKI: But you know why when we put a freeze.

13 AMBASSADOR REEKER: Not always, but, you know, usually.

14 MR. MALINOWSKI: There used to be secret holds, I guess.

15 AMBASSADOR REEKER: Right. Right.

16 MR. MALINOWSKI: And then finally, most of the -- many of the  
17 people we've been talking about reported to or through you. Ambassador  
18 Sondland is one of your ambassadors, correct?

19 AMBASSADOR REEKER: Well --

20 MR. MALINOWSKI: I mean formally speaking.

21 AMBASSADOR REEKER: You know, in the European Bureau of 50  
22 countries, 49 missions, so 49 chiefs of mission, I don't want to give  
23 you the exact percentage but it's extremely high, are noncareer or what  
24 we refer to as political appointees.

25 Nominally, chiefs of mission, you know, they report -- they are

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1 the personal representatives of the President and the Secretary of  
2 State, so they report to the Secretary. Many of these guys, the  
3 noncareer people, literally do that, you know, in terms of they pick  
4 up the phone and they talk to them.

5 We have a great team. I knew a number of them from my EUCOM  
6 experience, which I think may have one been of the reasons they brought  
7 me in. So they're great. Bringing in noncareer people brings a lot  
8 of strengths, a lot of interests. We've got, you know, financiers,  
9 we've got sports teams owners, and we've got former generals and  
10 admirals. We've got just a very broad range of people.

11 To say that they report to me at the political level is not the  
12 same as the career officers who -- for whom I write their evaluation.

13 MR. MALINOWSKI: Right. But the formal reporting chain is not  
14 dependent on whether someone is a political appointee or a career  
15 person.

16 AMBASSADOR REEKER: In the case of some --

17 MR. MALINOWSKI. I'm not talking about informal relationships,  
18 how things really work --

19 AMBASSADOR REEKER: I realize, Congressman, you're alluding to  
20 particularly Ambassador Sondland. I never have felt that Ambassador  
21 Sondland reports to me.

22 MR. MALINOWSKI: Okay. But Ambassador Taylor, Ambassador  
23 Yovanovitch would have been in the chain.

24 AMBASSADOR REEKER: Yes. Ambassador Taylor, of course, is not  
25 a chief of mission, he's a charge d'affaires at this point. But yes.

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1 MR. MALINOWSKI: I mean, I wasn't so much getting at the Sondland  
2 versus Yovanovitch distinction.

3 AMBASSADOR REEKER: Okay.

4 MR. MALINOWSKI: And I know you still have "Acting" in front of  
5 your name, but you are playing the role of the Assistant Secretary for  
6 European Affairs.

7 AMBASSADOR REEKER: Correct, which is why I was so focused on the  
8 mission, and particularly the Ambassador in Masha's case.

9 MR. MALINOWSKI: And part of this -- I mean, you are the chief  
10 advisor to the Secretary of State on policy towards all these countries,  
11 are you not?

12 AMBASSADOR REEKER: No, that would be the Under Secretary for  
13 Political Affairs, as well as the special representatives for a variety  
14 of countries. So for Ukraine I would say the chief advisor was Kurt  
15 Volker.

16 MR. MALINOWSKI: Well, this is more of a comment than a question,  
17 Ambassador, but I have known every person to occupy this job since Dick  
18 Holbrooke.

19 AMBASSADOR REEKER: So have I.

20 MR. MALINOWSKI: And I have never heard anybody in this job say  
21 what you have said to us today, that I am not in charge of a country  
22 in my area of operation.

23 AMBASSADOR REEKER: I'd like you to clarify. I don't know where  
24 I've said -- I am not in charge of what?

25 MR. MALINOWSKI: Of Ukraine policy. It's an important country

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1 in the EUR.

2 AMBASSADOR REEKER: A decision, as I've explained to you, was  
3 taken and made clear to me that Ukraine policy was being implemented  
4 and led by Ambassador Volker, Ambassador Sondland, and to an extent  
5 the Secretary of Energy, with the complete support of the President  
6 and the Secretary.

7 MR. MALINOWSKI: Well, that's absolutely clear. I  
8 just -- again, this is more of a comment than a question. It's a  
9 stunning and very important fact.

10 Who's in charge of Ukraine policy now? The Three Amigos --

11 AMBASSADOR REEKER: Ultimately the Secretary.

12 MR. MALINOWSKI: Well, I understand, but this arrangement is no  
13 more. Is that --

14 AMBASSADOR REEKER: No, correct. As I testified earlier, you  
15 may have been out of the room and forgive me if you weren't, we have  
16 discussed that. I've looked for guidance on how do we handle this.

17 Now, obviously, George Kent continues to play a very -- the key  
18 role, as any of the seven DAS's do, where without Kurt we have to look  
19 at who will take on certain roles.

20 Kurt was involved in some of the meetings with international,  
21 European counterparts, and for now we've said it's between the Under  
22 Secretary, myself as Acting Assistant Secretary, and the Deputy  
23 Assistant Secretary and the Principal Deputy Assistant Secretary as  
24 needed, and there is our Deputy Assistant Secretary for Russia,  
25 depending on the specific need, topic, level of a meeting, or an

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1 engagement.

2 That's what we'll do pending whether there is a new Special  
3 Representative for Ukraine brought on board or whether we'll just  
4 manage the portfolio with existing personnel.

5 MR. MALINOWSKI: So you're in a kind of holding pattern, you don't  
6 really know right now.

7 AMBASSADOR REEKER: We're just moving forward, you know.  
8 Obviously, the Ambassador, or the Charge d'Affaires in the case of  
9 Ambassador Taylor who has returned to Kyiv, is also crucial on the  
10 ground.

11 MR. MALINOWSKI: Does he have your full confidence?

12 AMBASSADOR REEKER: Ambassador Taylor? Yes.

13 MR. MALINOWSKI: Does he have the Secretary's full confidence.

14 AMBASSADOR REEKER: You'd have to ask the Secretary.

15 MR. MALINOWSKI: Okay. Thank you.

16 THE CHAIRMAN: Mr. Goldman.

17 BY MR. GOLDMAN:

18 Q Of your 50 countries that you oversee, is this the only one  
19 where there was this irregular arrangement for implementing U.S.  
20 policy?

21 A I just want to make sure that's correct. I mean, Ambassador  
22 Sondland gets involved in a number of other places, but to a less extent.  
23 There was not the unique group that was taking charge there. I'm just  
24 trying to do a full thing.

25 The Secretary did recently, at my recommendation, after some

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1 discussion appoint a Special Representative for the western Balkans,  
2 who is also the DAS, Matthew Palmer, someone I've worked with on Balkans  
3 issues for years, if not decades. And so he has a particular role,  
4 still reporting to me, but it's not at all the same. I would say that  
5 Ukraine is the only one, yeah.

6 Q And are there any other countries within your portfolio where  
7 the President himself has directed who should handle policy for that  
8 country?

9 A I couldn't say specifically in terms of, you know, exactly  
10 what the President may have said in terms of selecting ambassadors and  
11 others who report to him. But in terms of the broader policies they  
12 know, I mean, I take that direction from the Under Secretary to the  
13 Secretary.

14 Q That's the normal channel?

15 A Yes.

16 Q The fact that the President directed Ambassador Sondland,  
17 Ambassador Volker, and Secretary Perry to be involved in Ukraine is  
18 an irregular channel, an irregular path in U.S. diplomacy, correct?

19 A I wouldn't describe it as regular. The President himself  
20 recently announced, in addition to our Special Representative for  
21 western Balkans, he announced that the Ambassador to Germany would also  
22 be the Special Presidential Envoy for Kosovo-Serbia Peace  
23 Negotiations. There's an example, I suppose.

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1 [6:03 p.m.]

2 BY MR. GOLDMAN:

3 Q I mean, but that's an official title. Ambassador Volker was  
4 in his role when Ambassador Yovanovitch was there and this arrangement  
5 did not exist.

6 A How do you mean?

7 Q He was in his role.

8 A Right.

9 Q And you didn't say that the President directed Ambassador  
10 Yovanovitch and Ambassador Volker to handle Ukraine policy, right?

11 A Volker was -- as far as I recall, was brought in this role  
12 under the Tillerson -- when Secretary Tillerson was still -- still  
13 there.

14 Q I understand that. But my point is that these special envoys  
15 are different than the arrangement we're talking about here today. And  
16 that's the question for you. Are the special envoys that you are trying  
17 to equate with the situation --

18 A I'm not -- you asked me broad questions, I'm just trying to  
19 answer them. You asked am I aware are of any situation, so I'm just  
20 trying to do my best to give you the broad array among these 50  
21 countries. But no, this was clearly, as I've now said numerous times  
22 in this deposition, this was irregular; that was the word that was used.  
23 It struck me as irregular long before I got here that the Ambassador  
24 to the EU was involved in this. If that was the choice of President  
25 and the Secretary, then obviously, that was their choice, and Gordon

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1 comes with a set of skills.

2 Q You've also discussed a lot today, DAS Kent, who you would,  
3 I think, agree, wouldn't you, that he's certainly a Ukraine expert?

4 A Yes.

5 Q And how many countries does he oversee?

6 A He oversees six, three in the Office of Eastern European  
7 Affairs, which is Ukraine, Belarus, and Moldova, and then what is known  
8 as CARC, the Caucasus and Regional Conflict. So Georgia, Armenia,  
9 Azerbaijan and the Minsk process, which is under OSCE which deals with  
10 the Nagorno-Karabakh issue.

11 Q And is it accurate to say that he has a particular expertise  
12 among those countries that he covers in Ukraine, given his experience  
13 there?

14 A Yes. He speaks the language. He was the Deputy Chief of  
15 Mission until -- well, my understanding is, I couldn't tell you exactly  
16 when he came back, but we was brought back by Assistant Secretary Wess  
17 Mitchell.

18 Q I know. I was just asking, does he have particular expertise  
19 in Ukraine?

20 A Yes, absolutely. Which is why I rely on him and feel so fully  
21 confident, you know. When you're a manager and an executive, you build  
22 a team that you can rely on that handles these things.

23 Q Right.

24 A So George has been a critical part of that.

25 Q And in particular, given that you cover 50 countries, you

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1 rely on him, especially heavily for Ukraine matters, right, because  
2 of his expertise?

3 A Right. And his team, he's got a great team of office  
4 directors, deputies, desk officers.

5 Q And so what you've described here today is essentially that  
6 the detailed work of State Department related to Ukraine, primarily  
7 ran through George Kent. And whatever else was going on, in terms of  
8 the Presidential directive and Rudy Giuliani was run through Ambassador  
9 Sondland and Volker?

10 A Yeah, I think that's a fair characterization. Kurt Volker's  
11 original title was Special Representative for Ukraine negotiations,  
12 which is why he engaged with his Russian counterpart up until the last  
13 meeting they had, which was in January of 2018, to try to move forward.  
14 And why he was the point person with our European colleagues and allies  
15 in Berlin and Paris through the so-called Normandy process and the Minsk  
16 agreements that were supposed to be implemented but never have been  
17 by Russia.

18 And that role of his expanded. He took on much more engagement  
19 in terms of messaging in the press. He's very effective with it. He  
20 became a point person in contact on the broader policy. And then, of  
21 course, with the election, as I've described already, and the team that  
22 was assembled, the delegation to attend the Zelensky inauguration, then  
23 emerged this -- this triumvirate, I guess. Is that the right word?

24 Q DAS Kent is a meticulous employee, correct?

25 A I would use that word, I think. He's extremely smart,

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1 extremely collegial, knows the regions, both Ukraine, and the Eastern  
2 Europe, and the Caucasus extremely well.

3 Q Did you ever come across any memos to file that he wrote  
4 related to Ukraine over the past 6 months?

5 A Oh, I would have to go back and see. You know, he sent a  
6 lot of email in those early days, particularly -- I was so new to it,  
7 and as I've said, trying to understand where was this coming from, what  
8 was this about.

9 Q But do any jump out at you, as you sit here, in terms of  
10 recalling any specific memos to file and concerns that he had?

11 A No.

12 Q You don't recall a memo to file on or about August 16th that  
13 he wrote related to Ambassadors Sondland and Volker, and any pressure  
14 to investigate Ukraine?

15 A I don't believe so, no. August 16th.

16 Q And that memo to file is not in your 4 inch binder there?

17 A No. I would not think so. And I would imagine a memo to  
18 file sounds to me like something classified, but I don't know, and this  
19 is obviously not.

20 Q Well, we were informed that it was not classified. In fact,  
21 there was another memo to file that he wrote on or about September 15th.  
22 Does that one ring a bell related to a meeting that he had in Ukraine  
23 with Ambassador Taylor and a Ukrainian official?

24 A Not ringing a bell right away. It is the kind of thing I  
25 would have to go and look back and check.

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1 Q How about one more recently in early October, related  
2 specifically to the subpoena that the Department received from the  
3 committees in this investigation. Were you familiar with that one?

4 A I -- when the subpoena came -- I mean, George was sort of  
5 the first one in this process, and I was traveling with the Secretary  
6 in Italy, and the Balkans, and Greece. And I heard from the Principal  
7 Deputy, who of course was acting, Ambassador Cormack, that there had  
8 been some, you know, fairly acrimonious meetings, and he had laid  
9 out -- I'm just -- I don't recall specifically the format or what I  
10 saw or if this was relayed to me, what happened in that experience,  
11 which was, you know, which he was laying out in not a positive  
12 experience.

13 Q Did you have any correspondence with Ambassador McKinley  
14 after this investigation came to light and before he resigned?

15 A He sent me an email in New York. I'm pretty sure it's not  
16 in here, on the Saturday -- let's refer to the trusted -- ah. Thank  
17 you. Thank you. I have counsel, it is in here. Okay. And all that  
18 printing.

19 So Saturday, September 28th. And he did send an email saying,  
20 the Department should issue a strong statement of support for her  
21 professionalism and courage -- the subject line is "Masha  
22 Yovanovitch." This is after the transcript of the telephone call, the  
23 President's call -- for professionalism and courage, preferably today.  
24 Articles are proliferating and we should comment, not least because  
25 it is the right thing to do, and it is critical to send a message to

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1 our colleagues that we support our people.

2 I responded to him at 11:27 a.m. saying, I fully agree. EUR, that  
3 would be the European Bureau, had proposed statements back in April,  
4 May, when certain media were full throttle. And I said, you may want  
5 to include Carol Perez in personnel and human resources in the  
6 discussion. And I think I don't have the further, but I recall that  
7 he then sent it, including Carol and she said, I agree too, and  
8 that's -- that was my word from him.

9 Q Did you have any further conversations with anyone superior  
10 to you about such a statement?

11 A I received a phone call from Under Secretary Hale, who  
12 said -- because I was at lunch -- I left lunch, a working lunch, and  
13 left that to take a call in the operations center. And he said, you  
14 know, this email that -- I have to paraphrase because I don't remember  
15 exactly, but it was essentially, I don't think this is going to go  
16 anywhere. And I said, Well -- I responded that I think we should issue  
17 a statement.

18 Q Did he explain why he didn't think it was going to go  
19 anywhere?

20 A I don't recall him saying anything beyond that. The  
21 spokesperson was also on this, so, when Ambassador McKinley sent the  
22 email he included David Hale and both spokesperson Ortagus on that end.  
23 I'm not sure I ever saw any response, further response.

24 Q Did he -- did Under Secretary Hale say that he had spoken  
25 to anyone superior to him before reaching the conclusion that he didn't

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1 think it was going happen?

2 A At that stage, I don't believe so, because I think it was  
3 really right after that.

4 Q Do you -- was it your impression that Under Secretary Hale  
5 himself objected to the idea of a statement in support of Ambassador  
6 Yovanovitch?

7 A That I couldn't characterize.

8 Q Would that be consistent with the David Hale that you know?

9 A Well, he had -- he had, you know, said earlier in the earlier  
10 process back in March that we've already discussed at length, he'd said  
11 his office had said no statement.

12 Q Right. But there was also an email you recall with Ulrich  
13 Breckbuhl where they mentioned two things: A Yovanovitch self-defense  
14 statement herself --

15 A Uh-huh.

16 Q -- and a statement from the Department. Do you recall that  
17 email where there was a discussion of those two ideas that were being  
18 fed up the chain?

19 A I think I cited that.

20 Q You did.

21 A Let me find it again, just to try to refresh exactly. Let's  
22 see, this would have been around 31, 33.

23 Q Maybe while your lawyer looks, I can move on to something  
24 else. You had -- let me ask you this: Do you recall or do you know  
25 whether in your binder, other than the documents we discussed, you have

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1 any additional relevant documents from George Kent, or any SOCs that  
2 came out of the interagency meetings? Is there anything else in there  
3 that's particularly relevant?

4 A No, I wouldn't have SOCs. I don't believe I have anything  
5 related to that. I may on other systems, but I don't.

6 Q And do you recall seeing, in your review of your emails,  
7 anything else such as that July 29th email that references the President  
8 asking Ukraine to conduct an investigation of the Bidens? Do you have  
9 anything else that relates to the Biden investigation, or to Rudy  
10 Giuliani?

11 A There's certainly lots of press things that were being  
12 forwarded in this. As everyone is aware, this was circulating very  
13 widely as, one might say, speculation or this was one of those  
14 narratives. And, you know, as we've discussed, Mr. Giuliani was saying  
15 this quite openly.

16 Q Were -- are there any emails where you and any of your  
17 superiors were discussing Mr. Giuliani or these investigations that  
18 he was advocating?

19 A I think only the ones that I forwarded up saying, here are  
20 the -- here's the, sort of, a sampling of the press or what is driving  
21 this in the early narrative the very early days in the first couple  
22 of weeks.

23 Q But nothing after, let's say, May 28th in that meeting with  
24 Secretary Pompeo that you recall from your review of your documents?

25 A No, just -- I don't think there were any further emails.

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1 Q But suffice it to say that you printed out this select group  
2 of emails to prepare for your testimony today?

3 A I was trying to grasp. You know, I went to -- I -- these  
4 came from e-files that I tried to save. So I had one that said "Masha."  
5 And this Masha thing, which was, again, literally created my second  
6 day or something because all this was coming out. I was very concerned.  
7 I was just trying to understand, first of all, where was this going  
8 on, not only for my own -- where was this coming from, and what really  
9 was going on here, what was driving this, but also, focus on how do  
10 we take care of her.

11 Q But would you agree that all these emails were responsive  
12 to the subpoena that was sent by the committees to the State Department?

13 A I could assume that. I don't know the response to that. I  
14 think it is done automatically, so I don't know what they pulled out,  
15 but --

16 Q Last question before we go back to the minority on your  
17 documents. In your review of your WhatsApp messages, are there any  
18 other WhatsApp messages between you and Ambassador Volker, you and  
19 Ambassador Taylor? I think you said who else, Masha?

20 A Masha.

21 Q Ambassador Sondland? And Masha?

22 A I don't have WhatsApp with Gordon.

23 Q Ambassador Sondland and who the fourth? There was a fourth?

24 A Taylor, Volker, Masha and Kent, George.

25 Q Okay.

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1           A    And George was very brief. It was just a period when -- I  
2   can't remember where he was traveling that it was difficult to --

3           Q    Are there any others that reference the Biden-Burisma  
4   investigation, or Rudy Giuliani, or 2016 election?

5           A    I think we covered it when we went over the first one.  
6   Masha's didn't. It was more the first part of my Masha exchanges on  
7   WhatsApp was about whether she was interested in the position at EUCOM,  
8   which was another, sort of, task I had before all this hit, and then  
9   it was the exchange.

10          Q    Right. I understand there are other topics. I'm asking  
11   specifically if there are any other references to these investigations,  
12   Biden, Burisma, Giuliani, 2016?

13          A    I mentioned to you, Bill Taylor's concerns when he said, I'm  
14   still struggling with the decision whether to go. I believe the  
15   chairman brought up Giuliani, Biden; this was Bill referring to the  
16   Giuliani-Biden issue, will likely persist for the next year. And I  
17   don't know -- I'm not sure the Secretary can give me any reassurance  
18   on this issue. And of course, then we did have the meeting and he did  
19   feel reassured. And then Bill -- they headed off and that was the end  
20   of WhatsApp with Bill.

21          Q    Well, why don't we do this, our time is up. If maybe -- I  
22   believe your counsel may have found that other email that we were asking  
23   about.

24          A    I find one mention of Giuliani, and we can find this email,  
25   this is in an exchange with George, who is on the 27th of May, he had

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1 talked to Masha. He was relaying that to me. She had two asks and  
2 suggestions regarding press guidance on the latest media about her.  
3 She had already come back by this point. She -- she said if possible,  
4 we -- she wants -- wanted us to say we stand up for the embassy. She  
5 wanted us to stand up for the embassy, because Giuliani did not just  
6 name her and me, that would be George, but denigrated the whole embassy.

7 And so that's the only other reference to Giuliani because he did.  
8 He attacked, you know, quite -- to me, I found it personally insulting  
9 and outrageous. Group of, you know, an incredibly strong embassy  
10 that's well-known for having a great team that does amazing reporting,  
11 whether it is essentially partially a war zone, whether it is a country  
12 undergoing great change during elections, difficulty, and then get  
13 swamped with all of this. And yet this gentleman who is on the -- you  
14 know, all over the media denigrating our embassies, which is -- and  
15 our Foreign Service officers. And you know, that's not the only place  
16 that that happens.

17 MR. GOLDMAN: I yield to the minority.

18 AMBASSADOR REEKER: Oh, did you want to -- sorry, just to come  
19 back, so I can be complete. The email that we were looking for was  
20 the one that Hale sent on March 28th to myself copying George saying,  
21 I've tried several times to get guidance from Ulrich, to no avail. I  
22 suggest Phil call to see if we can okay, A, for use of social media  
23 self-defense, and B, release of a Department statement.

24 BY MR. GOLDMAN:

25 Q Who was that from, sorry?

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1 A That was from David Hale to me and George Kent.

2 Q Suggesting that you call Mr. Brechbuhl?

3 A He had tried several times to get guidance. I suggest Phil  
4 call to see if we can, what I just read you. And I'd -- I responded  
5 that I inquired to C's availability. That was the 28th. And then,  
6 of course, later that week, we got the message from his office saying  
7 "no statement."

8 MR. GOLDMAN: Thank you.

9 MR. MEADOWS: Mr. Chairman, may I inquire about how much more time  
10 do you have? That may dictate what we do on our side. Are you all  
11 done?

12 MR. GOLDMAN: We are -- I just have a couple of follow-up  
13 questions.

14 MR. MEADOWS: Is that a congressional couple?

15 MR. GOLDMAN: I think we are 5 or 10 --

16 MR. MEADOWS: -- or is that a Goldman couple?

17 THE CHAIRMAN: I don't think we'll go through whole another  
18 round, I hope.

19 MR. MEADOWS: So Mr. Ambassador, I want to kind of close out. I  
20 think we're going to just keep our questions very limited. I don't  
21 want to -- maybe clarify a couple of things. First, thank you for your  
22 service, for your continued service. And certainly, as you're going  
23 through the process as acting, awaiting for confirmation --

24 AMBASSADOR REEKER: Excuse me, sir, just to clarify, I have never  
25 been nominated to the position.

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1 MR. MEADOWS: Okay. So you're just in the acting role. Is that  
2 correct?

3 AMBASSADOR REEKER: Yes. Technically I was informed that  
4 the -- he's leaving for -- that the Vacancies Act -- after all  
5 that -- according to the Vacancies Act, I have used up the time  
6 available or the time where I'm allowed to be formally known as the  
7 Acting Assistant Secretary.

8 MR. MEADOWS: So you've used up over 270 --

9 AMBASSADOR REEKER: Yes. That sounds right. Time flies when  
10 you're having fun -- and so I was informed by the Legal Advisor's  
11 Office, I think, or the human -- or the personnel people that,  
12 technically, I should be referred to as the senior bureau official.  
13 And I --

14 MR. MEADOWS: Well, Ambassador Senior Bureau Official.

15 AMBASSADOR REEKER: I've been called an SOB but never an SBO.

16 MR. MEADOWS: I won't refer to you in that way.

17 AMBASSADOR REEKER: I just want that on the record.

18 MR. MEADOWS: Yeah. I'm not normally speechless, but you got me.

19 So let me go back to two or three different things. Your role  
20 right now, the way that you view it overseeing the 50 different  
21 countries and going forward, you feel like you have fairly clear  
22 direction in terms of where you need to be going? And I'll let you  
23 answer that first.

24 AMBASSADOR REEKER: Yes, sir. I mean, I came -- you know, as  
25 I've testified, this was not something I expected nor aspired to. But

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1 as I said, my wife and I discussed when the Secretary of State asks  
2 you to do something and you're a Foreign Service officer, you don't  
3 say no. And my commander, boss at European Command, General  
4 Scaparotti, understood that, fully supported the decision. And so my  
5 understanding was I was coming back to provide leadership in the Bureau  
6 to take care of the people, to oversee the seven --

7 MR. MEADOWS: Right.

8 AMBASSADOR REEKER: Or I would say eight DAS's continuity of the  
9 policies that had been established, the strategies that had been put  
10 into place. And not just leadership of the Bureau but engagement, and  
11 engagement being a key word the Secretary said. And I mention it often  
12 publicly when I said so, what do you want me to do? Engagement is key  
13 that the Secretary said, even when we differ; if you criticize without  
14 engagement, that leads to estrangement, and that's not what we want,  
15 so that's partially why I spent a lot of time on the road.

16 MR. MEADOWS: And you said about 50 percent of your time on the  
17 road.

18 AMBASSADOR REEKER: It has been 50/50.

19 MR. MEADOWS: You continue to travel and do that, continue to  
20 travel with Secretary Pompeo from time to time?

21 AMBASSADOR REEKER: When he goes to European destinations,  
22 generally I do, not every single time, but usually I do. And then,  
23 I often will represent him at certain things where he just can't be  
24 every place that ministerials or --

25 MR. MEADOWS: So would you say that you still have the confidence

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1 of Secretary Pompeo?

2 AMBASSADOR REEKER: I believe so, as of yesterday.

3 MR. MEADOWS: Well, since you've been here today. I think that  
4 probably bodes well.

5 So were you ever informed by any Ukrainian official about a delay  
6 in the foreign aid?

7 AMBASSADOR REEKER: No. I just haven't had, you know, other than  
8 sort of meeting President Zelensky.

9 MR. MEADOWS: It's fine. I didn't think so.

10 AMBASSADOR REEKER: I'm not the channel of communication.

11 MR. MEADOWS: My colleague opposite earlier was talking about a  
12 readout of the phone call. Are you aware that the Ukrainians provided  
13 a readout of the phone call between President Zelensky and President  
14 Trump that was published? Did you get a copy of that?

15 AMBASSADOR REEKER: I'm -- I'm not sure that I was aware of that  
16 or that I did. What I am familiar with is what was released by the  
17 White House.

18 MR. MEADOWS: Right. But the Ukrainians, we're aware in  
19 deposition from previous witnesses that it was actually -- I believe  
20 it came from Mr. Volker -- a readout from Ukrainians, because  
21 Mr. Volker and Mr. Sondland both said that the Ukrainians felt good  
22 about the call. Did they convey that to you?

23 AMBASSADOR REEKER: Well, as I think I've testified, Kurt did  
24 send me a WhatsApp message and saying, Great call with POTUS.

25 MR. MEADOWS: So Mr. Volker, did he talk about -- if he says,

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1 great call, do you believe that that was meant to be a great call from  
2 President Trump's standpoint, or from President Zelensky's standpoint,  
3 or both?

4 AMBASSADOR REEKER: You know, I -- I couldn't say. I really  
5 couldn't. I just remember being that -- saying something to the group,  
6 I said, Oh, I heard from Kurt, it was a great call --

7 MR. MEADOWS: So Ambassador Volker, Special Envoy to the Ukraine,  
8 never said that he had any concerns about the phone call. Is that  
9 correct?

10 AMBASSADOR REEKER: To me directly? No. You know, he had broad  
11 concerns about moving forward, getting that White House meeting.

12 MR. MEADOWS: The meeting.

13 AMBASSADOR REEKER: You know, moving the process forward,  
14 getting the President to understand. He was very clear that when they  
15 briefed the President after the inauguration on the 23rd of May, he  
16 said, I just kept going back to the positive, but Mr. President, we  
17 have opportunities to work with this new President of Ukraine and his  
18 team.

19 MR. MEADOWS: So would you say that Ambassador Volker, Ambassador  
20 Sondland, Secretary Perry, and Senator Ron Johnson all were talking  
21 about how that this can be a new day for Ukraine in terms of a new  
22 government, kind of a reset of the corrupt practices of the past?

23 AMBASSADOR REEKER: Well, I think that's a hope. And the readout  
24 from the meeting that I got was that the delegation will work with  
25 Ukrainian Government in context of push for reform and to flag the

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1 President's concerns about corruption, poor investment climate, and  
2 oligarchic control of the economy. And ensure that Zelensky comes  
3 prepared to demonstrate his commitment to reform and improving  
4 U.S.-Ukraine bilateral relationship.

5 MR. MEADOWS: Yeah. So have you heard since the aid has been  
6 released, and -- have you heard about concerns of possible oligarch  
7 influence within the new Zelensky administration?

8 AMBASSADOR REEKER: There are reports of those kinds of things  
9 where you would imagine questions ---

10 MR. MEADOWS: Specifically, people that are closely aligned with  
11 oligarch, they were closely aligned with Zelensky, now getting  
12 positions in the new government. I think some of your other colleagues  
13 have testified to that. Have you heard any of that?

14 AMBASSADOR REEKER: Yeah. There was always the question about  
15 Mr. -- it wasn't so late I would remember, Kola --

16 MR. CASTOR: Kolomoisky.

17 AMBASSADOR REEKER: Kolomoisky, the exiled oligarch, who he was  
18 said to be close with, but there is still - my understanding is that  
19 there's still questions about what role and what influence he has.

20 MR. MEADOWS: And so let me close with this: Generally speaking,  
21 you're -- the aid that was released on September the 11th and 12th of  
22 2019, actually had a higher proportion of that money going towards  
23 defensive weapons and military options, versus previous appropriations  
24 and administrations. Is that correct?

25 AMBASSADOR REEKER: I mean, I know that the fiscal 2019 amount

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1 for Ukraine State USAID, and that includes of course State stuff that's  
2 been passed to DOD for various military programs was \$445.7 million.  
3 That's a plus-up of over \$30 million from fiscal 2018. The Javelins,  
4 of course, was something that was new and just under this administration  
5 that had not been, if I'm recalling correctly, but it is not something  
6 that I was tracking at all.

7 MR. MEADOWS: That's correct, as a defensive weapon?

8 AMBASSADOR REEKER: Yeah.

9 MR. MEADOWS: And so in that increase, would you say that proper  
10 U.S.-Ukraine policy would be to continue with additional defensive  
11 weapons support going forward?

12 AMBASSADOR REEKER: I mean, I would leave that specific judgment  
13 and recommendation to the experts in that. And my -- many of them,  
14 former colleagues at EUCOM, or at DOD in our political military bureau  
15 at State, where most of that -- I wouldn't want to -- I think that's  
16 an important component. But I would defer and get an expert position  
17 on that before I would want -- but I do believe that that is an important  
18 component of what we're doing to help Ukraine. And, of course, the  
19 Ukrainians are also buying and paying for weapon systems.

20 MR. MEADOWS: I yield back.

21 Mr. Chairman, for the record, I just want to say thank you for  
22 hearing me out you on some of my concerns today.

23 THE CHAIRMAN: Well, I -- and I thank you. I look forward to  
24 working with you through the rest of the duration here.

25 Ambassador -- no, feel free to consult with counsel at any time.

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1 I hope this will be the lightning round to finish off here. So you  
2 may know nothing about the topics I'm going to ask you about, if you  
3 don't, just say so and we can move on.

4 AMBASSADOR REEKER: Okay.

5 THE CHAIRMAN: If you do, if you can be succinct, we will get to  
6 it quicker. During the time when Secretary Perry was one of the Three  
7 Amigos with this portfolio, did you have any interaction with him?

8 AMBASSADOR REEKER: Yes. I met Secretary Perry when we traveled  
9 from -- let me get this in the right order. We attended the Three Seas  
10 Initiative Summit. This is an initiative of central European  
11 countries that ties in Baltics, Black Sea, and Adriatic countries  
12 focused largely on energy diversification, and so, the --

13 THE CHAIRMAN: When would that have been?

14 AMBASSADOR REEKER: That's what I will find for you. I'm sorry.  
15 Just -- there it is. I traveled with the Secretary to Berlin to make  
16 up for the trip, he'd have to cancel. We went on to The Hague for Global  
17 Entrepreneurship Summit; and then, I was in Brussels for the dinner  
18 on June the 4th.

19 THE CHAIRMAN: Ambassador, you're undercutting the lightning  
20 round here.

21 AMBASSADOR REEKER: Sorry. But this gets right to it. So  
22 Secretary Perry was at that dinner, and he was also at the dinner. And  
23 we then flew the next morning from Brussels to Ljubljana .

24 THE CHAIRMAN: So when would that be?

25 AMBASSADOR REEKER: June the 5th.

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1 THE CHAIRMAN: And during your traveling or meeting with  
2 Secretary Perry during this time, did you discuss Ukraine?

3 AMBASSADOR REEKER: You know, Gordon Sondland was along with us,  
4 and I think there was some general discussion, because we definitely,  
5 I recall, this is where I remember the discussion about the need to  
6 stockpile and to get the Ukrainian -- this is summer, and they are  
7 already thinking ahead to winter. If the Russians turn off the tap  
8 at the end of their contracts, will the Ukrainians have stockpiled?  
9 And that was an assignment that Secretary Perry was sort of undertaking.

10 THE CHAIRMAN: During that period when you were traveling with  
11 Sondland and Perry, were you present for any conversation, or  
12 participate in any conversation with either Sondland or Perry about  
13 Burisma, the Bidens, the 2016 -- desire to investigate 2016, did those  
14 topics come up in any of those discussions?

15 AMBASSADOR REEKER: I do not recall anything specific to that.  
16 It was really focused on this Three Seas and then moving forward with  
17 Zelensky. Gee, didn't he seem like a good guy? I think he's on the  
18 right track from the dinner.

19 THE CHAIRMAN: So you weren't present for any conversations about  
20 those other investigative interests of Mr. Giuliani and others?

21 AMBASSADOR REEKER: No, I don't recall any there. And there was  
22 another time --

23 THE CHAIRMAN: Did Giuliani's name come up at any during that  
24 period?

25 AMBASSADOR REEKER: Not -- not that I recall. I can't swear it

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1 didn't in passing, but I don't recall.

2 THE CHAIRMAN: And you mentioned you had one other interaction  
3 with Secretary Perry.

4 AMBASSADOR REEKER: Yes, it was later after we were back. And  
5 on June 18th, kind of following up all of that, we went over -- Gordon  
6 was back in town, so it was Secretary Sondland, Volker, and Ulrich  
7 Brechbuhl joined us, and I went, which was probably not usual, because  
8 I wasn't doing that much on this with them, but they invited me along,  
9 and I was in town, I had an opportunity. So we went over to DOE to  
10 Secretary Perry's office to kind of follow up.

11 THE CHAIRMAN: The date of that, again?

12 AMBASSADOR REEKER: That was June the 18th, according to my  
13 calendar. And I just want to --

14 THE CHAIRMAN: And then in that conversation, did the Bidens,  
15 Burisma, 2016, the black ledger, DNC server, any of those issues come  
16 up?

17 AMBASSADOR REEKER: No. It was a meeting and a number of other  
18 people there. And by that time, Bill Taylor was on the ground in Kyiv,  
19 and he came in by conference call. I think he references that in  
20 his -- in his prepared statement that was officially or not officially  
21 released.

22 THE CHAIRMAN: And apart from what you've already testified to,  
23 did you have any other conversations, or come across any other documents  
24 pertaining to an investigation of the Bidens or Burisma or the 2016  
25 election?

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1           AMBASSADOR REEKER: To the best of my knowledge and recollection,  
2 only the references in the various press things or references to those  
3 discussions, but I'd never seen, that I can recall, any particular  
4 documents about those subjects, no.

5           THE CHAIRMAN: And you never discussed specific -- you never  
6 discussed with either Kent, or Volker, or Sondland, or Perry, or anyone  
7 else the desire by Giuliani to investigate the Bidens?

8           AMBASSADOR REEKER: You know, it was in that oblique -- that's  
9 not the right word, it was in the, like, the discussion with Kurt who  
10 was trying, as he said, I'm going to try to talk to Rudy to get him  
11 refocused on the now, and how we move forward.

12          THE CHAIRMAN: And did the Bidens come up in that conversation?

13          AMBASSADOR REEKER: But I don't recall anybody mentioning the  
14 Bidens, per se. You know, it was just one of those things it was always  
15 out there, because, of course, Giuliani was talking about it and the  
16 press was writing about it all the time. And George too, you know,  
17 we, in our general discussions, as I have alluded to now many times,  
18 he had these four strands of narrative that were coming out, some of  
19 these sort of conspiracy theories, and one of them was that.

20           And so, you know, we would attribute certain things, here comes  
21 another press story that's still feeding on that, or is Rudy himself  
22 talking about that?

23          THE CHAIRMAN: Did you participate in a May 16 meeting at State  
24 Department with David Hale and Fiona Hill?

25          AMBASSADOR REEKER: Yes. That sounds familiar. I think Fiona

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1 came over -- yeah, 3:45 to 4:15 p.m., according to my calendar.

2 THE CHAIRMAN: And who set up that meeting and what was its  
3 purpose?

4 AMBASSADOR REEKER: I'm not sure I can remember. I know I had  
5 an email afterwards saying -- where David said, I found that useful,  
6 it's good to do just to kind of -- I think we call it a signals check  
7 or something. I know she -- I do remember one of the topics was the  
8 issue of Gordon, she had had, I think a -- she was frustrated by Gordon's  
9 role again, this irregular role. And that certainly came up there.  
10 I know at some point. I don't know if it was that early she -- but  
11 it may have been them talking about having had a real sort of clash  
12 with Gordon, words -- words were exchanged, I think. And I just don't  
13 remember the details of that, but it fell into the same category of  
14 what I'd raised with Hale over the -- I mean, I guess I had been around  
15 about almost 3 months at that point, irregular role.

16 THE CHAIRMAN: And did Fiona Hill ask whether Sondland had been  
17 given a charter to be one of the leads on Ukraine?

18 AMBASSADOR REEKER: I think that was part of the question. And  
19 "P," or, as I know him, David Hale, the Under Secretary, focused that,  
20 oh, he seems to have that role. And --

21 THE CHAIRMAN: So during the meeting, Hale affirmed that at the  
22 President's direction, Sondland was, in fact, at least one of the three  
23 people in charge of the Ukraine?

24 AMBASSADOR REEKER: I seem to recall, I mean, it would be David's  
25 style to say something like, you know, it appears that way, or just

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1 like saying in response to my question, sort of, can you explain to  
2 me this role, and he just said, irregular, isn't it? I don't remember  
3 the specifics of the conversation, but --

4 THE CHAIRMAN: Is there anything else you do recall about the  
5 conversation?

6 AMBASSADOR REEKER: No, not --

7 BY MR. GOLDMAN:

8 Q Did you discuss the inaugural delegation to Ukraine that was  
9 going on May 20th, since this was 4 days before?

10 A We very well could have, because I do remember David asking,  
11 Well, who's going? Because there was a time we thought the Vice  
12 President would go. I knew the Secretary couldn't go. We wanted  
13 high-level participation, that was he, again, showing support, showing  
14 engagement getting off to a good start. Gordon was pushing for that  
15 too. And I knew the Secretary couldn't go. And there was talk at a  
16 certain time that possibly the Vice President would go.

17 Q Do you know why he ultimately didn't go?

18 A I don't.

19 Q Did Dr. Hill express concern about Ambassador Sondland  
20 going?

21 A I don't remember that specifically, but I -- to me it was,  
22 well, of course Gordon's going to go, that was -- and then I remember --

23 Q So you --

24 A -- asking who is going now? And I think I -- I had heard  
25 from the team that they were looking now at Secretary Perry, and that

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1 Kurt would go, and Gordon.

2 Q Why was it, of course, that Sondland would go before the May  
3 23rd meeting?

4 A Because Sondland was, you know, he was the Zelensky -- he  
5 was determined to be -- he was, I am going to lead on this, and  
6 underscore his role in working on Ukraine and bringing the Europeans  
7 along, being there with others. He was always eager and ready to go  
8 to just about anything anywhere in the continent.

9 Q And this was just a few days after Mr. Giuliani canceled his  
10 much-publicized trip over there, right?

11 A I don't recall when that was. I remember the talk about him  
12 going and then that he decided not to go, but I don't recall the dates.

13 Q Well, if we look at exhibit 1, it's the New York Times  
14 article, it is dated May 9th, but we can just flag that for the record.

15 A There you go.

16 MR. GOLDMAN: Mr. Chairman.

17 THE CHAIRMAN: Ambassador, did you speak with Volker or Kent in  
18 advance of their meeting with Zelensky in Toronto?

19 AMBASSADOR REEKER: Well, in the sense -- it depends how you  
20 mean. Specifically -- I mean, in advance, I mean, I spoke to them on  
21 and off, I saw George Kent almost every day when I was in the office.

22 THE CHAIRMAN: Did you speak about what was going to take place  
23 in Toronto? What their message was going to be, that they were going  
24 to speak -- that Ambassador Volker was going to speak to Zelensky, what  
25 he was going to communicate to in that meeting?

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1           AMBASSADOR REEKER: I don't recall -- specifically, I knew  
2 George was going. Again, there had been questions about who might go.  
3 At a time, I thought I might go, it was an opportunity to focus a little  
4 more on Ukraine, but it didn't work in the travel schedule, and these  
5 guys were handling it so we came to the determination that probably  
6 Kurt and George were the right combo for that.

7           THE CHAIRMAN: And did Ambassador Volker tell you what he planned  
8 to discuss with Zelensky before he left for the trip?

9           AMBASSADOR REEKER: I don't recall that specifically. The date  
10 of that, I know --

11          THE CHAIRMAN: The conference was, I think, was July 2nd, 3rd.

12          AMBASSADOR REEKER: That sounds right.

13          THE CHAIRMAN: Did he discuss with you after the conference what  
14 he communicated to President Zelensky?

15          AMBASSADOR REEKER: I will take another quick look at our  
16 WhatsApp, but I don't think there were any other emails that I don't  
17 remember specifically. No, there was nothing in that period.

18          THE CHAIRMAN: Did you ever discuss with Ambassador Volker or  
19 Secretary Kent what took place, what was communicated in Toronto to  
20 Zelensky?

21          AMBASSADOR REEKER: I don't recall specifically doing that.

22          THE CHAIRMAN: You may have been asked this earlier, if you have,  
23 I apologize. Are you familiar with the July 10 meeting at the White  
24 House between Yermak, Danylyuk and various U.S. Government officials?

25          AMBASSADOR REEKER: I've seen reference to it. I couldn't tell

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1 you at this moment if it's more contemporary reference recounting it,  
2 in terms of all of the news coverage or some of these transcripts or  
3 testimony from this process.

4 THE CHAIRMAN: Did you get a readout about what happened at the  
5 meeting after it took place?

6 AMBASSADOR REEKER: I don't recall that I did. And I don't know  
7 that I would have. I don't recall if any of our guys were there, or  
8 Kurt was there, or Gordon was there or not.

9 THE CHAIRMAN: I believe they both were there. But you got no  
10 readout from anybody who was present?

11 AMBASSADOR REEKER: Sir, I don't recall any particular readout.  
12 Again, I -- you know, I get 1,000 emails a day.

13 THE CHAIRMAN: I know this was a pretty significant meeting,  
14 though, and it's obviously an important part of your portfolio.

15 There are text messages, Ambassador Volker to Mr. Yermak, before  
16 the Trump-Zelensky call, in which Volker communicates to Yermak, Heard  
17 from White House as soon as President Z convinces Trump, he will  
18 investigate/get to the bottom of what happened in 2016. We will nail  
19 down date for visit to Washington. Good luck. Do you know what that  
20 was referring to?

21 AMBASSADOR REEKER: I'm not familiar with the text message.

22 THE CHAIRMAN: No, I'm not asking if you're familiar with the text  
23 message. But do you understand what Ambassador Volker was referring  
24 to when he said to Yermak, assuming President Z convinces Trump, he  
25 will investigate/get to the bottom of what happened in 2016. We will

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1 nail down the visit, date for a visit to Washington. Do you know what  
2 he's talking about there?

3 AMBASSADOR REEKER: I don't know specifically. I mean, based on  
4 all of news reporting now, one can assume, but I wasn't aware of the  
5 email or the message.

6 THE CHAIRMAN: So throughout this process and up until July 25th,  
7 which was the date of the call, and the date of his text, Ambassador  
8 Volker never told you that he was trying to get President Zelensky to  
9 commit to President Trump that he would investigate and get to the  
10 bottom of what happened in 2016?

11 AMBASSADOR REEKER: No.

12 THE CHAIRMAN: He never brought that to your attention?

13 AMBASSADOR REEKER: They were focusing -- I mean, I did not talk  
14 to Kurt that often, as you see from the texts. I don't recall anything,  
15 you know -- his focus was on trying to move forward on the broad strategy  
16 which --

17 THE CHAIRMAN: The question is how he was trying to move forward  
18 with the strategy, and --

19 AMBASSADOR REEKER: He did not consult with me on his process or  
20 his steps in the process.

21 THE CHAIRMAN: And were you aware of efforts by either Ambassador  
22 Volker or Ambassador Sondland to get President Zelensky to commit to  
23 these two investigations, either of these two investigations the  
24 President wanted, that of the Bidens, or that of 2016?

25 AMBASSADOR REEKER: What I was aware was the reference I made that

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1 Gordon had a script to move forward with Zelensky, but the specifics  
2 of that, I was not part of, no.

3 THE CHAIRMAN: So throughout all the months that Ambassador  
4 Sondland was working on this and Ambassador Volker was working on this,  
5 neither one ever brought to your attention that they were trying to  
6 get President Zelensky to commit to these two investigations the  
7 President wanted either before he would get a meeting, or during that  
8 call?

9 AMBASSADOR REEKER: No, not the specifics of -- you know, it was  
10 convincing, you know, as I read to you the idea was to convince the  
11 President as I put if, flag POTUS's concern, yeah, to push for reforms,  
12 flag POTUS's concern about corruption and poor investment climate, and  
13 ensure that Zelensky comes prepared to demonstrate his commitment to  
14 reform and improving U.S.-Ukraine bilateral relationship.

15 THE CHAIRMAN: And you're reading from what now?

16 AMBASSADOR REEKER: This again is the May 23rd readout that Kurt  
17 Volker sent specifically to me.

18 THE CHAIRMAN: Okay. So you've got this official readout?

19 AMBASSADOR REEKER: Uh-huh.

20 THE CHAIRMAN: But then you've got this other channel that you're  
21 not aware of, in which they are seeking to get a commitment from Zelensky  
22 to do these investigations. Is that your testimony that you're aware  
23 of the official ask, which you've referenced the memo, but in terms  
24 of what Ambassador Volker is talking about in this text message you  
25 had no knowledge of that going on?

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1           AMBASSADOR REEKER: I did not, no.

2           THE CHAIRMAN: And did you have any knowledge of comments made  
3 by Ambassador Sondland, Ambassador Volker, or others indicating that  
4 the military aid itself was being withheld, as a way of getting Ukraine  
5 to commit to these investigations? Did that come to your attention?

6           AMBASSADOR REEKER: No, I mean -- again, in the conversations  
7 within the office of George and others, what is holding this up, why  
8 Mulvaney is behind this, is that right? How do we push this --

9           THE CHAIRMAN: In those conversations did someone raise the  
10 concern, Hey, is this being done to get Zelensky to do these  
11 investigations?

12          AMBASSADOR REEKER: That supposition, that idea is that is that  
13 possible I think was potentially one of things out there. But I had  
14 no indication that that was it. Nobody knew, and I -- we kept focusing  
15 on pursuing this PCC process because that's the way to get to a real  
16 decision.

17          THE CHAIRMAN: Well, who raised that concern that aid might be  
18 withheld for the reason of pressuring Ukraine to do the investigations.

19          AMBASSADOR REEKER: I couldn't remember if that's something  
20 George was talking about. Subsequently, I've seen the references that  
21 Bill Taylor made to that.

22          THE CHAIRMAN: You said somebody contemporaneously had raised  
23 this concern. Who was that?

24          AMBASSADOR REEKER: I just couldn't tell you. Probably George  
25 would be the most likely person, as we looked at the, you know, where

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1 do things stand on a periodic check-in on this, what's holding up?  
2 What's happening there? And the focus continued to be we keep pressing  
3 forward through this PCC process to try to get this assistance.

4 THE CHAIRMAN: And after the call, after the July 25th call, were  
5 you aware that there was an effort to get President Zelensky to publicly  
6 commit to doing these two investigations before he could get a White  
7 House meeting? Were you aware of that effort?

8 AMBASSADOR REEKER: I do not recall that specifically, no.

9 THE CHAIRMAN: You would recall it if Ambassador Volker, or  
10 Ambassador Sondland, or someone had told you about it. I assume you'd  
11 recall something like that?

12 AMBASSADOR REEKER: Probably. I don't, so I can't -- I can't  
13 tell you if it did in the course of everything else.

14 THE CHAIRMAN: Were you aware that Ambassador Volker was -- a  
15 different part of chronology, but are you aware that Ambassador Volker  
16 was trying to help arrange a meeting between Giuliani and Yermak in  
17 Madrid?

18 AMBASSADOR REEKER: You know, I've read that since and I -- so  
19 I don't -- I do not believe that was the specific -- I think as far  
20 as Kurt and I got was that he was trying to, you know -- he was going  
21 to talk to Rudy and try to deal with that impediment, that that would  
22 perhaps help with the President's attitude towards Ukraine if he could  
23 make Rudy understand.

24 THE CHAIRMAN: But he never told you he was trying to arrange a  
25 meeting between Giuliani and Yermak in Madrid?

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1           AMBASSADOR REEKER: I don't remember that specifically, no.

2           THE CHAIRMAN: Is it fair to say there were a great many things  
3 that Ambassador Volker didn't share with you about his efforts,  
4 vis-à-vis Rudy Giuliani?

5           AMBASSADOR REEKER: Yeah, we didn't talk about it much. He -- as  
6 I said, he mentioned it. It wasn't a secret, but we weren't in touch  
7 regularly. You know, he mentioned that he was going to try to do that.  
8 And as this went on, I had my own, wondering what things could be. It  
9 was all a little strange. We still didn't have a meeting. We still  
10 didn't have the assistance, until we did.

11          THE CHAIRMAN: Let me ask you, at the end of August, end of August,  
12 early September, I think Senator Ron Johnson gave an interview in which  
13 he said something to the effect that Sondland had indicated there was  
14 a quid pro quo involving a commitment by Ukraine to investigate matters  
15 related to 2016 and the frozen aid. Were you aware of that at the time  
16 that article came out about that conversation?

17          AMBASSADOR REEKER: I remember reading that. I don't know if you  
18 know exactly the date that was.

19          THE CHAIRMAN: I believe that was August -- interview with  
20 Senator Johnson. August 30th, I believe. Did someone bring that  
21 article to your attention?

22          AMBASSADOR REEKER: I -- I just -- I don't recall.

23          THE CHAIRMAN: Would it have concerned you if Ambassador Sondland  
24 had told a U.S. Senator that the aid was being withheld in order to  
25 get Ukraine to commit to investigating matters relating to 2016?

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1           AMBASSADOR REEKER: Would it have concerned me? Yes.

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1 [7:03 p.m.]

2 THE CHAIRMAN: Mr. Goldman.

3 BY MR. GOLDMAN:

4 Q I just have one more topic. The NODIS cable that Ambassador  
5 Taylor sent to Secretary Pompeo on August 29th --

6 A Uh-huh.

7 Q NODIS cables of that -- first-person NODIS cables like that  
8 are pretty unusual within the Department. Is that right?

9 A I mean, they are not the most common, but they're  
10 not -- they're not totally unique. I mean, you know.

11 Q Okay. Well, how many times a year do you think that one of  
12 your 50 --

13 A Ambassadors?

14 Q -- ambassadors, right -- sent notice cables, first-person  
15 like that to the Secretary?

16 A It would be rare. So, I mean, I'm not trying to be glib.

17 Q Right.

18 A I'm just sort of saying it's not unprecedented, but it's  
19 certainly unique, by definition.

20 Q Do you know what the Secretary did with the cable at the time?

21 A No, I don't.

22 Q And --

23 A I, you know, his -- his staff give him stuff to read, so I  
24 assumed, as I mentioned, I saw it later.

25 Q So just to be clear, something that's rare like this within

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1 your portfolio that goes directly to the Secretary, was not brought  
2 to your attention at the time?

3 A I -- August 29th was prior to the Warsaw -- anticipating  
4 Warsaw visit. It was kind of a scene setter for that, and laid out,  
5 as I think I mentioned, the significance of Ukraine as a security  
6 partner.

7 Q No, I'm just asking whether you think it's unusual if you  
8 were not notified of a cable like that within one of your 50 countries?

9 A You know, whether it came down and was shared, I'm not sure  
10 if George saw it or read it.

11 Q I'm just asking about you.

12 A Yeah, I would have -- I would have liked to see it. I would  
13 have thought that, I mean, Bill might have, sort of, flagged, I'm  
14 sending this. But I -- I did not have a communication from Bill at  
15 that point. And he was dealing primarily with -- with George inside  
16 the Bureau.

17 But now, I think I'm probably equating what -- what I have read  
18 of Bill's testimony that he had met during Ambassador Bolton's visit  
19 to Kyiv on that subject.

20 Q But you affirmatively did not know about this cable when it  
21 came in?

22 A Not -- not that I recall.

23 Q Okay. You just testified that you travel a fair bit with  
24 Secretary Pompeo when he goes to Europe. Is that right?

25 A When he does European trips, I usually accompany him. Not

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1 always --

2 Q Right.

3 A -- but I usually accompany him.

4 Q So that's a fair bit of time that you end up spending with  
5 him over the past 6, 8 months, right?

6 A Not that much, I mean, we can go back through it if you look  
7 at it. There have been several -- several trips, but they are short.  
8 And I don't have that much actual time with him, but, you know --

9 Q Did you discuss the Ukraine-related issues with him on any  
10 of those trips?

11 A No. The only time, in Rome, after all of this happened, we  
12 discussed -- at one juncture, I was included in a pre-brief, I think,  
13 before an -- either remarks or an interview or something, which I'm  
14 not always, and I -- because I mentioned that there was a press report  
15 out that said that -- I said to the spokespeople and the Secretary:  
16 You may be asked. There's a press report that says you asked Volker  
17 to submit his resignation.

18 And he said: I didn't ask Volker. Volker called me and told me  
19 he had to submit his resignation. And he was very disturbed and  
20 disappointed about that because, as he said, and I agreed, Kurt was  
21 a, you know, he was the guy. He was really crucial to our moving forward  
22 on this path, and now we will have to readjust that. So --

23 Q Did you get the sense that Secretary Pompeo knew about this  
24 irregular channel with Rudy Giuliani, Ambassador Sondland, and  
25 Ambassador Volker, and pushing these investigations?

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1           A    He certainly knew about Sondland and Volker leading the  
2 engagement, but --

3           Q    And what about the investigations that Giuliani wanted?

4           A    -- no indication.

5           Q    He never said -- spoke to you about it at all?

6           A    No, sir.

7           Q    Was this trip to Rome when the call record came out and the  
8 whistleblower complaint came out, or shortly thereafter?

9           A    That occurred, I believe, the week before while we were in  
10 New York for the UNGA --

11          Q    Right.

12          A    -- and the President was there also.  And that is, of course,  
13 when the President had the Zelensky meeting in New York, and Kurt had  
14 emailed -- not emailed, but I think WhatsApp'd me, asking if I could  
15 help get him manifested for that meeting.

16          A    And I just said:  Well, I passed that to the Secretary's executive  
17 secretary to --

18          Q    And when you were on that Rome trip, did you discuss this  
19 Ukraine matter at all?

20          A    We really didn't.  The mention I just gave about the -- the  
21 question that he might get.  Of course, there was a lot of press  
22 questions at each of his availabilities.  And, you know, to be clear,  
23 when we are on these trips, I'm not hanging with the Secretary by any  
24 means.

25          Q    Are you aware of whether or not the Attorney General was

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1 either in Italy around the time that you were there, or had been shortly  
2 before?

3 A That I learned from press, and I was being asked that by  
4 Italians. I know a lot of Italians -- by Italian journalists, and I  
5 really don't know anything about that. But I have read about that  
6 since, you know. And that question came up at the Secretary's --

7 Q But you have no personal knowledge of --

8 A No.

9 Q -- the Attorney General's trips to Italy at all?

10 A No.

11 Q Do you know -- have you come across, since you took over this  
12 role, that the two individuals, Lev Parnas and Igor Fruman?

13 A I never came across them personally. I know their names and  
14 their connections to Giuliani, and, of course, their recent arrests,  
15 but that's been in the news.

16 Q Did you, prior to their arrests, had you -- were you familiar  
17 with their association with Giuliani?

18 A Yeah, there were press reports, some of those ones that  
19 circulated in the vast numbers of --

20 Q How about other than press reports? Did you come across them  
21 in any of your work?

22 A I don't believe so, no. I've never met them, no.

23 Q And then finally, earlier today when you were discussing the  
24 sort of irregular nature of the arrangement with Ambassador Sondland  
25 and Ambassador Volker in response to some questioning from the

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1 minority, you said at one point, you said: I've often wondered -- and  
2 then you kind of trailed off and then went to a different question.

3 And I'm just wondering if you remember what you often wondered  
4 about this irregular arrangement?

5 A It was -- it was irregular and you started reading all of  
6 these supposed things, and I've -- I've wondered what was really going  
7 on. How does this all connect?

8 You know, I've seen the outrageous smears and attacks against  
9 Ambassador Yovanovitch, in particular, George, our embassy, the  
10 Foreign Service, in general. We have been called Obama holdovers and  
11 deep State whatever, which, of course, is personally offensive having  
12 done this for 27 years through one administration to another,  
13 regardless of party, and being nonpolitical and focused on, you know,  
14 the foreign policy of the United States, and trying to engage, and  
15 support our interests, regardless of who the President is.

16 So that is certainly a personal frustration. Talking to -- you  
17 know, I feel responsibility for this large number of people,  
18 particularly now that I'm old, long in the tooth, and the younger  
19 generations of Foreign Service officers who, with this process and this  
20 investigation, I think are really concerned.

21 The number of people that are at our embassy certainly in Kyiv,  
22 but in other places, and in my Bureau who want to know if they need  
23 to go hire lawyers.

24 That's difficult, and trying to know, you know, what is all going  
25 on, what might be. You know, you read a lot of different things in

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1 the press. Look, I inherited what I got. I agreed to do this. This  
2 was not something I asked for. I left a job I liked very much, I found  
3 worthwhile and interesting at the European command.

4 I was within a 3-hour commute of my wife, and now I'm six time  
5 zones away. I travel 50 percent of the time trying to maintain a  
6 relationship between the United States and our European partners and  
7 allies, which is strained, and help them to look at things in a more  
8 holistic long-term way.

9 I try to bring in historical context. We are at the 75th  
10 anniversary of the end of the Second World War, and what we have done  
11 together in the three-quarters of a century to bring the transatlantic  
12 space that is, you know, stable, peaceful, and has given us a level  
13 of prosperity, despite challenges over the years that no one, like my  
14 grandfather, who fought in World War II, would have imagined possible.

15 So, you know, that's what I do every day. I go in there and I  
16 deal with all of these things. I get on the United plane in seat 42-G,  
17 pray that I can get an upgrade with my points so that I can, you know,  
18 fly to Georgia and engage with a brand-new prime minister there and  
19 establish a relationship.

20 You know, I have to manage and try to do this to the best of my  
21 ability. That's what I do every day. Ukraine is one piece of that.

22 I just remind you all that in the course of this period, you know,  
23 we have also got Russia, and what they are doing. I've got the Turkey  
24 problem set. Do you have any ideas how much time we spend on Turkey,  
25 you know?

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1           Acting Assistant Secretary for Europe, I know more about Syria  
2 than I would have imagined if I was in the Near East Bureau. You know,  
3 trying to follow that, not micromanage. I cannot to take on  
4 everything. So I pass on these things.

5           I have seven great deputies. I inherited a great team and  
6 continuity, and I try to provide leadership and engagement to the 50  
7 ambassadors of those countries here in Washington, to our 50  
8 ambassadors and their team around the AOR; to go to the appropriate  
9 think tanks, conferences, where these things are discussed to try to  
10 tell the story of the United States.

11           And that's -- I'm sorry to go on, but that's just kind of what  
12 I do.

13           Q    Last question. I just want to be sure that we didn't miss  
14 any documents that might be particularly relevant to these  
15 investigations.

16           The Biden-Burisma, I don't know whether you or your counsel had  
17 a chance to review.

18           A    Did we find the one email? Yes, this was the one that I  
19 think -- I think I covered this. This is going back to the Masha, trying  
20 to put out a statement March 25th, so exactly a week after I started  
21 where we got the word from P, the Under Secretary's office. At 12:04  
22 "P says no statement."

23           Q    Right.

24           A    That was just somebody that asked for that and we couldn't  
25 find it. I didn't know where it was.

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1 Q And, once again, you never determined whether -- who that  
2 directive came from, or who that decision came from? It was relayed  
3 to you by P, but you never --

4 A It was relayed. It was P staff. "P says," so I was assuming  
5 that was him, himself, because his staffer was, again, not sending it  
6 to me. He was sending it to the press folks who were pursuing this  
7 clearance process.

8 Q Understood. All right.

9 A And I said at the top of this -- I think we talked about  
10 it -- to Michael, my then acting deputy: Did you reach Masha to let  
11 her know that there will not be a statement, essentially?

12 Q Okay. I have nothing else.

13 A And in terms of documents, I just, I'm not -- you know,  
14 documents have not been provided. I have no authority to do that. So  
15 I've --

16 THE CHAIRMAN: Ambassador, I want to thank you for your testimony  
17 today, and we are adjourned.

18 [Whereupon, at 7:13 p.m., the deposition was concluded.]

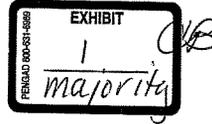
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# Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump

By Kenneth P. Vogel

May 9, 2019



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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.

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."

Zach Montague contributed reporting.

A version of this article appears in print on May 10, 2019, Section A, Page 1 of the New York edition with the headline: Giuliani Plans to Prod Ukraine In Cases That Might Aid Trump

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Updated Oct. 25, 2019

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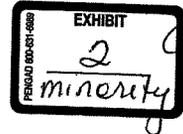


Andrew Yang

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PRESIDENTIAL TRANSITION

**Ukrainian efforts to sabotage Trump backfire**

Kiev officials are scrambling to make amends with the president-elect after quietly working to boost Clinton.

By KENNETH P. VOGEL and DAVID STERN | 01/11/2017 05:05 AM EST



President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the American presidential race. | Getty

Donald Trump wasn't the only presidential candidate whose campaign was boosted by officials of a former Soviet bloc country.

Ukrainian government officials tried to help Hillary Clinton and undermine Trump by publicly questioning his fitness for office. They also disseminated documents implicating a

top Trump aide in corruption and suggested they were investigating the matter, only to back away after the election. And they helped Clinton's allies research damaging information on Trump and his advisers, a Politico investigation found.

A Ukrainian-American operative who was consulting for the Democratic National Committee met with top officials in the Ukrainian Embassy in Washington in an effort to expose ties between Trump, top campaign aide Paul Manafort and Russia, according to people with direct knowledge of the situation.

The Ukrainian efforts had an impact in the race, helping to force Manafort's resignation and advancing the narrative that Trump's campaign was deeply connected to Ukraine's foe to the east, Russia. But they were far less concerted or centrally directed than Russia's alleged hacking and dissemination of Democratic emails.

Russia's effort was personally directed by Russian President Vladimir Putin, involved the country's military and foreign intelligence services, according to U.S. intelligence officials. They reportedly briefed Trump last week on the possibility that Russian operatives might have compromising information on the president-elect. And at a Senate hearing last week on the hacking, Director of National Intelligence James Clapper said "I don't think we've ever encountered a more aggressive or direct campaign to interfere in our election process than we've seen in this case."

There's little evidence of such a top-down effort by Ukraine. Longtime observers suggest that the rampant corruption, factionalism and economic struggles plaguing the country — not to mention its ongoing strife with Russia — would render it unable to pull off an ambitious covert interference campaign in another country's election. And President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the race.

CONGRESS

## **Lawmakers broach possible Trump campaign coordination with Russia**

By AUSTIN WRIGHT and MARTIN MATISHAK

Yet Politico's investigation found evidence of Ukrainian government involvement in the race that appears to strain diplomatic protocol dictating that governments refrain from engaging in one another's elections.

10/2/2019

Russia's meddling has sparked outrage from the American body politic. The U.S. intelligence community undertook the rare move of publicizing its findings on the matter, and President Barack Obama took several steps to officially retaliate, while members of Congress continue pushing for more investigations into the hacking and a harder line against Russia, which was already viewed in Washington as America's leading foreign adversary.

Ukraine, on the other hand, has traditionally enjoyed strong relations with U.S. administrations. Its officials worry that could change under Trump, whose team has privately expressed sentiments ranging from ambivalence to deep skepticism about Poroshenko's regime, while sounding unusually friendly notes about Putin's regime.

Poroshenko is scrambling to alter that dynamic, recently signing a \$50,000-a-month contract with a well-connected GOP-linked Washington lobbying firm to set up meetings with U.S. government officials "to strengthen U.S.-Ukrainian relations."

Revelations about Ukraine's anti-Trump efforts could further set back those efforts.

"Things seem to be going from bad to worse for Ukraine," said David A. Merkel, a senior fellow at the Atlantic Council who helped oversee U.S. relations with Russia and Ukraine while working in George W. Bush's State Department and National Security Council.

Merkel, who has served as an election observer in Ukrainian presidential elections dating back to 1993, noted there's some irony in Ukraine and Russia taking opposite sides in the 2016 presidential race, given that past Ukrainian elections were widely viewed in Washington's foreign policy community as proxy wars between the U.S. and Russia.

"Now, it seems that a U.S. election may have been seen as a surrogate battle by those in Kiev and Moscow," Merkel said.

...

The Ukrainian antipathy for Trump's team — and alignment with Clinton's — can be traced back to late 2013. That's when the country's president, Viktor Yanukovich, whom Manafort had been advising, abruptly backed out of a European Union pact linked to anti-corruption reforms. Instead, Yanukovich entered into a multibillion-dollar bailout agreement with Russia, sparking protests across Ukraine and prompting Yanukovich to flee the country to Russia under Putin's protection.

In the ensuing crisis, Russian troops moved into the Ukrainian territory of Crimea, and Manafort dropped off the radar.

Manafort's work for Yanukovich caught the attention of a veteran Democratic operative named Alexandra Chalupa, who had worked in the White House Office of Public Liaison during the Clinton administration. Chalupa went on to work as a staffer, then as a consultant, for Democratic National Committee. The DNC paid her \$412,000 from 2004 to June 2016, according to Federal Election Commission records, though she also was paid by other clients during that time, including Democratic campaigns and the DNC's arm for engaging expatriate Democrats around the world.

A daughter of Ukrainian immigrants who maintains strong ties to the Ukrainian-American diaspora and the U.S. Embassy in Ukraine, Chalupa, a lawyer by training, in 2014 was doing pro bono work for another client interested in the Ukrainian crisis and began researching Manafort's role in Yanukovich's rise, as well as his ties to the pro-Russian oligarchs who funded Yanukovich's political party.

In an interview this month, Chalupa told Politico she had developed a network of sources in Kiev and Washington, including investigative journalists, government officials and private intelligence operatives. While her consulting work at the DNC this past election cycle centered on mobilizing ethnic communities — including Ukrainian-Americans — she said that, when Trump's unlikely presidential campaign began surging in late 2015, she began focusing more on the research, and expanded it to include Trump's ties to Russia, as well.

She occasionally shared her findings with officials from the DNC and Clinton's campaign, Chalupa said. In January 2016 — months before Manafort had taken any role in Trump's campaign — Chalupa told a senior DNC official that, when it came to Trump's campaign, "I felt there was a Russia connection," Chalupa recalled. "And that, if there was, that we can expect Paul Manafort to be involved in this election," said Chalupa, who at the time also was warning leaders in the Ukrainian-American community that Manafort was "Putin's political brain for manipulating U.S. foreign policy and elections."

PRESIDENTIAL TRANSITION

### **Trump confronts firestorm over Russia allegations**

By ELI STOKOLS, SHANE GOLDMACHER, JOSH DAWSEY and MICHAEL CROWLEY

She said she shared her concern with Ukraine's ambassador to the U.S., Valeriy Chaly, and one of his top aides, Oksana Shulyar, during a March 2016 meeting at the Ukrainian Embassy. According to someone briefed on the meeting, Chaly said that Manafort was very

much on his radar, but that he wasn't particularly concerned about the operative's ties to Trump since he didn't believe Trump stood much of a chance of winning the GOP nomination, let alone the presidency.

That was not an uncommon view at the time, and, perhaps as a result, Trump's ties to Russia — let alone Manafort's — were not the subject of much attention. That all started to change just four days after Chalupa's meeting at the embassy, when it was reported that Trump had in fact hired Manafort, suggesting that Chalupa may have been on to something. She quickly found herself in high demand. The day after Manafort's hiring was revealed, she briefed the DNC's communications staff on Manafort, Trump and their ties to Russia, according to an operative familiar with the situation.

A former DNC staffer described the exchange as an "informal conversation," saying "briefing' makes it sound way too formal," and adding, "We were not directing or driving her work on this." Yet, the former DNC staffer and the operative familiar with the situation agreed that with the DNC's encouragement, Chalupa asked embassy staff to try to arrange an interview in which Poroshenko might discuss Manafort's ties to Yanukovich.

While the embassy declined that request, officials there became "helpful" in Chalupa's efforts, she said, explaining that she traded information and leads with them. "If I asked a question, they would provide guidance, or if there was someone I needed to follow up with." But she stressed, "There were no documents given, nothing like that."

Chalupa said the embassy also worked directly with reporters researching Trump, Manafort and Russia to point them in the right directions. She added, though, "they were being very protective and not speaking to the press as much as they should have. I think they were being careful because their situation was that they had to be very, very careful because they could not pick sides. It's a political issue, and they didn't want to get involved politically because they couldn't."

Shulyar vehemently denied working with reporters or with Chalupa on anything related to Trump or Manafort, explaining "we were stormed by many reporters to comment on this subject, but our clear and adamant position was not to give any comment [and] not to interfere into the campaign affairs."

Both Shulyar and Chalupa said the purpose of their initial meeting was to organize a June reception at the embassy to promote Ukraine. According to the embassy's website, the event highlighted female Ukrainian leaders, featuring speeches by Ukrainian parliamentarian Hanna Hopko, who discussed "Ukraine's fight against the Russian

aggression in Donbas,” and longtime Hillary Clinton confidante Melanne Vermeer, who worked for Clinton in the State Department and was a vocal surrogate during the presidential campaign.

Shulyar said her work with Chalupa “didn’t involve the campaign,” and she specifically stressed that “We have never worked to research and disseminate damaging information about Donald Trump and Paul Manafort.”

But Andrii Telizhenko, who worked as a political officer in the Ukrainian Embassy under Shulyar, said she instructed him to help Chalupa research connections between Trump, Manafort and Russia. “Oksana said that if I had any information, or knew other people who did, then I should contact Chalupa,” recalled Telizhenko, who is now a political consultant in Kiev. “They were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa,” he said, adding “Oksana was keeping it all quiet,” but “the embassy worked very closely with” Chalupa.

In fact, sources familiar with the effort say that Shulyar specifically called Telizhenko into a meeting with Chalupa to provide an update on an American media outlet’s ongoing investigation into Manafort.

Telizhenko recalled that Chalupa told him and Shulyar that, “If we can get enough information on Paul [Manafort] or Trump’s involvement with Russia, she can get a hearing in Congress by September.”

Chalupa confirmed that, a week after Manafort’s hiring was announced, she discussed the possibility of a congressional investigation with a foreign policy legislative assistant in the office of Rep. Marcy Kaptur (D-Ohio), who co-chairs the Congressional Ukrainian Caucus. But, Chalupa said, “It didn’t go anywhere.”

Asked about the effort, the Kaptur legislative assistant called it a “touchy subject” in an internal email to colleagues that was accidentally forwarded to Politico.

Kaptur’s office later emailed an official statement explaining that the lawmaker is backing a bill to create an independent commission to investigate “possible outside interference in our elections.” The office added “at this time, the evidence related to this matter points to Russia, but Congresswoman Kaptur is concerned with any evidence of foreign entities interfering in our elections.”

...

Almost as quickly as Chalupa's efforts attracted the attention of the Ukrainian Embassy and Democrats, she also found herself the subject of some unwanted attention from overseas.

Within a few weeks of her initial meeting at the embassy with Shulyar and Chaly, Chalupa on April 20 received the first of what became a series of messages from the administrators of her private Yahoo email account, warning her that "state-sponsored actors" were trying to hack into her emails.

She kept up her crusade, appearing on a panel a week after the initial hacking message to discuss her research on Manafort with a group of Ukrainian investigative journalists gathered at the Library of Congress for a program sponsored by a U.S. congressional agency called the Open World Leadership Center.

Center spokeswoman Maura Shelden stressed that her group is nonpartisan and ensures "that our delegations hear from both sides of the aisle, receiving bipartisan information." She said the Ukrainian journalists in subsequent days met with Republican officials in North Carolina and elsewhere. And she said that, before the Library of Congress event, "Open World's program manager for Ukraine did contact Chalupa to advise her that Open World is a nonpartisan agency of the Congress."

Chalupa, though, indicated in an email that was later hacked and released by WikiLeaks that the Open World Leadership Center "put me on the program to speak specifically about Paul Manafort."

## **Republicans pile on Russia for hacking, get details on GOP targets**

By MARTIN MATISHAK and AUSTIN WRIGHT

In the email, which was sent in early May to then-DNC communications director Luis Miranda, Chalupa noted that she had extended an invitation to the Library of Congress forum to veteran Washington investigative reporter Michael Isikoff. Two days before the event, he had published a story for Yahoo News revealing the unraveling of a \$26 million deal between Manafort and a Russian oligarch related to a telecommunications venture in Ukraine. And Chalupa wrote in the email she'd been "working with for the past few weeks" with Isikoff "and connected him to the Ukrainians" at the event.

Isikoff, who accompanied Chalupa to a reception at the Ukrainian Embassy immediately after the Library of Congress event, declined to comment.

Chalupa further indicated in her hacked May email to the DNC that she had additional sensitive information about Manafort that she intended to share “offline” with Miranda and DNC research director Lauren Dillon, including “a big Trump component you and Lauren need to be aware of that will hit in next few weeks and something I’m working on you should be aware of.” Explaining that she didn’t feel comfortable sharing the intel over email, Chalupa attached a screenshot of a warning from Yahoo administrators about “state-sponsored” hacking on her account, explaining, “Since I started digging into Manafort these messages have been a daily occurrence on my yahoo account despite changing my password often.”

Dillon and Miranda declined to comment.

A DNC official stressed that Chalupa was a consultant paid to do outreach for the party’s political department, not a researcher. She undertook her investigations into Trump, Manafort and Russia on her own, and the party did not incorporate her findings in its dossiers on the subjects, the official said, stressing that the DNC had been building robust research books on Trump and his ties to Russia long before Chalupa began sounding alarms.

Nonetheless, Chalupa’s hacked email reportedly escalated concerns among top party officials, hardening their conclusion that Russia likely was behind the cyber intrusions with which the party was only then beginning to grapple.

Chalupa left the DNC after the Democratic convention in late July to focus fulltime on her research into Manafort, Trump and Russia. She said she provided off-the-record information and guidance to “a lot of journalists” working on stories related to Manafort and Trump’s Russia connections, despite what she described as escalating harassment.

About a month-and-a-half after Chalupa first started receiving hacking alerts, someone broke into her car outside the Northwest Washington home where she lives with her husband and three young daughters, she said. They “rampaged it, basically, but didn’t take anything valuable — left money, sunglasses, \$1,200 worth of golf clubs,” she said, explaining she didn’t file a police report after that incident because she didn’t connect it to her research and the hacking.

But by the time a similar vehicle break-in occurred involving two family cars, she was convinced that it was a Russia-linked intimidation campaign. The police report on the latter break-in noted that “both vehicles were unlocked by an unknown person and the

/2019

interior was ransacked, with papers and the garage openers scattered throughout the cars. Nothing was taken from the vehicles.”

Then, early in the morning on another day, a woman “wearing white flowers in her hair” tried to break into her family’s home at 1:30 a.m., Chalupa said. Shulyar told Chalupa that the mysterious incident bore some of the hallmarks of intimidation campaigns used against foreigners in Russia, according to Chalupa.

“This is something that they do to U.S. diplomats, they do it to Ukrainians. Like, this is how they operate. They break into people’s homes. They harass people. They’re theatrical about it,” Chalupa said. “They must have seen when I was writing to the DNC staff, outlining who Manafort was, pulling articles, saying why it was significant, and painting the bigger picture.”

In a Yahoo News story naming Chalupa as one of 16 “ordinary people” who “shaped the 2016 election,” Isikoff wrote that after Chalupa left the DNC, FBI agents investigating the hacking questioned her and examined her laptop and smartphone.

Chalupa this month told Politico that, as her research and role in the election started becoming more public, she began receiving death threats, along with continued alerts of state-sponsored hacking. But she said, “None of this has scared me off.”

...

While it’s not uncommon for outside operatives to serve as intermediaries between governments and reporters, one of the more damaging Russia-related stories for the Trump campaign — and certainly for Manafort — can be traced more directly to the Ukrainian government.

Documents released by an independent Ukrainian government agency — and publicized by a parliamentarian — appeared to show \$12.7 million in cash payments that were earmarked for Manafort by the Russia-aligned party of the deposed former president, Yanukovich.

The New York Times, in the August story revealing the ledgers’ existence, reported that the payments earmarked for Manafort were “a focus” of an investigation by Ukrainian anti-corruption officials, while CNN reported days later that the FBI was pursuing an overlapping inquiry.

One of the most damaging Russia-related stories during Donald Trump's campaign can be traced to the Ukrainian government. | AP Photo

Clinton's campaign seized on the story to advance Democrats' argument that Trump's campaign was closely linked to Russia. The ledger represented "more troubling connections between Donald Trump's team and pro-Kremlin elements in Ukraine," Robby Mook, Clinton's campaign manager, said in a statement. He demanded that Trump "disclose campaign chair Paul Manafort's and all other campaign employees' and advisers' ties to Russian or pro-Kremlin entities, including whether any of Trump's employees or advisers are currently representing and or being paid by them."

A former Ukrainian investigative journalist and current parliamentarian named Serhiy Leshchenko, who was elected in 2014 as part of Poroshenko's party, held a news conference to highlight the ledgers, and to urge Ukrainian and American law enforcement to aggressively investigate Manafort.

"I believe and understand the basis of these payments are totally against the law — we have the proof from these books," Leshchenko said during the news conference, which attracted international media coverage. "If Mr. Manafort denies any allegations, I think he has to be interrogated into this case and prove his position that he was not involved in any misconduct on the territory of Ukraine," Leshchenko added.

Manafort denied receiving any off-books cash from Yanukovich's Party of Regions, and said that he had never been contacted about the ledger by Ukrainian or American investigators, later telling POLITICO "I was just caught in the crossfire."

According to a series of memos reportedly compiled for Trump's opponents by a former British intelligence agent, Yanukovich, in a secret meeting with Putin on the day after the *Times* published its report, admitted that he had authorized "substantial kickback payments to Manafort." But according to the report, which was published Tuesday by BuzzFeed but remains unverified, Yanukovich assured Putin "that there was no documentary trail left behind which could provide clear evidence of this" — an alleged statement that seemed to implicitly question the authenticity of the ledger.

2016

### Inside the fall of Paul Manafort

By KENNETH P. VOGEL and MARC CAPUTO

The scrutiny around the ledgers — combined with that from other stories about his Ukraine work — proved too much, and he stepped down from the Trump campaign less than a week after the *Times* story.

At the time, Leshchenko suggested that his motivation was partly to undermine Trump. "For me, it was important to show not only the corruption aspect, but that he is [a] pro-Russian candidate who can break the geopolitical balance in the world," Leshchenko told the *Financial Times* about two weeks after his news conference. The newspaper noted that Trump's candidacy had spurred "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election," and the story quoted Leshchenko asserting that the majority of Ukraine's politicians are "on Hillary Clinton's side."

But by this month, Leshchenko was seeking to recast his motivation, telling Politico, “I didn’t care who won the U.S. elections. This was a decision for the American voters to decide.” His goal in highlighting the ledgers, he said was “to raise these issues on a political level and emphasize the importance of the investigation.”

In a series of answers provided to Politico, a spokesman for Poroshenko distanced his administration from both Leshchenko’s efforts and those of the agency that reLeshchenko Leshchenko leased the ledgers, The National Anti-Corruption Bureau of Ukraine. It was created in 2014 as a condition for Ukraine to receive aid from the U.S. and the European Union, and it signed an evidence-sharing agreement with the FBI in late June — less than a month and a half before it released the ledgers.

The bureau is “fully independent,” the Poroshenko spokesman said, adding that when it came to the presidential administration there was “no targeted action against Manafort.” He added “as to Serhiy Leshchenko, he positions himself as a representative of internal opposition in the Bloc of Petro Poroshenko’s faction, despite [the fact that] he belongs to the faction,” the spokesman said, adding, “it was about him personally who pushed [the anti-corruption bureau] to proceed with investigation on Manafort.”

But an operative who has worked extensively in Ukraine, including as an adviser to Poroshenko, said it was highly unlikely that either Leshchenko or the anti-corruption bureau would have pushed the issue without at least tacit approval from Poroshenko or his closest allies.

“It was something that Poroshenko was probably aware of and could have stopped if he wanted to,” said the operative.

And, almost immediately after Trump’s stunning victory over Clinton, questions began mounting about the investigations into the ledgers — and the ledgers themselves.

An official with the anti-corruption bureau told a Ukrainian newspaper, “Mr. Manafort does not have a role in this case.”

And, while the anti-corruption bureau told Politico late last month that a “general investigation [is] still ongoing” of the ledger, it said Manafort is not a target of the investigation. “As he is not the Ukrainian citizen, [the anti-corruption bureau] by the law couldn’t investigate him personally,” the bureau said in a statement.

Some Poroshenko critics have gone further, suggesting that the bureau is backing away from investigating because the ledgers might have been doctored or even forged.

Valentyn Nalyvaichenko, a Ukrainian former diplomat who served as the country's head of security under Poroshenko but is now affiliated with a leading opponent of Poroshenko, said it was fishy that "only one part of the black ledger appeared." He asked, "Where is the handwriting analysis?" and said it was "crazy" to announce an investigation based on the ledgers. He met last month in Washington with Trump allies, and said, "of course they all recognize that our [anti-corruption bureau] intervened in the presidential campaign."

And in an interview this week, Manafort, who re-emerged as an informal advisor to Trump after Election Day, suggested that the ledgers were inauthentic and called their publication "a politically motivated false attack on me. My role as a paid consultant was public. There was nothing off the books, but the way that this was presented tried to make it look shady."

He added that he felt particularly wronged by efforts to cast his work in Ukraine as pro-Russian, arguing "all my efforts were focused on helping Ukraine move into Europe and the West." He specifically cited his work on denuclearizing the country and on the European Union trade and political pact that Yanukovich spurned before fleeing to Russia. "In no case was I ever involved in anything that would be contrary to U.S. interests," Manafort said.

Yet Russia seemed to come to the defense of Manafort and Trump last month, when a spokeswoman for Russia's Foreign Ministry charged that the Ukrainian government used the ledgers as a political weapon.

"Ukraine seriously complicated the work of Trump's election campaign headquarters by planting information according to which Paul Manafort, Trump's campaign chairman, allegedly accepted money from Ukrainian oligarchs," Maria Zakharova said at a news briefing, according to a transcript of her remarks posted on the Foreign Ministry's website. "All of you have heard this remarkable story," she told assembled reporters.

...

Beyond any efforts to sabotage Trump, Ukrainian officials didn't exactly extend a hand of friendship to the GOP nominee during the campaign.

The ambassador, Chaly, penned an op-ed for The Hill, in which he chastised Trump for a confusing series of statements in which the GOP candidate at one point expressed a willingness to consider recognizing Russia's annexation of the Ukrainian territory of Crimea as legitimate. The op-ed made some in the embassy uneasy, sources said.

“That was like too close for comfort, even for them,” said Chalupa. “That was something that was as risky as they were going to be.”

Former Ukrainian Prime Minister Arseny Yatseniuk warned on Facebook that Trump had “challenged the very values of the free world.”

Ukraine’s minister of internal affairs, Arsen Avakov, piled on, trashing Trump on Twitter in July as a “clown” and asserting that Trump is “an even bigger danger to the US than terrorism.”

Avakov, in a Facebook post, lashed out at Trump for his confusing Crimea comments, calling the assessment the “diagnosis of a dangerous misfit,” according to a translated screenshot featured in one media report, though he later deleted the post. He called Trump “dangerous for Ukraine and the US” and noted that Manafort worked with Yanukovych when the former Ukrainian leader “fled to Russia through Crimea. Where would Manafort lead Trump?”

#### INVESTIGATIONS

### **Manafort’s man in Kiev**

By KENNETH P. VOGEL

The Trump-Ukraine relationship grew even more fraught in September with reports that the GOP nominee had snubbed Poroshenko on the sidelines of the United Nations General Assembly in New York, where the Ukrainian president tried to meet both major party candidates, but scored only a meeting with Clinton.

Telizhenko, the former embassy staffer, said that, during the primaries, Chaly, the country’s ambassador in Washington, had actually instructed the embassy not to reach out to Trump’s campaign, even as it was engaging with those of Clinton and Trump’s leading GOP rival, Ted Cruz.

“We had an order not to talk to the Trump team, because he was critical of Ukraine and the government and his critical position on Crimea and the conflict,” said Telizhenko. “I was yelled at when I proposed to talk to Trump,” he said, adding, “The ambassador said not to get involved — Hillary is going to win.”

This account was confirmed by Nalyvaichenko, the former diplomat and security chief now affiliated with a Poroshenko opponent, who said, “The Ukrainian authorities closed all doors and windows — this is from the Ukrainian side.” He called the strategy “bad and short-sighted.”

Andriy Artemenko, a Ukrainian parliamentarian associated with a conservative opposition party, did meet with Trump's team during the campaign and said he personally offered to set up similar meetings for Chaly but was rebuffed.

"It was clear that they were supporting Hillary Clinton's candidacy," Artemenko said. "They did everything from organizing meetings with the Clinton team, to publicly supporting her, to criticizing Trump. ... I think that they simply didn't meet because they thought that Hillary would win."

Shulyar rejected the characterizations that the embassy had a ban on interacting with Trump, instead explaining that it "had different diplomats assigned for dealing with different teams tailoring the content and messaging. So it was not an instruction to abstain from the engagement but rather an internal discipline for diplomats not to get involved into a field she or he was not assigned to, but where another colleague was involved."

And she pointed out that Chaly traveled to the GOP convention in Cleveland in late July and met with members of Trump's foreign policy team "to highlight the importance of Ukraine and the support of it by the U.S."

Despite the outreach, Trump's campaign in Cleveland gutted a proposed amendment to the Republican Party platform that called for the U.S. to provide "lethal defensive weapons" for Ukraine to defend itself against Russian incursion, backers of the measure charged.

The outreach ramped up after Trump's victory. Shulyar pointed out that Poroshenko was among the first foreign leaders to call to congratulate Trump. And she said that, since Election Day, Chaly has met with close Trump allies, including Sens. Jeff Sessions, Trump's nominee for attorney general, and Bob Corker, the chairman of the Senate Foreign Relations Committee, while the ambassador accompanied Ivanna Klymush-Tsintsadze, Ukraine's vice prime minister for European and Euro-Atlantic integration, to a round of Washington meetings with Rep. Tom Marino (R-Pa.), an early Trump backer, and Jim DeMint, president of The Heritage Foundation, which played a prominent role in Trump's transition.

...

Many Ukrainian officials and operatives and their American allies see Trump's inauguration this month as an existential threat to the country, made worse, they admit, by the dissemination of the secret ledger, the antagonistic social media posts and the perception that the embassy meddled against — or at least shut out — Trump.

"It's really bad. The [Poroshenko] administration right now is trying to re-coordinate communications," said Telizhenko, adding, "The Trump organization doesn't want to talk to our administration at all."

During Nalyvaichenko's trip to Washington last month, he detected lingering ill will toward Ukraine from some, and lack of interest from others, he recalled. "Ukraine is not on the top of the list, not even the middle," he said.

Poroshenko's allies are scrambling to figure out how to build a relationship with Trump, who is known for harboring and prosecuting grudges for years.

A delegation of Ukrainian parliamentarians allied with Poroshenko last month traveled to Washington partly to try to make inroads with the Trump transition team, but they were unable to secure a meeting, according to a Washington foreign policy operative familiar with the trip. And operatives in Washington and Kiev say that after the election, Poroshenko met in Kiev with top executives from the Washington lobbying firm BGR — including Ed Rogers and Lester Munson — about how to navigate the Trump regime.

## Ukrainians fall out of love with Europe

By DAVID STERN

Weeks later, BGR reported to the Department of Justice that the government of Ukraine would pay the firm \$50,000 a month to "provide strategic public relations and government affairs counsel," including "outreach to U.S. government officials, non-government organizations, members of the media and other individuals."

Firm spokesman Jeffrey Birnbaum suggested that "pro-Putin oligarchs" were already trying to sow doubts about BGR's work with Poroshenko. While the firm maintains close relationships with GOP congressional leaders, several of its principals were dismissive or sharply critical of Trump during the GOP primary, which could limit their effectiveness lobbying the new administration.

The Poroshenko regime's standing with Trump is considered so dire that the president's allies after the election actually reached out to make amends with — and even seek assistance from — Manafort, according to two operatives familiar with Ukraine's efforts to make inroads with Trump.

Meanwhile, Poroshenko's rivals are seeking to capitalize on his dicey relationship with Trump's team. Some are pressuring him to replace Chaly, a close ally of Poroshenko's who

is being blamed by critics in Kiev and Washington for implementing — if not engineering — the country's anti-Trump efforts, according to Ukrainian and U.S. politicians and operatives interviewed for this story. They say that several potential Poroshenko opponents have been through Washington since the election seeking audiences of their own with Trump allies, though most have failed to do so.

“None of the Ukrainians have any access to Trump — they are all desperate to get it, and are willing to pay big for it,” said one American consultant whose company recently met in Washington with Yuriy Boyko, a former vice prime minister under Yanukovych. Boyko, who like Yanukovych has a pro-Russian worldview, is considering a presidential campaign of his own, and his representatives offered “to pay a shit-ton of money” to get access to Trump and his inaugural events, according to the consultant.

The consultant turned down the work, explaining, “It sounded shady, and we don't want to get in the middle of that kind of stuff.”

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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: LAURA KATHERINE COOPER

Wednesday, October 23, 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 2:58 p.m.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Heck, Maloney, Demings, Krishnamoorthi, Stefanik, and Ratcliffe.

Also Present: Representatives Cicilline, Kelly, Rouda, Jordan, Meadows, Wright, McCaul, Perry, Roy, and Zeldin.



[REDACTED]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]

For LAURA COOPER:

DANIEL LEVIN, ESQ.  
White & Case LLP  
701 Thirteenth Street, NW  
Washington, D.C. 20005-3807

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THE CHAIRMAN: The House Parliamentarian will be delivering a statement about the House rules, stating that any Members that remain will be in violation of the House rules.

We've already dispensed with enough time of this witness, so I'm going to forego my opening statement. I would urge the minority to do the same so we can begin the questioning.

Mr. Goldman, you are recognized.

MR. GOLDMAN: Thank you, Mr. Chairman.

This is a deposition of Laura Cooper conducted by the House Permanent Select Committee on Intelligence, pursuant to the impeachment inquiry announcement by the Speaker of the House on September 24th.

Ms. Cooper, we apologize to you for the 5-hour delay as a result of some unauthorized Republican Members being present, but we appreciate that you are here today and that you waited to take your testimony.

If you could, please state your full name and spell it for the record.

MS. COOPER: My name is Laura Katherine Cooper, L-a-u-r-a, Katherine, K-a-t-h-e-r-i-n-e, Cooper, C-o-o-p-e-r.

MR. GOLDMAN: Thank you. Along with other proceedings in furtherance of the inquiry, 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 and minority staff from all three committees.

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This is a staff-led deposition, but 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 for the HPSCI majority staff. And I want to do some brief introductions right now. To my right is Nicolas Mitchell, Senior Investigative Counsel for HPSCI. Mr. Mitchell will be doing the bulk of the questioning today for the majority.

And I'll now ask my counterparts on the minority staff to introduce themselves.

MR. CASTOR: Steve Castor, Republican staff of the Oversight Committee.

[REDACTED]

[REDACTED]

[REDACTED].

MR. GOLDMAN: This deposition will be conducted entirely at the unclassified level. However, we are in HPSCI 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 are reminded that EO-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

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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 that you provide today.

You and your attorney will have an opportunity to review the transcript at a later date.

Before we begin, I would like to go over the ground rules for this 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 one hour to ask questions. Then the minority will be given one 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 House deposition rules, counsel for other persons or government agencies may not attend. You are allowed to have an attorney present during this deposition, and I see that you have brought one.

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At this time, if counsel could please state his appearance for the record.

MR. LEVIN: Daniel Levin.

MR. GOLDMAN: There is a stenographer taking down everything that is said 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 endeavor to wait until you finish your response before asking 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 you give full and complete answers to all questions asked of you. Omissions may also be considered as false statements.

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As this deposition is under oath, Ms. Cooper, would you please stand and raise your right hand to be sworn.

Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

MS. COOPER: I do.

MR. GOLDMAN: Thank you.

The record will reflect that the witness has been sworn, and you may be seated. With that, Ms. Cooper, if you have any opening remarks, now would be the time.

MS. COOPER: Thank you. I look forward to answering your questions. I do not have any opening remarks.

MR. GOLDMAN: I'll now yield to Mr. Mitchell for the majority's 1-hour round.

## EXAMINATION

BY MR. MITCHELL:

Q Good afternoon, ma'am. Would you please state your title.

A My title is Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia.

Q Can you just generally describe your duties and responsibilities?

A My portfolio spans first Russia, and the Russia portfolio includes current events, current policy towards Russia, as well as long-term strategy on Russia for the Department of Defense.

I also cover a number of countries that are former states of the Soviet Union, particularly Ukraine, also Georgia. I also cover

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Azerbaijan and Armenia as well as Moldova and Belarus.

Finally, in terms of the regional part of my portfolio, I also handle the countries of the Western Balkans. So this includes Bosnia-Herzegovina, Albania, Croatia, Serbia, North Macedonia, and Montenegro, and Kosovo. And then, finally, I handle the conventional arms control portfolio for the Department of Defense.

Q Today we're going to be focusing primarily on Ukraine-related issues. What percentage of your portfolio would you say, or how much time do you spend on Ukraine-related matters?

A So I would say it fluctuates over time, but up to 25 percent.

Q And within the Ukraine portfolio, in that 25 percent of the time, what types of matters are you working on within Ukraine?

A So my primary focus is on building a strong relationship with Ukrainian Ministry of Defense and Ukrainian Armed Forces, and building the capacity of the Ukrainian Armed Forces to resist Russian aggression. So, as part of that, I oversee DOD's security assistance to Ukraine.

Q I think we're going to get into more detail during the course of this deposition, but can you just generally describe whether you have any interactions, specifically in connection with the Ukrainian portfolio, with members of the Department of State?

A Absolutely. I talk with my State Department counterparts quite frequently about Ukraine and, really, the whole range of my portfolio.

Q And what about OMB, specifically with regard to Ukraine?

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A I do not routinely interact with OMB, although over the course of the summer, participated in a couple of meetings with OMB, perhaps more than a couple -- I'd have to double-check the number -- and had one phone conversation with an official from OMB over this past summer. But that would not be typical of my position.

Q What about National Security Council, again, for the Ukraine-related matters?

A So for Ukraine-related matters, I correspond, or speak quite frequently, at least weekly, with NSC counterparts.

Q And that's a matter of routine. Is that right?

A That's just routine.

Q And is that because you coordinate with the National Security Council regarding U.S. policy with regard to Ukraine as well as other geographic regions?

A Absolutely.

Q What about the Office of the Vice President?

A It has been quite some time that I have interacted with the Office of the Vice President. And it has depended over time on particular staff members and their interest in my portfolio and what the Defense Department is working on.

I actually cannot recall any instances within the past, say, 6 months to a year of direct interaction with one person from the Office of the Vice President, but it's important to note that the Office of the Vice President is usually present at interagency policy meetings.

Q Like the ones that you were describing that took place during

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the course of this summer?

A Yes, that is correct.

Q And, again, we'll get into more detail a little bit later. What about White House counsel?

A I have not had any direct interactions that I can recall with White House counsel in the foreseeable past, although I would not be surprised if they were participating, at least by sitting in on some of these interagency meetings, but I can't really recall anything that they've said in these meetings recently.

Q And what about direct contact with Ukrainian officials?

A So, I have relatively frequent direct contact with Ukrainian officials. I cochair a Bilateral Defense Consultation Forum every year to 18 months, and in the lead-up to those meetings, have contacts with Ministry of Defense officials.

I also tend to receive visiting parliamentarians from Ukraine. When they come to Washington, they'll stop by the Pentagon and see me.

Those are just examples.

Q And do you have any contacts with Ukrainian officials about security assistance specifically?

A With the Ministry of Defense, my consultations relate to setting priorities for security assistance and progress in implementing security assistance.

Q So I think today we're going to focus on two different types of security assistance to Ukraine. The first is the DOD-administered Ukraine Security Assistance Initiative, which I understand is USAI,

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as well as the state-administered Foreign Military Financing, which is FMF.

A Uh-huh.

Q Can you just generally describe those two different programs for us?

A Certainly. I would first start by, of course, noting the obvious of the different oversight authority. State Department is in the lead when it comes to FMF. So for FMF, the Defense Department is playing an implementing role and a coordinating role with respect to policy, whereas the Ukraine Security Assistance Initiative is a DOD authority. So we are in the lead for the policy and the implementing, and the State Department is in a coordinating role. But both -- both authorities allow us to support Ukrainian Armed Forces in defending themselves against Russian aggression.

Q And so what types of things does Ukraine get from this U.S. security assistance? And you can talk about it both as to USAI as well as to FMF.

A Sure. So for me, I probably can't give you a very comprehensive list just off the top of my head, and I'm certainly more familiar with the Ukraine Security Assistance Initiative. But just to give an example of some of the things that we included in the USAI package for this year was a very wide range of capabilities, ranging from night vision goggles and vehicles to counter-battery radars, sniper rifles. Those are just -- medical equipment. Those are just some examples of the kinds of things that were included in this year's

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Ukraine Security Assistance Initiative package.

The most notable item that we funded through FMF in the recent past, although this is going back beyond this year's tranche of money, was the Javelin anti-armor system, which we used FMF to fund.

Q Was that in 2017?

A I'd have to double-check the date. I believe it was.

Q Were you involved in that FMF funding for Javelins in 2017?

A So -- yes. I was involved in the interagency process that resulted in the decision and then the implementation of it.

Q Again, we'll have more questions about that later. Do other countries also provide economic and security assistance to Ukraine, just like the U.S.?

A There are a number of other countries that provide both economic and security assistance.

Q Including the EU?

A I actually am not familiar with the EU as an institution, but a number of EU member states, I am familiar with their particular contributions. The EU funds tend to be on the economic side; and because I focus on defense and security, I'm less familiar with those.

Q What about the amounts of assistance provided by the U.S. versus other European countries, for example, are you familiar with those numbers?

A I couldn't give you the specific numbers, but the U.S. -- the U.S. contributions are far more significant than any individual country. Whether the collective contributions outweigh the U.S., I

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don't have that figure.

Q Now, you indicated earlier that the security assistance is used by Ukraine to thwart Russian aggression, correct?

A Correct.

Q How important is security assistance to Ukrainians?

A Security assistance is vital to helping the Ukrainians be able to defend themselves.

Q Can you explain a little bit more?

A Well, if you go back to 2014, when Ukraine found itself under attack by Russia, the state of the Ukrainian Armed Forces was significantly less capable than it is today, and that capability increase is largely the result of U.S. and allied assistance.

And now what you see is a Ukrainian armed force that is able to better deter Russian aggression, and you've seen a drop in the kinetic action, although not -- not a complete lack of hostilities, certainly. We still have casualties on a regular basis.

Q So the security assistance that's provided by the U.S. is within the Ukrainians' national interest, obviously. Is that right?

A Absolutely.

Q And what about within the U.S. national interest?

A It is also within the U.S. national interest to provide security assistance to Ukraine.

Q Given this is an unclassified interview, with that constraint in mind, can you explain how it's within the U.S. national security interest to provide this aid to Ukraine?

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A Ukraine, and also Georgia, are the two front-line states facing Russian aggression. In order to deter further Russian aggression, we need to be able to shore up these countries' abilities to defend themselves. That's, I think, pure and simple, the rationale behind our strategy of supporting these countries. It's in our interest to deter Russian aggression elsewhere around the world.

Q And would you also agree that the U.S. security assistance to Ukraine is also helpful to Europe as a whole with regard to thwarting any sort of Russian aggression?

A Absolutely.

Q In 2018 and 2019, has Ukrainian security assistance received bipartisan support?

A It has always received bipartisan support, in my experience.

Q And that's both in the House and the Senate?

A Absolutely, in my experience.

Q And what about at the interagency level?

A I have witnessed, even in the recent past, overwhelming consensus in favor of providing Ukraine security assistance.

Q And when you say "within the recent past," you mean even over the course of this year?

A Even over the course of the summer.

Q Can you describe your own involvement in USAI and FMF matters?

A Sure. I mean, I think the first part is with the process of defining what the requirements are for the Ukrainian Armed Forces,

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and looking at what authorities and what resources we can use to support those requirements.

So, in my role, I'm receiving input from the field, from European Command, and from our team at the U.S. Embassy in Kyiv as to the requirements; and then, I am overseeing a team that's putting together a package -- packages, really -- to support their needs via FMF and via Ukraine Security Assistance Initiative.

I delve into much greater detail with respect to Ukraine Security Assistance Initiative than I do with FMF, because of my responsibility as a defense official.

MR. HECK: Mr. Mitchell, on behalf of the elderly at this end of the table, myself included, could I respectfully request you both eat your mics? We're really having difficulty hearing.

MS. COOPER: This is better? I apologize.

BY MR. MITCHELL:

Q But with regard to FMF, you also have some exposure and some knowledge of that program as well, based on your role and responsibilities at DOD?

A Absolutely.

Q In layman's terms and perhaps at a high level, can you generally describe the relevant milestones for USAI funding from appropriation all the way through to obligation of the funds, at a high level?

A Certainly. I will attempt to do so. Because USAI -- there are two pieces that I'll discuss, the conditionality piece, and the

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actual allocation of resources.

The conditionality piece relates to the NDAA provision that requires that half of the funding be conditioned on Ukraine making sufficient progress in defense reforms. So that part of the process involves my office very closely.

At the beginning of the year, when we know how much funding we will be receiving, we take stock of Ukraine's reform needs, and develop a set of criteria that we want to use to gauge progress in defense reform.

Last year, I delivered that set of broad criteria to the Ukraine Defense Ministry in December, when I visited them.

Q So this is after Congress has done the --

A This is after.

Q -- authorization and the appropriation, correct?

MR. LEVIN: Let him finish the question.

BY MR. MITCHELL:

Q So this is after Congress has authorized and appropriated the funds, correct?

A Correct, correct.

So at that point, we convey to the Ukrainians our expectations for reform, and we support them in the reform process, so that later in the year we will be able to certify the reforms.

Q So there is engagement with the Ukrainians during this stage. Is that correct?

A Yes, there is engagement with the Ukrainians throughout this

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stage.

Q Is there also -- are there also interagency meetings here in the United States during this phase as well?

A Yes. And if I could correct the notion of a phase, these are really parallel processes, but they occur over the span of the entire year. So we're having conversations internal to the Defense Department with the Ukrainians and across the interagency about defense reform, and about what our expectations are for progress in defense reform from the moment that we outline those conditions -- in this case, last year it was in December -- all the way through to the point that we actually certify to the U.S. Congress that we believe Ukraine has made sufficient progress.

So we discuss our assessment of progress. We discuss what the conditions should be, and then we discuss what the assessment of progress is internal to the Defense Department, but also with our interagency colleagues.

And then, in parallel with that, we work the actual process of identifying the specific equipment requirements and specific funding needs. And when we are prepared with the precise packages, we notify the U.S. Congress, and we do that in two tranches, because of the conditionality requirement.

So the first tranche, this past year, we notified in the spring, I can't recall the exact date off the top of my head; and then the second tranche was notified in May.

Q And the notification process that you're describing, these

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are Congressional Notifications, also sometimes called CNs. Is that correct?

A Yes.

Q Does DOD give the CN to OMB before it goes to Congress?

A No. There's a different process for DOD than there is for State with the FMF process.

Q Can you describe that difference?

A So State Department -- my understanding from State Department colleagues and from this past summer is that OMB actually has to approve the Congressional Notification before it comes over to the Hill.

That is not the case for Ukraine Security Assistance Initiative. We certainly coordinated this conditionality defense reform language and the assistance content with our interagency colleagues, but there was no requirement for DOD to run the Congressional Notification through OMB.

Q All right. So once DOD gives the CN to Congress, is there a -- it sounds like you want to say something.

A State Department. Oh, once DOD gives the USAI?

Q Correct.

A Okay.

Q Once DOD gives USAI CN to Congress, what happens next?

A Well, there's a particular waiting period. I want to say 15 days, but you may correct me if I have that wrong. And then we are able to obligate funding after that period of time.

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In the case of this past year, I recall that for the late May notification of tranche two, HAC-D had some questions. I don't remember the exact nature of the questions, but I remember they had some questions. So it kind of -- it took us past that 15-day mark. But after that point, we were able to go ahead and start obligating funding.

Q I think, again, we'll get into some detail as to what happened during the course of 2019, but --

MR. ROY: May I ask, who had questions? I didn't understand that acronym.

MR. MITCHELL: HAC-D.

MR. ROY: Oh, thanks. I didn't hear you.

BY MR. MITCHELL:

Q So after the 15 days have elapsed or Congress green lights or clears the CN, what happens after that?

A The Defense Department starts to obligate funding, and that's the purview -- the lead for that is Defense Security Cooperation Agency.

Q Are you involved in that process?

A I am a step removed from the actual process of obligating funding.

Q And OMB does apportionments as well. Is that right?

A That is correct.

Q And what do you know about OMB's role in doing apportionments?

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A Well until this past summer, I didn't know anything about it, but I will -- I can say that my understanding as a policy official -- and I'm not a comptroller -- is that OMB essentially gives permission for the flow of funding and can provide, you know, specific guidance about that flow of funding.

Q So before DOD can put moneys onto contract or obligate the funds, OMB needs to do an apportionment?

A That is my understanding.

Q Now, you mentioned, during this period prior to the CN, there's a lot of work that's done on your end to make sure that Ukraine is meeting the various institutional requirements, reform requirements. Can you describe what those are?

A Yes. I want to emphasize that, from my perspective as a DOD official managing Ukraine security assistance, we appreciate the provision in the NDAA that calls for defense reform progress, and it allows us to have a very practical tool to encourage defense reform.

The language in the NDAA is not specific to exact reforms that must be accomplished but, rather, is a broad call for reform. So we elect, internal to the Defense Department and in consultation with interagency colleagues, to come up with loose benchmarks that we can then describe to the Ukrainian Ministry of Defense and monitor progress toward.

In the past year, the benchmarks were different from what they will be for the next year, because we're always looking at what the next important set of reforms would be.

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So I can give you a quick example. This past year, we were looking at a few things. We were looking at progress on command and control reform. We were looking at a commitment to pursue defense industry reform. We were looking to the Ukrainian Government to pass a law that would enable government-to-government procurement. This would enable them to use our FMS system. And these are examples of some of the benchmarks.

The year before, it had just been one broad category. We wanted them to codify in law, their law on national security, the key reforms that they would need to take to become NATO interoperable.

So each year it's different, depending on what we think are the most important steps, but also the most practical steps to advance reform.

Q Were there anticorruption benchmarks within the last year?

A So all of these relate to anticorruption. Thank you for raising that. The FMS law, as we loosely call it, the law that allows them to do government-to-government procurement, will enable significant anticorruption efforts, because it will break the stranglehold that Ukroboronprom has on government procurement and allow for a truly competitive environment for government purchases. So that's one example of how these reforms are intrinsic with anticorruption.

MR. SWALWELL: Do you mind spelling that?

MS. COOPER: Ukroboronprom? Okay, let me write it down.

MR. MITCHELL: Usual spelling.

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MS. COOPER: Okay. Sometimes it's called UOP for short. It's U-k-r-o-b-o-r-o-n-p-r-o-m.

BY MR. MITCHELL:

Q And who determines whether these benchmarks have been met?

A So that is a question for interagency assessment informed by a number of things, to include my own judgment, to include the judgment of the U.S. Embassy team, to include the judgment of our key advisers on defense reform. General Dayton, retired General Dayton, is our senior adviser on defense reform.

So we're pulling in all the views of the key experts on Ukraine defense, and coming up with a consensus view, and then we run that up the chain in the Defense Department, to ensure we have approval. And in this case, in May of this year, it was Under Secretary of Defense for Policy, John Rood, who provided the certification to Congress, but that was after coordination with the State Department.

Q So the consensus view that you're describing ultimately results in the certification and the CN that was by John Rood this year. But prior to that, is there memorialization of how Ukraine has met the various different benchmarks when you float it up the chain?

A The only memorialization that I'm recalling at this moment that is in one document is, in fact, the package for the Congressional Notification, although it's fair to say on each of these individual reforms, we have a lot of correspondence back and forth with the field and within the interagency about progress throughout the course of the year.

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Q And how long have you personally been involved in USAI?

A Since I took my position as principal director for the Russia, Ukraine, Eurasia Office back in 2016.

Q So since 2016, during your tenure, has Ukraine always met the required benchmarks in order to receive USAI funds?

A Yes. We're only talking about 2 years, though.

Q And would you agree or disagree that Ukraine has generally made forward progress, again, over the course of your tenure when you have been monitoring these benchmarks?

A Yes. I see significant forward progress.

Q Now, you mentioned that USAI funds come in two different tranches. Is that right?

A That is correct, although we divide it into two different tranches, based on a number of practical considerations. One is the long lead time for certain equipment items. So the items that we notify earlier in the year tend to be those that have a very long lead time for actually getting them on contract.

And the other is because of this conditionality provision, we want to allow the year to play out so that Ukraine can continue to make these reforms before we come back with the second notification.

Q What do you mean by items that require significant lead time?

A I am not a procurement expert, but my -- the advice that I have received from Defense Security Cooperation Agency is that, you know, some items, particularly those that are higher technology -- the Javelin, for instance, that was something that was procured via FMF,

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to take advantage of that longer lead time. So I think it depends on the specific contracting process.

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

BY MR. MITCHELL:

Q I'm going to hand you exhibit 1. It's a multipage document, but I'm really only going to focus on the first page here. Do you recognize this document?

A Yes. I think it's our first -- it's our first Congressional Notification. Yes.

Q And what's the date of this particular CN?

A Well, strangely, it has two -- it has two dates on it, so I'm not sure which is the authoritative date. My recollection is that it was, you know, closer to March, but --

Q And those two dates are February 28th, 2019, and March 5th, 2019?

A Yes, that is correct, on the document anyway.

Q And were you involved in putting together this particular CN?

A Yes, I approved it on its way up.

Q And this is signed by Under Secretary of Defense John Rood, correct?

A Correct.

Q What was his role in preparing or evaluating the CN and the package that goes behind it?

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A So, as the final signature authority, he reviewed the recommendations of his staff, and I would be one of his key advisers on this.

Q Acting Assistant Under Secretary of Defense Katie Wheelbarger, what is her role?

A I'll just correct her title. It's the Acting Assistant Secretary of Defense for International Security Affairs. She is the official in the chain of command in between me and Under Secretary Rood. Now, there is also a Deputy Under Secretary of Defense for Policy who is in between ASD Wheelbarger and Under Secretary Rood.

Q And what's that person's name?

A Well, that position is in an acting capacity right now. For the most of the past year, that position was occupied by David Trachtenberg, the DUSDP position.

Q And what was Ms. Wheelbarger's role with regard to this March CN?

A So, the normal procedure would have been for her to review this on its way to Under Secretary Rood. I can't tell you for certain whether she, in fact, reviewed this exact package, but she, you know, reviewed a number of Ukraine-related actions.

Q And earlier, you indicated there was a 15-day window for Congress to act. Do you know what happened during that 15-day window for the March CN?

A I cannot recall anything significant.

Q So, to the best of your recollection, that --

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A That's just my recollection.

Q So, to the best of your recollection, the CN was cleared by Congress?

A That was -- so as I recall it -- again, my memory could be faulty -- the only questions that we received that caused a delay were for the May notification. This one, I don't recall any specific questions, but there could have been.

Q Are you aware that there was the first round of Presidential elections in Ukraine at the end of March of 2019?

A Absolutely.

Q Do you know whether those Presidential elections affected the clearing of this March CN?

A I do not recall any actual hindrance and, you know, that -- I just don't recall any.

Of course, the other thing I would say is, you know, at the time we were pretty focused on the elections themselves, not necessarily on this. So I'm not -- I'm just not sure.

Q Do you know whether the Department of Defense put any funds onto contract with regard to this first tranche?

A Well, ultimately, yes.

Q Prior to September of this year?

A Prior to September? I don't have the specific information on each case and when each case was obligated. All I can say is my understanding is that by -- by July timeframe we had started to obligate, but I don't know which specific items. And --

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Q So those obligations could have gone to the first tranche or the second tranche?

A At my level, you know, I personally was not tracking exactly which item was obligated. I was merely looking for progress, and the assurance that we would be able to obligate everything by the end of the fiscal year.

Q And do you know how much money had been obligated by this July time period, whether it's the first or the second tranche?

A I don't. It wasn't very much, though. I know that much, again, because the process for obligating funding, my understanding of it from our experts is that it just takes quite some time. So because the earlier notification, this notification reflected a lot of long lead time items, they were only just starting to be in the window in which we'd be obligating by midsummer.

Q Now, you indicated, I believe earlier, that the first tranche does not require the certification for the benchmarks. Is that correct?

A So the requirement is to certify half. So it -- you know, we decided to present a notification of half, and then wait to certify the progress for the second half.

I'm trying to be careful to not mischaracterize the actual NDAA provision, but, you know, I trust that we can refer to that specifically as needed.

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

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BY MR. MITCHELL:

Q I'm going to hand you exhibit 2. Do you recognize this document?

A Yes, I do.

Q And what is it?

A So this is the second notification document, and this is the document that, you know -- that describes the certification of sufficient progress on defense reform. So in addition to notifying the specific equipment items, this document also describes the certification process.

Q Can you point us to that certification in this document?

A So if you -- if you look at the bottom paragraph, that describes -- it says, "the primary methodology used to inform this certification." That paragraph gives you a more detailed background on what I described to you earlier.

And at the very top of the letter, it outlines that the government of Ukraine has taken substantial actions to make defense institutional reforms for the purpose of decreasing corruption, increasing accountability, and sustaining improvements of combat capability. And that is the crux of the certification right there.

Q And you just quoted from the very first sentence of this letter?

A I did. If you look at the first sentence and then you look at the bottom paragraph, together that's kind of the discussion about certification.

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Q And you indicated that the Department of State played a coordinating role with regard to USAI. Is that correct?

A Yes, that is correct.

Q So would this certification have been done in coordination with the Secretary of State as well?

A I can tell you that we coordinated it with the State Department, but I do not know which official -- which official at the State Department coordinated. It was in coordination with the Secretary of State.

But just as Under Secretary Rood was signing for the Secretary of Defense, I just don't know if it was Secretary Pompeo or if it was an official who had been delegated the responsibility.

Q All right. But suffice to say that this certification memorializes that Ukraine had met all the necessary anticorruption requirements as well as other benchmarks that you described earlier under U.S. law in order to obtain this second tranche of USAI funding?

A That is correct.

Q And what was the total amount of the two tranches?

A The total amount was 250.

Q \$250 million?

A Yes. I'm sorry.

Q Now, you indicated that there may have been some delay with regard to the 15-day clearing period. Is that right?

A That is my recollection.

Q But it eventually was cleared by Congress?

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A It was eventually cleared. And by mid June, we had announced it and were moving out on it.

Q Okay. And when you say, "by mid June, we had announced it," are you referring to the June 18th public release by the Department of Defense?

A That is exactly what I'm referring to. Thank you.

Q Were you involved, in any way, in the issuance of that public release?

A Yes. I coordinated on the content of it.

Q And when you say "coordinated on the content," does that mean -- what does that mean?

A So that means -- so in this case, I believe that my staff helped draft it, in consultation with our public affairs staff. Then they provided me with the draft for review, and I approved it.

Q And that release essentially said that the Department of Defense was planning on providing \$250 million to Ukraine in security cooperation funds for training, equipment, and advisory efforts to build the capacity of Ukraine's Armed Forces. Is that consistent with your recollection of the release?

A That would be the gist of it.

Q And what was the -- I guess, what was the effect of this release on June 18th by DOD?

A Well, one effect was that the Ukraine Embassy and the Ukraine Government thanked us for making that public. They had been looking for a public acknowledgement of the assistance, not because this was

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unusual, just they appreciate it when allies publicly note what kind of support we're providing Ukraine.

So that was an immediate reaction. We got a thank you phone call from the -- my staff did, anyway -- from the Ukraine Embassy; and our team in Kyiv, in the Defense Attache Office, heard appreciation.

But the second potential effect -- and I want to be clear that I am speculating here -- was that a few days later, we got a question from my chain of command forwarded down from the chief of staff, I believe, from the Department of Defense, asking for follow-up on a meeting with the President.

And it said, there are three questions. I believe it was -- I think it was three questions for follow-up from this meeting, no further information on what the meeting was.

And the one question was related to U.S. industry. Did U.S. -- is U.S. industry providing any of this equipment?

The second question that I recall was related to international contributions. It asked, what are other countries doing, something to that effect.

And then the third question, I don't recall -- I mean, with any of these I don't recall the exact wording, but it was something to the effect of, you know, who gave this money, or who gave this funding?

So when my office responded to these questions, we speculated that perhaps someone in the White House had seen our press release and then seen an article that came out after the press release. And the article that came out afterwards had a headline that could have been a little

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bit misleading, because the headline said something like, you know, U.S. gives 250 million to Ukraine, something that didn't explain this is equipment and it's, you know, U.S. industry and all that sort of thing.

So, again, I'm speculating here a little bit, but we did get that series of questions just within a few days after the press release and after that one article that had the headline.

Q Who was this email from? You mentioned the chief of staff.

A Yes. It came through a number of people before it reached my desk. I don't recall exactly how many people. But it came from the chief of staff to the Secretary of Defense, in our building, anyway.

Q And prior to your office responding to these series of questions, did you seek any further clarity on who was asking these questions or what these questions were about?

A So I think we asked. You know, we asked our various front offices, do you have any more insight? Do you have any more detail? Did this come from that news article? You know, we kind of asked, but nobody that we spoke with -- and it was -- to my recollection, this is just front office staff as opposed to conversations among principals. No one had any additional insight. So we, you know, dutifully responded to that email with some fact sheets.

Q Was there a response to your response?

A I never received a response.

Q Prior to the issuance of this June 18th DOD statement, was there any talk of a potential hold on USAI or FMF funding?

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A No. And just to be clear, I'm not suggesting that there was talk on or about June 18th of a hold. All that I received at my level was that series of questions, and then we responded to those questions and, frankly, just moved on with the normal process.

Q So when you received those questions, the first thing that popped in your mind was not that this was a potential hold coming down the pike?

A Not at all.

Q Okay. When you said chief of staff, what did you mean by that?

A There's a position in the Secretary of Defense's front office. Eric Chewning is the current incumbent.

Q But you indicated that you thought this might come from the White House. Did I mishear you?

A No. The way the email was phrased, it said follow-up from POTUS meeting, so follow-up from a meeting with the President. So, you know, I'm thinking that the questions were probably questions from the President. That's how I interpreted that subject line.

Q Did you ever get any more clarity on what this POTUS meeting was?

A I never did.

Q This response that you sent back, this email, how was it communicated back to the White House, if you know?

A I do not know how it was communicated back to the White House.

Q So when was the first time that you learned that there was

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a hold on USAI funds?

THE CHAIRMAN: Well, for clarity, so you get this email. And I think we've talked about two different chiefs of staff, which might be a bit confusing. There's the chief of staff at the Defense Department and then there's a chief of staff of the President.

MS. COOPER: Yes.

THE CHAIRMAN: Did the emails seem to originate from the chief of staff of the President?

MS. COOPER: No, sir. The email originated from the chief of staff to the Secretary of Defense, but it --

THE CHAIRMAN: Chief of staff of the President or chief of staff of the Defense Department?

MS. COOPER: Of the Defense Department.

THE CHAIRMAN: Okay.

MS. COOPER: But it did refer to follow-up from a meeting with the President.

THE CHAIRMAN: So somebody had to communicate from the White House to the chief of staff of the Defense Department?

MS. COOPER: Yes, or someone would have to have been in a meeting with the President and come out of that meeting and told the chief of staff to the Defense Department, here are some questions that came out of that meeting.

THE CHAIRMAN: And I think you gave us your best recollection of the questions. Can you tell us what your answers were?

MS. COOPER: Yes, sir, but only partially, because I just -- it

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was a volume of information that we provided, so I simply don't recall.

But in terms of U.S. industry, what we were able to delineate in careful detail, working with the Defense Security Cooperation Agency, was that, you know, the vast majority of companies that are providing equipment under the Ukraine Security Assistance Initiative are U.S. companies. So we were able to give a list of U.S. companies that are involved in this.

And in terms of burden-sharing, we were able to highlight the role of this group of five nations that forms the Multinational Joint Commission, co-chaired by EUCOM and the Ukrainians, but with the participation of the U.K., Canada, Lithuania, Poland, and I'm sorry, I forget -- oh, the United States. We're the fifth.

And so this particular group, not only do the countries in this group participate in the process of identifying requirements for Ukraine security assistance, each individual country is contributing training or equipment to the Ukrainian Armed Forces.

So in this particular fact sheet, we were able to describe that. I don't recall the specific content that we provided related to broader assistance beyond that specific security assistance domain.

THE CHAIRMAN: And I'm sorry, what was the third question that you received?

MS. COOPER: So the question was -- this is the one that was the trickiest for me to remember the phrasing, because it was kind of strange phrasing. It was something along the lines of who provided this funding, or where did this funding come from? So, for that, we

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just answered that this was, you know, supported -- this was provided by the U.S. Congress and that USAI has strong bipartisan support.

THE CHAIRMAN: And when you sent back all the answers to these three questions, you got no response?

MS. COOPER: That is correct.

THE CHAIRMAN: And you had no reason to believe that there was going to be a hold on the funding, but you obviously responded to the questions anyway?

MS. COOPER: Absolutely, sir. It would be routine for us to respond to any question that comes down from the Secretary, and certainly any question that would come down from the President. That's relatively unusual, and we always respond as quickly as we can.

THE CHAIRMAN: Back to Mr. Noble -- Mitchell.

BY MR. MITCHELL:

Q This response that you provided, was it by email?

A The response to these questions from follow-up from the meeting? Yes, it was via email.

Q And were there also attachments to that email?

A Yes, sir.

Q Have you recently been asked to gather documents that may be responsive to a congressional subpoena?

A So the way that the Department of Defense is handling the requests for information, both for the subpoena but also a number of Freedom of Information Act requests, as I have seen it from where I sit, is to have the Joint Service Provider, we call it JSP, our IT

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professionals, do a document pull.

So we have been asked to not remove anything. The vast majority of our documents are electronic. We keep almost no paper records anymore of anything. So the fact that the IT staff are pulling these documents behind the scenes means that we as individuals, or I personally, have not had to take any specific action.

Q Without getting into any communications that you may have had with your attorney on this topic, prior to you coming in today, did you review any documents that might be relevant to your testimony?

A Yes. I refreshed my memory on some prior emails.

Q Okay. And was the email that you just described responding to these questions one of the emails that you reviewed?

A Yes, it was.

Q So it is -- that email is still in existence, as far as you understand?

A Absolutely. It's my belief that all of the Department of Defense documents should be still in existence.

Q Now, you indicated that the request, these three questions came about a couple of days, I believe, after this June 18th DOD announcement. Is that right?

A It was shortly thereafter. I would say it was probably within a week. So I can't -- that I'm not sure of the exact timeframe, but within a week.

Q Okay. And can you recall approximately when the response was sent back?

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A It certainly would have been within a week, but I can't -- I can't tell you the exact date, but we normally are required to respond very rapidly to questions from the Secretary or the President.

Q So likely sometime between June 18th and the end of June?

A Yes, that's my recollection.

Q Okay. When did you first learn that USAI funds were potentially going to be held?

A So I probably first learned in the middle of July. There was a meeting, an interagency meeting that I sent my deputy to. It was a routine Ukraine policy meeting. And the person chairing it, it was the director for Ukraine at the NSC, not the senior director. So I sent my deputy.

And I recall that after that meeting -- and I got, you know, I got a readout from the meeting -- there was discussion in that session about the -- about OMB saying that they were holding the Congressional Notification related to FMF. And the language that came out, as I recall, was something we were trying to parse the meaning of, because we -- I say "we." My deputy heard in the meeting, and my staff subsequently tried to clarify, a statement about, you know, the guidance being to hold -- it was more broadly applicable, was the phrase I remember hearing, that the guidance was more broadly applicable. But we tried to clarify, there's no guidance for DOD at this time. Is this correct? And they did not have specific guidance for DOD at the time.

So at that point, we were concerned, because this notion that there was guidance that was broadly applicable to Ukraine security

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assistance was a source of concern, but the only specific was related to that Congressional Notification for FMF.

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[3:58 p.m.]

BY MR. MITCHELL:

Q And who was the deputy that you sent in your stead?

A [REDACTED], she's my principal director.

Q Okay. And was this the July 18th sub PCC?

A That's correct.

Q But you did not participate --

A I did not participate -- no, I participated in the subsequent meetings, but not that one.

Q Okay. But you indicated that you saw a readout of it?

A Yes, that's correct.

Q Where did that readout come from?

A So for most of these meetings there are two readouts. One is the readout that the person who is attending the meeting prepares. So we routinely memorialize all of our written notes into an electronic record. So I received that readout from my staff. And then the other readout from these meetings is the summary of conclusions that the NSC staff prepares, and it usually comes out a bit later after the meeting.

Q Okay. That's also known as a SOC?

A Correct.

Q Okay. Did you see both this readout from [REDACTED] as well as the SOC?

A Yes, that's correct.

Q Okay. Was there any discrepancies between the two?

A Well, the NSC summary of conclusions is typically much less

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detailed than, you know, the notes that we memorialize. So there was lack of corresponding detail, but I did not see any that I recall, any substantive discrepancies.

Q Okay. Have you looked at these two specific documents in preparation for your testimony here today?

A Yes.

Q Okay. Do they still exist as well?

A Yes.

Q Okay. What form are the notes that Ms. Sendak took? In other words, are they in a memo, or an email, handwritten?

A They are in an email. And that's our routine practice from all of our key meetings, whether they be internal, or with foreign partners, or with interagency, we write up a summary and we email it to the pertinent people in the office and if appropriate we send it up the chain.

Q Okay. And did the summary that you read, as well as the SOC, mention OMB's statement about the hold on FMF?

A It described something along those lines, but I -- I don't recall the exact wording. And I'm not sure -- I'm not sure it said OMB, it might have said something that was more just there is, you know, a hold.

Q Okay. Well based on your conversations with people who were actually in the room, do you know who made that statement at this July 18th sub PCC?

A So my understanding is it was an OMB representative, but I

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don't know who.

Q Okay. Do you know who chaired that meeting?

A Since I wasn't there, I don't want to give you absolute certainty, but typically the sub PCC would be chaired by the director and in this case that's Alex Vindman.

Q Was there any other DOD representative at this meeting?

A I'm not sure. Routinely we have a joint staff representative, but I'm not sure if there was one at this particular meeting.

Q Okay. Now you indicated there was some, that there was confusion on your part as to what effect this hold might have on USAI?

A Yes, that's correct.

Q And you sought further clarification or your staff did?

A Yes.

Q Following this meeting?

A Yes. And they didn't really receive clarification.

Q Okay. Who did they seek clarification from?

A I don't know for sure, but I believe NSC staff, were the primary conduit, because we don't have routine counterpart interaction with OMB directly.

Q Okay. Based on your review of the summary and the SOC, was there any reason provided for the hold during that July 18th meeting?

A I don't recall any reason being provided at the July 18th meeting.

Q Okay. And similarly during your follow-up it sounds like

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no reason was provided then either?

A No. Although very quickly, there was a meeting at the next level up where we had another discussion about security assistance.

Q Okay. And that's the July 23rd, PCC meeting?

A That's correct.

Q I think my time is up. So we'll stop there and I will yield.

THE CHAIRMAN: 1 hour to majority -- minority, excuse me.

BY MR. CASTOR:

Q Was this extremely unusual?

A May I ask for clarification? What aspect?

Q The funds were held without explanation.

A So the way the process played out over the course of the summer was very --

Q No. I'm just talking about the 7/18 meeting.

A It was unusual.

Q Okay. And were you unable to get any additional information from NSC --

A No.

Q -- shortly after the meeting?

A No, we did not get clarification.

Q What did you do to try to get that clarification?

A We called around to NSC, to State. Those are our usual colleagues.

Q And who did you call?

A So I personally don't recall whether I called or it was my --

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Q Sure. --

A -- my staff, but it would be the same people who were participating in the meeting. So the NSC directorate involved is very small. You have Tim Morrison as the senior director, and you have Alex Vindman as the director and those are the two key figures. And at the State Department there is a Ukraine desk and I don't know all of them, but my staff correspond with them, and would have called over to them, but my counterpart is George Kent.

Q And eventually did you get any information about the source of the hold?

A So the issue started to clarify a little bit on the 23rd at that -- at that PCC meeting. There in that meeting I recall I was advocating for the release of the FMF, because I still wasn't sure if our funds were actually at risk. But there again the OMB representative, again I do not -- this particular meeting I'm not sure who it was.

I believe I was participating via SVTC, but I'm not quite sure. But in that meeting again there was just this issue of the White House chief of staff has conveyed that the President has concerns about Ukraine and Ukraine security assistance. That was how it was conveyed in the meeting on the 23rd.

So I walked away from the meeting on the 23rd thinking okay, we know that this is, you know, a larger issue. But I still didn't have any specific direction with respect to USAI. That came after that meeting, the official direction from OMB to the DOD comptroller who

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then informed me was -- I'm pretty sure it was on the 25th of July that we got the apportionment notice for USAI.

And then the very next day, the 26th was the meeting that I was the backbencher for with the deputies' level. And there it was, to me anyway in my experience, it was the first time it was stated very clearly what -- that yes, it is FMF and USAI are both affected by this hold and that it relates to the President's concerns about corruption. And that is what in that meeting Mike Duffey from OMB said.

Q And the President is authorized to have these types of holds placed. Correct?

A Well, I'm not an expert on the law, but in that meeting immediately deputies began to raise concerns about how this could be done in a legal fashion because there was broad understanding in the meeting that the funding -- the State Department funding related to an earmark for Ukraine and that the DOD funding was specific to Ukraine security assistance.

So the comments in the room at the deputies' level reflected a sense that there was not an understanding of how this could legally play out. And at that meeting the deputies agreed to look into the legalities and to look at what was possible.

Q Okay. So is it fair to say the deputies thought the President was not authorized to place a hold on these funds?

A They did not use that term, but the expression in the room that I recall was a sense that there was not an available mechanism to simply not spend money that has been in the case of USAI already

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notified to Congress. And in the case of the FMF that was earmarked for Ukraine. So the senior leaders were expressing that they didn't see how this was legally available, but they didn't use the terminology that you've described.

Q Okay. And you participated in person at the deputies' meeting --

A Yes.

Q -- as the backbencher?

A Yes.

Q Who was in that meeting to the extent that you can recall.

A Whew. Well it was chaired by Charlie Kupperman and John Rood was the DOD principal. I believe it was Under Secretary Hale for the State Department, but I'm not 100 percent sure. Mike Duffey was the OMB rep, he was sitting in the back, as a backbencher. And I'm just not recalling the other agency representation.

Q Okay. What was on the agenda for that day other than this topic?

A So with all of the Ukraine meetings within that week timeframe, there was a focus on the elections and on the new President Zelensky team. There was a consensus in all of these meetings that this was a government that had a lot of promise, that was tackling corruption, and that we needed to support this government with security assistance.

The, you know, planned agenda I don't recall the specific details, but certainly the deputies' discussion I recall that while the sub PCC

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and the PCC we might not have fully realized what was happening with security assistance, by the time of the deputies meeting because the hold had also been placed on DOD -- the discussion was I believe very much dominated by the security assistance topic.

Although each member went around to talk about how important it was and how they assessed the future in Ukraine based on the recent election results.

Q And between 7/18 and 7/26 had you had any personal conversations with NSC?

A I don't recall any specific conversation, but also I -- you know, I participate in lots of meetings with them.

Q Okay.

A So I just -- You know, I don't recall any specifics, but that doesn't mean that there weren't any.

Q Were you aware by the 26th of the President's deep rooted concerns about corruption in the Ukraine?

A No. So by the 26th, all I had to go on was that the President is concerned about corruption in Ukraine and somehow therefore we were holding security assistance. So the conversation at the deputies, a lot of the members were saying, you know, corruption. Yes, it's been an issue. Yes, it's a concern. Yes, there's a long way to go, but we're on the right path, you know, we can move forward. So it felt like a conversation where people were trying to explain how corruption shouldn't be a concern.

Q And the sub PCC and PCC in the deputies' meeting is the

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ordinary structure of meetings when these issues come up. Is that correct?

A That is the routine progression. Although, we have a lot more sub PCC meetings and a lot more PCC meetings than we have deputies meetings. This is the only -- gosh the only deputies meeting that I can even recall on Ukraine in recent memory.

Q Okay.

A So we don't have routine deputies' level meetings.

Q Okay. So Ukraine was the topic of the meeting.

A Yes. It was only focused on Ukraine.

Q Okay.

A And it was set up following the PCC discussion.

Q Okay.

A As far as I recall, I don't think it had been previously on the calendar.

Q So it was a meeting that was enabled by this --

A Yes.

Q -- situation?

A Yes.

Q Is there a better term?

A I can't think of one.

Q Okay. What was the next crucial date after the 7/26 meeting?

A So after the 7 -- the deputies level meeting, I recall participating in another PCC level meeting and it was on I believe the 31st of July. And on that meeting it was very much a follow up,

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but -- well, I can pause there. Do you want me to describe the meeting?

Q Sure.

A Okay. So the meeting on the 31st, the expectation I think at least of my participation in the meeting was that we would talk about security assistance, but the agenda that was prepared by the NSC was largely focused on just routine Ukraine business, post election follow up. Those sorts of issues.

So it wasn't -- security assistance was not actually an explicit agenda item, but because we had left the deputies without clarity on the legally available mechanisms, this was a topic that I raised at the PCC. And I shared with the PCC my understanding that for USAI, not speaking to FMF -- I left that for the State Department -- but for USAI, my understanding was that there were two legally available mechanisms should the President want to stop assistance.

And the one mechanism would be Presidential rescission notice to the Congress and the other mechanism, as I understood it and articulated it in that meeting was for the Defense Department to do a reprogramming action. But I mentioned that either way, there would need to be a notification to Congress.

Q And did that occur?

A That did not occur.

Q How soon was that notification to Congress supposed to have occurred?

A I'm not sure when it would have supposed to have occurred. I think the way I understand these provisions is that if you reach a

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point where you cannot obligate the funding that the Congress has appropriated by the end of the fiscal year, once you reach that point, that is the point where you have to make that decision about what legally available mechanism you would use. And since we had not reached that point on July 20 -- July 31st.

Q Okay. So it wasn't yet time to notify Congress. Is that right?

A It wasn't yet time that we would be required.

Q Okay. Did you --

A As I understand it.

Q Did you feel at that point Congress ought to have been notified?

A So at that point I wanted to ensure that we could actually obligate the funding. And I was very much hoping that the explanations that the principals would provide the President, that this understanding, this new understanding perhaps of what legally available mechanisms were out there would create a decision to resume the funding. And I persisted in that hope for many, many days thereafter.

Q And there were other avenues to convince the President or the person in the White House that was behind this decision such as through the NSC, right?

A Well, certainly the NSC always has the ability to elevate within their chain. Out of the deputies' meeting the recommendation was to, you know, first kind of figure out these legal issues with

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respect to the security assistance topics specifically.

And then there were other topics, but they get into classified information so I'm not going to discuss them here. But with respect to the security assistance topic it was, you know, we have to look at the legalities and then let's elevate to principals. So the deputies agreed to elevate to the principals' level, but there was never a formal meeting of the principals to my knowledge on this topic.

Q Do you know if the National Security Council was trying to work it on their end, briefing the President on the environment of corruption, briefing the President on the new political environment in the Ukraine after the parliamentary elections?

A My sense is that yes -- my sense is that all of the senior leaders of the U.S. national security departments and agencies were all unified in their -- in their view that this assistance was essential, that we could work with the government of Ukraine to tackle corruption, and they were trying to find ways to engage the President on this. But I don't have any specific knowledge of the actual engagements if -- with the President.

Q Okay. Did you or anyone on your staff try to communicate with Lieutenant Colonel Vindman or Director Morrison to find out what they were doing on their end, whether this was a genuine issue that needed to be addressed or whether they thought there was some maneuverability on their end?

A So we absolutely engaged them many times. And my sense is that both Tim -- Tim Morrison and Alex Vindman understood the

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importance of obligating the security assistance and, you know, the only knowledge that I have about kind of Tim Morrison's personal engagement on this is that he did express to me that he was working very hard to set up a phone call between the President and President Zelensky. And he presented it as it was a helpful thing.

Q Okay. So to the best of your understanding, the National Security Council was trying to set up the phone call between the Presidents?

A To the best of my knowledge.

Q That occurred on July 25th?

A Again, to the best of my knowledge, but I wasn't directly involved in any of that.

Q Did you get any readouts at any point of what happened on the 7/25 call?

A I never got a readout. I don't think I know anyone in DOD who got a readout on that call.

Q Okay. So the first time you learned about the developments on that call was when it became public in September?

A Yes, that's correct. When it was released to the public, that was the first time I had seen that content.

Q Okay. And during the 7/18 timeframe to 7/31 is where we currently are in the timeline, you never heard anything from Mr. Morrison or Lieutenant Colonel Vindman that there was a call between the Presidents?

A Well, I'm not sure that's accurate. I think that -- I think

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I was aware that there would be a call and that perhaps there was a call, but no content.

Q Okay. Was there any information communicated from NSC that the President's concern about corruption was a part of the call?

A I got no readout on the call.

Q Okay. So then maybe we could just go back to the deputies' meeting on July 31st. What happened next?

A No the deputies was --

Q July 31st?

A No, July 31st was the PCC.

Q Okay. The deputies meeting was the --

A The 26th.

Q 26th, I'm sorry. And then you went back to the PCC?

A Yes. That's correct.

Q On the 31st?

A Yes.

Q I'm sorry, I'm sorry. What happened next?

A So after the 31st, the focus of my office in Ukraine, we were working on a lot of other things at the same time, but on Ukraine specifically was trying to figure out how could we get the funds released, what -- you know, what were the process mechanisms that would be appropriate. And just practically speaking, how long could we delay obligation and still be able to obligate the entirety of the funding prior to September 30th.

So there were a number of kind of queries going back and forth

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between my staff, the comptroller's staff, and the Defense Security Cooperation Agency to try to figure out what to do and what was happening.

We also had the under secretary of defense for policy was engaging at his level. So the same comments that I made at the, you know, at the PCC level, he shared those same concerns with Charlie Kupperman, because there wasn't another deputies' meeting planned so this was a point-to-point communication about these two available mechanisms, the rescission or the reprogramming just to make sure that everyone was on the same page.

And in the meantime, OMB was issuing these apportionment notices. So it is probably worth me just saying a word about this now, because it gets very confusing in the timeline. Over the entirety of, you know, the period of time from when we got the first notice in July to when the funds were released and we could begin obligating again on September 12th, there were eight separate apportionment notices, but I personally wasn't aware of each one as it came in. I would hear after the fact.

And I would hear based on me talking to my comptroller colleagues saying are you still under guidance to not spend? Can we spend? So in these apportionment notices in the early ones, during this period of time this late July, early August period of time going out to I think August 6th, I believe, something around there, the apportionment notice said in it that this pause in funding -- and I'm not quoting verbatim obviously, but basically it said that the pause in funding would allow for an interagency process and would not effect the ultimate program

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execution.

In DOD we were trying to figure out if that was -- you know, how long that would be true. And over the course of the month of August we were, you know, trying to figure this out. It's not a science to know exactly how long it takes to obligate various projects, so that was a big part of sort of the day-to-day back and forth.

Q So the mind-set was let's figure out if we can still do this. And then if we're not going to do it, then how do we legally effectuate that?

A That's right.

Q And so did you ever get to the point where you started the rescission process or the reprogramming?

A Not to my knowledge.

Q Okay.

A We did get to a point though where the Department -- and I don't know who precisely, but the comptroller was most engaged with OMB as the natural counterparts. The Department of Defense had made sufficiently clear to OMB that we had passed the point where there would not be impact to program execution that in -- later in August that caveat in the apportionment footnote about not affecting the execution disappeared.

So at some point there was an understanding that we had conveyed an understanding that we were, you know, we were getting to the point where we're not going to be able to do all of this by the end of the fiscal year, and at least at the -- I don't know who issues

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apportionment notes at the OMB, but whoever does remove that to reflect that understanding.

Q Okay. So from that point forward to September 12th, everyone involved was hopeful that this would get resolved?

A Yes. Although I have to say after probably about, I don't know, August 20th or so we were really losing hope because we knew that we weren't going to be able to obligate everything by the end of the fiscal year so we were concerned about the actual program impacts.

Q Okay. And were you ultimately able to obligate everything?

A So by the end of the fiscal year we ultimately obligated -- it was upwards of 80 percent and, you know, thanks obviously to the Congress we got the language in the continuing resolution that thankfully will enable us to obligate all of the funding ultimately.

Q Okay. What was the next key event after the 31st?

A So the next --

Q Other than the apportionment notices, which I got that.

A So I'm probably forgetting things, but --

Q It's okay.

A -- the thing I personally remember is my only conversation with OMB because it's not a routine thing for me to be calling OMB. But in that July 31st meeting, I had expressed that, you know, because there are only two legally available options and we do not have direction to pursue either, after the apportionment notice expires, which was roughly August 6th, I think it was either the 5th or the 6th, something around there. After it expires, I said the Department would

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have to start obligating the funds.

And Tim Morrison reported that to Mike Duffey at OMB. And Mike Duffey said something like, I don't know what she's talking about or he needed clarification somehow. And so Tim asked me to call Mike Duffey to explain what I'm talking about with this deadline of August 6th or 5th.

And so I called -- you know, I corresponded with email with Mike Duffey and then he called me. And I just explained to him kind of what I explained to you that, you know, at a certain point we won't be able to obligate and that, you know, the guidance that we're under it's only to a certain point. And, you know, we finished the conversation, I kind of explained my piece.

He wanted more information on the precise nature of how long does it take to obligate, and how many cases, and that sort of thing. And I'm not a comptroller, so I referred him to the comptroller and to DSCA. And it was my understanding that throughout the month of August there were many such conversations where OMB was trying to see if we could push, you know, keep planning to obligate, but keep pushing the obligations until later in the year and still complete them. Comptroller was trying to figure out if that was possible. Defense Security Cooperation Agency was trying to figure out, you know, what -- what is possible. And along the way, Defense Security Cooperation Agency was expressing doubt that they could do it.

Q And so this conversation was before the 5th or the 6th of August?

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A Yeah, the conversation was -- yeah, it was probably very close to the 5th or the 6th, it was probably like the 5th, it was pretty close to the deadline.

Q And what was the next key event? Do you remember?

A Some kind of -- I'm drawing a blank. I'm thinking of things that happened much later at the end of August. It did kind of go a little bit dark where we weren't getting guidance, we weren't --

Q Were there any other PCC meetings?

A I can't recall any formal additional meetings that were, you know, specific formal meetings on Ukraine.

Q The deputies' meeting you described and the PCC and the sub PCC, this is all relating to Ukraine?

A Yes.

Q So there's a whole set of meetings, there was a whole infrastructure of interagency communications when something of this sort occurs?

A Yes. And just to kind of describe the process a little bit, it is absolutely routine to have meetings at the level of kind of my deputy or even at my level on Ukraine to check in on major events. We were doing the same sort of thing in the spring when they were having their Presidential election. And we just meet on a reasonably routine basis. So that's all very typical. It is less typical to have meetings above our level unless there's a major policy decision.

Q Had anyone at the NSC or anyone else communicated to you about this effort relating to Mr. Giuliani and his nontraditional form of

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diplomacy?

A So the only conversations about Giuliani related to material that was in the press.

Q Okay.

A In no meetings that, you know, no meeting that I've attended do I recall a specific discussion about Giuliani.

Q Okay.

A There were certainly informal conversations within the national security community about whether or not he played a pivotal role in the recall of Ambassador Yovanovitch. So that was definitely a topic of conversation just informally, me and State Department, and NSC, and other counterparts in the kind of May, June timeframe as she was recalled surprisingly.

With respect to this other -- I forget how you described it.

Q Nontraditional form of diplomacy?

A Nontraditional form of diplomacy. My personal interaction was only with Ambassador Kurt Volker. So on about August 20th he visited me and this was not unusual because he was -- he was working on the peace negotiations and peace process. So we were actually supporting him in terms of developing concepts for potential peacekeeping operations, you know, military -- how the military relates to the possible political settlement so I had met with him many, many times previously.

But towards the end of August when he met with me for what, you know, I thought was going to be you know just a routine touch base on

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Ukraine, but also I thought it was going to be a strategizing session on how do we get this security assistance released knowing that we both -- we both wanted the funding released.

So in that meeting he did mention something to me that, you know, was the first about somehow an effort that he was engaged in to see if there was a statement that the government of Ukraine would make that would somehow disavow any interference in U.S. elections and would commit to the prosecution of any individuals involved in election interference. And that was about as specific as it got.

Q Okay. Did he indicate to you that if that channel he was working was successful it might lift this issue?

A Yes.

Q Okay. Had you known Ambassador Volker before?

A Yes, yes. I basically met him for the first time kind of in person when he was appointed -- shortly after he was appointed in this role on Ukraine.

Q Okay and your dealings with him had already been professional and he's somebody of integrity --

A Yes.

Q -- to your knowledge?

A Yes absolutely.

Q And he's very knowledgeable about the issues in the Ukraine, correct?

A Yes.

Q He has a lot of relationships with Ukrainians?

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A Absolutely.

Q Were there any other, we're talking about the 5th or the 6th and the apportionment notices, and then you indicated that things went a little dark and you didn't have a specific recollection of another milestone event. Was the Volker meeting -- was there anything in between the Volker meeting and the 5th or the 6th when you were communicating with Mike Duffey?

A So part of it is that I was also on vacation for a week so I don't recall. And we were preparing for a major round of briefings on Russia within the Department. So some of it is just I had a lot on my plate. There might have been things on Ukraine but I just don't remember during that period of time. That's not what I recall.

Q The news I think the word used yesterday was I think leaked out about the hold on the assistance?

A Yes, yes.

Q On the 29th?

A Yes. Actually, yes.

Q Does that help you recall any events in that timeframe?

A So the other -- the other kind of theme during that time period was -- that was when various folks in the Department started to get phone calls from industry. And the firm I referenced earlier all of these U.S. firms that were implementing USAI they were getting concerned.

So during that timeframe, I don't remember exact dates but it was kind of mid- to late August, a number of people my front office, in

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the Assistant Secretary office just the staff we're getting phone calls from industry. I received a call from the Chamber of Commerce.

So before the kind of press broke on it, we were hearing that there were signs of concern. And from my part, I think -- I think I started to get questions from staff from congressional staff probably, you know, it was around that timeframe. It was late August, late August. And so I had prepared, and my staff had prepared here draft responses. There wasn't much we could say other than OMB has placed a hold on this and we, you know, sent those replies up -- up the chain. And I never -- I never got authorization to be able to send anything over here, and then you did start to see the news break.

Q And once the news broke, did that change the environment in the PCC world? Were there any other interactions with that group?

A Well, I think --

Q Once the news broke I think Senators started calling the White House and there started to be other external forces affecting the situation. Is that fair to say?

A I think that's fair to say and I mean I want to emphasize that throughout this whole summer the people that work for me, the people that I work with at the Department of Defense were trying to get the funding released and were hopeful that we would get the funding released.

As it got to be very late in the game, we were worried not from a question of external pressure being brought to bear, certainly we were hopeful that someone could advise the President and explain why

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this was so important and that he would be persuaded. But we started to seem very concerned just from the timing, because we were worried that we simply couldn't -- we wouldn't have enough time to obligate all the money.

Q During this timeframe, did you have any communications with Ukrainians?

A I would have to say I'm sure I did, but I don't recall --

Q About this?

A But not about this. No, no, I did not speak with them about this. And no Ukrainians raised this issue with me or my team.

Q Okay. So to the best of --

A To my knowledge, to my knowledge.

Q To the best of your knowledge, they didn't know that this funding was possibly being held up until --

A Oh, that's not what I'm saying.

Q Okay. What are you saying?

A So I personally was not -- sorry, I apologize. I did not mean to be interrupting you.

So I personally did not have Ukrainian ministry -- I deal with the ministry of defense, none of them raised this issue with me.

But I knew from my Kurt Volker conversation and also from sort of the alarm bells that were coming from Ambassador Taylor and his team that there were Ukrainians who knew about this.

Q Okay.

A They just weren't talking to me.

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Q Okay. What did you know that the Ukrainians knew? Did Volker communicate that to you?

A Well, Ambassador Volker described talking to an adviser to President Zelensky about making such a statement, making a statement, you know, disavowing election interference. And the way he described the statement I understood it to be a discussion that wasn't going to occur in the future, but that had occurred in the past. That was my understanding.

Q Do you know if that statement was built around another -- another activity such as a White House meeting?

A So I know that there were two specific things that the Government of Ukraine wanted during this timeframe and the one was a visit by -- a hosted visit at the White House. And the other was Ukraine security assistance, but I do not know --

Q Okay.

A -- which issue was being tracked with the other.

Q Okay. Okay. But you don't have any firsthand knowledge that the Ukrainians knew --

A I --

Q -- that the assistance was on hold, you had just heard that?

A Yes.

Q Okay. To your knowledge, when do you believe the Ukrainians became aware that the assistance had been subject to a hold? Was it before the Volker meeting on August 20th?

A I'm not sure precisely, because I can't recall when some of

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the conversations with our embassy in Kyiv occurred.

Q Okay. What were your communications with the embassy during this time period on this topic?

A Well, my staff were mostly the folks communicating with our defense attache office. I can't recall specifically, but it was fairly routine. We have email communications with the embassy that are fairly routine.

Q Okay. And what was the general information you were getting from the embassy?

A The embassy was expressing clearly and consistently that we needed to get the security assistance funds released and that this would cause a major major challenge in our relationship in the Ukraine security, and that the President had sent an invite to President Zelensky much earlier, I want to say May, it might have been May or June timeframe, and that the fact that the President hadn't followed up on that was causing a lot of concern. Those were the consistent themes from our embassy.

Q Okay. After the Volker meeting, what was the next key event that you remember?

A Well, we were hopeful this whole time that Secretary Esper and Secretary Pompeo would be able to meet with the President and just explain to him why this was so important and get the funds released.

And you know, from a variety of I think mostly scheduling reasons both Secretary Esper and Secretary Pompeo had different trips in August and were out of town at different times.

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I never learned that the meeting took place until the end of August, and I don't remember the exact date, but the end of August there was an email that I received that was from the Secretary Esper down to -- I'm not sure who he addressed it to, but I got a copy of it and it -- it said -- it referenced the President somehow that there was a meeting with the President or some discussion, and he said, no -- no decision on Ukraine.

Next step is a Vice President meeting with Zelensky in Warsaw. And he included a note in there about holding on any memo that the Department would send to OMB on this matter pending the Vice President meeting. And that's the entirety of what I saw. I tried to seek additional context, but I did not receive additional context.

Q Did you receive feedback or a readout from the Vice President's meeting in Warsaw?

A I only got very fragmentary so I did not get a coherent readout. Originally Secretary Esper was supposed to join but his travel got changed.

Q When did this environment start to change? Like when did you get a sense that the aid would be released? Was that on the 12th or --

A It was the 11th.

Q Okay.

A And it really came quite out of the blue.

Q It was abrupt?

A It was quite abrupt. We got -- I believe we got an email.

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I think it came from again the Secretary of Defense's chief of staff so Eric Chewning. And it just said, OMB has lifted the hold and then we could start obligating on the 12th, which was I think the last apportionment expired.

Q Okay. Were there any other milestone events that we haven't discussed that are material and relevant to the facts that you have firsthand information about?

A I can't think of any.

Q Okay. You indicated that no formal effort was expended for the rescission or reprogramming of these moneys?

A I'm not sure what that means. The formal --

Q You didn't begin the rescission -- the rescission process did not begin, did it?

A To my knowledge, no.

Q And the reprogramming effort did not begin?

A Again, to my knowledge, no. The people who'd have prepared the actual paperwork probably would have been in comptroller so.

Q Right. But you had no awareness that that was --

A No, no awareness.

Q So to the best of your knowledge, everyone was hopeful that this would lift?

A I don't know about everyone. I can't speak for everyone. I was hopeful until we got to the point where DSCA was telling us we can't spend all of this. And because I didn't understand any other mechanism than to obligate the money by the end of the year, I don't

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think anyone had thought of -- no one I spoke with had thought of the idea of the Congress doing, you know, another authorization essentially.

No one in DOD that I talked to was talking about that as a mechanism. So once we got that point where DSCA was telling us they didn't think they could do it, that's when the hope in my team was really starting to wane.

MR. CASTOR: Okay. We have about 15 minutes and I'd like to pivot this to some of our members.

Mr. Jordan?

MR. ZELDIN: I just want to follow up on a couple of items you just discussed with Mr. Castor.

When you stated that you knew that Ukraine wanted a White House visit, how did you know that?

MS. COOPER: I would have to think about all the different ways that I heard that. I know I heard it from Ambassadors Chaly, their Ambassador here. I know I heard it from other personnel in the Ukrainian ministry of defense, but not necessarily the minister himself, and certainly our embassy reported it quite regularly in our routine meetings. So those are a few of the places where I know that this was a desire.

MR. ZELDIN: The hold on aid you said you knew that Ukraine knew it from information received from Ambassador Volker and Taylor. Is that right?

MS. COOPER: I know that they knew about it based on what

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Ambassador Volker and Ambassador Taylor told me, not that those two were the sources.

MR. ZELDIN: Correct.

MS. COOPER: I don't know what that source of information was --

MR. ZELDIN: Do you recall the first time that either of them told you that Ukraine knew there was a hold on aid?

MS. COOPER: I don't recall specifically when. I mean I know that I met with Ambassador Volker on August -- on or about August 20th, so that's a specific -- I didn't talk to him, you know, routinely about this throughout the summer.

MR. ZELDIN: Then you stated that Ambassador Volker mentioned something about a statement. Correct?

MS. COOPER: Yes.

MR. ZELDIN: But did he say anything at that time about Ukraine knowing that there was a hold on aid?

MS. COOPER: I don't recall if he specifically said that, but the entire conversation started with a discussion on the need to lift the hold on aid and the fact that if this hold did not get lifted, it would be very damaging to the relationship.

MR. ZELDIN: I understand that and in your conversations with Kyiv as well that they are communicating that they wanted the hold to be released. I'm trying to understand how you concluded that Ukraine knew that there was a hold on aid.

MS. COOPER: The context for the discussion that I had with Ambassador Volker related specifically to the path that he was pursuing

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to lift the hold would be to get them to make this statement, but the only reason they would do that is because there was, you know, something valuable. But no, I don't know if he specifically said who --

MR. ZELDIN: Well, it's significant because you're -- it's one thing if you believe that they knew and it's another thing if you actually were told that Ukrainians knew. Are you are guessing that you think Ukraine would have known based on what you heard or did they actually tell you Ukraine knew?

A So again, the conversation with Ambassador Volker because it related to the security assistance needing to be lifted and the importance of that, and he was relating conversations he had had with Ukraine officials. It could have been my inference, yes, a very strong inference that there was some knowledge on the part of the Ukrainians.

Later, when you get into early September, at that point there were -- I'm confident that there were staff level questions coming in from lower level officials in the Ukrainian ministry of defense to our team in Kyiv and to my team. But that was right before the hold was lifted so no, I cannot pinpoint a specific time in August.

MR. ZELDIN: And are you aware Ambassador Taylor was here to testify yesterday, correct?

MS. COOPER: Yes, it was in the media.

MR. ZELDIN: His opening statement was in the media. Are you aware of that?

MS. COOPER: Yes, but I have not been focused on other people's testimony, to be honest.

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MR. ZELDIN: That's fine. I just want to confirm, you haven't read Ambassador Taylor's opening statement?

MS. COOPER: I saw some media reporting about it.

MR. ZELDIN: Did you read anything Ambassador Taylor said with regards to Ukraine, not knowing of aid as of August 27th?

MS. COOPER: I did not read that, no.

MR. ZELDIN: Now any other holds on -- to any other countries or other accounts that you're aware of anywhere in the world over the course of the last several months or is Ukraine the only hold on any payments through the Secretary of Defense?

MS. COOPER: Since I only handle my region, I can't speak to the other regions. I just don't know.

MR. ZELDIN: So there might be holds in -- to other countries and other types of accounts that -- in other parts of the world that you are just not aware of?

MS. COOPER: I simply don't know.

MS. STEFANIK. Ms. Cooper, in your answer to Mr. Castor's questions you referenced conversations with congressional staff after the July 31st PCC. When approximately were those conversations?

MS. COOPER: I'd have to go back. I might have misspoke, but I did not have any conversations with congressional staff.

MS. STEFANIK. Congressional staff reached out to you, you said.

MS. COOPER: Yes. So this was via legislative affairs so there were questions that were sent in by various congressional staff, and then I saw what the questions were and I had my staff prepare a response,

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and then coordinate it internally, which is a routine process, and then I sent that up saying, you know --

MS. STEFANIK. And which committees were those staff members from, which committees?

MS. COOPER: I'm pretty sure it was Senate side, but I don't remember the specifics. And there were more that I didn't -- I didn't see all the incoming, I saw what we prepared to go out.

MS. STEFANIK. Okay. Thank you.

MR. MEADOWS: So let me come back to the obligated, unobligated funds. One, thank you for your service. And it is refreshing to have people who are experts on their topic, and so I want to just say thank you for that.

So your staff, they didn't -- they didn't know that unobligated funds well typically that happens, end of fiscal year there's always unobligated funds and there was -- they were not aware of not only what happened in this case, but it had happened previously. Is that correct?

MS. COOPER: No, sir. My staff and I am aware that there are frequently unobligated funds at the very end of the year. What we were worried about in this case was that, you know, the bulk of the funds or a significant amount of funding would be unobligated. So absolutely we do understand that, you know, sometimes you can't actually obligate everything. And I believe last year USAI did not have 100 percent obligation.

MR. MEADOWS: Right. Of course that was a year -- so you came

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in in 2016.

MS. COOPER: Correct.

MR. MEADOWS: So prior to you getting there, I mean there was about the 90 percent of the appropriated funds were obligated, but the rest were not, but every year there have been unobligated funds. Would you agree with that?

I mean you may not have knowledge, but would it surprise you that every year there are unobligated funds based on what is appropriated versus what is obligated.

MS. COOPER: Sir, that would not surprise me.

MR. MEADOWS: And so how often would you directly talk to Ukrainian counterparts like the defense minister, et cetera, because I was trying -- you acted like you had a pretty regular dialogue with your counterparts, Ukrainian counterparts.

And I am not talking just on this issue, just in general.

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[4:58 p.m.]

MS. COOPER: My --

MR. MEADOWS: And I'm not talking just on this issue, just in general.

MS. COOPER: In general, so I talk to Ukrainians relatively frequently. But my actual minister of defense, deputy minister of defense counterparts, that would be more, you know, every few months. And it's not always the minister, it might be the deputy, if that makes sense.

MR. MEADOWS: So when you say you talk to Ukrainians, you're talking to Ukrainians in Ukraine, not Ukrainians here?

MS. COOPER: Well, also Ukrainians visiting here. So when there's --

MR. MEADOWS: I guess, I'm trying to -- so let me be a little clearer then. I'm looking for contacts with Ukrainians that have contacts with Ukrainian Government. How often does that happen for you?

MS. COOPER: I mean, it certainly varies depending on the time of year, not a lot in August, but every few weeks at least.

MR. MEADOWS: Okay. So in those conversations every few weeks, what you're saying is in your conversations, this issue of the defense appropriations being held up was not something that was raised directly with you. Is that correct?

MS. COOPER: Correct.

MR. MEADOWS: Okay. I'll yield back.

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MR. PERRY: Steve, is there time?

MR. CASTOR: There's time. We have about 4 minutes.

MR. PERRY: All right. Ma'am, thanks for your testimony. Right here. I'm curious about the 31 July PCC meeting as follow-up. You were talking about a meeting prior when you were looking into the legal -- the legality of the hold, and under what provisions that could happen. You, at the time, were aware of rescission and reprogramming. Is that correct or not correct?

MS. COOPER: So my personal knowledge on rescission and reprogramming was not existent prior to doing some research in the context of this discussion, if that's what you're getting at.

MR. PERRY: Okay. That's fine. And based on your understanding now, who would initiate either one, rescission or reprogramming, and what would your part in either one of those be?

MS. COOPER: So, again, I'm not the budget expert, so I might have an inaccurate understanding, but my understanding of the rescission piece is that it would have to be the President; and that the reprogramming piece, that's the Department of Defense, so, you know, it's my sense that the comptroller executes that. I find it, you know, unlikely that they would execute without the permission of the senior leadership of the Department. But for my office, we would be coordinating on that. So if it's Ukraine, I would see it, but if it's some other program, I would have no awareness of it.

MR. PERRY: And do you know when you would get notice of said action, rescission, or reprogramming? When would you get notice if

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those, in fact, were occurring, going to occur, so ordered, et cetera?

MS. COOPER: I don't know, because I also don't know that that's a routine thing for this account, so, yeah.

MR. PERRY: Okay. All right. Thank you. I yield.

MR. JORDAN: Secretary, in your -- I think you earlier said you were getting the information from both Tim and Alex. Is that Mr. Morrison and Mr. Vindman?

MS. COOPER: Yes, that's correct.

MR. JORDAN: Okay. And I think you indicated that they had both said that they were working hard on setting up a phone call. Was that the phone call between President Trump and President Zelensky?

MS. COOPER: Yes. Just to be clear, the only person who I recall specifically mentioning to me working on the phone call was Tim Morrison. I do not recall Alex Vindman ever telling me that.

MR. JORDAN: Okay. Then in your August 5, August 6, when you had your conversation with Mr. Duffy, I think you said you spoke to Mr. Morrison prior to that?

MS. COOPER: Yes. It was Tim Morrison who actually put me in touch with Mike Duffy.

MR. JORDAN: So Tim called you and said that you should call and talk with Mr. Duffy?

MS. COOPER: He emailed me and said -- he said that he was trying to explain to Mike Duffy some of the points that I had made in the meeting, and that I referenced this kind of deadline, and that he didn't know what that was referring to, so he asked me to talk to him. So

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that's why the contact took place.

MR. JORDAN: Thank you.

THE CHAIRMAN: Okay. The time of the minority has already expired. Let's take a 10- or 15-minute break and then we'll resume.

MS. COOPER: Okay.

[Recess.]

THE CHAIRMAN: Okay. Let's go back on the record.

I just have a couple of questions before I hand it back to Mr. Mitchell. In the first meeting where you described -- a question was raised about what are the legally available mechanisms to actually suspend this aid, or hold this aid, did someone raise that issue in a different -- using different terminology as in, is this lawful? Can this be done lawfully? Is this a violation of law?

MS. COOPER: So that was in the deputies' meeting that that first conversation that I recall arose, and I don't remember that exact phraseology being used. But, I mean, there were many affirmative statements that the Congress has appropriated this, we need to obligate it.

THE CHAIRMAN: Under the law?

MS. COOPER: Again, I don't remember that exact phrase, but yes.

THE CHAIRMAN: Now, I think you said that as a result of the delay in the program execution that you got to a point of no return with at least part of the funding, where it would not be obligated in time pursuant to what Congress had appropriated. Is that right?

MS. COOPER: So based on the information that I was receiving from

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the people implementing the program, by late August, we felt -- they felt that they would not be able to obligate all of the funding. And this understanding was actually reflected in a change in the apportionment footnotes.

So in the original apportionment footnotes, OMB reflected that it would not impact timely execution of the funding, but -- and I wish I could recall for you the exact date, but mid- to late August, they changed the footnote. It actually probably would have been right about August 20. They changed the phrasing, and they didn't include that sentence that said that it would not impact the timely execution.

THE CHAIRMAN: And I think you said that at that point, or maybe soon thereafter, it became clear that fully a fifth of the funding would not be available to be obligated because of the delay. Is that right?

MS. COOPER: So I received different estimates at different points in time of what would be possible. And at one point, in August, DSCA actually thought it would be, you know, well over \$100 million that would not be -- that there would not be time to obligate. They ended up being able to do a lot more than their earlier warnings, but we were quite concerned about the ability to execute.

THE CHAIRMAN: So at one point, then, the delay that had been occasioned by the President's order could have cost Ukraine \$100 million that would not be obligated in that year?

MS. COOPER: So just to be clear, sir, the estimate at the time was that it would cost at least that amount of money, but that was an estimate. And then, you know, the professionals of the Department of

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Defense were able to essentially make up for lost time, is my perspective, and were able to do a lot more.

THE CHAIRMAN: But it's fair to say, at that point, it put \$100 million of aid at risk?

MS. COOPER: That was my view at the time.

THE CHAIRMAN: Ultimately, because the Defense Department officials were able to do workarounds, it reduced the impact down to about 20 percent, I think you said?

MS. COOPER: It was less than that. I think we were able to obligate, I want to say, 88 percent by the end of the year.

THE CHAIRMAN: So that still meant that tens of millions of dollars you were not going to be able to obligate. Is that right?

MS. COOPER: Well, yes, and the reason that we can obligate it at this point is because of congressional action, because --

THE CHAIRMAN: Right. But before the Congress took action, as a result of the delay, it was going to cost Ukraine tens of millions of dollars in military assistance. Is that right?

MS. COOPER: Roughly. That assumes that we would have been able to, you know, obligate the full amount, which sometimes there are challenges with that.

THE CHAIRMAN: And but for the effort of Congress to step in and pass a new law, Ukraine would have lost out on that military support at least in that fiscal year?

MS. COOPER: Yes, that's correct.

THE CHAIRMAN: Mr. Mitchell.

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BY MR. MITCHELL:

Q Sticking with the same theme, Mr. Meadows was asking you a series of questions about whether it was unusual for there to be unobligated funds at the end of a fiscal year that couldn't be spent, and I think your answer was, no, that happens. That's not infrequent. Is that correct?

A That's correct. I think it's just a matter of the order of magnitude.

Q Okay. So I want to understand a little bit more the order of magnitude. So in your experience in the ordinary course, are we talking 1, 2, 3 percent of funds that are unobligated at the end of a fiscal year?

A I can't answer that, because I just -- I do policy oversight, but I'm not looking that closely at program execution, and I just don't have the range of experience.

Q Okay. Are you aware that that percentage, whatever that percentage is, is typically unobligated because of unpredictable events? For example, salaries change or the number of individuals who receive those salaries don't come to fruition; and as a result of that, those funds are not obligated in time?

A So, yes. I think that in my limited experience, and from my conversations with DSCA, some of the reasons that we have historically been unable to obligate the entirety of the funding would be through such unpredictable factors, to include, you know, price changes and equipment.

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Q Okay. But here, those unpredictable factors were not the ones that prevented 12 percent of USAI funding from being obligated at the end of the fiscal year. Is that correct?

A To my understanding, I don't know any of those factors came into play.

Q Your understanding is that there was a hold that was put in place, correct?

A Yes, that's correct.

Q That delayed the obligation of funds --

A Yes.

Q -- for some certain time period, correct?

A Yes, correct.

Q All the way through September 11?

A Exactly. September 12 is when we began obligating again.

Q And as a result of that, the window for obligating the remaining funds was dramatically shortened. Is that correct?

A That's correct.

Q And it was because of that shortened window that 12 percent of those funds could not be obligated by the end of the fiscal year, and that Congress, as a result, had to change the law to extend the 1-year funding mechanism that is USAI. Is that right?

A That is my understanding.

Q I want to understand a little bit more this August 6 date that you were testifying to earlier that I think you mentioned -- correct me if I'm wrong -- but that you mentioned the

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July 31 PCC meeting. Is that right?

A Yes.

Q And then you also had a subsequent conversation with Mr. Duffey about this date?

A That's correct.

Q Can you explain the relevance of August 6?

A So there were a few factors that came into play, but the main issue was that the original apportionment guidance from OMB had that expiration date on it. And what I explained at the PCC, and subsequently to Mike Duffey, was that we would not be able to continue to hold obligation either, you know, past the point where the apportionment footnote ended, because that was -- the OMB direction was until a certain date, but also, that we would not be able to hold past the point where continuing to hold would not allow us to obligate the funds by the end of the fiscal year, again, unless there was specific direction to reprogram or, you know, some other specific action with the Congress.

Q And was that based on communications that you had with DSCA?

A So the communications with DSCA about what the date would be were an active, ongoing set of conversations throughout the month of August. At the point that you were referring to, at the beginning of August, at that point, we didn't fully know what that date was. We weren't sure. We felt a sense of uncertainty about how much time we would need to obligate.

But in that first week of August, this information was still very

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fresh that there was a hold, and DSCA hadn't really done all the calculations to figure out, you know, kind of what's the last possible date.

I was simply telling Mike Duffey that, you know, we have this August 6 date, and beyond that date we don't have any guidance. The only thing we have is this piece of guidance that says, you know, hold until the 6th, and we would need to look at what the last possible date would be.

Q Okay. And, again, the genesis for the August 6 date -- perhaps I missed it -- was what?

A So -- and this is my secondhand understanding. So my secondhand understanding on this was that OMB wanted to communicate the President's direction to hold the assistance, and in consultation with the DOD comptroller they realized that the way to do this would be via an apportionment, this, you know, piece of guidance about the flow of funds that would tell us to hold.

At the time, I think the August 6 date was fairly arbitrary, to be honest. I think it was trying to put something down on paper that would reflect there will be some kind of a policy process, there will be some kind of a discussion with the President. You know, we'll give a date that allows for a process to play out. But, you know, we won't go much beyond that because DOD's signaling right away was, you know, we're concerned about this. But all of this is from me. It was secondhand that I was discussing this.

Q DOD was concerned about all this because the concern was that

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not all the funds would be able to be obligated past August 6. Is that correct?

A Yes. And it was -- I mean, so DOD was concerned about the obligation of funds. Policy, my team, we were also concerned about any signal that we would send to Ukraine about a wavering in our commitment. And that's another reason why, I mean, we did not want for this to be a big public discussion, you know, if we were about to get it turned back on again because we didn't want to signal any lack of support.

Q Why would that be a problem for Ukraine?

A So, I mean, the first and easiest way to answer that is by looking at the peace process. They are trying to negotiate a peace with Russia, and if they are seen as weak, and if they are seen to lack the backing of the United States for their Armed Forces, it makes it much more difficult for them to negotiate a peace on terms that are good for Ukraine.

Q Okay. So it would weaken an ally, that being Ukraine. Is that correct?

A It would weaken strategic partner.

Q And it would potentially strengthen or embolden Russia?

A That is correct.

Q I'm going to hand you three exhibits, exhibits 3, 4, and 5.

[Majority Exhibits Nos. 3, 4, and 5  
were marked for identification.]

THE CHAIRMAN: I just want to mention to the witness, we don't

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mean to be Rude. We have votes. So members are going to vote, but the deposition will continue through the staff. Thank you.

MS. COOPER: Okay. Thank you, sir.

BY MR. MITCHELL:

Q All right. So, ma'am, do you have those documents in front of you?

A I do have the documents in front of me.

Q And do these look like the three apportionments, the first one, exhibit No. 3 is undated, and it's just the footnotes. Do you have that one in front of you, ma'am?

A I do.

Q Okay. Put that one to the side for just a second.

The next one, exhibit No. 4, you'll see a signature page on the first page. Do you see that?

A Uh-huh.

Q What was the date of the signature?

A So the date appears to be July 25.

Q Okay. And who's it signed by?

A Mark Sandy.

Q Do you know who Mark Sandy is, other than the fact that it says deputy associate director for national security programs?

A Yes. I don't know Mark Sandy.

Q Okay. Is it your understanding that Mark Sandy is a person at OMB?

A I actually don't know Mark Sandy, so I actually don't even

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know what his title is.

Q All right. If you look at page 2 of exhibit No. 4, and I'll turn your attention to footnote A4. Do you see that? I'll just read it. It says: "Amounts apportioned but not yet obligated as to the date of this reapportionment for the Ukraine security assistance initiative are not available for obligation until August 5, 2019, to allow for an interagency process to determine the best use of such funds."

And then it continues: "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 determination."

And then last sentence, "DOD may continue its planning and casework for the initiative during this period."

Was this the footnote that you were referring to earlier?

A So I want to clarify that I never saw the actual full document, so this is the first time I am seeing that. But the language in here is the language that I saw. So it was -- the language was provided to me but not the formal document.

Q Okay. This is the language that you were testifying about earlier?

A Yes, this is exactly what I was discussing earlier.

Q Okay. And this particular one says, August 5, 2019. We've been talking about August 6 to date, but do you see those two things as --

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A I think it's the same thing. So sometimes we would be talking about the date where we would resume obligation. Just earlier in this conversation, someone mentioned September 11, and I said, oh, September 12. It depends on what you're referring to, the date that you can resume obligation or the date that the footnote expired, so I think it's the same thing.

Q And the second half of that same sentence says, "to allow for an interagency process to determine the best use of such funds."

Now, this particular document was signed on July 25, which was prior to the deputies' meeting, as well as prior to the PCC meeting on the 31st. Is that correct?

A That's correct.

Q So there was an interagency process occurring during this time period?

A That is correct.

Q The next sentence also says, "based on OMB's communication with DOD on July 25, 2019." What communication is this footnote referring to?

A So I can't say for sure, but the communication that was occurring throughout this period tended to be between OMB and the DOD comptroller. And then DOD comptroller would relay pertinent pieces of information to me or obtain, you know, policy input from me.

Q Okay. Let's go to exhibit 5. This particular apportionment, who is it signed -- well, what's the date of it?

A The date is August 6.

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Q And who's it signed by?

A Mike Duffey. Michael Duffey.

Q And, again, who is Michael Duffey?

A So Michael Duffey, I do know, works at OMB. It says here his title is associate director for national security programs. I did not know that prior to reading it, but Mike Duffey was the individual from OMB who was in the deputies' meeting that I referenced earlier.

Q And also the individual that you spoke to after that deputies' meeting?

A Exactly, that's correct.

Q And I think you testified that you spoke with him on August 6. Is that right?

A If I said that, I am not certain of the exact date. It was right around the same time period, but it was prior to the expiration of the footnote. So it probably actually was August 5, or even the 4th, but, yeah. So he would have approved this after he had spoken with me.

Q Okay. And the footnote on page 2 of exhibit No. 5, you'll see is very similar to the last one we just read except for the date changes to August 12, 2019. Do you see that?

A Yes. Yes.

Q Do you know how they came up with August 12, 2019?

A I do not. They did ask for input about, you know, how much time it would take, how quickly DSCA would be able to obligate the funds. To my knowledge, DSCA and policy did not provide a definitive answer

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to give a definitive date.

Q Okay. And sometime after this apportionment, you indicated that this footnote changed?

A Yes. So, in late August, I think on or about August 20, I think that was the next footnote actually, that is when it changed, and it took out that part about timely execution. I don't recall if it took out a part about a policy process. I don't recall either way.

Q Okay. And why did that -- why was it changed?

A My understanding is it changed because at that point, OMB recognized that there was a risk in not being able to obligate the funding. Prior to that point, OMB never formally acknowledged that they thought there was a risk.

Q Okay. Do you know why the person who was signing these apportionments changed from July 25 to August 6?

A I don't know.

Q Was there a policy or interagency review process that was being conducted in August?

A There was no policy review process that I participated in or knew of.

Q The last meeting that you were aware of was July 31?

A Yes, that's correct.

Q Are you aware of whether DOD conducted any sort of review -- other than the interagency process that you described, any sort of review of USAI funding during the July, August, or beginning of September time period?

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A I know of no such review. The only three types of assessments, or reviews, that we -- that I personally participated in or that I know the DOD participated in, were, one, to look at the degree to which Ukraine had made sufficient progress in meeting defense reform and anticorruption goals consistent with the NDAA. We completed that review and provided the certification letter that we discussed earlier.

Q So that was -- just to be clear, that was prior to May?

A That was May, yes. I'm just trying to be very clear. Prior to May, we completed that review. There was the second query that I received regarding USAI that occurred after the press release in June, but the only thing that we did there was summarize readily available information regarding firms and international contributions. But I just want to be clear, we did provide information on that.

And then the third are these meetings that occurred in the interagency. But I would not use the term "review" to describe any of them because they were all just routine business.

Q Okay. You indicated that at the July 26 deputies' meeting, Mike Duffey said that there was a hold both on FMF and USAI and that it relates to the President's concerns about corruption. Is that right?

A Correct.

Q Okay. But DOD did not conduct any sort of review following this statement about whether Ukraine was making any sort of progress with regard to its anticorruption efforts in July or August or beginning of September. Is that right?

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A That is correct.

Q Okay. And that's because, as a matter of process and law, all of those events took place precertification, pre-May?

A That is correct. And in the interagency discussions, DOD participants affirmed that we believed sufficient progress has been made.

Q Okay. And it wasn't just DOD participants who believed that these funds should flow to Ukraine during these interagency meetings, correct?

A That's correct. It was unanimous with the exception of the statements by OMB representatives, and those statements were relaying higher level guidance.

Q And that's the case for all four interagency meetings?

A That's correct.

Q Did you ever learn what Mike Duffey meant by "corruption" when he made this statement at the July 26 deputies' meeting?

A No.

Q Have you seen the July 25 call transcripts involving President Trump and President Zelensky?

A I saw them when they were publicly released.

Q Okay. Do you now have any understanding of what the President's concerns were with regard to corruption on July 26, the day after his call with President Zelensky?

A I think I have the same interpretation of anyone reading it for the first time. I don't have any direct knowledge beyond what's

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actually in that transcript and what he states himself.

Q You testified earlier that -- I believe, correct me if I'm wrong -- that you did not personally have any conversations with Ukrainian officials about the hold during this July, August time period?

A No, I had no conversations with the Ukrainians.

Q Are you aware of anyone within the Department of Defense having conversations with Ukrainians about the hold during the July, August, beginning of September time period?

A I'm not aware of specific instances, but I would just recall that we have a team in Embassy Kyiv that are DOD representatives under Ambassador Bill Taylor. So, you know, it would be very hard for me to discern conversations that the embassy side might have had versus the defense attache side.

Q Okay. And I believe you testified earlier that you were in constant communication, or regular communication --

A Right.

Q -- with the defense attache in Kyiv. Is that right?

A Yes. To be --

Q Or your staff.

A -- completely accurate, my staff, but --

Q And was security assistance a topic that they would have discussed?

A Absolutely. Throughout this entire period of time, our team in Kyiv was acutely aware of the hold and was expressing serious

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concerns to us.

Q How were those concerns conveyed to you? Were they by email or some other form of communication?

A So to me, it was kind of in-person. So I don't know whether there were emails to my staff. I would imagine there probably were, and I would imagine there were probably emails, you know, within various DOD components, because everyone focused on implementing the security assistance.

You know, they were engaged in, as I said before, this discussion of how long can we hold off, and so there were multiple DOD offices. But that is not to say that any of these would have necessarily been talking to the Ukrainians. I have no evidence of that.

Q So you testified earlier that you were involved in the sale of javelins back in 2017, 2018. Is that correct?

A That's correct.

Q Just generally, without going into too much detail, what was your involvement in that program back then?

A So I've been in my current office since kind of the end of the Obama administration, and obviously transitioned into the Trump administration. And there was a policy hold in the Obama administration on providing defensive lethal assistance to Ukraine, widespread, you know, bipartisan support for this, but within the administration there had been a restriction.

So with the advent of the new administration, I participated in a series of policy discussions with the intent of making the case that

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we should provide defensive lethal assistance beginning with the javelin system but not necessarily exclusive to that system.

Q And that decision actually came to fruition; in other words, there was a decision made by this administration, the Trump administration to provide that lethal assistance to Ukraine, correct?

A That's correct.

Q And on --

A And so --

Q Go ahead.

A And so at this point, we have both provided assistance via security assistance, via FMF, as I said earlier, the javelin system, but now, the Government of Ukraine is seeking to purchase also. I referred earlier to that new law that they have that allows them to do government-to-government procurement, and they are seeking to use that mechanism to procure javelin.

Q Okay. So on December 22, 2017, the State Department announced that it approved a license for the export of these javelins to Ukraine. Are you generally aware of that?

A Yes.

Q And did you discuss -- presumably you had discussions with Ukraine officials about this fact?

A Yes. I mean, that -- I've had discussions with them about this going back many, many months, over a year.

Q Okay. Do you know what the anticipated timeline was for finalizing the transfer of those javelins to Ukraine after that

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announcement in December of 2017?

A I don't recall. At one point I knew, but I just -- I don't recall.

Q The DSCA didn't publicly announce State's approval of these FMF sales to Ukraine until March 1 of 2018. Are you aware of that?

A I don't remember the timeline at all.

Q So you're not aware of whether there was a delay in the release of these funds for the purchase of the javelins?

A No, I'm not aware.

Q Okay. You don't recall any discussions --

A I don't recall.

Q You don't recall any discussions about that at the time?

A I don't recall.

Q Are you aware that in, approximately the same time period, March or April of 2018, the Ukrainian authorities abruptly stopped four investigations related to Paul Manafort?

A I'm not aware.

MR. MITCHELL: All right. We're going to go ahead and yield our time to the minority.

BY MR. CASTOR:

Q I'll confess, normally the Paul Manafort question comes from this side of the room.

I would also like to note the defensive lethal assistance that was authorized and implemented in the new administration had bipartisan support, something that possibly Democrats liked about the Trump

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administration?

A Well, I have to say that normally, I really enjoy coming up to the Hill to talk about Ukraine, because there is bipartisan support, and, you know, the javelin decision is something that I am personally proud of.

Q Okay. The unobligated funds that ultimately -- there were provisions in the NDAA that allowed the money to be subsequently spent, right?

A Yes.

Q And do you know when those funds were ultimately expended? Like, how long did it take to work its way through?

A I'm not tracking the specific details of the implementation timeline, but my understanding is we're still in the process of doing this.

Q Okay. It's still --

A It's ongoing.

Q Okay. And that's not unusual when something gets extended via the NDAA?

A I have never heard of something being extended via the NDAA in this manner. When it first came up as a possibility that we would not be able to expend the funds beyond the end of September, we were asking amongst ourselves, you know, what would be the possibility here. And it didn't seem like anyone knew that this was a typical thing. So we were grateful when the Congress acted.

Q Okay. Was there any discussion about recertifying the funds

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after the new government established itself in Ukraine?

A I can't recall any such discussion, in part because the new government was, pretty early on, embraced in terms of its anticorruption and reform agenda. You know, we had really been struggling at times to bring the previous government along, so the fact that the new government was, you know, proceeding in such a positive fashion, albeit in early days, I just don't recall anyone raising that as an issue.

Q What exactly was done to evaluate the corruption environment in Ukraine as part of this process?

A So, the specifics that we used to evaluate the NDAA criteria, if that's what you're talking about, related specifically to significant progress in defense reform. In the certification letter, we outline the specific areas, including things like sufficient progress on command-and-control reform, a whole host of reforms that relate to improving Ukraine's NATO interoperability, and, also, tackling corruption in, say, Ukraine defense industry. But at the end of the letter, it states that significant challenges remain, and this will be a multiyear effort.

Q Do you have any knowledge of some of the corruption allegations involving the oligarchs in the Ukraine?

A Well, certainly, I hear about some of these. There's open source and other reporting on these issues.

Q Are you familiar with the company, Burisma?

A So I want to be clear, I was not familiar with this company

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until the spate of reporting. So it is not something that I have encountered in my role as a defense official. It's something that I've seen in media.

Q The oligarch that has control of Burisma, Mykola Zlochevsky, is that a name you're familiar with?

A It is not.

Q And I apologize if my pronunciation is not perfect. He was a former ecology minister. Have you read any of the open-source stories about him or some of the investigations that Burisma was involved with?

A I have not read much detail at all.

Q Okay. But you're generally familiar there were some investigations into Burisma for various things? I mean, I can represent to you, money laundering, and tax evasion, things of that sort.

A I have no level of personal knowledge or detail on these.

Q Okay. Did you have any knowledge about any other companies in the Ukraine that were subject to corruption allegations, or any other oligarchs?

A No. So my focus has been on the defense industry. So I am familiar with a number of allegations in the defense industry, and that is why we have a specific program of defense industry reform. And as part of the certification process last year, we were just starting our program under former Secretary of the Navy, Don Winter, will be our senior adviser on this. So we had them sign up to, you know, we're

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committed to this.

And since then, we've been able to have Secretary Winter go out and start to develop a program. But we're at the early stages of dealing with defense industry reform, and we have kind of a step-wise approach. It starts with the legislation that I talked about earlier, and it will be a multiyear effort.

Q Okay. But the allegation that Ukraine is beset with corruption is not something that is controversial, right?

A We absolutely understand that there is a significant amount of corruption in Ukraine, and that's why we have programs designed to counter that corruption.

Q In December 2015, the Vice President, Vice President Biden, had some subsequently well-publicized remarks about his efforts to get a prosecutor general in the Ukraine fired by the -- Prosecutor General Shokin. Do you have any awareness of that story?

A No. That was prior to my time on the account.

Q Okay. But since you've been on the account, have you followed the news reporting about Vice President Biden's efforts to get Shokin removed?

A I have seen media reporting on this, but I have no direct knowledge.

Q He was captured on video at a Wall Street Journal -- or The Wall Street Journal pushed out some video of him recounting the demand that he made in the Ukraine in December of 2015 relating to Shokin. Have you ever seen that video?

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A No.

Q Have you seen reporting about the comments he made?

A I've seen reporting on this general topic, but I don't recall seeing the specifics that you're talking about.

Q You know, essentially, he indicated that there was approximately \$1 billion in loan guarantees at issue, and that if, you know, Shokin wasn't removed, the loan moneys would be withheld. And the question I have is whether -- if that were to come to fruition, if those loan moneys were to be withheld, would that go through the same interagency process?

A It's very hard to respond to a hypothetical like that because, I mean, I don't know enough about the details to really even be able to make a judgment.

Q Okay. You mentioned Acting Assistant Secretary Katie Wheelbarger this morning. We're scheduled to speak with her, I think, in subsequent days. What can you tell us about her involvement in these events?

A So she is my immediate supervisor in the absence of -- I mean, she's in an acting capacity. So it's, you know, one person filling two roles. But I have to note, her portfolio is vast. It's the whole world except for Asia.

So she -- over the summer, if you think about the past summer, we've had Iran issues, she's the lead on that; we've had a lot going on in Syria, you know, not just the recent developments, but earlier; Venezuela is in her portfolio as well.

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So she is the person who, you know, I route all of my papers through, but if she's on travel, she doesn't see the piece of paper. Somebody else pushes it on up the chain in her absence. So it's actually very hard for me to recall what specific meetings or events she would know about, and which ones she wouldn't, and she was not in any of those interagency meetings that we were discussing earlier.

Q Okay. So you're not aware, as we sit here today, what value she would add to this discussion?

A It's very hard for me to ever say that my boss would not add value. You know, she's a terrific leader and has, you know, a ton of broad knowledge. But on the specifics -- the specific questions that you have asked me, I just -- I don't know that she would --

Q Okay. She's not going to have firsthand factual information about these --

A Not any -- I mean, none of the specific things that I talked to you about, it just -- I mean, broadly, she has been following Ukraine like she follows everything else in her portfolio. But, again, because she wasn't in the specific meetings, I think it's less firsthand information.

Q You've never had any communications with the President about this issue?

A I've never had any communications with the President, period.

Q Acting Chief of Staff, Mick Mulvaney?

A No, sir.

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Q And your only interactions with the National Security Council have been the ones you've discussed with --

MR. LEVIN: Relating to this topic.

BY MR. CASTOR:

Q Relating to this topic, sir.

A Relating specifically to this topic, to my recollection, yes.

Q So Tim Morrison, Alexander Vindman?

A Yes.

Q Before that, Fiona Hill?

A Yes, absolutely.

Q And what can you tell us about any communications you had with Fiona Hill relating to this topic, although she -- her last day was July 19?

A So I haven't talked to her about the topic of the suspension of the assistance, because it all played out after she had left.

Q Did you ever have any communications with her about this diplomacy that was ongoing with Rudy Giuliani?

A Well, I heard her remarks on multiple occasions that there was a separate track handling foreign policy. I don't recall her specifying Giuliani by name; but she did multiple times express concern that there was kind of a parallel process to the one that she was handling.

Q And what did she tell you? Like, how did she characterize it? I think you said she had concerns?

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A She had concerns. And, I mean, the way she characterized it was the challenge of managing and, you know, coordinating an interagency process when there are those who work outside of that process and have engagements with foreign officials that, you know, people inside the process are unaware of.

Q Did you ever have any communications with State Department officials about this non-traditional diplomacy that was occurring?

A So I heard several concerns related to what was described as pressure that was brought to bear on Ambassador Yovanovitch. And I never heard anything specific about, you know, any actions that she was, you know, asked to take or had taken. But several, you know, other State Department staff would -- you know, pointed to the Giuliani visit to Ukraine, which was reported in open source as being a source of friction and a source of tension. But it never got -- I never got any more details than that.

Q And who at the State Department related to Ukraine do you spend -- do you communicate with most of the time?

A So it's either now-Ambassador Taylor in the field, or George Kent, or Phil Reeker, typically.

Q And do you recall any specific conversations with George Kent or Phil Reeker relating to the holdup in the aid?

A Oh, I can't think of any specifics, but we definitely discussed concerns that we needed to figure out how to get the aid released, and that we didn't, you know -- we thought it was very important to restore the assistance.

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Q Did Kent ever mention to you this Rudy Giuliani channel that was in existence?

A I can't recall any specifics. He did lament the treatment of Ambassador Yovanovitch.

Q Okay. How about with Phil Reeker?

A With Phil Reeker, I recall him mentioning how Ambassador Sondland was playing a large role in a number of issues, not just Ukraine, but he didn't express it as necessarily entirely negative.

Q Okay. During this time period, how many conversations would you estimate you had with Phil Reeker?

A That is very hard.

Q About this topic.

A Oh, about this topic?

Q Yes.

A Oh, about this topic, I don't know, I would have to guess, about a handful, probably.

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[6:15 p.m.]

BY MR. CASTOR:

Q And do you remember anything remarkable about any of these conversations? Did you think that he was somebody that was trying to solve the problem, or was it more just sharing information? Did he have an active role in this?

A So, I mean, my impression of Ambassador Reeker's role is that he has a very broad portfolio, and is, you know, on travel a good deal. So I think he has tried to be, you know, as helpful as he can to, you know, releasing the Ukraine security assistance and FMF funds. But I don't -- I haven't noticed a specific role that he has played in the process.

Q How about Ambassador Sondland? Have you ever had conversations with him?

A No, I've never had conversations with him or met him.

Q Okay. You only heard of him?

A I've heard of him.

Q Us, too.

A And if I could make one correction there in the sense that I attended the EUCOM, European Command Chief of Mission Conference last spring. It's possible that he was there, but I don't -- I didn't meet him in a sense that I don't -- he could have been at that conference.

Q The whistleblower complaint was made public on September 26th, which was a day after the call transcript was made public on the 25th. Was that the first time you had seen or heard about the

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whistleblower transcript or, I'm sorry, the whistleblower complaint?

A Yes. It was the first time I had seen the whistleblower complaint, although, obviously, many of the points therein are -- you know, track with some of what I have shared with you.

Q From any of your discussions with U.S. Government officials, did you have any awareness that a whistleblower complaint of this sort was in the offing?

A No.

Q Okay. Are you aware of [REDACTED]?

A [REDACTED]  
[REDACTED]  
[REDACTED].

Q Okay. Have you ever had any communications [REDACTED] [REDACTED]?

[REDACTED]  
[REDACTED].

Q About the issues, though, that we're discussing here today?

A Not these issues specifically, no. [REDACTED]  
[REDACTED].

Q Your appearance here today, the Department instructed you initially not to participate in a voluntary setting. Is that correct?

A They instructed me yesterday not to participate. I'm not sure if it said a voluntary setting, that part of the phrase.

Q What was your understanding of the direction the Department provided to you?

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MR. LEVIN: Well, to the extent it involves discussions with me, I'd instruct her not to answer. You got the letter.

MR. CASTOR: We do?

MR. LEVIN: The committee has the letter.

MR. BITAR: If you could speak into the mic.

MR. LEVIN: I would instruct her not to answer to --

MR. CASTOR: I got that part. Yeah. I'm not trying to ask you about attorney-client --

MR. LEVIN: I think the letter has been sent out, so you should have a copy.

MR. CASTOR: This was yesterday, I guess, this letter. We can make it exhibit number 6.

[Minority Exhibit No. 6  
was marked for identification.]

BY MR. CASTOR:

Q So exhibit 6 is a letter dated October 22nd to Dan Levin from -- who signed it? Do we know who signed it? I apologize. I was occupied yesterday in another event of this sort.

A The letterhead is the Deputy Secretary of Defense letterhead.

Q Okay. Okay. So what was your understanding of the direction that the Department gave you about participating?

MR. LEVIN: Again, to the extent it's based on discussions with me, I'd instruct her not to answer. I mean, the letter speaks for itself.

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MR. CASTOR: Okay. Is this the sum total of the communications you had from the Department about appearing today?

MR. LEVIN: Yes, it is.

MR. CASTOR: So you didn't have any discussions with the Office of General Counsel officials or anybody like that?

MR. LEVIN: I mean, discussions -- I'm sorry.

BY MR. CASTOR:

Q But just about your appearance here. Just trying to understand did they try to block your testimony or --

A Again, I think the letter reflects what the Department's action has been.

Q Okay.

A I think it kind of summarizes it.

Q In any event, you're appearing today under subpoena?

A That is correct.

Q Okay. And are you concerned that there will be repercussions at the Department for your testimony here today?

A I would hope that I shouldn't be concerned about such matters.

Q Okay. And so you're not?

A I don't think that's an accurate statement either.

Q Okay. You are concerned?

A This is a challenging environment. And for a civil servant who is just trying to fulfill my obligations, this is -- this is challenging in both respects. Getting a letter like that, getting a

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subpoena. But, you know, I'm confident that I'll be able to continue to serve, and I'll be very happy to get back to the work that we do in my office.

Q Who first notified you that they were -- that the committee was inviting you to appear today? Did the letter come to you directly, or did it come through Leg Affairs or the Office of General Counsel?

A The original letter came through Leg Affairs.

Q And what type of guidance did they give you?

A None initially.

Q They just --

A It came in on a Friday night, though.

Q Okay.

A And I was supposed to appear the following week, and it was Columbus Day on Monday. So there wasn't a lot of time for them to --

Q Okay.

A -- you know, engage that much.

MR. CASTOR: Okay. I yield back.

MR. MITCHELL: We are not going to start another 45-minute round, but we might have a couple minutes of questions. So I think what we'll do, with your agreement, is if we go 2 minutes, you guys can go 2 minutes as well.

MR. CASTOR: I don't anticipate any additional questions. I mean, there might be follow-up, but I hope we're not going to keep track of the minutes or seconds. I want to --

MR. LEVIN: We'll keep track of that.

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MR. MITCHELL: With that understanding.

BY MR. MITCHELL:

Q You testified earlier on July 31st that you made the statement at the PCC meeting -- and I tried to write down what you said. I think you said that it was your understanding that for USAI funds there were two legally available mechanisms, the first being -- well, what were they?

A So the two mechanisms, as I understand them, and as I related, are first to have a rescission. And this was a Presidential-level action. And the second is for the Department of Defense to do a reprogramming action. And both require notification to Congress.

Q And I believe Mr. Meadows asked you some questions about this, and you indicated that there was no congressional notification as to either. Is that correct?

A Not to my knowledge.

Q Prior to the July 31st PCC meeting, were you in communication with anyone from DOD legal?

A Yes.

Q And you testified earlier that you weren't an expert in the rescission or DOD programming, just generally. Is that right?

A That is correct.

Q But the statement that you made on this July 31st PCC wasn't based on your limited knowledge of these two programs, it was based on a conversation that you had with DOD legal?

MR. LEVIN: Can we leave it as it followed a conversation she had

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with DOD legal? I'm just trying not to get her in trouble back at the Department, in terms of --

MR. GOLDMAN: I think it's understood, but I don't think we're asking her to share the contents of the conversation that she had, but we are asking whether or not her statement relied on advice from DOD legal, which we don't think would fall under the privilege.

MR. LEVIN: I think it's a yes or no.

MS. COOPER: What was the question? The question was, did it rely on advice, is that the question?

BY MR. GOLDMAN:

Q Did your understanding of the appropriate -- the two proper legal mechanisms to divert funding rely on a conversation that you had with DOD legal?

A Yes.

Q I'll just follow up with one question. Sorry. And, to your knowledge, the Department of Defense did not endeavor to do any work on a potential Presidential rescission?

A To my knowledge, no.

Q Would you know if that were to happen, or would you know if that were happening?

A In normal circumstances, if it relates to the country that I'm handling, or the programs that I oversee, yes, in normal circumstances.

Q And what about DOD reprogramming?

A Again, in normal circumstances, that type of an action would

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have to be coordinated with the regional policy office, and that would be my office.

Q Were you aware of whether any reprogramming efforts by DOD were either being undertaken or directed to be undertaken?

A I was not aware of any such efforts.

Q So, to your knowledge, the only legal ways to adjust funding provided by Congress were not being pursued in relation to USAI?

A I just want to caveat that, that those legally available means relate to the question of whether or not all the funds can be obligated by the end of the fiscal year. So as long as the funds can be obligated, you do not have to avail yourself of these mechanisms.

You can have a hold in spending. It's once you get to the point where it's clear that you cannot obligate all the funds by the end of the fiscal year that those two mechanisms, one of the two would have to be used.

Q Because otherwise, you'd be in violation of the Impoundment Control Act. Is that right?

A That is my understanding, yes.

MR. GOLDMAN: We yield. Does minority have any questions?

MR. CASTOR: No.

MR. GOLDMAN: All right. Mr. Bitar?

MR. BITAR: So just prior to adjourning, I'd like to just underscore something. I'd like to underscore something that the chairman would have said at the opening, but due to the disruption, he was not able to.

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So, first, I'd like to apologize on behalf of the committees for the disruption that occurred. But finally, with prior witnesses he has said the following, and I think this is very apt in light of what you -- the questions you answered at the end, which is to underscore that 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 Defense Department, in coordination with the White House, sought to prohibit Department employees, including you, from cooperating with the inquiry and with Congress and have tried to limit what they can say. This is unacceptable. Thankfully, consummate public servants like you have demonstrated remarkable courage in coming forward to testify and tell the truth.

With that, we're adjourned. Thank you.

MS. COOPER: Thank you.

[Whereupon, at 6:29 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

The Honorable Eliot L. Engel  
Chairman  
Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, DC 20515

MAR 05 2019

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.

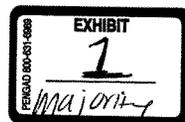
Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125 million, and the quantity of items will remain consistent with the stated nature and scope 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 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**

| <b>Proposal</b> | <b>Program</b>  | <b>Component</b> | <b>Combatant Command</b> | <b>Dollars</b>       |
|-----------------|---|------------------|--------------------------|----------------------|
| 1               | Lethal Equipment and Counter-Artillery Radars                   | DSCA             | USEUCOM                  | \$53,300,000         |
| 2               | Ministry of Defense - Air Force                                 | DSCA             | USEUCOM                  | \$5,000,000          |
| 3               | Ministry of Defense - Land Forces and Special Operations Forces | DSCA             | USEUCOM                  | \$13,000,000         |
| 4               | Ministry of Defense - Navy and Naval Infantry                   | DSCA             | USEUCOM                  | \$29,000,000         |
| 5               | Ministry of Defense - Other                                     | DSCA             | USEUCOM                  | \$24,700,000         |
| <b>Total</b>    |   |                  |                          | <b>\$125,000,000</b> |

DSCA – Defense Security Cooperation Agency

USEUCOM – U.S. European Command

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.

**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"> <li>• AN/TPQ-37 FIREFINDER Radar (2)</li> <li>• Spares and Ancillary Items</li> </ul> | \$29,900,000 | Army                |
| 2 | Sniper Rifles, Spares, and Supporting Equipment, including: <ul style="list-style-type: none"> <li>• .50 Sniper Rifle (122)</li> </ul>  | \$5,800,000  | Army                |

|                      | Articles/Services   | Value               | Executing Component |
|----------------------|---|---------------------|---------------------|
|                      | <ul style="list-style-type: none"> <li>.50 BMG Match, Armor Piercing, and Armor Piercing Incendiary Cartridges</li> <li>Associated optics, parts, tools, accessories</li> </ul>   |                     |                     |
| 3                    | Grenade Launchers and Supporting Equipment, including: <ul style="list-style-type: none"> <li>PSRL-1 Grenade Launcher (1000)</li> <li>Associated parts, tools, accessories, and rounds</li> </ul>   | \$6,100,000         | Navy                |
| 4                    | <ul style="list-style-type: none"> <li>Operations and Maintenance Training</li> <li>Human Rights Training (DIILS)</li> <li>Services, Service Charges, and Technical Support</li> <li>Transportation, Consolidation, Shipping</li> <li>Admin Surcharge (3.2%)</li> </ul> | \$11,500,000        | Army/Navy           |
| <b>PROGRAM TOTAL</b> |   | <b>\$53,300,000</b> |                     |

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.

**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:

|   | <b>Articles/Services</b>   | <b>Value</b> | <b>Executing Component</b> |
|---|--|--------------|----------------------------|
| 1 | Aircraft Navigational Systems, including: <ul style="list-style-type: none"> <li>• Doppler VHF Omnidirectional Radio Ranging and Tactical Air Navigation System</li> <li>• Associated spares and ancillaries</li> </ul> Instrument Landing System/Distance Measuring Equipment, including: <ul style="list-style-type: none"> <li>• Localizer (1)</li> <li>• Glideslope (1)</li> </ul> | \$2,300,000  | Air Force                  |

|                      | Articles/Services   | Value              | Executing Component |
|----------------------|---|--------------------|---------------------|
|                      | <ul style="list-style-type: none"> <li>Associated spares and ancillaries</li> </ul>   |                    |                     |
| 2                    | Aircraft Security and Communication, including: <ul style="list-style-type: none"> <li>Electrical Support Equipment</li> <li>Safety and Security Equipment</li> <li>Communications and Telephony</li> <li>Bird Strike Prevention Equipment</li> </ul>           | \$400,000          | Army                |
| 3                    | <ul style="list-style-type: none"> <li>Additional associated spares and ancillaries</li> <li>Equipment Testing, Maintenance, Training</li> <li>Services, Service Charges, and Technical Support</li> <li>Transportation, Consolidation, and Shipping</li> </ul> | \$2,300,000        | Air Force           |
| <b>PROGRAM TOTAL</b> |   | <b>\$5,000,000</b> |                     |

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.

**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"> <li>• M1151 High Mobility Multipurpose Wheeled Vehicle (HMMWV) (6)</li> <li>• Self Protection Adaptive Roller Kit System (SPARKS) Mine Rollers (6)</li> <li>• HMMWV Trailers (30)</li> <li>• Associated spares and ancillaries</li> </ul> | \$4,000,000 | Army                |

|                      | <b>Articles/Services</b>  | <b>Value</b>        | <b>Executing Component</b> |
|----------------------|---|---------------------|----------------------------|
| 2                    | Electronic Warfare (EW) <ul style="list-style-type: none"> <li>• Versatile Radio Observation and Direction (VROD) and VROD Modular Adaptive Transmit (VMAX) Manpack EW System (12)</li> <li>• Unmanned Aerial System (UAS) Tracking Software for TCI Model 903S</li> <li>• Maintenance Package</li> <li>• Associate Spares and ancillaries</li> </ul> | \$3,000,000         | Army                       |
| 3                    | SOF Berthing Package (Alaska Shelter, 15 sets) <ul style="list-style-type: none"> <li>• Associated spares and ancillaries</li> </ul>  | \$1,500,000         | Army                       |
| 4                    | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul>  | \$4,500,000         | Army                       |
| <b>PROGRAM TOTAL</b> |   | <b>\$13,000,000</b> |                            |

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.

**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:

|   | <b>Articles/Services</b>   | <b>Value</b> | <b>Executing Component</b> |
|---|--|--------------|----------------------------|
| 1 | Navy and Naval Infantry Communication Systems, including: <ul style="list-style-type: none"> <li>• Shore Station System (1)</li> <li>• Shore Retransmission Station (6)</li> <li>• Intercom System (4)</li> <li>• Boat Radios (27)</li> <li>• Ruggedized Command Element Portable Computers (66)</li> <li>• Associated spares and ancillaries</li> </ul> | \$4,700,000  | Army                       |
| 2 | Naval Infantry Tactical Equipment: <ul style="list-style-type: none"> <li>• Night Vision Device (470)</li> <li>• Laser Weapon Sight (350)</li> </ul>   | \$3,200,000  | Army                       |

|                      | Articles/Services  | Value               | Executing Component |
|----------------------|--|---------------------|---------------------|
|                      | <ul style="list-style-type: none"> <li>• Associated spares and ancillaries</li> </ul>  |                     |                     |
| 3                    | Submerged Operations Equipment, including: <ul style="list-style-type: none"> <li>• Scuba Operations Equipment (190)</li> <li>• Surface Swimmer Equipment (190)</li> <li>• Closed-Circuit Diving Equipment (204)</li> <li>• Support equipment, tools, associated spares, and ancillaries</li> </ul>  | \$10,700,000        | Navy                |
| 4                    | Rigid Hull Inflatable Boats (10) <ul style="list-style-type: none"> <li>• Support equipment, tools, associated spares, and ancillaries</li> </ul> Combat Rubber Raiding Crafts (47) <ul style="list-style-type: none"> <li>• Support equipment, tools, associated spares, and ancillaries</li> </ul> | \$3,900,000         | Navy                |
| 5                    | Mine Countermeasures/Harbor Security <ul style="list-style-type: none"> <li>• Side Scan Sonar (4)</li> <li>• Autonomous Underwater Vehicle (1)</li> <li>• Tethered Remotely Operated Vehicle (4)</li> </ul>  | \$2,300,000         | Navy                |
| 4                    | <ul style="list-style-type: none"> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul>  | \$4,200,000         | Army/Navy           |
| <b>PROGRAM TOTAL</b> |  | <b>\$29,000,000</b> |                     |

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.

**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:

|   | <b>Articles/Services</b>  | <b>Value</b> | <b>Executing Component</b> |
|---|---|--------------|----------------------------|
| 1 | Secure Radio Equipment, including: <ul style="list-style-type: none"> <li>• VHF/UHF Radio Systems (260)</li> <li>• HF Radio Systems (40)</li> <li>• Associated spares, ancillaries</li> </ul>   | \$15,100,000 | Army                       |
| 2 | Training and Classroom Equipment, including: <ul style="list-style-type: none"> <li>• Tactical Vehicle Mounted Radio System (2)</li> <li>• Intercom System (2)</li> <li>• Tactical Radio System manpack (4)</li> <li>• Associated spares and ancillaries</li> </ul> | \$700,000    | Army                       |

|                      | <b>Articles/Services</b>   | <b>Value</b>        | <b>Executing Component</b> |
|----------------------|--|---------------------|----------------------------|
| 3                    | Radio Net Control Stations/Spectrum Monitoring Equipment, including: <ul style="list-style-type: none"> <li>• Receiver/Scanner (3)</li> <li>• Antenna (3)</li> <li>• Software (3)</li> <li>• Analyst Equipment (3)</li> <li>• Associated spares and ancillaries</li> </ul> | \$800,000           | Army                       |
| 4                    | Net Infrastructure Installation Program, including: <ul style="list-style-type: none"> <li>• Cabling and installation hardware to outfit 12 facilities and 6 teams</li> <li>• Associated spares and ancillaries</li> </ul>   | \$2,900,000         | Army                       |
| 5                    | Technical Support Package <ul style="list-style-type: none"> <li>• Support development of an acquisition and procurement system</li> <li>• Provide appropriate training materials, aids, and support</li> </ul>  | \$2,000,000         | DSCA                       |
| 6                    | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul>   | \$3,200,000         | Army                       |
| <b>PROGRAM TOTAL</b> |  | <b>\$24,700,000</b> |                            |

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.



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

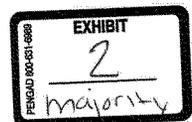
Dear Mr. Chairman:

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 as 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.

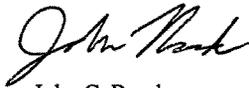


Through these engagements, the United States has effectively helped Ukraine advance institutional reforms through a number of substantial actions to align Ukraine's defense enterprise more closely with NATO standards and principles. The Ukrainian Government adopted legislation to authorize the Ministry of Defense to conduct direct procurement from international manufacturers, including through the Foreign Military Sales program. Furthermore, to strengthen civilian control of the military, the ministry is making progress toward increasing civilian staff, as most prominently illustrated by the fact that the Minister of Defense is now a civilian. Minister Poltorak also initiated an ambitious program to reform the command and control system in line with Euro-Atlantic principles, which will further strengthen civilian control, and to separate force generation from force employment functions, which will improve the management of Ukraine's forces. Lastly, Ukraine committed in writing to defense industry reforms and requested a Senior Defense Industry Advisor to improve the ability of Ukraine's domestic industry to provide critical material to the Ukrainian armed forces and transform the state-owned enterprise.

Although substantial progress has been made on defense reform since 2014, there remain areas that require significant attention. Although Ukraine has made a commitment to defense industry reforms, increased transparency in acquisition and budgeting will require a sustained effort. DoD is supporting Ukraine with the development of a transformation plan to bring its industry in line with global best practices, which will likely be a multi-year effort. The implementation of a modern human resources management system is another area that still requires attention. Moreover, Ukraine, with U.S. advice and mentoring, continues to mature its processes and procedures to ensure technology security, proper accountability, and end-use controls for U.S.-provided equipment. The United States remains committed to assisting with the implementation of these reforms to bolster Ukraine's ability to defend its territorial integrity in support of a secure and democratic Ukraine.

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,



John C. Rood

Enclosures:

As Stated

cc:

The Honorable Michael McCaul  
Ranking Member

**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)**

| <b>Proposal</b> | <b>Program</b>  | <b>Component</b> | <b>Combatant Command</b> | <b>Dollars</b>       |
|-----------------|---|------------------|--------------------------|----------------------|
| 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          |
|                 |   |                  |                          |                      |
|                 | <b>Total</b>  |                  |                          | <b>\$125,000,000</b> |

DSCA – Defense Security Cooperation Agency

USEUCOM – U.S. European Command

**Ukraine Security Assistance Initiative (USAI):  
Electronic Warfare and Counter-Mortar Radars**

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 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 15 Electronic Warfare (EW) systems, including 12 systems to be mounted on command-variant HMMWVs for the Ukrainian Land Forces and three systems for the Ukrainian Navy to be mounted on U.S.-provided Island Class Patrol Boats. This program also provides funding for the upgrade of 56 counter-mortar radar systems to be equipped with a Counter-Unmanned Aerial Vehicle (UAV) capability, 12 Command-variant HMMWVs, and associated training, maintenance, and services. These additional EW systems and upgraded radar systems will enhance the survivability of Ukrainian forces by providing early warning against indirect fire attacks and detecting UAVs to increase situational awareness of enemy activity.

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. 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:

|   | <b>Articles/Services</b>   | <b>Value</b> | <b>Executing Component</b> |
|---|--|--------------|----------------------------|
| 1 | Radars, Spares, and Supporting Equipment, including: <ul style="list-style-type: none"> <li>• AN/TPQ-49 Counter-UAV Software Upgrades (56)</li> <li>• Spares and Ancillary Items</li> </ul>                          | \$2,900,000  | Army/USMC                  |
| 2 | Electronic Warfare systems and Supporting Equipment, including: <ul style="list-style-type: none"> <li>• TCI Model 903-2 platforms (15)</li> <li>• Associated parts, tools, installation, and accessories</li> </ul> | \$19,300,000 | Army/Navy                  |

|   | <b>Articles/Services</b>   | <b>Value</b>        | <b>Executing Component</b> |
|---|--|---------------------|----------------------------|
| 3 | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, Shipping</li> </ul> | \$4,700,000         | Army/Navy/USMC             |
|   | <b>PROGRAM TOTAL</b>   | <b>\$26,900,000</b> |                            |

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.

**Ukraine Security Assistance Initiative (USAI):  
National Guard**

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 for the National Guard of Ukraine's (NGU) Rapid Reaction Brigade and three training centers (Zolochiv, Kharkiv, and Stare). Equipment includes secure communication equipment, four static electronic warfare systems, and trailer-mounted tent systems to increase capacity at NGU training centers, and secure containers for the storage of Enhanced End-Use Monitoring items provided through USAI.

Units selected to receive this assistance will undergo Leahy human rights vetting and will be provided human rights training by the Defense Institute of International Legal Studies before such assistance is provided. 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:

|   | <b>Articles/Services</b>   | <b>Value</b> | <b>Executing Component</b> |
|---|--|--------------|----------------------------|
| 1 | Secure Communications, including: <ul style="list-style-type: none"> <li>• VHF Radio Systems (36)</li> <li>• HF Radio Systems (16)</li> <li>• Additional associated spares and ancillaries</li> </ul>  | \$3,400,000  | Army                       |
| 2 | Electronic Warfare Systems <ul style="list-style-type: none"> <li>• TCI Model-903S (4)</li> </ul>  | \$2,100,000  | Army                       |
| 3 | Trailer-Mounted Tent Systems <ul style="list-style-type: none"> <li>• Large Tent System (2)</li> <li>• Medium Tent System (3)</li> <li>• Assorted tactical items, containers, metal detectors, associated spares, and accessories</li> </ul> | \$2,500,000  | Army, Navy                 |

|   | <b>Articles/Services</b>  | <b>Value</b>       | <b>Executing Component</b> |
|---|---|--------------------|----------------------------|
| 4 | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DIILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, Shipping</li> </ul> | \$1,700,000        | Army                       |
|   | <b>PROGRAM TOTAL</b>  | <b>\$9,700,000</b> |                            |

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.

**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. This program funds additional up-armored HMMWVs, maintenance and sustainment equipment and spare parts for night-vision devices, Explosive Ordnance Disposal (EOD) equipment, and secure communications equipment. These items increase survivability of Ukraine's forces by increasing their capacity and capability to address Improvised Explosive Devices and Unexploded Ordnance threats throughout the Joint Forces Operation area, and increases their lethality with advanced weapon optics.

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:

|   | <b>Articles/Services</b>   | <b>Value</b> | <b>Executing Component</b> |
|---|--|--------------|----------------------------|
| 1 | Tactical Vehicles, including: <ul style="list-style-type: none"> <li>• M1151 HMMWV (20)</li> <li>• M1152 HMMWV Maintenance Contact Vehicle (4)</li> <li>• Associated spares and ancillaries</li> </ul> | \$6,300,000  | Army                       |

|   | Articles/Services   | Value       | Executing Component |
|---|---|-------------|---------------------|
| 2 | Night-Vision Device (NVD) sustainment and maintenance, including: <ul style="list-style-type: none"> <li>• NVD consumable spare parts</li> <li>• NVD repair tools and supplies</li> <li>• Secure storage containers (20)</li> <li>• Associated Spares and ancillaries</li> <li>• Collimator Rifle Sights (1000)</li> <li>• Associated Rifle Handguards, batteries, spares, ancillaries</li> </ul> | \$3,600,000 | Army                |
| 3 | Engineering and Explosive Ordnance Disposal (EOD), including: <ul style="list-style-type: none"> <li>• Husky Demining Vehicle (1)</li> <li>• EOD Robots (20)</li> <li>• EOD Bomb-technician Suits (14)</li> <li>• Associated spares and ancillaries</li> </ul>  | \$7,200,000 | Navy                |
| 4 | Non-Commissioned Officer Academy and Yavoriv Training Center Equipment, including: <ul style="list-style-type: none"> <li>• English Language Labs (20)</li> <li>• Simulations software and servers</li> <li>• Associated spares and ancillaries</li> </ul>  | \$400,000   | Army                |
| 5 | SOF Secure Communication, including: <ul style="list-style-type: none"> <li>• HF/VHF Radios (124)</li> <li>• Associated Spares and ancillaries</li> </ul>   | \$4,200,000 | Army                |
| 6 | SOF Optics, Medical, and Engineering, including: <ul style="list-style-type: none"> <li>• Weapon optics (550)</li> <li>• Secure Storage Containers (6)</li> <li>• EOD equipment</li> <li>• Medical equipment</li> <li>• Water Purification system (8)</li> <li>• Associated Spares and ancillaries</li> </ul>   | \$2,500,000 | Army/Navy           |

|   | <b>Articles/Services</b>  | <b>Value</b>        | <b>Executing Component</b> |
|---|---|---------------------|----------------------------|
| 7 | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DILLS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul> | \$4,100,000         | Army/Navy                  |
|   | <b>PROGRAM TOTAL</b>  | <b>\$28,300,000</b> |                            |

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.

**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:

|   | <b>Articles/Services</b>  | <b>Value</b> | <b>Executing Component</b> |
|---|---|--------------|----------------------------|
| 1 | Secure Communications equipment, including: <ul style="list-style-type: none"> <li>• VHF/UHF radio systems (100)</li> <li>• VHF Dismount System (100)</li> <li>• HF Radio Systems (350)</li> <li>• Associated spares and ancillaries</li> </ul> | \$43,200,000 | Army                       |
| 2 | Emissions and Penetration Testing and certification equipment, including: <ul style="list-style-type: none"> <li>• Spectrum Analyzers (23)</li> <li>• Servers, racks, and cabling</li> <li>• Associated spares and ancillaries</li> </ul>       | \$1,400,000  | Army                       |

|   | <b>Articles/Services</b>  | <b>Value</b>        | <b>Executing Component</b> |
|---|---|---------------------|----------------------------|
| 3 | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DIILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul> | \$6,500,000         | Army                       |
|   | <b>PROGRAM TOTAL</b>  | <b>\$51,100,000</b> |                            |

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.

**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:

|   | <b>Articles/Services</b>  | <b>Value</b> | <b>Executing Component</b> |
|---|---|--------------|----------------------------|
| 1 | Medical Equipment, including: <ul style="list-style-type: none"> <li>• M1152 HMMWV Ambulances (10)</li> <li>• Hospital equipment (30)</li> <li>• Treatment and Training supplies</li> <li>• Associated spares, ancillaries</li> </ul> | \$5,500,000  | Army                       |
| 2 | Military Police Equipment, including: <ul style="list-style-type: none"> <li>• Weapon Optics (200)</li> <li>• Range finders (10)</li> <li>• Associated spares and ancillaries</li> </ul>  | \$500,000    | Army                       |
| 3 | STRATCOM equipment, including: <ul style="list-style-type: none"> <li>• Vehicle-Mounted Public Announcement system (10)</li> <li>• US standard digital media kits (30)</li> <li>• Associated spares and ancillaries</li> </ul>        | \$1,600,000  | Army                       |

|   | Articles/Services   | Value              | Executing Component |
|---|---|--------------------|---------------------|
| 4 | <ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DIILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul> | \$1,400,000        | Army                |
|   | <b>PROGRAM TOTAL</b>  | <b>\$9,000,000</b> |                     |

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.

SF 132 APPORTIONMENT SCHEDULE

FY 2019 Apportionment  
Previously Approved Footnotes

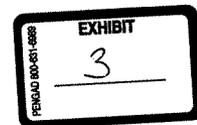
**Footnotes for Apportioned Amounts**

- 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.

**Footnotes for Budgetary Resources**

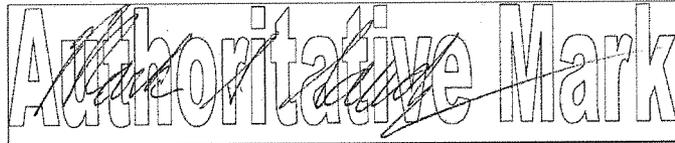
- B1 Funds provided by P. L. 115-245 signed September 28, 2018 appropriated amount of \$43,534,193,000; plus section 8048 \$44,000,000; plus section 8118 \$16,571,000; plus section 9013 \$250,000,000 plus section 9018 \$500,000,000 minus 8024(f) \$7,788,000.
- B2 Apportioned anticipated budgetary resources, 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).
- B3 (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

2399



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

2400



## SF 132 APPORTIONMENT SCHEDULE

### FY 2019 Apportionment OMB Footnotes

#### Footnotes for Apportioned Amounts

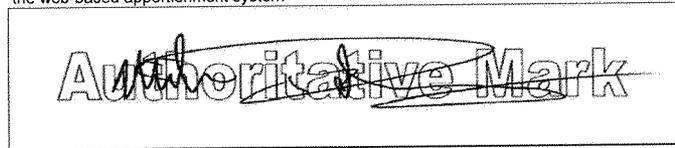
- A2** A classified attachment displaying the apportionment of specific classified programs within the amount displayed may be included. All documents associated with this apportionment are unclassified except for the Classified Attachment. The classified apportionment shall be allotted in full and executed 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).

**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

- 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.

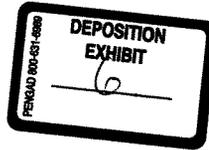
#### Footnotes for Budgetary Resources

- 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).



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

Daniel Levin  
White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005-3807



OCT 22 2019

Dear Mr. Levin:

I understand that you have been retained by Ms. Laura Cooper, the Department's Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, as her private counsel for a deposition to be conducted jointly by the House Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform, "[p]ursuant to the House of Representatives' impeachment inquiry." The Department's October 15, 2019 letter to the Chairs of the three House Committees [Tab A] expressed its belief that the customary process of oversight and accommodation has historically served the interests of congressional oversight committees and the Department well. The Committees' purported "impeachment inquiry," however, presents at least two issues of great importance.

The first issue is the Committees' continued, blanket refusal to allow Department Counsel to be present at depositions of Department employees. Department Counsel's participation protects against the improper release of privileged or classified information, particularly material covered by the executive privilege which is the President's alone to assert and to waive. Excluding Department Counsel places the witness in the untenable position of having to decide whether to answer the Committees' questions or to assert Executive Branch confidentiality interests without an attorney from the Executive Branch present to advise on those interests. It violates settled practice and may jeopardize future accommodation. Furthermore, the Department of Justice has concluded that "congressional subpoenas that purport to require agency employees to appear without agency counsel are legally invalid and are not subject to civil or criminal enforcement." See *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. (May 23, 2019) [Tab B].

The second issue is the absence of authority for the Committees to conduct an impeachment inquiry. In its October 15, 2019 letter, the Department conveyed concerns about the Committees' lack of authority to initiate an impeachment inquiry given the absence of a delegation of such authority by House Rule or Resolution. This correspondence echoed an October 8, 2019 letter from the White House Counsel [Tab C] expressing the President's view that the inquiry was "contrary to the Constitution of the United States and all past bipartisan precedent" and "violates fundamental fairness and constitutionally mandated due process."

This letter informs you and Ms. Cooper of the Administration-wide direction that Executive Branch personnel "cannot participate in [the impeachment] inquiry under these circumstances" [Tab C]. In the event that the Committees issue a subpoena to compel Ms. Cooper's appearance, you should be aware that the Supreme Court has held, in *United States v.*



*Rumely*, 345 U.S. 41 (1953), that a person cannot be sanctioned for refusing to comply with a congressional subpoena unauthorized by House Rule or Resolution.

To reiterate, the Department respects the oversight role of Congress and stands ready to work with the Committees should there be an appropriate resolution of outstanding legal issues. Any such resolution would have to consider the constitutional prerogatives and confidentiality interests of the co-equal Executive Branch, *see* Tab D, and ensure fundamental fairness to any Executive Branch employees involved in this process, including Ms. Cooper.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul L. Marshall". The signature is written in a cursive, flowing style with some capitalization.

Attachments:  
As stated



LEGISLATIVE  
AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, DC 20301-1300

OCT 15 2019

The Honorable Adam B. Schiff  
Chairman  
House Permanent Select Committee on Intelligence  
Washington, D.C. 20515

The Honorable Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs  
Washington, D.C. 20515

The Honorable Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform  
Washington, D.C. 20515

Dear Messrs. Chairmen:

I write on behalf of the Department to confirm that we received your letter and subpoena of October 7, 2019, seeking the production of all documents and communications in the custody, possession, or control of the Department of Defense for fourteen categories of information no later than 5:00 pm on October 15, 2019. As your cover letter states, the Permanent Select Committee on Intelligence, in consultation with the Committee on Foreign Affairs and the Committee on Oversight and Reform, issued the subpoena “[p]ursuant to the House of Representatives’ impeachment inquiry.”

The Department understands the significance of your request for information and has taken steps to identify, preserve, and collect potentially responsive documents. The customary process of oversight and accommodation has historically served the interests of congressional oversight committees and the Department well. The Department is prepared to engage in that process consistent with longstanding practice and provide the responsive information should there be resolution of this matter.

The current subpoena, however, raises a number of legal and practical concerns that must first be addressed. For example, although your letter asserts that the subpoena has issued “[p]ursuant to the House of Representatives’ impeachment inquiry,” the House has not authorized your committees to conduct any such inquiry. The Supreme Court has long held that the first step in assessing the validity of a subpoena from a congressional committee is determining “whether the committee was authorized” to issue the subpoena, which requires “constru[ing] the scope of the authority which the House of Representatives gave to” the committee. *United States v. Rumely*, 345 U.S. 41, 42-43 (1953). Here, none of your committees has identified any House rule or House resolution that authorized the committees to begin an

inquiry pursuant to the impeachment power. In marked contrast with historical precedents, the House has not expressly adopted any resolution authorizing an impeachment investigation.

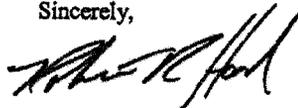
The House also has not delegated such authority to any of your three committees by rule. See H. Res. 6, 116th Cong. (2019). To the contrary, House Rule X is currently the only source of your three committees' jurisdiction, and that rule does not provide any of the committees the power to initiate an impeachment inquiry. Indeed, the rule does not mention impeachment at all. See H. Rule X, cl. 1(i), (n); cl. 11. Absent a delegation by House Rule or a resolution of the House, none of your committees has been delegated jurisdiction to conduct an investigation pursuant to the impeachment power under Article I, Section 2 of the Constitution.

Even if the inquiry were validly authorized, much of the information sought in the subpoena appears to consist of confidential Executive Branch communications that are potentially protected by executive privilege and would require careful review to ensure that no such information is improperly disclosed. Furthermore, as a practical matter, given the broad scope of your request, the time required to collect the documents, review them for responsiveness and relevant privileges, and produce responsive, non-privileged documents to the committee is not feasible within the mere eight days afforded to the Department to comply with the subpoena.

On a separate note, the Department also objects to your letter's assertion that the Secretary of Defense's "failure or refusal to comply with the subpoena, 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 Secretary] and the President." Invoking reasonable legal defenses to a subpoena, including invoking legal privileges that are held by the President, in no way manifests evidence of obstruction or otherwise warrants an adverse inference. Indeed, the very idea that reasonably asserting legal rights is itself evidence of wrongdoing turns fundamental notions of fairness on their head and is inconsistent with the rule of law. In fact, the department is diligently preserving and collecting potentially responsive documents.

In light of these concerns, and in view of the President's position as expressed in the White House Counsel's October 8 letter, and without waiving any other objections to the subpoena that the Department may have, the Department is unable to comply with your request for documents at this time. Nevertheless, the Department respects the oversight role of the appropriate committees of Congress, and stands ready to work with your committees should there be an appropriate resolution of this matter. Any such resolution would have to protect the constitutional prerogatives and confidentiality interests of the co-equal Executive Branch and ensure fundamental fairness to any Executive Branch employees involved in this process.

Sincerely,



Robert R. Hood  
Assistant Secretary of Defense  
for Legislative Affairs

Cc: The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

(Slip Opinion)

## Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees

Congress may not constitutionally prohibit agency counsel from accompanying agency employees called to testify about matters that potentially involve information protected by executive privilege. Such a prohibition would impair the President's constitutional authority to control the disclosure of privileged information and to supervise the Executive Branch's communications with Congress.

Congressional subpoenas that purport to require agency employees to appear without agency counsel are legally invalid and are not subject to civil or criminal enforcement.

May 23, 2019

### MEMORANDUM FOR THE ATTORNEY GENERAL AND THE COUNSEL TO THE PRESIDENT

On April 2, 2019, the House Committee on Oversight and Reform (the "Committee") issued subpoenas seeking to compel testimony in two separate investigations from two witnesses: John Gore, Principal Deputy Assistant Attorney General for the Department's Civil Rights Division, and Carl Kline, the former head of the White House Personnel Security Office. The Committee sought to question both witnesses about matters that potentially involved communications that were protected by executive privilege. Although the Committee's Rule 15(e) permitted the witnesses to be accompanied at the depositions by private counsel, who would owe duties to the witnesses themselves, the rule purported to bar the presence of agency counsel, who would represent the interests of the Executive Branch.<sup>1</sup> Despite some efforts at accommodation on both sides, the Committee continued to insist that agency counsel could not attend the witnesses' depositions. In response to your requests, we advised that a congressional committee may not constitutionally compel an executive branch witness to testify about potentially privileged matters while depriving the witness of the assistance of agency counsel. Based upon our advice, Mr. Gore and Mr. Kline were directed not to appear at their depo-

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<sup>1</sup> Tracking the text of the Committee's rule, which excludes "counsel . . . for agencies," we speak in this opinion of "agency counsel," but our analysis applies equally to all counsel representing the interests of the Executive Branch, no matter whether the witness works for an "agency," as defined by statute. *See, e.g., Kissinger v. Reporters Comm. for Freedom of the Press*, 445 U.S. 136, 156 (1980) (holding that the Office of the President is not an "agency" for purposes of the Freedom of Information Act).

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sitions without agency counsel. This memorandum explains the basis for our conclusions.

When this issue last arose, during the Obama Administration, this Office recognized “constitutional concerns” with the exclusion of agency counsel, because such a rule “could potentially undermine the Executive Branch’s ability to protect its confidentiality interests in the course of the constitutionally mandated accommodation process, as well as the President’s constitutional authority to consider and assert executive privilege where appropriate.” *Authority of the Department of Health and Human Services to Pay for Private Counsel to Represent an Employee Before Congressional Committees*, 41 Op. O.L.C. \_\_\_, \*5 n.6 (Jan. 18, 2017) (“*Authority to Pay for Private Counsel*”). This Office, however, was asked to address only the retention of private counsel for a deposition and thus did not evaluate these constitutional concerns.

Faced squarely with the constitutional question here, we concluded that Congress may not compel an executive branch witness to appear without agency counsel and thereby compromise the President’s constitutional authority to control the disclosure of privileged information and to supervise the Executive Branch’s communications with congressional entities. The “Executive Branch’s longstanding general practice has been for agency attorneys to accompany” agency employees who are questioned by congressional committees conducting oversight inquiries. *Id.* at \*3. When an agency employee is asked to testify about matters within the scope of his official duties, he is necessarily asked to provide agency information. The agency must have the ability to protect relevant privileges and to ensure that any information provided on its behalf is accurate, complete, and properly limited in scope. Although private counsel may indirectly assist the employee in protecting privileged information, counsel’s obligation is to protect the personal interests of the employee, not the interests of the Executive Branch. The Committee, therefore, could not constitutionally bar agency counsel from accompanying agency employees called to testify on matters within the scope of their official duties. In light of this constitutional infirmity, we advised that the Committee subpoenas purporting to require the witnesses to appear without agency counsel were legally invalid and not subject to civil or criminal enforcement.

## I.

Congress generally obtains the information necessary to perform its legislative functions by making requests and issuing subpoenas for docu-

*Attempted Exclusion of Agency Counsel from Congressional Depositions*

ments and testimony through its organized committees. *See, e.g., Barenblatt v. United States*, 360 U.S. 109, 116 (1959); *Watkins v. United States*, 354 U.S. 178, 187–88 (1957). Committees typically seek the information they need from the Executive Branch first by requesting documents and sometimes voluntary interviews. Following such requests, a committee may proceed with a hearing at which Members of Congress ask questions of the witness, and such a hearing is usually open to the public. When executive branch employees appear—either at a voluntary interview or a hearing—agency counsel or another agency representative traditionally accompany them. *See, e.g., Representation of White House Employees*, 4B Op. O.L.C. 749, 754 (1980).

Congressional committees have only rarely attempted to collect information by compelling depositions conducted by committee staff. *See* Jay R. Shampansky, Cong. Research Serv., 95-949 A, *Staff Depositions in Congressional Investigations 1-2 & n.3* (updated Dec. 3, 1999) (“*Staff Depositions*”). Historically, these efforts were confined to specific investigations that were limited in scope. *See, e.g., Inquiry into the Matter of Billy Carter and Libya: Hearings Before the Subcomm. to Investigate the Activities of Individuals Representing the Interests of Foreign Governments of the S. Comm. on the Judiciary*, 96th Cong. 1708–10, 1718–27, 1742 (1980) (discussing issues related to Senate resolution authorizing depositions by staff members). Recently, however, committees have made increasing use of depositions, and the House of Representatives has adopted an order in the current Congress that permits depositions to go forward without the presence of any Member of Congress. *See* H. Res. 6, 116th Cong. § 103(a)(1) (2019).

Although executive branch witnesses have sometimes appeared and testified at staff depositions, the Executive Branch has frequently objected to the taking of compelled testimony by congressional staff members. These objections have questioned whether committees may properly authorize staff to depose senior executive officials, whether Members of Congress must be present during a committee deposition, and whether the procedures for such depositions adequately protect the President’s ability to protect privileged executive branch information. *See, e.g., H. Comm. on International Relations*, 104th Cong., Final Report of the Select Subcommittee to Investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia 54–56 (Comm. Print 1997) (summarizing the White House’s position that its officials would not “be allowed to sit for staff depositions, because to do so would intrude upon the President’s ‘deliberative process’”); *see also* Letter for Henry Waxman, Chairman, Commit-

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tee on Oversight and Government Reform, U.S. House of Representatives, from Dinah Bear, General Counsel, Council on Environmental Quality at 1 (Mar. 12, 2007) (“Allowing Committee staff to depose Executive Branch representatives on the record would be an extraordinary formalization of the congressional oversight process and would give unelected staff powers and authorities historically exercised only by Members of Congress participating in a public hearing.”); Letter for Henry A. Waxman, Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives, from Stephanie Daigle, Associate Administrator, U.S. Environmental Protection Agency at 2 (Apr. 12, 2007) (“[T]he use of formal interviews by Committee counsel, transcribed by a court reporter, rather than the customary informal briefings, have the potential to be overly adversarial and to intimidate Agency staff.”). No court has addressed whether Congress may use its oversight authority to compel witnesses to appear at staff depositions conducted outside the presence of any Member of Congress. Courts have recognized, however, that Congress’s ability to “delegate the exercise of the subpoena power is not lightly to be inferred” because it is “capable of oppressive use.” *Shelton v. United States*, 327 F.2d 601, 606 n.14 (D.C. Cir. 1963); cf. *United States v. Bryan*, 339 U.S. 323, 332 (1950) (concluding, in the context of a criminal contempt-of-Congress citation, that “respondent could rightfully have demanded attendance of a quorum of the Committee and declined to testify or to produce documents so long as a quorum was not present”).

The question we address here arose out of the Committee’s effort to compel two executive branch witnesses, Mr. Gore and Mr. Kline, to appear at depositions subject to the restrictions of Committee Rule 15(e). In relevant part, Rule 15(e) provides as follows:

No one may be present at depositions except members, committee staff designated by the Chair of the Committee or the Ranking Minority Member of the Committee, an official reporter, the witness, and the witness’s counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

H. Comm. on Oversight & Reform, 116th Cong., Rule 15(e). In both instances, the Committee sought executive branch information, including matters that implicated executive privilege, but it asserted the authority to compel the witness to answer questions without the assistance of agency counsel. We summarize here the efforts at accommodation made by the Executive Branch and the Committee in connection with the disputes.

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## A.

The Committee subpoenaed Mr. Gore to testify about privileged matters concerning the Secretary of Commerce's decision to include a citizenship question on the 2020 United States Census. On March 7, 2019, Mr. Gore voluntarily appeared before the Committee, with the assistance of Department counsel, for a transcribed interview on the same topic. Mr. Gore answered all of the Committee's questions, except for those that were determined by Department counsel to concern confidential deliberations within the Executive Branch. The Department's interest in protecting this subject matter was particularly acute because the Secretary of Commerce's decision was subject to active litigation, and those challenges were pending in the Supreme Court. *See Dep't of Commerce v. New York*, No. 18-966 (U.S.) (argued Apr. 23, 2019). Some of the information sought by the Committee had previously been held by a federal district court to be protected by the deliberative process privilege, as well as other privileges, in civil discovery.

On April 2, the Committee served Mr. Gore with a deposition subpoena in an effort to compel responses to the questions that he did not answer during his March 7 interview. Committee staff advised that Committee Rule 15(e) required the exclusion of the agency counsel who had previously represented Mr. Gore. On April 9, the Department explained that the Committee's effort to bar Department counsel would unconstitutionally infringe upon the prerogatives of the Executive Branch. *See Letter for Elijah E. Cummings, Chairman, Committee on Oversight and Reform, U.S. House of Representatives, from Stephen E. Boyd, Assistant Attorney General, Office of Legislative Affairs at 2-3 (Apr. 9, 2019)*. Because the Committee sought information from Mr. Gore relating to his official duties, the Department explained that agency counsel must be present to ensure appropriate limits to Mr. Gore's questioning, to ensure the accuracy and completeness of information provided on behalf of the Department, and to ensure that a Department official was not pressed into revealing privileged information. *Id.* The Attorney General determined that Mr. Gore would not appear at the deposition without the assistance of Department counsel. *Id.* at 3.

On April 10, 2019, the Committee responded by disputing the Department's constitutional view, contending that Committee Rule 15(e) had been in place for more than a decade and reflected an appropriate exercise of Congress's authority to determine the rules of its own proceedings. *See Letter for William P. Barr, Attorney General, from Elijah E. Cummings,*

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Chairman, Committee on Oversight and Reform, U.S. House of Representatives at 2–3 (Apr. 10, 2019) (“April 10 Cummings Letter”) (citing U.S. Const. art. I, § 5, cl. 2). The Committee advised that Mr. Gore could be accompanied by his private counsel, *id.* at 2, and offered to allow Department counsel to wait in a separate room during the deposition, *id.* at 3. The Committee stated that, if necessary, Mr. Gore could request a break during the deposition to consult with Department counsel. *Id.*

On April 24, 2019, the Department reiterated its constitutional objection and explained that the Committee’s proposed accommodation would not satisfy the Department’s need to have agency counsel assist Mr. Gore at the deposition. *See* Letter for Elijah E. Cummings, Chairman, Committee on Oversight and Reform, U.S. House of Representatives, from Stephen E. Boyd, Assistant Attorney General, Office of Legislative Affairs at 1 (Apr. 24, 2019). Mr. Gore therefore did not appear on the noticed deposition date.

**B.**

The Committee subpoenaed Mr. Kline to testify concerning the activities of the White House Personnel Security Office in adjudicating security clearances during his time as head of the Office. On March 20, 2019, the current White House Chief Security Officer, with representation by the Office of Counsel to the President (“Counsel’s Office”), briefed the Committee’s staff on the White House security clearance process for nearly 90 minutes and answered questions from a Member of Congress and staff. On April 1, 2019, the White House offered to have Mr. Kline appear voluntarily before the Committee for a transcribed interview.

Instead, the Committee subpoenaed Mr. Kline on April 2, 2019. The Committee indicated that Committee Rule 15(e) would bar any representative from the Counsel’s Office from attending Mr. Kline’s deposition. On April 18, 2019, the Counsel’s Office advised the Committee that a representative from that office must attend to represent the White House’s interests in any deposition of Mr. Kline. *See* Letter for Elijah E. Cummings, Chairman, Committee on Oversight and Reform, U.S. House of Representatives, from Michael M. Purpura, Deputy Counsel to the President at 2 (Apr. 18, 2019). The Counsel’s Office relied on the views concerning the exclusion of agency counsel that were articulated by the Department in its April 9, 2019 letter to the Committee. *Id.* The Counsel’s Office explained that the President has the authority to raise privilege

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concerns at any point during a deposition, and that this could occur only if an attorney from the Counsel's Office accompanied Mr. Kline. *Id.*

On April 22, 2019, the Committee responded, stating, as it had in correspondence concerning Mr. Gore, that its rules were justified based upon Congress's constitutional authority to determine the rules of its proceedings. *See* U.S. Const. art. I, § 5, cl. 2. The Committee asserted that Committee Rule 15(e) had been enforced under multiple chairmen. *See* Letter for Pat Cipollone, Counsel to the President, from Elijah E. Cummings, Chairman, Committee on Oversight and Reform, U.S. House of Representatives at 3 (Apr. 22, 2019) ("April 22 Cummings Letter"). The Committee advised that Mr. Kline could be accompanied by his private counsel, and, as with Mr. Gore, offered to permit attorneys from the Counsel's Office to wait outside the deposition room in case Mr. Kline requested to consult with them during the deposition. *Id.*

In an April 22, 2019 reply, the Counsel's Office explained that, in light of the Committee's decision to apply Rule 15(e), the Acting Chief of Staff to the President had directed Mr. Kline not to attend the deposition for the reasons stated in the April 18, 2019 letter. *See* Letter for Elijah Cummings, Chairman, Committee on Oversight and Reform, U.S. House of Representatives, from Michael M. Purpura, Deputy Counsel to the President at 1 (Apr. 22, 2019). The Committee and the Counsel's Office subsequently agreed to a voluntary transcribed interview of Mr. Kline with the participation of the Counsel's Office. Mr. Kline was interviewed on May 1, 2019. He answered some of the Committee's questions, but at the direction of the representative from the Counsel's Office, he did not address particular matters implicating privileged information.

## II.

Under our constitutional separation of powers, both Congress and the Executive Branch must respect the legitimate prerogatives of the other branch. *See, e.g., INS v. Chadha*, 462 U.S. 919, 951 (1983) ("The hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power, even to accomplish desirable objectives, must be resisted."); *United States v. Am. Tel. & Tel. Co.*, 567 F.2d 121, 127, 130-31 (D.C. Cir. 1977) ("[E]ach branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation."). Here, the Committee sought to apply Committee Rule 15(e) to compel executive branch officials to testify about poten-

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tially privileged matters while barring agency counsel from the room. We concluded that the Committee could not constitutionally compel such an appearance for two reasons. First, the exclusion of agency counsel impairs the President's ability to exercise his constitutional authority to control privileged information of the Executive Branch. Second, the exclusion undermines the President's ability to exercise his constitutional authority to supervise the Executive Branch's interactions with Congress.

## A.

Committee Rule 15(e) unconstitutionally interferes with the President's right to control the disclosure of privileged information. Both the Supreme Court and this Office have long recognized the President's "constitutional authority to protect national security and other privileged information" in the exercise of the President's Article II powers. *Authority of Agency Officials to Prohibit Employees from Providing Information to Congress*, 28 Op. O.L.C. 79, 80 (2004) ("*Authority of Agency Officials*"); see *Dep't of the Navy v. Egan*, 484 U.S. 518, 527 (1988) (the President's "authority to classify and control access to information bearing on national security . . . flows primarily from this constitutional investment of power in the President [as Commander in Chief] and exists quite apart from any explicit congressional grant"); *United States v. Nixon*, 418 U.S. 683, 705–06 (1974) ("Certain powers and privileges flow from the nature of enumerated powers; the protection of the confidentiality of Presidential communications has similar constitutional underpinnings."). That authority is "not limited to classified information, but extend[s] to *all* . . . information protected by [executive] privilege," including presidential and attorney-client communications, attorney work product, deliberative process information, law enforcement files, and national security and foreign affairs information. *Authority of Agency Officials*, 28 Op. O.L.C. at 81 (emphasis added).<sup>2</sup> Protection of such information is "fundamental to the operation of Government and inextri-

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<sup>2</sup> Although some of these components, such as deliberative process information, parallel aspects of common law privileges, each falls within the doctrine of executive privilege. See, e.g., *Whistleblower Protections for Classified Disclosures*, 22 Op. O.L.C. 92, 101–102 n.34 (1998); *Assertion of Executive Privilege Regarding White House Counsel's Office Documents*, 20 Op. O.L.C. 2, 3 (1996) (opinion of Attorney General Janet Reno) (observing that "[e]xecutive privilege applies" to certain White House documents "because of their deliberative nature, and because they fall within the scope of the attorney-client privilege and the work-product doctrine").

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cably rooted in the separation of powers under the Constitution.” *Nixon*, 418 U.S. at 708. It ensures that “high Government officials and those who advise and assist them in the performance of their manifold duties” can engage in full and candid decisionmaking, *id.* at 705, 708, and it is necessary to protect sensitive security and other information that could be used to the public’s detriment.

The President may protect such privileged information from disclosure in the Executive’s responses to congressional oversight proceedings. *See Senate Select Comm. on Presidential Campaign Activities v. Nixon*, 498 F.2d 725, 731 (D.C. Cir. 1974). As we have explained, “[i]n the congressional oversight context, as in all others, the decision whether and under what circumstances to disclose classified information” or other forms of privileged information “must be made by someone who is acting on the official authority of the President and who is ultimately responsible to the President.” *Whistleblower Protections for Classified Disclosures*, 22 Op. O.L.C. 92, 100 (1998) (“*Whistleblower Protections*”). Thus, “Congress may not vest lower-ranking personnel in the Executive branch with a “right” to furnish national security or other privileged information to a member of Congress without receiving official authorization to do so.” *Authority of Agency Officials*, 28 Op. O.L.C. at 80 (quoting March 9, 1998 Statement of Administration Policy on S. 1668, 105th Cong.); *see Constitutionality of the Direct Reporting Requirement in Section 802(e)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007*, 32 Op. O.L.C. 27, 43 (2008) (“*Direct Reporting Requirement*”) (“We have long concluded that statutory provisions that purport to authorize Executive Branch officers to communicate directly with Congress without appropriate supervision . . . infringe upon the President’s constitutional authority to protect against the unauthorized disclosure of constitutionally privileged information.”). Because “statutes may not override the constitutional doctrine of executive privilege,” they may not “prohibit the supervision of the disclosure of any privileged information, be it classified, deliberative process or other privileged material.” *Authority of Agency Officials*, 28 Op. O.L.C. at 81. It necessarily follows that congressional committees’ rules of procedure may not be used to override privilege or the Executive’s ability to supervise the disclosure of privileged information.

The foregoing principles governed our analysis here. In order to control the disclosure of privileged information, the President must have the discretion to designate a representative of the government to protect this interest at congressional depositions of agency employees. When employ-

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ees testify about information created or received during their employment, they are disclosing the Executive Branch's information. The same thing is true for former employees.<sup>3</sup> Yet, in many cases, agency employees will have only limited experience with executive privilege and may not have the necessary legal expertise to determine whether a question implicates a protected privilege. Moreover, the employees' personal interests in avoiding a conflict with the committee may not track the longer-term interests of the Executive Branch. Without an agency representative at the deposition to evaluate which questions implicate executive privilege, an employee may be pressed—wittingly or unwittingly—into revealing protected information such as internal deliberations, attorney-client communications, or national security information. *See Nixon*, 418 U.S. at 705–06; *Senate Select Comm.*, 498 F.2d at 731. Or the agency employee may be pressed into responding to inquiries that are beyond the scope of Congress's oversight authority. *See Barenblatt*, 360 U.S. at 111–12 (“Congress may only investigate into those areas in which it may potentially legislate or appropriate [and] cannot inquire into matters which are within the exclusive province of one of the other branches of the Government.”).

Even if the President has not yet asserted a particular privilege, excluding agency counsel would diminish the President's ability to decide whether a privilege should be asserted. The Executive Branch cannot foresee every question or topic that may arise during a deposition, but if questions seeking privileged information are asked, agency counsel, if present, can ensure that the employee does not impermissibly disclose privileged information. *See Memorandum for Rudolph W. Giuliani, Associate Attorney General, from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, Re: Congressional Demand for Deposition of Counsel to the President Fred F. Fielding* at 2 (July 23, 1982) (“A witness before a Congressional committee may be asked—under threat of contempt—a wide range of unanticipated questions about highly sensitive deliberations and thought processes. He therefore may be unable to confine his remarks only to those which do not impair the deliberative process.”). The President, through his subordinates, must be able to intervene *before* that information is disclosed, lest the effectiveness of the

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<sup>3</sup> *See, e.g., Assertion of Executive Privilege Concerning the Dismissal and Replacement of U.S. Attorneys*, 31 Op. O.L.C. 1 (2007) (opinion of Acting Attorney General Paul D. Clement) (concluding that the President may assert executive privilege with respect to testimony by two former White House officials).

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privilege be diminished. See Memorandum for Peter J. Wallison, Counsel to the President, from Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel at 2 (Sept. 8, 1986) (agency counsel attending congressional interviews can advise “about the sensitivity of particular information and, if need be, to terminate the interview to avoid disclosure of privileged information”). Accordingly, Committee Rule 15(e) unduly interferes with the President’s supervision of the disclosure of privileged information by barring agency counsel from the deposition of an agency employee concerning official activities.

These concerns were readily apparent in connection with the subpoenas of Mr. Gore and Mr. Kline. In both instances, the Committee sought information about communications among senior executive branch officials regarding official decisions. There was no doubt that the depositions would implicate matters in which the Executive Branch had constitutionally based confidentiality interests. Indeed, in Mr. Gore’s March 7 interview, the Committee repeatedly asked him questions concerning potentially privileged matters—some of which a federal court had already held were protected by privilege in civil discovery. See *New York v. U.S. Dep’t of Commerce*, 351 F. Supp. 3d 502, 548 n.19 (S.D.N.Y. 2019) (summarizing discovery orders). And the Committee then noticed the deposition precisely to compel answers to such questions. See April 10 Cummings Letter at 3 (“The Department is well aware of the scope of the deposition, based on the issues raised at Mr. Gore’s March 7 interview and the list of 18 [previously unanswered] questions provided by Committee staff.”). In Mr. Kline’s May 1 interview, the witness was similarly instructed not to answer a number of questions implicating the Executive Branch’s confidentiality interests. Prohibiting agency counsel from attending the depositions would have substantially impaired the Executive Branch’s ability to continue to protect such privileged information and to make similar confidentiality determinations in response to new questions. The Committee’s demands that the witnesses address questions already deemed unanswerable by agency counsel indicated that the exclusion of agency counsel would have been intended, in no small part, to circumvent executive branch mechanisms for preserving confidentiality.

**B.**

Committee Rule 15(e) also interferes with the President’s authority to supervise the Executive Branch’s interactions with Congress. The Constitution vests “[t]he executive Power” in the President, U.S. Const.

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art. II, § 1, cl. 1, and requires him to “take Care that the Laws be faithfully executed,” *id.* § 3. This power and responsibility grant the President the “constitutional authority to supervise and control the activity of subordinate officials within the executive branch.” *The Legal Significance of Presidential Signing Statements*, 17 Op. O.L.C. 131, 132 (1993) (citing *Franklin v. Massachusetts*, 505 U.S. 788, 800 (1992)); see also *Constitutionality of Statute Requiring Executive Agency to Report Directly to Congress*, 6 Op. O.L.C. 632, 637 (1982) (“*Constitutionality of Reporting Statute*”). As we have previously explained, “the right of the President to protect his control over the Executive Branch [is] based on the fundamental principle that the President’s relationship with his subordinates must be free from certain types of interference from the coordinate branches of government in order to permit the President effectively to carry out his constitutionally assigned responsibilities.” *Authority of HUD’s Chief Financial Officer to Submit Final Reports on Violations of Appropriations Laws*, 28 Op. O.L.C. 248, 252 (2004) (“*Authority of HUD’s CFO*”) (quoting *Constitutionality of Reporting Statute*, 6 Op. O.L.C. at 638–39).

The President’s authority to supervise his subordinates in the Executive Branch includes the power to control communications with, and information provided to, Congress on behalf of the Executive Branch. See *Direct Reporting Requirement*, 32 Op. O.L.C. at 31, 39; *Authority of Agency Officials*, 28 Op. O.L.C. at 80–81; cf. *United States ex rel. Touhy v. Ragen*, 340 U.S. 462, 467–68 (1951) (upholding “a refusal by a subordinate of the Department of Justice to submit papers to the court in response to its subpoena *duces tecum* on the ground that the subordinate [wa]s prohibited from making such submission by” a valid order of the Attorney General). At a minimum, this responsibility includes the power to know about, and assert authority over, the disclosures his subordinates make to Congress regarding their official duties.

Congressional efforts to prevent the President from supervising the Executive Branch’s interactions with Congress interfere with the President’s ability to perform his constitutional responsibilities. We have long recognized that statutes, “if construed or enforced to permit Executive Branch officers to communicate directly with Congress without appropriate supervision by the President or his subordinates, would violate the constitutional separation of powers and, specifically, the President’s Article II authority to supervise Executive Branch personnel.” *Direct Reporting Requirement*, 32 Op. O.L.C. at 31–32, 39 (citing *Authority of the Special Counsel of the Merit Systems Protection Board to Litigate and Submit Legislation to Congress*, 8 Op. O.L.C. 30, 31 (1984); *Authority of HUD’s*

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*CFO*, 28 Op. O.L.C. at 252–53; *Authority of Agency Officials*, 28 Op. O.L.C. at 80–82). It is on this basis that the Department has consistently resisted congressional attempts to require, by statute, that executive branch officials submit information to Congress in the form of reports without prior opportunity for review by their superiors. *See, e.g., id.* at 34–39 (“[S]tatutory reporting requirements cannot constitutionally be applied to interfere with presidential supervision and control of the communications that Executive Branch officers . . . send to Congress.”); *Authority of HUD’s CFO*, 28 Op. O.L.C. at 252–53; *Access to Classified Information*, 20 Op. O.L.C. 402, 403–05 (1996); *Inspector General Legislation*, 1 Op. O.L.C. 16, 18 (1977).

Information sought in congressional depositions is no different. An agency employee testifying about official activities may be asked to disclose confidential information, yet the employee may lack the expertise necessary to protect privileged information on his own. Nor will an employee’s private counsel always adequately protect such information. Private counsel may not have the expertise to recognize all situations raising issues of executive privilege, and in any event, recognizing such situations and protecting privileged information is not private counsel’s job. Private counsel’s obligation is to protect the personal interests of the employee, not the interests of the Executive Branch. An agency representative, by contrast, is charged with protecting the Executive Branch’s interests during the deposition—ensuring that the information the employee provides to Congress is accurate, complete, and within the proper scope, and that privileged information is not disclosed. The Committee’s rule prohibiting agency counsel from accompanying an agency employee to a deposition would effectively, and unconstitutionally, require that employee to report directly to Congress on behalf of the Executive Branch, without an adequate opportunity for review by an authorized representative of the Executive Branch.

## C.

Having concluded that the Committee could not constitutionally bar agency counsel from accompanying Mr. Gore or Mr. Kline to depositions, we further advised that the subpoenas that required them to appear without agency counsel, over the Executive Branch’s objections, exceeded the Committee’s lawful authority and therefore lacked legal effect. The Committee could not constitutionally compel Mr. Gore or Mr. Kline to appear under such circumstances, and thus the subpoenas could not be

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enforced by civil or criminal means or through any inherent contempt power of Congress.

This conclusion is consistent with our treatment of referrals to the Department of contempt-of-Congress citations for criminal prosecution under 2 U.S.C. §§ 192 and 194. We have opined that “the criminal contempt of Congress statute does not apply to the President or presidential subordinates who assert executive privilege.” *Application of 28 U.S.C. § 458 to Presidential Appointments of Federal Judges*, 19 Op. O.L.C. 350, 356 (1995); see also *Whether the Department of Justice May Prosecute White House Officials for Contempt of Congress*, 32 Op. O.L.C. 65, 65–69 (2008) (concluding that the Department cannot take “prosecutorial action, with respect to current or former White House officials who . . . declined to appear to testify, in response to subpoenas from a congressional committee, based on the President’s assertion of executive privilege”); *Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege*, 8 Op. O.L.C. 101, 101–102 (1984) (“*Prosecution for Contempt*”) (finding that “the contempt of Congress statute was not intended to apply and could not constitutionally be applied to an Executive Branch official” who followed presidential instructions to “assert[] the President’s claim of executive privilege”). Nor may Congress “utilize its inherent ‘civil’ contempt powers to arrest, bring to trial, and punish an executive official who assert[s] a Presidential claim of executive privilege.” *Prosecution for Contempt*, 8 Op. O.L.C. at 140 n.42. The fundamental constitutional principles underlying executive privilege would be vitiated if any executive branch employee following a direction to invoke the privilege could be prosecuted for doing so.

Similarly, we believe it would be unconstitutional to enforce a subpoena against an agency employee who declined to appear before Congress, at the agency’s direction, because the committee would not permit an agency representative to accompany him. As discussed above, having an agency representative present at a deposition of an agency employee may be necessary for the President to exercise his authority to supervise the disclosure of privileged information, as well as to ensure that the testimony provided is accurate, complete, and properly limited in scope. Therefore, agency employees, like Mr. Gore and Mr. Kline, who follow an agency instruction not to appear without the presence of an agency representative are acting lawfully to protect the constitutional interests of the Executive Branch.

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## III.

In reaching this conclusion, we considered the contrary arguments advanced by the Committee in its April 10 and April 22 letters. The Committee's principal argument was that prohibiting agency counsel from attending depositions of agency employees poses no constitutional concern because Congress has the authority to "determine the Rules of its Proceedings," U.S. Const. art. I, § 5, cl. 2; see April 10 Cummings Letter at 2-3; April 22 Cummings Letter at 3. But congressional rulemaking authority "only empowers Congress to bind itself." *Chadha*, 462 U.S. at 955 n.21 (positing that the Constitution's provision of several powers like procedural rulemaking where each House of Congress can act alone reveals "the Framers' intent that Congress not act in any legally binding manner outside a closely circumscribed legislative arena, except in specific and enumerated instances"). Such rulemaking authority does not grant Congress the power to compel testimony from agency officials under circumstances that interfere with the legitimate prerogatives of the Executive Branch.

Congress's authority to make rules governing its own procedures does not mean that the constitutional authorities of a co-equal branch of government are checked at the door. See *Barenblatt*, 360 U.S. at 112 (noting that when engaging in oversight, Congress "must exercise its powers subject to the limitations placed by the Constitution on governmental action"). To the contrary, Congress "may not by its rules ignore constitutional restraints." *United States v. Ballin*, 144 U.S. 1, 5 (1892). Congress may not, by statute, override the President's constitutional authority to control the disclosure of privileged information and to supervise executive branch employees. See *Direct Reporting Requirement*, 32 Op. O.L.C. at 43-44; *Whistleblower Protections*, 22 Op. O.L.C. at 100. It necessarily follows that a committee may not accomplish the same result by adopting a rule governing its own proceedings.

The Committee also justified Committee Rule 15(e) on the ground that it has been in place for a decade. See April 10 Cummings Letter at 3; April 22 Cummings Letter at 3. But congressional committee use of depositions is a relatively recent innovation, and historically such "[d]epositions have been used in a relatively small number of major congressional investigations." *Staff Depositions* at 1. Moreover, committees proposing the use of depositions have previously faced objections that they may improperly "'circumvent the traditional committee process'" of hearings and staff interviews and may "compromise the rights of

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deponents.” *Id.* at 2; *see supra* pp. 3–4. Accordingly, the Committee’s limited previous use of depositions from which agency counsel were excluded does not reflect a “long settled and established practice,” much less one that has been met by acquiescence from the Executive Branch. *NLRB v. Noel Canning*, 573 U.S. 513, 524 (2014) (internal quotation marks and brackets omitted).

In addition, the Committee claimed that Rule 15(e) serves the purpose of “ensur[ing] that the Committee is able to depose witnesses in furtherance of its investigations without having in the room representatives of the agency under investigation.” April 10 Cummings Letter at 2; April 22 Cummings Letter at 3. But that assertion does no more than restate the rule’s effect, without advancing any legitimate rationale for excluding the agency’s representatives, much less one sufficient to alter the constitutional calculus. The Committee here did not seek information concerning the private affairs of agency employees or articulate any particularized interest in excluding agency counsel. In fact, agency counsel appeared at the staff interviews of both Mr. Gore and Mr. Kline. In view of the President’s clear and well-established interests in protecting privileged information and supervising the Executive Branch’s interactions with Congress, the Committee offered no countervailing explanation for why it would be necessary to exclude any agency representative from these two depositions.

Indeed, the Committee has not explained why, as a general matter, the House needs to exclude agency counsel from depositions of agency officials. Agency representatives routinely accompany and support agency employees during congressional hearings and staff interviews. *See Authority to Pay for Private Counsel*, 41 Op. O.L.C. at \*3 (“When congressional committees seek to question employees of an Executive Branch agency in the course of a congressional oversight inquiry of the agency, the Executive Branch’s longstanding general practice has been for agency attorneys to accompany the witnesses.”); *Reimbursing Justice Department Employees for Fees Incurred in Using Private Counsel Representation at Congressional Depositions*, 14 Op. O.L.C. 132, 133 (1990) (“[W]hen Department employees are asked in their official capacities to give oral testimony for a congressional investigation (whether at a hearing, interview or deposition), a Department counsel or other representative will normally accompany the witness.”); *Representation of White House Employees*, 4B Op. O.L.C. at 754 (“[L]egitimate governmental interests” are “[o]rdinarily . . . monitored by agency counsel who accompany executive branch employees called to testify before congressional commit-

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tees.”). There is no basis for believing that this routine practice diminishes the Committee’s ability to acquire any information it may legitimately seek.<sup>4</sup>

In defending the exclusion of agency counsel, the Committee pointed out that the witnesses may bring their private counsel to the depositions. April 10 Cummings Letter at 2; April 22 Cummings Letter at 3. But allowing agency employees to be accompanied by private counsel is no substitute for the presence of agency counsel. In addition to imposing unnecessary burdens on agency employees by requiring the retention of private counsel, the practice does not adequately protect the agency’s interests. As explained above, the President must be able to supervise who discloses executive branch information and under what conditions. An employee’s private counsel, however, represents the interests of the employee, not the agency, and “the attorney owes a fiduciary duty and a duty of confidentiality to the employee, not the agency.” *Authority to Pay for Private Counsel*, 41 Op. O.L.C. at \*5; see also *Representation of White House Employees*, 4B Op. O.L.C. at 754 (“[A]ny counsel directed to represent governmental interests must be controlled by the Government, and private counsel retained by employees to represent personal interests should not be permitted to assert governmental interests or privileges.”). Even if the private counsel may sometimes assist the agency employee in protecting agency information, the Committee cannot require the Executive Branch to rely upon the private counsel to make such judgments. Private counsel is not likely to know as well as agency counsel when a line of questioning, especially an unanticipated one, might intrude upon the Executive Branch’s constitutionally protected interests.

Finally, we concluded that the Committee’s proposed accommodation—to make a separate room available for agency counsel at the two depositions—was insufficient to remedy these constitutional concerns. See April 10 Cummings Letter at 3; April 22 Cummings Letter at 3. That

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<sup>4</sup> In a similar vein, agency employees are routinely represented by agency counsel in connection with depositions in civil litigation and, where appropriate, agency counsel will instruct agency employees not to answer questions that implicate privilege. Further, as the Supreme Court recognized in *Touhy*, 340 U.S. 462, the head of an agency may properly bar subordinate officials from disclosing privileged agency information, and departments have accordingly enacted so-called *Touhy* regulations to ensure that privileged information is appropriately protected by agency officials in civil discovery. See, e.g., 28 C.F.R. §§ 16.21–16.29 (Department of Justice *Touhy* regulations). Just as agency counsel may properly participate in ensuring appropriate disclosures in depositions in civil litigation, agency counsel may properly do so in congressional depositions.

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practice would put the onus on the agency employee and his private counsel to divine whether the agency would have privilege concerns about each question, and then “request a break during the deposition to consult with” agency counsel. April 10 Cummings Letter at 3; *see* April 22 Cummings Letter at 3. Because this practice would leave such judgments entirely up to the employee and his private counsel, as well as depend on the discretion of the Committee’s staff to grant the requested break, it would not adequately ensure that the agency could make the necessary decisions to protect privileged information during the course of the deposition. It also would prevent the Executive Branch from ensuring that the testimony provided was accurate, complete, and properly limited in scope.

We recognize that there is at least one circumstance—an appearance before a grand jury—where a witness’s attorney must remain in a separate room during questioning. *See* Fed. R. Crim. P. 6(d)(1); *United States v. Mandujano*, 425 U.S. 564, 581 (1976). However, grand juries can hardly provide a model for congressional depositions, because they operate under conditions of extreme secrecy, and there is a long-established practice of excluding *all* attorneys for witnesses before the grand jury. *See, e.g., In re Black*, 47 F.2d 542, 543 (2d Cir. 1931); *Latham v. United States*, 226 F. 420, 422 (5th Cir. 1915). Committee Rule 15(e) not only lacks the historical pedigree of grand-jury proceedings, but the information collected in congressional depositions is not inherently confidential. Indeed, the Committee does not even have a categorical objection to allowing witnesses to be accompanied by counsel. Rather, the rule permits witnesses to be accompanied by counsel of their choice, provided that counsel does not represent the agency as well. This targeted exclusion underscores the separation of powers problems.<sup>5</sup>

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<sup>5</sup> Indeed, the federal courts have recognized that “[t]here is a clear difference between Congress’s legislative tasks and the responsibility of a grand jury.” *Senate Select Comm.*, 498 F.2d at 732; *see also Nixon*, 418 U.S. at 712 n.19 (distinguishing the “constitutional need for relevant evidence in criminal trials,” on the one hand, from “the need for relevant evidence in civil litigation” and “congressional demands for information,” on the other). Congressional depositions appear more akin to depositions in civil litigation, rather than grand juries, and in civil litigation it is well established that attorneys “representing the deponent” and attorneys representing “any party to the litigation” have “the right to be present” at a deposition. Jay E. Grenig & Jeffrey S. Kinsler, *Handbook of Federal Civil Discovery and Disclosure* § 5:29 (4th ed. 2018).

*Attempted Exclusion of Agency Counsel from Congressional Depositions*

## IV.

For the foregoing reasons, we concluded that the Committee's prohibition on agency counsel's attendance at depositions impermissibly infringed on the President's constitutional authority to protect information within the scope of executive privilege and to supervise the Executive Branch's communications with Congress. Although the Executive Branch must facilitate legitimate congressional oversight, the constitutionally mandated accommodation process runs both ways. *See Am. Tel. & Tel. Co.*, 567 F.2d at 127, 130-31. Just as the Executive must provide Congress with information necessary to perform its legislative functions, Congress through its oversight processes may not override the Executive Branch's constitutional prerogatives. *See Barenblatt*, 360 U.S. at 112. Here, the constitutional balance requires that agency representatives be permitted to assist agency officials in connection with providing deposition testimony, including on matters that implicate privileged information. Thus, we advised that the subpoenas purporting to compel Mr. Gore and Mr. Kline to appear without agency counsel exceeded the Committee's authority and were without legal effect.

STEVEN A. ENGEL  
*Assistant Attorney General*  
*Office of Legal Counsel*

## THE WHITE HOUSE

WASHINGTON

October 8, 2019

The Honorable Nancy Pelosi  
Speaker  
House of Representatives  
Washington, D.C. 20515

The Honorable Eliot L. Engel  
Chairman  
House Foreign Affairs Committee  
Washington, D.C. 20515

The Honorable Adam B. Schiff  
Chairman  
House Permanent Select Committee on  
Intelligence  
Washington, D.C. 20515

The Honorable Elijah B. Cummings  
Chairman  
House Committee on Oversight and Reform  
Washington, D.C. 20515

Dear Madam Speaker and Messrs. Chairmen:

I write on behalf of President Donald J. Trump in response to your numerous, legally unsupported demands made as part of what you have labeled—contrary to the Constitution of the United States and all past bipartisan precedent—as an “impeachment inquiry.” As you know, you have designed and implemented your inquiry in a manner that violates fundamental fairness and constitutionally mandated due process.

For example, you have denied the President the right to cross-examine witnesses, to call witnesses, to receive transcripts of testimony, to have access to evidence, to have counsel present, and many other basic rights guaranteed to all Americans. You have conducted your proceedings in secret. You have violated civil liberties and the separation of powers by threatening Executive Branch officials, claiming that you will seek to punish those who exercise fundamental constitutional rights and prerogatives. All of this violates the Constitution, the rule of law, and *every past precedent*. Never before in our history has the House of Representatives—under the control of either political party—taken the American people down the dangerous path you seem determined to pursue.

Put simply, you seek to overturn the results of the 2016 election and deprive the American people of the President they have freely chosen. Many Democrats now apparently view impeachment not only as a means to undo the democratic results of the *last* election, but as a strategy to influence the *next* election, which is barely more than a year away. As one member of Congress explained, he is “concerned that if we don’t impeach the President, he will get reelected.”<sup>1</sup> Your highly partisan and unconstitutional effort threatens grave and lasting damage to our democratic institutions, to our system of free elections, and to the American people.

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<sup>1</sup> Interview with Rep. Al Green, MSNBC (May 5, 2019).

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For his part, President Trump took the unprecedented step of providing the public transparency by declassifying and releasing the record of his call with President Zelenskyy of Ukraine. The record clearly established that the call was completely appropriate and that there is no basis for your inquiry. The fact that there was nothing wrong with the call was also powerfully confirmed by Chairman Schiff's decision to create a false version of the call and read it to the American people at a congressional hearing, without disclosing that he was simply making it all up.

In addition, information has recently come to light that the whistleblower had contact with Chairman Schiff's office before filing the complaint. His initial denial of such contact caused *The Washington Post* to conclude that Chairman Schiff "clearly made a statement that was false."<sup>2</sup> In any event, the American people understand that Chairman Schiff cannot covertly assist with the submission of a complaint, mislead the public about his involvement, read a counterfeit version of the call to the American people, and then pretend to sit in judgment as a neutral "investigator."

For these reasons, President Trump and his Administration reject your baseless, unconstitutional efforts to overturn the democratic process. Your unprecedented actions have left the President with no choice. In order to fulfill his duties to the American people, the Constitution, the Executive Branch, and all future occupants of the Office of the Presidency, President Trump and his Administration cannot participate in your partisan and unconstitutional inquiry under these circumstances.

**I. Your "Inquiry" Is Constitutionally Invalid and Violates Basic Due Process Rights and the Separation of Powers.**

Your inquiry is constitutionally invalid and a violation of due process. In the history of our Nation, the House of Representatives has never attempted to launch an impeachment inquiry against the President without a majority of the House taking political accountability for that decision by voting to authorize such a dramatic constitutional step. Here, House leadership claims to have initiated the gravest inter-branch conflict contemplated under our Constitution by means of nothing more than a press conference at which the Speaker of the House simply announced an "official impeachment inquiry."<sup>3</sup> Your contrived process is unprecedented in the

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<sup>2</sup> Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

<sup>3</sup> Press Release, Nancy Pelosi, *Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019).

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history of the Nation,<sup>4</sup> and lacks the necessary authorization for a valid impeachment proceeding.<sup>5</sup>

The Committees' inquiry also suffers from a separate, fatal defect. Despite Speaker Pelosi's commitment to "treat the President with fairness,"<sup>6</sup> the Committees have not established any procedures affording the President even the most basic protections demanded by due process under the Constitution and by fundamental fairness. Chairman Nadler of the House Judiciary Committee has expressly acknowledged, at least when the President was a member of his own party, that "[t]he power of impeachment . . . demands a rigorous level of due process," and that in this context "due process mean[s] . . . the right to be informed of the law, of the charges against you, the right to confront the witnesses against you, to call your own witnesses, and to have the assistance of counsel."<sup>7</sup> All of these procedures have been abandoned here.

These due process rights are not a matter of discretion for the Committees to dispense with at will. To the contrary, they are constitutional requirements. The Supreme Court has recognized that due process protections apply to all congressional investigations.<sup>8</sup> Indeed, it has been recognized that the Due Process Clause applies to impeachment proceedings.<sup>9</sup> And precedent for the rights to cross-examine witnesses, call witnesses, and present evidence dates back nearly 150 years.<sup>10</sup> Yet the Committees have decided to deny the President these elementary rights and protections that form the basis of the American justice system and are protected by the Constitution. No citizen—including the President—should be treated this unfairly.

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<sup>4</sup> Since the Founding of the Republic, under unbroken practice, the House has never undertaken the solemn responsibility of an impeachment inquiry directed at the President without first adopting a resolution authorizing a committee to begin the inquiry. The inquiries into the impeachments of Presidents Andrew Johnson and Bill Clinton proceeded in multiple phases, each authorized by a separate House resolution. *See, e.g.*, H.R. Res. 581, 105th Cong. (1998); H.R. Res. 525, 105th Cong. (1998); III Hinds' Precedents §§ 2400-02, 2408, 2412. And before the Judiciary Committee initiated an impeachment inquiry into President Richard Nixon, the Committee's chairman rightfully recognized that "a[n] [inquiry] resolution has always been passed by the House" and "is a necessary step." III Deschler's Precedents ch. 14, § 15.2. The House then satisfied that requirement by adopting H.R. Res. 803, 93rd Cong. (1974).

<sup>5</sup> Chairman Nadler has recognized the importance of taking a vote in the House before beginning a presidential impeachment inquiry. At the outset of the Clinton impeachment inquiry—where a floor vote was held—he argued that even limiting the time for *debate* before that vote was improper and that "an hour debate on this momentous decision is an insult to the American people and another sign that this is not going to be fair." 144 Cong. Rec. H10018 (daily ed. Oct. 8, 1998) (statement of Rep. Jerrold Nadler). Here, the House has dispensed with any vote and any debate at all.

<sup>6</sup> Press Release, Nancy Pelosi, Transcript of Pelosi Weekly Press Conference Today (Oct. 2, 2019).

<sup>7</sup> *Examining the Allegations of Misconduct Against IRS Commissioner John Koskinen (Part II): Hearing Before the H. Comm. on the Judiciary*, 114th Cong. 3 (2016) (statement of Rep. Jerrold Nadler); *Background and History of Impeachment: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 105th Cong. 17 (1998) (statement of Rep. Jerrold Nadler).

<sup>8</sup> *See, e.g., Watkins v. United States*, 354 U.S. 178, 188 (1957); *Quinn v. United States*, 349 U.S. 155, 161 (1955).

<sup>9</sup> *See Hastings v. United States*, 802 F. Supp. 490, 504 (D.D.C. 1992), *vacated on other grounds by Hastings v. United States*, 988 F.2d 1280 (D.C. Cir. 1993).

<sup>10</sup> *See, e.g.*, III Hinds' Precedents § 2445.

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To comply with the Constitution's demands, appropriate procedures would include—at a minimum—the right to see all evidence, to present evidence, to call witnesses, to have counsel present at all hearings, to cross-examine all witnesses, to make objections relating to the examination of witnesses or the admissibility of testimony and evidence, and to respond to evidence and testimony. Likewise, the Committees must provide for the disclosure of all evidence favorable to the President and all evidence bearing on the credibility of witnesses called to testify in the inquiry. The Committees' current procedures provide *none* of these basic constitutional rights.

In addition, the House has not provided the Committees' Ranking Members with the authority to issue subpoenas. The right of the minority to issue subpoenas—subject to the same rules as the majority—has been the standard, bipartisan practice in all recent resolutions authorizing presidential impeachment inquiries.<sup>11</sup> The House's failure to provide co-equal subpoena power in this case ensures that any inquiry will be nothing more than a one-sided effort by House Democrats to gather information favorable to their views and to selectively release it as only they determine. The House's utter disregard for the established procedural safeguards followed in past impeachment inquiries shows that the current proceedings are nothing more than an unconstitutional exercise in political theater.

As if denying the President basic procedural protections were not enough, the Committees have also resorted to threats and intimidation against potential Executive Branch witnesses. Threats by the Committees against Executive Branch witnesses who assert common and longstanding rights destroy the integrity of the process and brazenly violate fundamental due process. In letters to State Department employees, the Committees have ominously threatened—without any legal basis and before the Committees even issued a subpoena—that “[a]ny failure to appear” in response to a mere letter *request* for a deposition “shall constitute evidence of obstruction.”<sup>12</sup> Worse, the Committees have broadly threatened that if State Department officials attempt to insist upon the right for the Department to have an agency lawyer present at depositions to protect legitimate Executive Branch confidentiality interests—or apparently if they make any effort to protect those confidentiality interests *at all*—these officials will have their salaries withheld.<sup>13</sup>

The suggestion that it would somehow be problematic for anyone to raise long-established Executive Branch confidentiality interests and privileges in response to a request for a deposition is legally unfounded. Not surprisingly, the Office of Legal Counsel at the Department of Justice has made clear on multiple occasions that employees of the Executive Branch who have been instructed not to appear or not to provide particular testimony before Congress based on privileges or immunities of the Executive Branch cannot be punished for

<sup>11</sup> H.R. Res. 581, 105th Cong. (1998); H.R. Res. 803, 93rd Cong. (1974).

<sup>12</sup> Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to George P. Kent, Deputy Assistant Secretary, U.S. Department of State 1 (Sept. 27, 2019).

<sup>13</sup> See Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to John J. Sullivan, Deputy Secretary of State 2-3 (Oct. 1, 2019).

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following such instructions.<sup>14</sup> Current and former State Department officials are duty bound to protect the confidentiality interests of the Executive Branch, and the Office of Legal Counsel has also recognized that it is unconstitutional to exclude agency counsel from participating in congressional depositions.<sup>15</sup> In addition, any attempt to withhold an official's salary for the assertion of such interests would be unprecedented and unconstitutional.<sup>16</sup> The Committees' assertions on these points amount to nothing more than strong-arm tactics designed to rush proceedings without any regard for due process and the rights of individuals and of the Executive Branch. Threats aimed at intimidating individuals who assert these basic rights are attacks on civil liberties that should profoundly concern all Americans.

## II. The Invalid "Impeachment Inquiry" Plainly Seeks To Reverse the Election of 2016 and To Influence the Election of 2020.

The effort to impeach President Trump—without regard to any evidence of his actions in office—is a naked political strategy that began the day he was inaugurated, and perhaps even before.<sup>17</sup> In fact, your transparent rush to judgment, lack of democratically accountable authorization, and violation of basic rights in the current proceedings make clear the illegitimate, partisan purpose of this purported "impeachment inquiry." The Founders, however, did not create the extraordinary mechanism of impeachment so it could be used by a political party that feared for its prospects against the sitting President in the next election. The decision as to who will be elected President in 2020 should rest with the people of the United States, exactly where the Constitution places it.

Democrats themselves used to recognize the dire implications of impeachment for the Nation. For example, in the past, Chairman Nadler has explained:

The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against a dire threat, and we must not do so without an overwhelming consensus of the American people. There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in our

<sup>14</sup> See, e.g., *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. \_\_, \*19 (May 20, 2019); *Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege*, 8 Op. O.L.C. 101, 102, 140 (1984) ("The Executive, however, must be free from the threat of criminal prosecution; if its right to assert executive privilege is to have any practical substance.")

<sup>15</sup> *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. \_\_, \*1-2 (May 23, 2019).

<sup>16</sup> See President Donald J. Trump, Statement by the President on Signing the Consolidated Appropriations Act, 2019 (Feb. 15, 2019); *Authority of Agency Officials To Prohibit Employees From Providing Information to Congress*, 28 Op. O.L.C. 79, 80 (2004).

<sup>17</sup> See Matea Gold, *The Campaign To Impeach President Trump Has Begun*, Wash. Post (Jan. 21, 2017) ("At the moment the new commander in chief was sworn in, a campaign to build public support for his impeachment went live . . .").

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politics for years to come, and will call into question the very legitimacy of our political institutions.<sup>18</sup>

Unfortunately, the President's political opponents now seem eager to transform impeachment from an extraordinary remedy that should rarely be contemplated into a conventional political weapon to be deployed for partisan gain. These actions are a far cry from what our Founders envisioned when they vested Congress with the "important trust" of considering impeachment.<sup>19</sup> Precisely because it nullifies the outcome of the democratic process, impeachment of the President is fraught with the risk of deepening divisions in the country and creating long-lasting rifts in the body politic.<sup>20</sup> Unfortunately, you are now playing out exactly the partisan rush to judgment that the Founders so strongly warned against. The American people deserve much better than this.

### III. There Is No Legitimate Basis for Your "Impeachment Inquiry"; Instead, the Committees' Actions Raise Serious Questions.

It is transparent that you have resorted to such unprecedented and unconstitutional procedures because you know that a fair process would expose the lack of any basis for your inquiry. Your current effort is founded on a completely appropriate call on July 25, 2019, between President Trump and President Zelenskyy of Ukraine. Without waiting to see what was actually said on the call, a press conference was held announcing an "impeachment inquiry" based on falsehoods and misinformation about the call.<sup>21</sup> To rebut those falsehoods, and to provide transparency to the American people, President Trump secured agreement from the Government of Ukraine and took the extraordinary step of declassifying and publicly releasing the record of the call. That record clearly established that the call was completely appropriate, that the President did nothing wrong, and that there is no basis for an impeachment inquiry. At a joint press conference shortly after the call's public release, President Zelenskyy agreed that the call was appropriate.<sup>22</sup> In addition, the Department of Justice announced that officials there had reviewed the call after a referral for an alleged campaign finance law violation and found no such violation.<sup>23</sup>

Perhaps the best evidence that there was no wrongdoing on the call is the fact that, after the actual record of the call was released, Chairman Schiff chose to concoct a false version of the call and to read his made-up transcript to the American people at a public hearing.<sup>24</sup> This

<sup>18</sup> 144 Cong. Rec. H1 1786 (daily ed. Dec. 18, 1998) (statement of Rep. Jerrold Nadler).

<sup>19</sup> The Federalist No. 65 (Alexander Hamilton).

<sup>20</sup> See *id.*

<sup>21</sup> Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

<sup>22</sup> *President Trump Meeting with Ukrainian President*, C-SPAN (Sept. 25, 2019).

<sup>23</sup> Statement of Kerri Kupec, Director, Office of Public Affairs, Dept. of Justice (Sept. 25, 2019) ("[T]he Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted.").

<sup>24</sup> See *Whistleblower Disclosure: Hearing Before the H. Select Comm. on Intel.*, 116th Cong. (Sept. 26, 2019) (statement of Rep. Adam Schiff).

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powerfully confirms there is no issue with the actual call. Otherwise, why would Chairman Schiff feel the need to make up his own version? The Chairman's action only further undermines the public's confidence in the fairness of any inquiry before his Committee.

The real problem, as we are now learning, is that Chairman Schiff's office, and perhaps others—despite initial denials—were involved in advising the whistleblower before the complaint was filed. Initially, when asked on national television about interactions with the whistleblower, Chairman Schiff unequivocally stated that “[w]e have not spoken directly with the whistleblower. We would like to.”<sup>25</sup>

Now, however, it has been reported that the whistleblower approached the House Intelligence Committee with information—and received guidance from the Committee—before filing a complaint with the Inspector General.<sup>26</sup> As a result, *The Washington Post* concluded that Chairman Schiff “clearly made a statement that was false.”<sup>27</sup> Anyone who was involved in the preparation or submission of the whistleblower's complaint cannot possibly act as a fair and impartial judge in the same matter—particularly after misleading the American people about his involvement.

All of this raises serious questions that must be investigated. However, the Committees are preventing anyone, including the minority, from looking into these critically important matters. At the very least, Chairman Schiff must immediately make available all documents relating to these issues. After all, the American people have a right to know about the Committees' own actions with respect to these matters.

\* \* \*

Given that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in it. Because participating in this inquiry under the current unconstitutional posture would inflict lasting institutional harm on the Executive Branch and lasting damage to the separation of powers, you have left the President no choice. Consistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.

Your recent letter to the Acting White House Chief of Staff argues that “[e]ven if an impeachment inquiry were not underway,” the Oversight Committee may seek this information

<sup>25</sup> Interview with Chairman Adam Schiff, MSNBC (Sept. 17, 2019).

<sup>26</sup> Julian Barnes, et al., *Schiff Got Early Account of Accusations as Whistle-Blower's Concerns Grew*, N.Y. Times (Oct. 2, 2019).

<sup>27</sup> Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

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as a matter of the established oversight process.<sup>28</sup> Respectfully, the Committees cannot have it both ways. The letter comes from the Chairmen of three different Committees; it transmits a subpoena “[p]ursuant to the House of Representatives’ impeachment inquiry,” it recites that the documents will “be collected as part of the House’s impeachment inquiry,” and it asserts that the documents will be “shared among the Committees, as well as with the Committee on the Judiciary as appropriate.”<sup>29</sup> The letter is in no way directed at collecting information in aid of legislation, and you simply cannot expect to rely on oversight authority to gather information for an unauthorized impeachment inquiry that conflicts with all historical precedent and rides roughshod over due process and the separation of powers. If the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers enshrined in our Constitution.

For the foregoing reasons, the President cannot allow your constitutionally illegitimate proceedings to distract him and those in the Executive Branch from their work on behalf of the American people. The President has a country to lead. The American people elected him to do this job, and he remains focused on fulfilling his promises to the American people. He has important work that he must continue on their behalf, both at home and around the world, including continuing strong economic growth, extending historically low levels of unemployment, negotiating trade deals, fixing our broken immigration system, lowering prescription drug prices, and addressing mass shooting violence. We hope that, in light of the many deficiencies we have identified in your proceedings, you will abandon the current invalid efforts to pursue an impeachment inquiry and join the President in focusing on the many important goals that matter to the American people.

Sincerely,



Pat A. Cipollone  
Counsel to the President

cc: Hon. Kevin McCarthy, Minority Leader, House of Representatives  
Hon. Michael McCaul, Ranking Member, House Committee on Foreign Affairs  
Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on  
Intelligence  
Hon. Jim Jordan, Ranking Member, House Committee on Oversight and Reform

<sup>28</sup> Letter from Elijah E. Cummings, Chairman, House Committee on Oversight and Government Reform, et al., to John Michael Mulvaney, Acting Chief of Staff to the President 3 (Oct. 4, 2019).

<sup>29</sup> *Id.* at 1.

## Department Guidance Regarding Privileges and Work-Product Protections [Tab D]

The Department asks all personnel to abide by important obligations as employees of the Department. These obligations include the following requirements:

- Improper disclosure of any classified information is strictly prohibited.
- No documents, electronically stored information, or tangible things relating to official duties, including personal notes, should be produced or turned over during or after the proceedings. As noted in the Department's October 15 letter, the Department has taken independent steps to "identify, preserve, and collect potentially responsive documents" [Tab A], in order to engage with the three Committees or other Congressional Committees once outstanding legal issues are resolved.
- All privileges and work-product protections must be strictly preserved, including, but not limited to:

1) Executive Privilege. It is for the President and the Department of Justice—not the Department of Defense—to determine for the Executive Branch the scope of the privilege and whether it has been waived; e.g., by public statements. Accordingly, the Department advises that employees exercise an abundance of caution and refrain from giving any testimony, unless otherwise instructed by the White House, regarding:

(a) internal White House (including National Security Council (NSC), Office of Management and Budget (OMB)) communications (including but not limited to letters, documents, phone calls, and e-mails);

(b) communications between White House officials (including NSC and OMB) and individuals outside the Executive Branch (including individuals in the U.S. Government, foreign government officials, and private individuals);

(c) communications between White House officials and other Executive Branch officials; and

(d) discussions among Executive Branch officials regarding communications with the White House or the subject matter of such communications.

*See Assertion of Executive Privilege Concerning the Dismissal and Replacement of U.S. Attorneys, Solicitor General and Acting Attorney General Paul D. Clement (June 27, 2007) [attached].*

2) Attorney-Client Privilege. No testimony regarding communications between Department officials and the Department's Office of General Counsel, White

House Counsel, the Department of Justice, or any other attorneys related to the seeking or giving of legal advice or opinions.

- 3) Attorney Work-Product. No testimony regarding any documents, electronically stored media, tangible things, or conversations or opinions produced or expressed by the Department's Office of General Counsel or other attorneys in preparation for litigation or any other legal proceedings.
- 4) Deliberative Process Privilege. No testimony regarding pre-decisional discussions of Department policy decisions.

The Department understands the difficult circumstances facing your client and appreciates her and your professionalism in adhering to this guidance.

## Assertion of Executive Privilege Concerning the Dismissal and Replacement of U.S. Attorneys

Executive privilege may properly be asserted over the documents and testimony concerning the dismissal and replacement of U.S. Attorneys that have been subpoenaed by congressional committees.

June 27, 2007

THE PRESIDENT  
THE WHITE HOUSE

Dear Mr. President:

The Senate Committee on the Judiciary and the House Committee on the Judiciary recently issued five subpoenas in connection with their inquiries into the resignation of several U.S. Attorneys in 2006. Broadly speaking, four of the five subpoenas seek documents in the custody of current or former White House officials ("White House documents") concerning the dismissal and replacement of the U.S. Attorneys. In addition, two of the five subpoenas demand testimony about these matters from two former White House officials, Harriet Miers, former Counsel to the President, and Sara Taylor, former Deputy Assistant to the President and Director of Political Affairs.

You have requested my legal advice as to whether you may assert executive privilege with respect to the subpoenaed documents and testimony concerning the categories of information described in this letter. It is my considered legal judgment that you may assert executive privilege over the subpoenaed documents and testimony.

### I.

The documents that the Office of the Counsel to the President has identified as responsive to the subpoenas fall into three broad categories related to the possible dismissal and replacement of U.S. Attorneys, including congressional and media inquiries about the dismissals: (1) internal White House communications; (2) communications by White House officials with individuals outside the Executive Branch, including with individuals in the Legislative Branch; and (3) communications between White House officials and Department of Justice officials. The Committees' subpoenas also seek testimony from Ms. Miers and Ms. Taylor concerning the same subject matters, and the assertion of privilege with respect to such testimony requires the same legal analysis.

The Office of Legal Counsel of the Department of Justice has reviewed the documents identified by the Counsel to the President as responsive to the subpoenas and is satisfied that the documents fall within the scope of executive

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privilege. The Office further believes that Congress's interests in the documents and related testimony would not be sufficient to override an executive privilege claim. For the reasons discussed below, I concur with both assessments.

## A.

The initial category of subpoenaed documents and testimony consists of internal White House communications about the possible dismissal and replacement of U.S. Attorneys. Among other things, these communications discuss the wisdom of such a proposal, specific U.S. Attorneys who could be removed, potential replacement candidates, and possible responses to congressional and media inquiries about the dismissals. These types of internal deliberations among White House officials fall squarely within the scope of executive privilege. One of the underlying purposes of the privilege is to promote sound decisionmaking by ensuring that senior government officials and their advisers speak frankly and candidly during the decisionmaking process. As the Supreme Court has explained, "[a] President and those who assist him must be free to explore alternatives in the process of shaping policies and to do so in a way many would be unwilling to express except privately." *United States v. Nixon*, 418 U.S. 683, 708 (1974); see also *Assertion of Executive Privilege with Respect to Prosecutorial Documents*, 25 Op. O.L.C. 1, 2 (2001) ("The Constitution clearly gives the President the power to protect the confidentiality of executive branch deliberations."); *Assertion of Executive Privilege With Respect to Clemency Decision*, 23 Op. O.L.C. 1, 2 (1999) (opinion of Attorney General Janet Reno) ("*Clemency Decision*") ("[N]ot only does executive privilege apply to confidential communications to the President, but also to 'communications between high Government officials and those who advise and assist them in the performance of their manifold duties.'" (quoting *Nixon*, 418 U.S. at 705). These confidentiality interests are particularly strong where, as here, the communications may implicate a "quintessential and nondelegable Presidential power," such as the authority to nominate or to remove U.S. Attorneys. *In re Sealed Case*, 121 F.3d 729, 752 (D.C. Cir. 1997); *Clemency Decision*, 23 Op. O.L.C. at 2-3 (finding that executive privilege protected Department and White House deliberations related to decision to grant clemency).

Under D.C. Circuit precedent, a congressional committee may not overcome an assertion of executive privilege unless it establishes that the documents and information are "demonstrably critical to the responsible fulfillment of the Committee's functions." *Senate Select Comm. on Presidential Campaign Activities v. Nixon*, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc). And those functions must be in furtherance of Congress's legitimate legislative responsibilities. See *McGrain v. Daugherty*, 273 U.S. 135, 160 (1927) (Congress has oversight authority "to enable it efficiently to exercise a legislative function belonging to it under the Constitution").

*Assertion of Executive Privilege Concerning Dismissal of U.S. Attorneys*

As a threshold matter, it is not at all clear that internal White House communications about the possible dismissal and replacement of U.S. Attorneys fall within the scope of *McGrain* and its progeny. The Supreme Court has held that Congress's oversight powers do not reach "matters which are within the exclusive province of one of the other branches of the Government." *Barenblatt v. United States*, 360 U.S. 109, 112 (1959). The Senate has the authority to approve or reject the appointment of officers whose appointment by law requires the advice and consent of the Senate (which has been the case for U.S. Attorneys since the founding of the Republic), but it is for the President to decide whom to nominate to such positions and whether to remove such officers once appointed. Though the President traditionally consults with members of Congress about the selection of potential U.S. Attorney nominees as a matter of courtesy or in an effort to secure their confirmation, that does not confer upon Congress authority to inquire into the deliberations of the President with respect to the exercise of his power to remove or nominate a U.S. Attorney.<sup>1</sup> Consequently, there is reason to question whether Congress has oversight authority to investigate deliberations by White House officials concerning proposals to dismiss and replace U.S. Attorneys, because such deliberations necessarily relate to the potential exercise by the President of an authority assigned to him alone. See *Clemency Decision*, 23 Op. O.L.C. at 3-4 ("[I]t appears that Congress' oversight authority does not extend to the process employed in connection with a particular clemency decision, to the materials generated or the discussions that took place as part of that process, or to the advice or views the President received in connection with a clemency decision [because the decision to grant clemency is an exclusive Executive Branch function]."); *Scope of Congressional Oversight and Investigative Power With Respect to the Executive Branch*, 9 Op. O.L.C. 60, 62 (1985) (congressional oversight authority does not extend to "functions fall[ing] within the Executive's exclusive domain").

In any event, even if the Committees have oversight authority, there is no doubt that the materials sought qualify for the privilege and the Committees have not demonstrated that their interests justify overriding a claim of executive privilege as to the matters at issue. The House Committee, for instance, asserts in its letter accompanying the subpoenas that "[c]ommunications among the White House staff involved in the U.S. Attorney replacement plan are obviously of paramount importance to any understanding of how and why these U.S. Attorneys were

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<sup>1</sup> See, e.g., *Pub. Citizen v. Dep't of Justice*, 491 U.S. 440, 483 (1989) (Kennedy, J., concurring) ("[T]he Clause divides the appointment power into two separate spheres; the President's power to 'nominate,' and the Senate's power to give or withhold its 'Advice and Consent.' No role whatsoever is given either to the Senate or to Congress as a whole in the process of choosing the person who will be nominated for [the] appointment."); *Myers v. United States*, 272 U.S. 52, 122 (1926) ("The power of removal is incident to the power of appointment, not to the power of advising and consenting to appointment, and when the grant of the executive power is enforced by the express mandate to take care that the laws be faithfully executed, it emphasizes the necessity for including within the executive power as conferred the exclusive power of removal.")

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selected to be fired.” Letter for Fred F. Fielding, Counsel to the President, from John Conyers, Jr., Chairman, House Judiciary Committee at 2 (June 13, 2007). But the Committees never explain how or why this information is “demonstrably critical” to any “legislative judgments” Congress might be able to exercise in the U.S. Attorney matter. *Senate Select Comm.*, 498 F.2d at 732. Broad, generalized assertions that the requested materials are of public import are simply insufficient under the “demonstrably critical” standard. Under *Senate Select Committee*, to override a privilege claim the Committees must “point[] to . . . specific legislative decisions that cannot responsibly be made without access to [the privileged] materials.” *Id.* at 733.

Moreover, any legitimate oversight interest the Committees might have in internal White House communications about the proposal is sharply reduced by the thousands of documents and dozens of hours of interviews and testimony already provided to the Committees by the Department of Justice as part of its extraordinary effort at accommodation.<sup>2</sup> This information has given the Committees extraordinary—and indeed, unprecedented—insight into the Department’s decision to request the U.S. Attorney resignations, including the role of White House officials in the process. *See, e.g., History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress*, 6 Op. O.L.C. 751, 758–59; 767 (1982) (documenting refusals by Presidents Jackson, Tyler, and Cleveland

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<sup>2</sup>During the past three months, the Department has released or made available for review to the Committees approximately 8,500 pages of documents concerning the U.S. Attorney resignations. The Department has included in its productions many sensitive, deliberative documents related to the resignation requests, including e-mails and other communications with White House officials. The Committees’ staffs have also interviewed, at length and on the record, a number of senior Department officials, including, among others, the Deputy Attorney General, the Acting Associate Attorney General, the Attorney General’s former chief of staff, the Deputy Attorney General’s chief of staff, and two former Directors of the Executive Office for U.S. Attorneys. During these interviews, the Committees’ staffs explored in great depth all aspects of the decision to request the U.S. Attorney resignations, including the role of White House officials in the decisionmaking process. In addition, the Attorney General, the Deputy Attorney General, the Principal Associate Deputy Attorney General, the Attorney General’s former chief of staff, and the Department’s former White House Liaison have testified before one or both of the Committees about the terminations and explained, under oath, their understanding of such involvement.

The President has also made significant efforts to accommodate the Committees’ needs. More than three months ago, the Counsel to the President proposed to make senior White House officials, including Ms. Miers, available for informal interviews about “(a) communications between the White House and persons outside the White House concerning the request for resignations of the U.S. Attorneys in question; and (b) communications between the White House and Members of Congress concerning those requests,” and he offered to give the Committees access to White House documents on the same subjects. Letter for Patrick Leahy, U.S. Senate, et al., from Fred F. Fielding, Counsel to the President at 1–2 (Mar. 20, 2007). The Committees declined this offer. The Counsel to the President has since reiterated this offer of accommodation but to no avail. *See* Letter for Patrick Leahy, U.S. Senate, and John Conyers, Jr., U.S. House of Representatives, from Fred F. Fielding, Counsel to the President at 1 (Apr. 12, 2007); Letter for Patrick Leahy, U.S. Senate, John Conyers, Jr., U.S. House of Representatives, and Linda T. Sanchez, U.S. House of Representatives, from Fred F. Fielding, Counsel to the President at 1–2 (June 7, 2007).

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to provide information related to the decision to remove Executive Branch officials, including a U.S. Attorney).

In a letter accompanying the subpoenas, the House Committee references the alleged “written misstatements” and “false statements” provided by the Department to the Committees about the U.S. Attorney dismissals. *See* Letter for Fred F. Fielding, Counsel to the President, from John Conyers, Jr., Chairman, House Judiciary Committee at 2 (June 13, 2007). The Department has recognized the Committees’ interest in investigating the extent to which Department officials may have provided inaccurate or incomplete information to Congress. This interest does not, however, justify the Committees’ demand for White House documents and information about the U.S. Attorney resignations. Officials in the Department, not officials in the White House, presented the challenged statements, and as noted, the Department has provided unprecedented information to Congress concerning, *inter alia*, the process that led to the Department’s statements. The Committees’ legitimate oversight interests therefore have already been addressed by the Department, which has sought to provide the Committees with all documents related to the preparation of any inaccurate information given to Congress.

Given the amount of information the Committees already possess about the Department’s decision to remove the U.S. Attorneys (including the involvement of White House officials), there would be little additional legislative purpose served by revealing internal White House communications about the U.S. Attorney matter, and, in any event, none that would outweigh the President’s interest in maintaining the confidentiality of such internal deliberations. *See Senate Select Comm.*, 498 F.2d at 732–33 (explaining that a congressional committee may not obtain information protected by executive privilege if that information is available through non-privileged sources). Consequently, I do not believe that the Committees have shown a “demonstrably critical” need for internal White House communications on this matter.

**B.**

For many of the same reasons, I believe that communications between White House officials and individuals outside the Executive Branch, including with individuals in the Legislative Branch, concerning the possible dismissal and replacement of U.S. Attorneys, and possible responses to congressional and media inquiries about the dismissals, fall within the scope of executive privilege. Courts have long recognized the importance of information gathering in presidential decisionmaking. *See, e.g., In re Sealed Case*, 121 F.3d at 751–52 (describing role of investigation and information collection in presidential decisionmaking). Naturally, in order for the President and his advisers to make an informed decision, presidential aides must sometimes solicit information from individuals outside the White House and the Executive Branch. This need is particularly strong when the decision involved is whether to remove political appointees, such

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as U.S. Attorneys, who serve in local districts spread throughout the United States. In those situations, the President and his advisers will be fully informed only if they solicit and receive advice from a range of individuals. Yet the President's ability to obtain such information often depends on the provider's understanding that his frank and candid views will remain confidential. *See Nixon*, 418 U.S. at 705 ("Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process."); *In re Sealed Case*, 121 F.3d at 751 ("In many instances, potential exposure of the information in the possession of an adviser can be as inhibiting as exposure of the actual advice she gave to the President. Without protection of her sources of information, an adviser may be tempted to forego obtaining comprehensive briefings or initiating deep and intense probing for fear of losing deniability.").

That the communications involve individuals outside the Executive Branch does not undermine the President's confidentiality interests. The communications at issue occurred with the understanding that they would be held in confidence, and they related to decisionmaking regarding U.S. Attorney removals or replacements or responding to congressional or media inquiries about the U.S. Attorney matter. Under these circumstances, the communications retain their confidential and Executive Branch character and remain protected. *See In re Sealed Case*, 121 F.3d at 752 ("Given the need to provide sufficient elbow room for advisers to obtain information from all knowledgeable sources, the [presidential communications component of executive] privilege must apply both to communications which these advisers solicited and received from others as well as those they authored themselves.")<sup>3</sup>

Again, the Committees offer no compelling explanation or analysis as to why access to confidential communications between White House officials and individuals outside the Executive Branch is "demonstrably critical to the responsible fulfillment of the [Committees'] functions." *Senate Select Comm.*, 498 F.2d at 731. Absent such a showing, the Committees may not override an executive privilege claim.

### C.

The final category of documents and testimony concerns communications between the Department of Justice and the White House concerning proposals to dismiss and replace U.S. Attorneys and possible responses to congressional and media inquiries about the U.S. Attorney resignations. These communications are

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<sup>3</sup> Moreover, the Department has previously conveyed to the Committees its concern that there would be a substantial inhibiting effect on future informal confidential communications between Executive Branch and Legislative Branch representatives if such communications were to be produced in the normal course of congressional oversight.

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deliberative, and clearly fall within the scope of executive privilege.<sup>4</sup> See *supra* p. 2. In this case, however, the Department has already disclosed to Congress a substantial amount of documents and information related to White House communications about the U.S. Attorney matter. Consequently, in assessing whether it would be legally permissible to assert executive privilege, it is useful to divide this category into three subcategories, each with slightly different considerations: (1) documents and testimony related to communications between the Department and White House officials that have not already been disclosed by the Department; (2) documents concerning White House-Department communications previously disclosed to the Committees by the Department; and (3) testimony from current or former White House officials (such as the testimony sought from Ms. Miers or Ms. Taylor) about previously disclosed White House-Department communications. After carefully considering the matter, I believe there is a strong legal basis for asserting executive privilege over each of these subcategories.

The President's interest in protecting the confidentiality of documents and information about undisclosed White House-Department communications is powerful. Most, if not all, of these communications concern either potential replacements for the dismissed U.S. Attorneys or possible responses to inquiries from Congress and the media about the U.S. Attorney resignations. As discussed above, the President's need to protect deliberations about the selection of U.S. Attorneys is compelling, particularly given Congress's lack of legislative authority over the nomination or replacement of U.S. Attorneys. See *In re Sealed Case*, 121 F.3d at 751-52. The President also has undeniable confidentiality interests in discussions between White House and Department officials over how to respond to congressional and media inquiries about the U.S. Attorney matter. As Attorney General Janet Reno advised the President in 1996, the ability of the Office of the Counsel to the President to assist the President in responding to investigations "would be significantly impaired" if a congressional committee could review "confidential documents . . . prepared in order to assist the President and his staff in responding to an investigation by the [committee] seeking the documents." *Assertion of Executive Privilege Regarding White House Counsel's Office Documents*, 20 Op. O.L.C. 2, 3 (1996). Despite extensive communications with officials at the Department and the White House, the Committees have yet to articulate any "demonstrably critical" oversight interest that would justify overriding these compelling confidentiality concerns.

There are also legitimate reasons to assert executive privilege over White House documents reflecting White House-Department communications that have been previously disclosed to the Committees by the Department. As discussed,

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<sup>4</sup> To the extent they exist, White House communications approving the Department's actions by or on behalf of the President would receive particularly strong protection under executive privilege. See, e.g., *In re Sealed Case*, 121 F.3d at 752-53 (describing heightened protection provided to presidential communications).

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these documents are deliberative in nature and clearly fall within the scope of executive privilege. The Department's accommodation with respect to some White House-Department communications does not constitute a waiver and does not preclude the President from asserting executive privilege with respect to White House materials or testimony concerning such communications. The D.C. Circuit has recognized that each branch has a "constitutional mandate to seek optimal accommodation" of each other's legitimate interests. *United States v. AT&T Co.*, 567 F.2d 121, 127 (D.C. Cir. 1977). If the Department's provision of documents and information to Congress, as part of the accommodation process, eliminated the President's ability to assert privilege over White House documents and information concerning those same communications, then the Executive Branch would be hampered, if not prevented, from engaging in future accommodations. Thus, in order to preserve the constitutional process of interbranch accommodation, the President may claim privilege over documents and information concerning the communications that the Department of Justice has previously disclosed to the Committees. Indeed, the relevant legal principles should and do encourage, rather than punish, such accommodation by recognizing that Congress's need for such documents is reduced to the extent similar materials have been provided voluntarily as part of the accommodation process.

Here, the Committees' need for White House documents concerning these communications is weak. The Committees already possess the relevant communications, and it is well established that Congress may not override executive privilege to obtain materials that are cumulative or that could be obtained from an alternative source. See *Senate Select Comm.*, 498 F.2d at 732-33 (holding public release of redacted audio tape transcripts "substantially undermined" any legislative need for tapes themselves); *Clemency Decision*, 23 Op. O.L.C. at 3-4 (finding that documents were not demonstrably critical where Congress could obtain relevant information "through non-privileged documents and testimony"). Accordingly, the Committees do not have a "demonstrably critical" need to collect White House documents reflecting previously disclosed White House-Department communications.

Finally, the Committees have also failed to establish the requisite need for testimony from current or former White House officials about previously disclosed White House-Department communications. Congressional interest in investigating the replacement of U.S. Attorneys clearly falls outside its core constitutional responsibilities, and any legitimate interest Congress may have in the disclosed communications has been satisfied by the Department's extraordinary accommodation involving the extensive production of documents to the Committees, interviews, and hearing testimony concerning these communications. As the D.C. Circuit has explained, because "legislative judgments normally depend more on the predicted consequences of proposed legislative actions and their political acceptability," Congress will rarely need or be entitled to a "precise reconstruction of past events" to carry out its legislative responsibilities. *Senate Select Comm.*,

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498 F.2d at 732.<sup>5</sup> On the other hand, the White House has very legitimate interests in protecting the confidentiality of this information because it would be very difficult, if not impossible, for current or former White House officials testifying about the disclosed communications to separate in their minds knowledge that is derived from the Department's disclosures from knowledge that is derived from other privileged sources, such as internal White House communications. Consequently, given the President's strong confidentiality interests and the Committees' limited legislative needs, I believe that White House information about previously disclosed White House-Department communications may properly be subject to an executive privilege claim.

## II.

In sum, I believe that executive privilege may properly be asserted with respect to the subpoenaed documents and testimony as described above.

PAUL D. CLEMENT

*Solicitor General & Acting Attorney General*

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<sup>5</sup> See also *Senate Select Comm.*, 498 F.2d at 732 (explaining that Congress "frequently legislates on the basis of conflicting information provided in its hearings"); *Congressional Requests for Confidential Executive Branch Information*, 13 Op. O.L.C. 153, 159 (1989) ("Congress will seldom have any legitimate legislative interest in knowing the precise predecisional positions and statements of particular executive branch 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.

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13

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15 DEPOSITION OF: WILLIAM B. TAYLOR

16

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19

20 Tuesday, October 22, 2019

21 Washington, D.C.

22

23

24 The deposition in the above matter was held in Room

25 HVC-304, Capitol Visitor Center, commencing at 9:50 a.m.



1     Appearances:

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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]

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[REDACTED]

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For the COMMITTEE ON OVERSIGHT AND REFORM:

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SUSANNE SACHSMAN GROOMS, CHIEF COUNSEL

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[REDACTED]

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[REDACTED]

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[REDACTED]

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For the COMMITTEE ON FOREIGN AFFAIRS:

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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For WILLIAM B. TAYLOR:

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JEFFREY H. SMITH

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JOHN B. BELLINGER III

23

ARNOLD & PORTER

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601 Massachusetts Avenue, NW

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Washington, D.C. 20001-3743

1 THE CHAIRMAN: All right. Let's come to order.

2 Good morning, Ambassador Taylor. And welcome to the  
3 House Permanent Select Committee on Intelligence, which along  
4 with the Foreign Affairs and Oversight Committees is  
5 conducting this investigation as part of the official  
6 impeachment inquiry of the House of Representatives. Today's  
7 deposition is being conducted as part of the impeachment  
8 inquiry.

9 In light of attempts by the State Department and the  
10 administration to direct witnesses not to cooperate with the  
11 inquiry, including efforts to limit witness testimony, the  
12 committee had no choice but to compel your appearance today.  
13 We thank you for complying with the duly authorized  
14 congressional subpoena.

15 Ambassador Taylor has served our country as a  
16 distinguished diplomat and Ambassador. Prior to returning to  
17 Embassy Kyiv as Charge d'affaires in June 2019, Ambassador  
18 Taylor served as executive vice president of the U.S.  
19 Institute for Peace.

20 From 2006 to 2009, he served as U.S. Ambassador to  
21 Ukraine and also held important positions across the State  
22 Department coordinating U.S. assistance efforts, including to  
23 Eastern Europe and the former Soviet Union. He is also a  
24 West Point grad, I believe, and a Vietnam veteran. And we're  
25 very grateful for your lifetime of service.

1           Ambassador Taylor, we will ask you to introduce yourself  
2 and your career experience more fully at the outset of  
3 today's interview for the benefit of the record and all those  
4 present.

5           Finally, to restate what I and others have emphasized in  
6 other interviews, Congress will not tolerate any reprisal,  
7 threat of reprisal, or attempt to retaliate against any U.S.  
8 Government official for testifying before Congress, including  
9 you or any of your colleagues.

10           It is disturbing that the State Department in  
11 coordination with the White House has sought to prohibit  
12 Department employees from cooperating with the inquiry and  
13 have tried to limit what they can say. This is unacceptable.  
14 Thankfully, consummate professionals have demonstrated  
15 remarkable courage in coming forward to testify and tell the  
16 truth.

17           Before I turn to committee counsel to begin the  
18 interview, I invite Ranking Member Nunes to make any opening  
19 remarks.

20           MR. NUNES: I thank the gentleman.

21           Once again, we're here for what you're calling an  
22 impeachment inquiry, but there are no rules governing an  
23 impeachment inquiry. There's been no organization of this  
24 impeachment inquiry, and so we're essentially operating under  
25 a lawless situation.

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1           We sent a letter last week to the majority requesting a  
2           number of things, but that is to be notified with documents  
3           to at least all three committees under the structure. Only  
4           two of the three committees continue to get the documents for  
5           some odd reason that's not explainable.

6           But in addition to that, now typical customs of this  
7           committee in review of the transcripts are now being put  
8           under lock so that no one has access to the transcripts. And  
9           I want to make a request to the court reporters to ensure  
10          that no tapes disappear being that we have no access to these  
11          transcripts.

12          And, with that, I'll yield to Mr. Jordan.

13          MR. JORDAN: I thank the gentleman for yielding.

14          I would just too echo the notice that we got yesterday  
15          that the minority will not be given access to the transcript,  
16          and even members of this committee or these three committees  
17          can only view the transcript in the presence of someone from  
18          the majority. I don't know that I've seen that happen  
19          before. And just when I thought this process couldn't get  
20          any more unfair, we find out how the transcripts are going to  
21          be treated.

22          Ambassador, I want to thank you for being here. I also  
23          want to thank you for your service to our country.

24          On September 24th, Speaker Pelosi unilaterally announced  
25          that the House was beginning a so-called impeachment inquiry.

1 On October 2nd, Speaker Pelosi promised that the so-called  
2 impeachment inquiry would, quote, treat the President with  
3 fairness. However, Speaker Pelosi, Chairman Schiff, and the  
4 Democrats are not living up to that basic promise. Instead,  
5 Democrats are conducting a rushed, closed-door, and  
6 unprecedented impeachment inquiry.

7 Democrats are ignoring 45 years of bipartisan procedures  
8 designed to provide elements of fundamental fairness and due  
9 process in past impeachment inquiries: The majority and  
10 minority had coequal subpoena authority, the right to require  
11 a committee vote on all subpoenas. The President's counsel  
12 had a right to attend all depositions and hearings, including  
13 those held in executive sessions. The President's counsel  
14 had the right to cross-examine witnesses and the right to  
15 propose witnesses. The President's counsel had the right to  
16 present evidence, object to the admission of evidence, and to  
17 review all evidence presented, both favorable and  
18 unfavorable.

19 Speaker Pelosi and Chairman Schiff's so-called  
20 impeachment inquiry has none of these guarantees of  
21 fundamental fairness and due process. Most disappointing,  
22 Democrats are conducting this so-called impeachment inquiry  
23 behind closed doors, and as the ranking member of the  
24 Intelligence Committee just suggested, with no access given  
25 to the -- no transcripts given to the minority party.

1           This seems to be nothing more than hiding this work from  
2 the American people. If Democrats intend to undo the will of  
3 the American people just a year before the next election,  
4 they should at least do so transparently and be willing to be  
5 accountable for their actions.

6           With that, Mr. Chairman, I yield back.

7           THE CHAIRMAN: Mr. McCaul.

8           I would only say, because I don't want to get into  
9 extended debate, and we can discuss this without taking up  
10 the witness' time, that members of three committees have  
11 access to the transcripts when the transcripts are completed  
12 and they have had a chance to be finalized.

13           The one transcript that the minority was able to  
14 download and print was leaked to the press promptly. That's  
15 a problem, and that is part of the reason we have to maintain  
16 the security of the transcripts.

17           Finally, unlike the past impeachments where there was a  
18 special counsel doing these proceedings before the grand  
19 jury, there is no special counsel here because the Department  
20 of Justice declined to even investigate the matter so we have  
21 to do that work ourselves.

22           I'll now turn to committee counsel.

23           MR. NUNES: Mr. McCaul had an opening statement.

24           MR. MCCAUL: I'll just be very brief.

25           To your point, the Foreign Affairs Committee has

1 jurisdiction over the majority of these witnesses. We have a  
2 SCIF at the Foreign Affairs Committee that can handle  
3 classified information and electronically as well. And I  
4 would ask that you reconsider this new rule that you've  
5 issued to allow us to have those documents in the Foreign  
6 Affairs SCIF and to make it more accessible.

7 I agree with my colleagues, there's no House rule or  
8 resolution authorizing this. I talked to Ken Starr last  
9 weekend. There's a way to do this right, and I think we  
10 should do it the same way we did the Clinton and Nixon  
11 administration. I think, in your words, you'll say that --

12 [Disruption in hearing room.]

13 MR. MCCAUL: The committee is not in order -- you will  
14 say that there's no special counsel. So I guess my question  
15 is, are you the special counsel, slash, prosecutor and the  
16 grand jury of this inquiry?

17 THE CHAIRMAN: Are you finished with your opening  
18 remarks?

19 MR. MCCAUL: Yes.

20 THE CHAIRMAN: Okay. Then let's proceed.

21 Mr. Goldman.

22 MR. GOLDMAN: Thank you, Mr. Chairman. This is a  
23 deposition of a --

24 THE CHAIRMAN: No further remarks will be entertained at  
25 this time. Mr. Goldman.

1 MR. GOLDMAN: This is a deposition of Ambassador William  
2 B. Taylor, Jr., conducted by the House Permanent Select  
3 Committee on Intelligence pursuant to the impeachment inquiry  
4 announced by the Speaker of the House on September 24th.

5 Ambassador Taylor --

6 MR. ROY: There are members of this committee that are  
7 unable to participate --

8 THE CHAIRMAN: If the gentleman will suspend.

9 MR. ROY: I'm going to have to be in the Subcommittee --

10 THE CHAIRMAN: The gentleman will --

11 MR. ROY: -- instead of being in here. And then I've  
12 got to schedule access -- to get access as a Member of  
13 Congress to transcripts on a committee on which I sit when  
14 rules have never been put forward?

15 THE CHAIRMAN: If the gentleman will suspend.

16 MR. ROY: What is this?

17 THE CHAIRMAN: The gentleman is not recognized. You can  
18 take your comments outside, sir.

19 MR. ROY: Take them outside to whom? You're the judge  
20 and jury sitting in here deciding who can see this clown  
21 show. When can we actually -- when can my colleagues who  
22 aren't on this committee see the materials in question?

23 THE CHAIRMAN: Sir, this witness has come all the way  
24 from Ukraine. If you could suspend so we can get to the  
25 matter at hand.

12

1 MR. ROY: Well, why won't you address the legitimate  
2 concerns of this --

3 VOICES: Out of order.

4 MR. ROY: This whole hearing is out of order. We've got  
5 members of this committee --

6 MRS. DEMINGS: You really don't want to hear from this  
7 witness, do you?

8 MR. ROY: I would like the entire Congress to hear from  
9 this witness.

10 THE CHAIRMAN: Members will suspend. Members will  
11 suspend.

12 Mr. Goldman, you're recognized.

13 MR. ROY: What rules are we even operating under?

14 MR. GOLDMAN: Ambassador Taylor, could you please state  
15 your full name and spell your last name for the record?

16 AMBASSADOR TAYLOR: William Brochenbrough Taylor, Jr.,  
17 T-a-y-l-o-r.

18 MR. GOLDMAN: Thank you.

19 Now, along with other proceedings in furtherance of the  
20 inquiry, this deposition is part of a joint investigation led  
21 by the Intelligence Committee in coordination with the  
22 Committees on Foreign Affairs and Oversight and Reform.

23 In the room today are majority staff and minority staff  
24 from both the Foreign Affairs Committee and Oversight  
25 Committee, as well as majority and minority staff from the

1 Intelligence Committee. This is a staff-led deposition, but  
2 members, of course, may ask questions during their allotted  
3 time, as has been the case for every deposition and interview  
4 since the inception of this investigation.

5 My name is Daniel Goldman. I'm the director of  
6 investigations for the HPSCI majority staff, and I want to  
7 thank you very much for traveling from Ukraine to appear for  
8 this deposition today.

9 I would like to do some brief introductions. To my  
10 right is Daniel Noble, senior investigative counsel for  
11 HPSCI. Mr. Noble and I will be conducting most of the  
12 interview for the majority.

13 And I will now let my counterparts from the minority  
14 staff introduce themselves who will be conducting the  
15 interview for the minority.

16 MR. CASTOR: Morning, Ambassador. Steve Castor with the  
17 Republican staff of the Oversight Committee.

18 MS. CASULLI: Good morning. Laura Casulli, deputy  
19 general counsel, minority on the HPSCI.

20 MR. KOREN: Michael Koren, House Oversight, Republican  
21 committee staff.

22 MR. GOLDMAN: Thank you.

23 This deposition will be conducted entirely at the  
24 unclassified level. However, the deposition is being  
25 conducted in HPSCI's secure spaces and in the presence of

1 staff with appropriate security clearances. We also  
2 understand that your attorneys have the appropriate security  
3 clearances as well. Is that correct?

4 AMBASSADOR TAYLOR: That is correct.

5 MR. GOLDMAN: Okay. It is the committee's expectation,  
6 however, that neither the questions asked of you nor the  
7 answers provided by you will require discussion of any  
8 information that is currently or at any point could be  
9 properly classified under Executive Order 13526.

10 You are reminded that E.O. 13526 states that, quote, in  
11 no case shall information be classified, continue to be  
12 maintained as classified, or fail to be declassified,  
13 unquote, for the purpose of concealing any violations of law  
14 or preventing embarrassment of any person or entity.

15 If any of our questions can only be answered with  
16 classified information, please inform us of that before you  
17 answer the question and we will adjust accordingly.

18 Today's deposition is not being taken in executive  
19 session, but because of the sensitive and confidential nature  
20 of some of the topics and materials that will be discussed  
21 access to the transcript of the deposition will be limited to  
22 the three committees in attendance, which we have mentioned  
23 before.

24 Under the House deposition rules, no Member of Congress  
25 nor any staff member can discuss the substance of the

1 testimony you provide today with the public or the media.  
2 You and your attorney will have an opportunity to review the  
3 transcript if we can figure out an arrangement, given that  
4 you are in post in Ukraine.

5 Before we begin, I'd like to go over some of the ground  
6 rules for this deposition. We will be following the House  
7 regulations for depositions, which we have previously  
8 provided to your counsel.

9 The deposition will proceed as follows: The majority  
10 will be given 1 hour to ask questions, and then the minority  
11 will be given 1 hour to ask questions. Thereafter, we will  
12 alternate back and forth between majority and minority in  
13 45-minute rounds until questioning is complete.

14 We will take periodic breaks, but if you need a break at  
15 any time, please do let us know.

16 Under the House deposition rules, counsel for other  
17 persons or government agencies may not attend. You are  
18 allowed to have an attorney present of your own during this  
19 deposition, and I see that you have brought two. Would  
20 counsel please now state their appearance for the record?

21 MR. SMITH: Jeffrey Smith, Arnold & Porter.

22 MR. BELLINGER: John Bellinger, Arnold & Porter.

23 MR. GOLDMAN: Thank you.

24 There is a stenographer to your left taking down  
25 everything that is said in this deposition in order to make a

1 written record. For that record to be clear, please wait  
2 until each question is completed before you begin your  
3 answer, and we will wait until you finish your response  
4 before asking you the next question.

5 The stenographer cannot record nonverbal answers, such  
6 as a shaking of your head, so it is important that you answer  
7 each question with an audible, verbal answer.

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

13 You may only refuse to answer a question to preserve a  
14 privilege that is recognized by the committee. If you refuse  
15 to answer a question on the basis of privilege, staff may  
16 either proceed with the deposition or seek a ruling from the  
17 chairman on any objection in person or by telephone during  
18 the deposition at a time of the majority staff's choosing.  
19 If the chair overrules any such objection, you are required  
20 to answer the question.

21 And, finally, you are reminded that it is unlawful to  
22 deliberately provide false information to Members of Congress  
23 or staff. It is imperative that you not only answer our  
24 questions truthfully but that you give full and complete  
25 answers to all questions asked of you. Omissions may also be

1 considered as false statements.

2 As this deposition is under oath, Ambassador Taylor,  
3 would you please stand and raise your right hand to be sworn.  
4 Do you swear or affirm that the testimony you are about to  
5 give is the whole truth and nothing but the truth?

6 AMBASSADOR TAYLOR: I do.

7 MR. GOLDMAN: Thank you. Let the record reflect that  
8 the witness has been sworn.

9 And, with that, Ambassador Taylor, if you have any  
10 opening remarks to make, now is the time.

11 AMBASSADOR TAYLOR: Mr. Chairman, members, I appreciate  
12 the opportunity to appear here today to provide my  
13 perspective on the events that are the subject of the  
14 committees' inquiry. My sole purpose is to provide the  
15 committees with my views about the strategic importance of  
16 Ukraine to the United States, as well as additional  
17 information about the incidents in question.

18 I have dedicated my life to serving U.S. interests at  
19 home and abroad, in both military and civilian roles. My  
20 background and experience are nonpartisan, and I have been  
21 honored to serve under every administration, Republican and  
22 Democratic, since 1985.

23 For 50 years, I've served the country starting as a  
24 cadet at West Point; then as an infantry officer for 6 years,  
25 including with the 101st Airborne Division in Vietnam; then

1 at the Department of Energy; then as a member of a Senate  
2 staff; then at NATO; then with the State Department here and  
3 abroad in Afghanistan, Iraq, Jerusalem, and Ukraine; and,  
4 more recently, as executive vice president of the nonpartisan  
5 United States Institute of Peace.

6 While I have served in many places and in different  
7 capacities, I have a particular interest in and respect for  
8 the importance of our country's relationship with Ukraine.  
9 Our national security demands that this relationship remain  
10 strong.

11 However, in August and September of this year, I became  
12 increasingly concerned that our relationship with Ukraine was  
13 being fundamentally undermined by an irregular, informal  
14 channel of U.S. policymaking and by the withholding of vital  
15 security assistance for domestic political reasons. I hope  
16 my remarks today will help the committees understand why I  
17 believed that to be the case.

18 At the outset, I would like to convey several key  
19 points: First, Ukraine is a strategic partner of the United  
20 States, important for the security of our country as well as  
21 Europe; second, Ukraine is, right at this moment, while we  
22 sit in this room, and for the last 5 years, under armed  
23 attack from Russia; third, the security assistance we provide  
24 is crucial to Ukraine's defense against Russian aggression,  
25 and, more importantly, sends a signal to Ukrainians and

1 Russians that we are Ukraine's reliable strategic partner;  
2 and, finally, as the committees are now aware, I said on  
3 September 9th, in a message to Ambassador Gordon Sondland,  
4 that withholding security assistance in exchange for help  
5 with a domestic political campaign in the United States would  
6 be crazy. I believed that then, and I still believe that.

7 Let me now provide the committees a chronology of the  
8 events that led to my concern. On May 28th of this year, I  
9 met with Secretary Mike Pompeo who asked me to return to Kyiv  
10 to lead our Embassy in Ukraine. It was and is a critical  
11 time in the U.S.-Ukraine relations.

12 Volodymyr Zelensky had just been elected President, and  
13 Ukraine remained at war with Russia. As the summer  
14 approached, a new Ukrainian Government would be seated,  
15 parliamentary elections were imminent, and the Ukrainian  
16 political trajectory would be set for the next several years.

17 I had served as Ambassador to Ukraine from 2006 to 2009,  
18 having been nominated by George W. Bush. And in the  
19 intervening 10 years, I have stayed engaged with Ukraine  
20 visiting frequently since 2013 as a board member of a small  
21 Ukrainian, nongovernmental organization supporting good  
22 governance and reform.

23 Across the responsibilities I have had in public  
24 service, Ukraine is special for me, and Secretary Pompeo's  
25 offer to return as chief of mission was compelling. I am

1 convinced of the profound importance of Ukraine to the  
2 security of the United States and Europe for two related  
3 reasons: First, if Ukraine succeeds in breaking free of  
4 Russian influence, it is possible for Europe to be whole,  
5 free, democratic, and at peace. In contrast, if Russia  
6 dominates Ukraine, Russia will again become an empire,  
7 oppressing its people, and threatening its neighbors and the  
8 rest of the world.

9 Second, with the annexation of Crimea in 2014 and the  
10 continued aggression in Donbas, Russia violated countless  
11 treaties, ignored all commitments, dismissed all the  
12 principles that have kept the peace and contributed to  
13 prosperity in Europe since World War II. To restore  
14 Ukraine's independence, Russia must leave Ukraine. This has  
15 been and should continue to be a bipartisan U.S. foreign  
16 policy goal.

17 When I was serving outside of government during the  
18 Obama administration and after the Russian invasion of  
19 Ukraine in 2014, I joined two other former Ambassadors to  
20 Ukraine in urging Obama administration officials at the State  
21 Department, Defense Department, and other agencies to provide  
22 lethal defensive weapons to Ukraine in order to deter further  
23 Russian aggression. I also supported much stronger sanctions  
24 against Russia.

25 All to say I cared about Ukraine's future and the

1 important U.S. interests there. So, when Secretary Pompeo  
2 asked me to go back to Kyiv, I wanted to say yes. But it was  
3 not an easy decision. The former Ambassador, Masha  
4 Yovanovitch, had been treated poorly, caught in a web of  
5 political machinations, both in Kyiv and in Washington. I  
6 feared that those problems were still present. When I talked  
7 to her about accepting the offer, however, she urged me to go  
8 for both policy reasons and for the morale of the Embassy.

9 Before answering the Secretary, I consulted both my wife  
10 and a respected former senior Republican official who has  
11 been a mentor to me. I will tell you, my wife, in no  
12 uncertain terms, strongly opposed the idea. The mentor  
13 counseled: If your country asks you to do something, you do  
14 it -- if you can be effective.

15 I could be effective only if the U.S. policy of strong  
16 support for Ukraine, strong diplomatic support, along with  
17 robust security, economic, and technical assistance were to  
18 continue, and if I had the backing of the Secretary of State  
19 to implement that policy. I worried about what I had heard  
20 concerning the role of Rudolph Giuliani, who had made several  
21 high-profile statements about Ukraine and U.S. policy toward  
22 the country.

23 So, during my meeting with Secretary Pompeo, on  
24 May 28th, I made clear to him and the others present that if  
25 U.S. policy toward Ukraine changed, he would not want me

1 posted there and I could not stay. He assured me that the  
2 policy of strong support for Ukraine would continue and that  
3 he would support me in defending that policy.

4 With that understanding, I agreed to go back to Kyiv.  
5 Because I was appointed by the Secretary but not reconfirmed  
6 by the Senate, my official position was Charge d'affaires ad  
7 interim. I returned to Kyiv on June 17th carrying the  
8 original copy of a letter President Trump signed the day  
9 after I met with the Secretary.

10 In that letter, President Trump congratulated President  
11 Zelensky on his election victory and invited him to a meeting  
12 in the Oval Office. I also brought with me a framed copy of  
13 the Secretary's declaration that the United States would  
14 never recognize the illegal Russian annexation of Crimea.

15 But once I arrived in Kyiv, I discovered a weird  
16 combination of encouraging, confusing, and ultimately  
17 alarming circumstances. First, encouraging: President  
18 Zelensky was taking over Ukraine in a hurry. He had  
19 appointed reformist ministers and supported long-stalled  
20 anticorruption legislation. He took quick executive action,  
21 including opening Ukraine's High Anti-Corruption Court, which  
22 was established under previous Presidential administration  
23 but was never allowed to operate.

24 He called snap parliamentary elections -- his party was  
25 so new it had no representation in the Rada -- and later won

1 an overwhelming mandate controlling 60 percent of the seats.  
2 With his new parliamentary majority, President Zelensky  
3 changed the Ukrainian constitution to remove absolute  
4 immunity from Rada deputies, which had been the source of raw  
5 corruption for decades. There was much excitement in Kyiv  
6 that this time things could be different. A new Ukraine  
7 might finally be breaking from its corrupt, post-Soviet past.

8 And, yet, I found a confusing and unusual arrangement  
9 for making U.S. policy towards Ukraine. There appeared to be  
10 two channels of U.S. policymaking and implementation, one  
11 regular and one highly irregular.

12 As the chief of mission, I had authority over the  
13 regular, formal diplomatic processes, including the bulk of  
14 the U.S. effort to support Ukraine against the Russian  
15 invasion and to help it defeat corruption.

16 This regular channel of U.S. policymaking has  
17 consistently had strong bipartisan support, both in Congress  
18 and in all administrations since Ukraine's independence from  
19 Russia in 1991.

20 At the same time, however, there was an irregular,  
21 informal channel of U.S. policymaking with respect to  
22 Ukraine, one which included then-Special Envoy Kurt Volker,  
23 Ambassador Sondland, Secretary of Energy Rick Perry, and as I  
24 subsequently learned, Mr. Giuliani. I was clearly in the  
25 regular channel, but I was also in the irregular one to the

1 extent that Ambassadors Volker and Sondland included me in  
2 certain conversations.

3 Although this irregular channel was well connected in  
4 Washington, it operated mostly outside of official State  
5 Department channels. This irregular channel began when  
6 Ambassador Volker, Ambassador Sondland, Secretary Perry, and  
7 Senator Ron Johnson briefed President Trump on May 23rd upon  
8 their return from President Zelensky's inauguration.

9 The delegation returned to Washington enthusiastic about  
10 the new Ukrainian President and urged President Trump to meet  
11 with him early on to cement the U.S. Ukraine relationship.  
12 But from what I understood, President Trump did not share  
13 their enthusiasm for a meeting with Mr. Zelensky.

14 When I first arrived in Kyiv in June and July, the  
15 actions of both the regular and irregular channels of foreign  
16 policy served the same goal, a strong U.S.-Ukraine  
17 partnership, but it became clear to me by August that the  
18 channels had diverged in their objectives. As this occurred,  
19 I became increasingly concerned.

20 In late June, one of the goals of both channels was to  
21 facilitate a visit by President Zelensky to the White House  
22 for a meeting with President Trump, which President Trump had  
23 promised in his congratulatory letter of May 29th.  
24 Ukrainians were clearly eager for the meeting to happen.

25 During a conference call with Ambassador Volker, Acting

1 Assistant Secretary of State for European and Eurasian  
2 Affairs Phil Reeker, Secretary Perry, Ambassador Sondland,  
3 and Counselor of the U.S. Department of State Ulrich  
4 Brechbuhl on June 18th, it was clear that a meeting between  
5 the two Presidents was an agreed-on -- agreed-upon goal.

6 But during my subsequent communications with Ambassadors  
7 Volker and Sondland, they relayed to me that the President  
8 wanted to hear from Zelensky before scheduling the meeting in  
9 the Oval Office. It was not clear to me what this meant.

10 On June 27th, Ambassador Sondland told me during a phone  
11 conversation that President Zelensky needed to make clear to  
12 President Trump that he, President Zelensky, was not standing  
13 in the way of investigations.

14 I sensed something odd when Ambassador Sondland told me  
15 on June 28th that he did not wish to include most of the  
16 regular interagency participants in a call planned with  
17 President Zelensky later that day.

18 Ambassador Sondland, Ambassador Volker, Secretary Perry,  
19 and I were on this call dialing in from different locations.  
20 However, Ambassador Sondland said that he wanted to make sure  
21 no one was transcribing or monitoring as they added President  
22 Zelensky to the call.

23 Also, before President Zelensky joined the call,  
24 Ambassador Volker separately told the U.S. participants that  
25 he, Ambassador Volker, planned to be explicit with President

1 Zelensky in a one-on-one meeting in Toronto on July 2nd about  
2 what President Zelensky should do to get the meeting in the  
3 White House.

4 Again, it was not clear to me on that call what this  
5 meant, but Ambassador Volker noted that he would relay that  
6 President Trump wanted to see rule of law, transparency, but  
7 also, specifically, cooperation on investigations to get to  
8 the bottom of things.

9 Once President Zelensky joined the call, the  
10 conversation was focused on energy policy and the  
11 Stanysysia-Luhanska bridge in Donbas. President Zelensky  
12 also said that he looked forward to the White House visit  
13 President Trump had offered in his May 29th letter.

14 I reported on this call to Deputy Assistant Secretary of  
15 State George Kent who had responsibility for Ukraine, and I  
16 wrote a memo for the record, dated June 30th, that summarized  
17 our conversation with President Zelensky.

18 By mid-July, it was becoming clear to me that the  
19 meeting President Zelensky wanted was conditioned on  
20 investigations of Burisma and alleged Ukrainian influence in  
21 the 2016 elections. It was also clear that this condition  
22 was driven by the irregular policy channel I had come to  
23 understand was guided by Mr. Giuliani.

24 On July 10, Ukrainian officials Alexander Danyliuk, the  
25 Ukrainian National Security Advisor; Andrey Yermak, an

1       assistant to President Zelensky; and Secretary Perry;  
2       then-National Security Advisor John Bolton; Ambassador  
3       Volker; and Ambassador Sondland met at the White House. I  
4       did not participate in the meeting and did not receive a  
5       readout of it until speaking with the National Security  
6       Council's then-senior director for European and Russian  
7       affairs, Fiona Hill, and the NSC's director for European  
8       affairs, Alex Vindman, on July 19th.

9               On July 10, in Kyiv, I met with President Zelensky's  
10       Chief of Staff, Andrei Bohdan, and then-foreign policy  
11       adviser to the President and now Foreign Minister Vadym  
12       Prystaiko, who told me that they had heard from Mr. Giuliani  
13       that the phone call between the two Presidents was unlikely  
14       to happen and that they were alarmed and disappointed. I  
15       relayed their concerns to Counselor Brechbuhl.

16              In a regular, NSC secure video conference call on  
17       July 18th, I heard a staff person from the Office of  
18       Management and Budget say that there was a hold on security  
19       assistance to Ukraine but could not say why. Toward the end  
20       of this otherwise normal meeting, a voice on the call, the  
21       person who was off screen, said that she was from OMB and her  
22       boss had instructed her not to approve any additional  
23       spending of security assistance for Ukraine until further  
24       notice.

25              I and the others on the call sat in astonishment. The

1 Ukrainians were fighting the Russians and counted on not only  
2 the training and weapons but also the assurance of U.S.  
3 support. All that the OMB staff person said was that the  
4 directive had come from the President to the Chief of Staff  
5 to OMB. In an instant, I realized that one of the key  
6 pillars of our strong support for Ukraine was threatened.

7 The irregular policy channel was running contrary to the  
8 goals of longstanding U.S. policy. There followed a series  
9 of NSC-led interagency meetings starting at the staff level  
10 and quickly reaching the level of Cabinet Secretaries. At  
11 every meeting, the unanimous conclusion was that the security  
12 assistance should be reassumed, the hold lifted.

13 At one point the Defense Department was asked to perform  
14 an analysis of the effectiveness of the assistance. Within a  
15 day, the Defense Department came back with the determination  
16 that the assistance was effective and should be resumed.

17 My understanding was that the Secretaries of Defense and  
18 State, the CIA Director, and the National Security Advisor,  
19 sought a joint meeting with the President to convince him to  
20 release the hold, but such meeting was hard to schedule, and  
21 the hold lasted well into September.

22 The next day on the phone, Dr. Hill and Mr. Vindman  
23 tried to reassure me that they were not aware of any official  
24 change in U.S. policy toward Ukraine, OMB's announcement  
25 notwithstanding. They did confirm that the hold on security

1 assistance for Ukraine came from Chief of Staff Mick Mulvaney  
2 and that the Chief of Staff maintained a skeptical view of  
3 Ukraine.

4 In the same July 19th phone call, they gave me an  
5 account of the July 10th meeting with the Ukrainian officials  
6 at the White House. Specifically, they told me that  
7 Ambassador Sondland had connected investigations with an Oval  
8 Office meeting for President Zelensky, which so irritated  
9 Ambassador Bolton that he abruptly ended the meeting, telling  
10 Dr. Hill and Mr. Vindman that they should have nothing to do  
11 with domestic politics.

12 He also directed Dr. Hill to brief the lawyers.  
13 Dr. Hill said that Ambassador Bolton referred to this as a  
14 drug deal after the July 10th meeting. Ambassador Bolton  
15 opposed a call between President Zelensky and President Trump  
16 out of concern that it would be a disaster.

17 Needless to say, the two Ukrainians in the meetings were  
18 confused. Ambassador Bolton, in the regular Ukraine policy  
19 decisionmaking channel, wanted to talk about security,  
20 energy, and reform. Ambassador Sondland, a participant in  
21 the irregular channel, wanted to talk about the connection  
22 between a White House meeting and Ukrainian investigations.

23 Also, during our July 19th call, Dr. Hill informed me  
24 that Ambassador Volker had met with Mr. Giuliani to discuss  
25 Ukraine. This caught me by surprise. The next day, I asked

1 Ambassador Volker about that meeting but received no  
2 response. I began to sense that the two decisionmaking  
3 channels, regular and irregular, were separate and at odds.

4 Later on July 19th and in the early morning of  
5 July 20th, Kyiv time, I received text messages on a three-way  
6 WhatsApp text conversation with Ambassadors Volker and  
7 Sondland, a record of which I understand has already been  
8 provided to the committees by Ambassador Volker.

9 Ambassador Sondland said that a call between President  
10 Trump and President Zelensky would take place soon.  
11 Ambassador Volker said that it was most important for  
12 Zelensky to say that he will help investigation and address  
13 any specific personnel issues, if there are any.

14 Later on July 20th, I had a phone conversation with  
15 Ambassador Sondland while he was on a train from Paris to  
16 London. Ambassador Sondland told me that he had recommended  
17 to President Zelensky that he use the phrase, "I will leave  
18 no stone unturned" with regard to investigations when  
19 President Zelensky spoke with President Trump.

20 Also, on July 20th, I had a phone conversation with  
21 Mr. Danyliuk, during which he conveyed to me that President  
22 Zelensky did not want to be used as a pawn in a U.S.  
23 reelection campaign. The next day, I texted both Ambassadors  
24 Volker and Sondland about President Zelensky's concern.

25 On July 25th, President Trump and President Zelensky had

1 the long-awaited phone conversation. Strangely, even though  
2 I was chief of mission and was scheduled to meet with  
3 President Zelensky along with Ambassador Volker the following  
4 day, I received no readout of the call from the White House.  
5 The Ukrainian Government issued a short, cryptic summary.

6 During a previously planned July 26th meeting, President  
7 Zelensky told Ambassador Volker and me that he was happy with  
8 the call, but he did not elaborate. President Zelensky then  
9 asked me about the face-to-face meeting in the Oval Office as  
10 promised in the May 29th letter from President Trump.

11 After our meeting with President Zelensky, Ambassador  
12 Volker and I traveled to the frontline in northern Donbas to  
13 receive a briefing from the commander of the forces on the  
14 line of contact. Arriving for the briefing in the military  
15 headquarters, the commander thanked us for security  
16 assistance, but I was aware that this assistance was on hold,  
17 which made me uncomfortable.

18 Ambassador Volker and I could see the armed and hostile  
19 Russian-led forces on the other side of the damaged bridge  
20 across the line of contact. Over 13,000 Ukrainians had been  
21 killed in the war, one or two a week. To this day, that  
22 continues. More Ukrainians would undoubtedly die without  
23 U.S. assistance.

24 Although I spent the morning of July 26th with President  
25 Zelensky and other Ukrainian officials, the first summary of

1 the Trump-Zelensky call that I heard from anybody inside the  
2 U.S. Government was during a phone call I had with Tim  
3 Morrison, Dr. Hill's recent replacement at the NSC, on  
4 July 28th. Mr. Morrison told me that the call could have  
5 been better and that President Trump had suggested that  
6 President Zelensky or his staff meet with Mr. Giuliani and  
7 Attorney General William Barr. I did not see any official  
8 readout of the call until it was publicly released on  
9 September 25th.

10 On August 16, I exchanged text messages with Ambassador  
11 Volker, in which I learned that Mr. Yermak had asked that the  
12 United States submit an official request for an investigation  
13 into Burisma's alleged violations of Ukrainian law, if that's  
14 what the United States desired.

15 A formal U.S. request to the Ukrainians to conduct an  
16 investigation based on violations of their own law struck me  
17 as improper, and I recommended to Ambassador Volker that we  
18 stay clear. To find out the legal aspects of the question,  
19 however, I gave him the name of a Deputy Assistant Attorney  
20 General whom I thought would be the proper point of contact  
21 for seeking a U.S. referral for a foreign investigation.

22 By mid-August, because the security assistance had been  
23 held for over a month for no reason that I could discern, I  
24 was beginning to fear that the longstanding U.S. policy of  
25 strong support for Ukraine was shifting. I called Counselor

1 Brechbuhl to discuss this on August 21st. He said that he  
2 was not aware of a change of U.S. policy but would check on  
3 the status of the security assistance.

4 My concern deepened the next day, on August 22nd, during  
5 a phone call with Mr. Morrison. I asked him if there had  
6 been a change in policy of strong support for Ukraine, to  
7 which he responded: It remains to be seen.

8 He also told me during this call that the President  
9 doesn't want to provide any assistance at all. That was  
10 extremely troubling to me. As I had told Secretary Pompeo in  
11 May, if the policy of strong support for Ukraine were to  
12 change, I would have to resign. Based on my call with  
13 Mr. Morrison, I was preparing to do so.

14 Just days later, on August 27th, Ambassador Bolton  
15 arrived in Kyiv and met with President Zelensky. During  
16 their meeting, security assistance was not discussed.  
17 Amazingly, news of the hold on security assistance did not  
18 leak out until August 29th. I, on the other hand, was all  
19 too aware of and still troubled by the hold.

20 Near the end of Ambassador Bolton's visit, I asked to  
21 meet him privately, during which I expressed to him my  
22 serious concern about the withholding of military assistance  
23 to Ukraine while the Ukrainians were defending their country  
24 from Russian aggression.

25 Ambassador Bolton recommended that I send a first-person

1 cable to Secretary Pompeo directly, relaying my concerns. I  
2 wrote and transmitted such a cable on August 29th describing  
3 the folly I saw in withholding military aid to Ukraine at a  
4 time when hostilities were still active in the east and when  
5 Russia was watching closely to gauge the level of American  
6 support for the Ukrainian Government.

7 I told the Secretary that I could not and would not  
8 defend such a policy. Although I received no specific  
9 response, I heard that, soon thereafter, the Secretary  
10 carried the cable with him to a meeting at the White House  
11 focused on security assistance for Ukraine.

12 The same day that I sent my cable to the Secretary,  
13 August 29, Mr. Yermak contacted me and was very concerned,  
14 asking about the withheld security assistance. The hold that  
15 the White House had placed on the assistance had just been  
16 made public that day in a political story. At that point, I  
17 was embarrassed that I could not give him any explanation for  
18 why it was withheld.

19 It had still not occurred to me that the hold on  
20 security assistance could be related to the investigations.  
21 That, however, would change.

22 On September 1st, just 3 days after my cable to  
23 Secretary Pompeo, President Zelensky met Vice President Pence  
24 at a bilateral meeting in Warsaw. President Trump had  
25 planned to travel to Warsaw but at the last minute had

1 canceled because of Hurricane Dorian.

2 Just hours before the Pence-Zelensky meeting, I  
3 contacted Mr. Danyliuk to let him know that the delay of U.S.  
4 security assistance was an all-or-nothing proposition, in the  
5 sense that if the White House did not lift the hold prior to  
6 the end of the fiscal year, September 30th, the funds would  
7 expire and Ukraine would receive nothing.

8 I was hopeful that, at the bilateral meeting or shortly  
9 thereafter, the White House would lift the hold, but this was  
10 not to be. Indeed, I received a readout of the  
11 Pence-Zelensky meeting over the phone for Mr. Morrison,  
12 during which he told me President Zelensky had opened the  
13 meeting by asking the Vice President about security  
14 cooperation.

15 The Vice President did not respond substantively but  
16 said he would talk to President Trump that night. The Vice  
17 President did say that President Trump wanted the Europeans  
18 to do more to support Ukraine and that he wanted Ukrainians  
19 to do more to fight corruption.

20 During this same phone call I had with Mr. Morrison, he  
21 went on to describe a conversation Ambassador Sondland had  
22 with Mr. Yermak at Warsaw. Ambassador Sondland told  
23 Mr. Yermak that the security assistance money would not come  
24 until President Zelensky committed to pursue the Burisma  
25 investigation.

1           I was alarmed by what Mr. Morrison told me about the  
2           Sondland-Yermak conversation. This was the first time I had  
3           heard that security assistance, not just the White House  
4           meeting, was conditioned on the investigations.

5           Very concerned, on that same day, I sent Ambassador  
6           Sondland a text message asking if we are now saying that  
7           security assistance and a White House meeting are conditioned  
8           on investigations. Ambassador Sondland responded asking me  
9           to call him, which I did.

10          During that phone call, Ambassador Sondland told me that  
11          President Trump had told him that he wants President Zelensky  
12          to state publicly that Ukraine will investigate Burisma and  
13          alleged Ukrainian interference in the 2016 U.S. election.

14          Ambassador Sondland also told me that he now recognized  
15          that he had made a mistake by earlier telling Ukrainian  
16          officials to whom he spoke that a White House meeting with  
17          President Zelensky was dependent on a public announcement of  
18          investigations. In fact, Ambassador Sondland said everything  
19          was dependent on such an announcement, including security  
20          assistance. He said that President Trump wanted President  
21          Zelensky in a box by making public statement about ordering  
22          such investigations.

23          In the same September 1st call, I told Ambassador  
24          Sondland that President Trump should have more respect for  
25          another head of state and that what he described was not in

1 the interest of either President Trump or President Zelensky.  
2 At that point, I asked Ambassador Sondland to push back on  
3 President Trump's demand. Ambassador Sondland pledged to  
4 try.

5 We also discussed the possibility that Ukrainian  
6 prosecutor general, rather than President Zelensky, would  
7 make a statement about investigations, potentially in  
8 coordination with Attorney General Barr's probe into the  
9 investigation of interference in the 2016 elections.

10 The next day, September 2nd, Mr. Morrison called to  
11 inform me that Mr. Danyliuk had asked him to come to his  
12 hotel room in Warsaw where Mr. Danyliuk expressed concern  
13 about the possible loss of U.S. support for Ukraine.

14 In particular, Mr. Morrison relayed to me that the  
15 inability of any U.S. officials to respond to Ukraine's  
16 explicit questions about security assistance was troubling  
17 them. I was experiencing the same tension in my dealings  
18 with the Ukrainians, including a meeting that I had had with  
19 Defense Minister Andriy Zagordnyuk that day.

20 During my call with Mr. Morrison on September 2nd, I  
21 also briefed Mr. Morrison on what Ambassador Sondland had  
22 told me during our call the day prior.

23 On September 5th, I hosted Senators Johnson and Murphy  
24 for a visit to Kyiv. During their visit, we met with  
25 President Zelensky. His first question to the Senators was

1       about the withheld security assistance. My recollection of  
2       the meeting is that both Senators stressed that bipartisan  
3       support for Ukraine in Washington was Ukraine's most  
4       important strategic asset and that President Zelensky should  
5       not jeopardize that bipartisan support by getting drawn into  
6       U.S. domestic politics.

7             I had been making, and continue to make, this point to  
8       all of my Ukrainian official contacts. But the push to make  
9       President Zelensky publicly commit to investigations of  
10      Burisma and alleged interference in the 2016 elections showed  
11      how the official foreign policy of the United States was  
12      undercut by the irregular efforts led by Mr. Giuliani.

13            Two days later, on September 7th, I had a conversation  
14      with Mr. Morrison in which he described a phone conversation  
15      earlier that day between Ambassadors Sondland and President  
16      Trump. Mr. Morrison said that he had a sinking feeling after  
17      learning about this conversation from Ambassador Sondland.

18            According to Mr. Morrison, President Trump told  
19      Ambassador Sondland that he was not asking for a quid pro  
20      quo. But President Trump did insist that President Zelensky  
21      go to a microphone and say he is opening investigations of  
22      Biden and 2016 election interference, and that President  
23      Zelensky should want to do this himself. Mr. Morrison said  
24      that he told Ambassador Bolton and the NSC lawyers of this  
25      phone call between President Trump and Ambassador Sondland.

1           The following day, on September 8th, Ambassador Sondland  
2 and I spoke on the phone. He said he had talked to President  
3 Trump, as I had suggested a week earlier, but that President  
4 Trump was adamant that President Zelensky himself had to  
5 clear things up and do it in public. President Trump said it  
6 was not a quid pro quo.

7           Ambassador Sondland said that he had talked to President  
8 Zelensky and Mr. Yermak and told them that, although this was  
9 not a quid pro quo, if President Zelensky did not clear  
10 things up in public, we would be at a stalemate. I  
11 understood a stalemate to mean that Ukraine would not receive  
12 the much-needed military assistance. Ambassador Sondland  
13 said that this conversation concluded with President Zelensky  
14 agreeing to make a public statement in an interview with CNN.

15           After the call with Ambassador Sondland on  
16 September 8th, I expressed my strong reservations in a text  
17 message to Ambassador Sondland stating: My nightmare is that  
18 the Ukrainians give the interview and don't get the security  
19 assistance. The Russians love it. And I quit.

20           I was serious.

21           The next day I said to Ambassadors Sondland and Volker  
22 that the message to the Ukrainians and Russians we send with  
23 the decision on security assistance is key. With the hold,  
24 we have already shaken their faith in us. I also said, I  
25 think it's crazy to withhold security assistance for help

1 with a political campaign.

2 Ambassador Sondland responded about 5 hours later that I  
3 was incorrect about President Trump's intentions. The  
4 President has been crystal clear: No quid pro quos of any  
5 kind.

6 Before these text messages, during our call on  
7 September 8th, Ambassador Sondland tried to explain to me  
8 that President Trump is a businessman. When a businessman is  
9 about to sign a check to someone who owes him something, he  
10 said, the businessman asks that person to pay up before  
11 signing the check.

12 Ambassador Volker used the same terms several days later  
13 when we were together at the Yalta European Strategy  
14 Conference in Kyiv. I argued to both that the explanation  
15 made no sense. The Ukrainians did not owe President Trump  
16 anything, and holding up security assistance for domestic  
17 political gain was crazy, as I had said in my text message to  
18 Ambassador Sondland and Volker on September 9th.

19 Finally, I learned on September 11th that the hold had  
20 been lifted and security assistance would be provided. After  
21 I learned that the security assistance was released on  
22 September 11th, I personally conveyed the news to President  
23 Zelensky and Foreign Minister Prystaiko. And I again  
24 reminded Mr. Yermak of the high strategic value of bipartisan  
25 support for Ukraine and the importance of not getting

1 involved in other countries' elections.

2 My fear at the time was that, since Ambassador Sondland  
3 had told me President Zelensky had already agreed to do a CNN  
4 interview, President Zelensky would make a statement  
5 regarding investigations that would have played into domestic  
6 U.S. politics. I sought to confirm through Mr. Danyliuk that  
7 President Zelensky was not planning to give such an interview  
8 to the media.

9 While Mr. Danyliuk initially confirmed that on  
10 September 12th, I noticed during a meeting on the morning of  
11 September 13th, at President Zelensky's office, that  
12 Mr. Yermak looked uncomfortable in response to the question.  
13 Again, I asked Mr. Danyliuk to confirm that there would be no  
14 CNN interview, which he did.

15 On September 25th, at the U.N. General Assembly session  
16 in New York City, President Trump met President Zelensky  
17 face-to-face. He also released a transcript of the July 25th  
18 call. The United States gave the Ukrainians virtually no  
19 notice of the release, and they were livid.

20 Although this was the first time I had seen the details  
21 of President Trump's July 25th call with President Zelensky  
22 in which he mentioned Vice President Biden, I had come to  
23 understand well before then that "investigations" was a term  
24 Ambassadors Volker and Sondland used to mean matters related  
25 to the 2016 elections and to investigations of Burisma and

1 the Bidens.

2 Mr. Chairman, I recognize this is a rather lengthy  
3 recitation of the events of the past few months, told from my  
4 vantage point in Kyiv. But I also recognize the importance  
5 of the matters your committees are investigating, and I hope  
6 that this chronology will provide some framework for your  
7 questions.

8 I wish to conclude by returning to the points I made at  
9 the outset: Ukraine is important to the security of the  
10 United States. It has been attacked by Russia, which  
11 continues its aggression against Ukraine. If we believe in  
12 the principle of sovereignty of nations on which our security  
13 and the security of our friends and allies depends, we must  
14 support Ukraine in its fight against its bullying neighbor.  
15 Russian aggression cannot stand.

16 There are two Ukraine stories today, Mr. Chairman. The  
17 first is the one we are discussing this morning and that you  
18 have been hearing for the past 2 weeks. It's a rancorous  
19 story about whistleblowers, Mr. Giuliani, side channels, quid  
20 pro quos, corruption, interference in elections. In this  
21 story Ukraine is an object.

22 But there's another Ukraine story, a positive,  
23 bipartisan one. In this second story, Ukraine is the  
24 subject. This one is about young people in a young nation  
25 struggling to break free of its past, hopeful their new

1 government will finally usher in a new Ukraine, proud of its  
2 independence from Russia, eager to join Western institutions  
3 and enjoy a more secure and prosperous life.

4 This story describes a Nation developing an inclusive,  
5 democratic nationalism, not unlike what we in America, in our  
6 best moments, feel about our diverse country -- less  
7 concerned about what language we speak; what religion, if  
8 any, we practice; where our parents and grandparents came  
9 from -- more concerned about building a new country.

10 Because of the strategic importance of Ukraine and our  
11 effort to create a whole, free Europe, we, through Republican  
12 and Democratic administrations over three decades, have  
13 supported Ukraine. Congress has been very generous over the  
14 years with assistance funding, both civilian and military,  
15 and political support.

16 With overwhelming bipartisan majorities, Congress has  
17 supported Ukraine with harsh sanctions on Russia for invading  
18 and occupying Ukraine. We can be proud of that support and  
19 that we have stood up to a dictator's aggression against a  
20 democratic neighbor.

21 This second story, Mr. Chairman, is the one I would like  
22 to leave you with today. And I'm glad to answer your  
23 questions.

24 [The information follows:]  
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1 THE CHAIRMAN: Ambassador, thank you. We're just trying  
2 to process what you said. Thank you for your detailed  
3 opening statement.

4 I recognize Mr. Goldman now for an hour of questions by  
5 the majority to be followed by an hour of questions from the  
6 minority.

7 BY MR. GOLDMAN:

8 Q Thank you, Ambassador Taylor. Thank you for the  
9 detailed opening statement. We obviously just received it,  
10 and we'll do our best not to be too repetitive.

11 It is incredibly detailed, and I note that you mention  
12 that you wrote a memo to file on June 30th and that you sent  
13 a cable to Secretary Pompeo on August 27. Can you tell us  
14 whether there were any other documents that you relied upon  
15 in putting together this opening statement today?

16 A Yes. Three sources, I guess. One you are familiar  
17 with are the texts of WhatsApp messages that Ambassador  
18 Volker, Ambassador Sondland, and I exchanged. There were  
19 other WhatsApp messages that I exchanged with Ukrainian  
20 officials and other American officials, all of which, like  
21 Ambassador Volker's package, I have provided to the State  
22 Department. That's number one.

23 Number two, I've always kept careful notes, and I keep a  
24 little notebook where I take notes on conversations, in  
25 particular when I'm not in the office. So, in meetings with

1 Ukrainian officials or when I'm out and I get a phone call  
2 and I can -- I keep notes.

3 The third documents are handwritten notes that I take on  
4 a small, little spiral notebook in my office of phone calls  
5 that take place in my office. So those, I think, are the  
6 three sources of information that you see here. You will see  
7 some quotes and those are quotes from either the WhatsApp  
8 texts or from my notes.

9 Q And have you provided all of those documents to the  
10 State Department?

11 A I have.

12 Q At their request. Is that right?

13 A At their request. I think in response to your  
14 subpoena to the State Department, they did a document search  
15 which came, of course, to Embassy Kyiv, applied to the State  
16 Department. We did a search of all of our documents,  
17 including the ones I just mentioned, and sent them into the  
18 State Department.

19 Q Okay. And I assume that you are aware that, other  
20 than the WhatsApp messages that Ambassador Volker provided to  
21 the committees, the committees have not received any of these  
22 documents from the State Department?

23 A I assumed that, but I didn't know that until you  
24 confirmed it.

25 Q Okay. But you remain in possession of your

1 personal documents?

2 A I do.

3 Q Okay. Prior to your testimony here today, did you  
4 have any discussions with anyone at the State Department  
5 about your testimony?

6 A No.

7 Q Did you receive any instructions from the State  
8 Department about your testimony?

9 A Yes. Let me be clear, I had no substantive  
10 conversations with anyone about testimony. I have been in  
11 touch. As soon as I got your invitation, I, as instructed,  
12 talked to our congressional liaison and in turn our legal  
13 office, which John Bellinger knows something about. And they  
14 gave me instructions on how I was to proceed. So I've had  
15 those conversations with them, with what we call H and L.  
16 People in the room are probably familiar with both.

17 Q Right. But you did not show this opening statement  
18 to anyone at the State Department?

19 A That's correct.

20 Q And you did not receive any guidance about what you  
21 could testify about here today?

22 A The guidance I got was to be sure not to talk about  
23 classified material or anything having to do with privilege,  
24 and I think I've abided by those. I'm not sure exactly what  
25 the privilege constraint is. I don't think I have violated

1 that, and I've certainly not violated anything else.

2 [Discussion off the record.]

3 AMBASSADOR TAYLOR: Ah, good point. I was also  
4 instructed not to appear. That's an important instruction.

5 BY MR. GOLDMAN:

6 Q Okay.

7 A And in that message, that letter, it said not to  
8 appear under current circumstances. My interpretation of  
9 that is, when I got a subpoena, that those were different  
10 circumstances.

11 Q Right. A subpoena compels your testimony, correct,  
12 and that's why you're here today?

13 A Yes, sir.

14 Q You indicated that you struggled a little bit over  
15 the decision whether or not to take the offer to be the  
16 Charge to the mission in Kyiv. Can you describe in a little  
17 bit more detail why you struggled with that decision?

18 A Yes. A couple of reasons. So I was approached  
19 with the idea of going back out to Kyiv by Ambassador Volker  
20 and then Deputy Assistant Secretary of State George Kent  
21 about the time, this would have been like April, May, when it  
22 was possible that Ambassador Yovanovitch would be coming back  
23 before the regular end of her term.

24 I, of course, was following events in Ukraine, not as  
25 closely then as I do now, but was certainly -- as I mentioned

1 in my statement, I cared a lot about the place. I had seen  
2 press reports of the intent of Mr. Giuliani to travel to  
3 Ukraine, to pursue these investigations that I've mentioned a  
4 couple times in my opening statement, with the intent of  
5 using that information in political campaigns.

6 I knew of the -- I knew the people that Giuliani had  
7 been talking to in Ukraine. I knew the prosecutor general,  
8 Mr. Lutsenko. I knew that Mr. Lutsenko had given interviews  
9 to American media which were pretty negative about both  
10 United States and about the U.S. Embassy in Kyiv, in  
11 particular the Ambassador and the deputy chief of mission.

12 So I knew that they were -- I put it -- I knew there  
13 were problems in Kyiv, and I knew there were problems in  
14 Washington. I knew that Secretary Pompeo had received a  
15 letter from a Member of Congress or maybe a former Member of  
16 Congress -- he's certainly a former Member of Congress now --  
17 saying that Masha Yovanovitch, Ambassador Yovanovitch, should  
18 be removed. All to say that I was concerned that there  
19 was -- I think I put it -- a snake pit in Kyiv and a snake  
20 pit here, and I was not sure that I could usefully serve in  
21 that context.

22

23

24

25

1 [10:53 a.m.]

2 BY MR. GOLDMAN:

3 Q That letter you referenced is from former  
4 Representative Pete Sessions? Is that what you're talking  
5 about?

6 A Correct.

7 Q In May of 2018?

8 A Correct.

9 Q How did you know about that?

10 A I suppose I had heard that from the State  
11 Department -- from Mr. Kent. I don't know that.

12 Q What did you know about the circumstances  
13 surrounding Ambassador Yovanovitch's removal?

14 A So I met Ambassador Yovanovitch in Kyiv on several  
15 occasions that spring, last spring. From my position at the  
16 United States Institute of Peace, I was an election observer,  
17 an international election observer, for the two rounds of the  
18 Presidential election. And on both those visits to Kyiv,  
19 those were separated by 3 weeks. So both of those visits I  
20 would check in of course with the embassy and sat down with  
21 Masha Yovanovitch, with Ambassador Yovanovitch.

22 We talked in Kyiv about what was going on there and this  
23 was disturbing to her. When I came back from those trips, I  
24 didn't think much more about that until I got a phone call  
25 from George Kent, Deputy Assistant Secretary George Kent,

1 asking hypothetically, he said, would I be willing to go back  
2 out to Ukraine, which was odd because we have an Ambassador  
3 out there and this gave me some sense that something was  
4 going on here. Shortly thereafter, he called up and said,  
5 it's not hypothetical anymore. Will you go back out? And  
6 that prompted me to do some checking and this kind of  
7 business.

8 When Ambassador Yovanovitch came back in what, late May,  
9 I think that's right, I talked to her about this and she  
10 described the circumstances under which she came back.

11 Q Did you have any understanding as to whether the  
12 allegations that were levied against her had any basis in  
13 fact?

14 A No, because I don't think there were allegations --  
15 well, as she's testified, she was told by the deputy  
16 secretary of State that she had done nothing wrong. So there  
17 were no allegations of -- as far as any official channel that  
18 she had done anything wrong.

19 Q Were you aware of allegations in the media against  
20 her?

21 A The allegations in the media were that she was  
22 tough on corruption. Now, that doesn't sound so bad, that's  
23 what an Ambassador out there has do. She was very frank, she  
24 was very direct. She made points very clearly, and she was  
25 indeed tough on corruption, and she named names and that

1 sometimes is controversial out there, but she's a strong  
2 person and made those charges.

3 Q When you say name names, did she generally name  
4 names of people or entities to prosecute or not to prosecute?

5 A No, neither. She named Ukrainians who were  
6 standing in the way of reform of the judiciary in particular.

7 Q I want to show you a -- what's been marked as  
8 Exhibit 1, which is a May 9th, New York Times article.

9 [Taylor Exhibit No. 1  
10 Was marked for identification.]

11 BY MR. GOLDMAN:

12 Q You just testified a second ago that you were aware  
13 of efforts by Mr. Giuliani to go to Ukraine to push for  
14 investigations. Do you recognize this article?

15 A I do.

16 Q Okay. Was this what you were referring to?

17 A It was.

18 Q All right. And if you could just read for us the  
19 highlighted paragraph, the second paragraph?

20 A Mr. Giuliani said he plans to travel to Kyiv, the  
21 Ukrainian capital, in the coming days and wants to meet with  
22 the nation's President-elect to urge him to pursue inquiries  
23 that allies of the White House contend could yield new  
24 information about two matters of intense interest to Mr.  
25 Trump.

1 Q Continue, please.

2 A One is the origin of the Special Counsel's  
3 investigation into Russia's interference in the 2016  
4 election. The other is the involvement of former Vice  
5 President Joseph R. Biden, Jr.'s son and a gas company owned  
6 by a Ukrainian oligarch.

7 Q And then if you could read the quotation from Mr.  
8 Giuliani, two paragraphs down?

9 A We're not meddling in an election, we're meddling  
10 in an investigation, which we have a right to do, Mr.  
11 Giuliani said.

12 Q All right. And then if you go to the next page and  
13 just read the two lines that are highlighted?

14 A He said that his efforts in Ukraine have the full  
15 support of Mr. Trump. He declined to say specifically  
16 whether he had briefed him on the planned meeting with  
17 Mr. Zelensky but added he basically knows what I'm doing,  
18 sure, as his lawyer.

19 Q And then if you could go to the last page and the  
20 last line and just read that.

21 A My only client is the President of the United  
22 States, he said. He's the one I have an obligation to report  
23 to, tell him what happened.

24 Q So this article is dated May 9th, which as I  
25 understand it was during the period that you were considering

1 whether or not to return to Kyiv?

2 A That's correct.

3 Q Okay. And what was your reaction to seeing this  
4 article?

5 A This was one of the several concerns I had when --  
6 considering whether to accept the offer to go back out to  
7 Kyiv. This was part of the -- one of the two snake pits,  
8 this is the Washington snake pit that I was concerned I would  
9 be stepping into if I were to accept the offer. So this made  
10 me less interested, this made me concerned, it troubled me  
11 that this is what was affecting U.S. policy towards Ukraine.

12 Q Did you have any conversations with anyone, any  
13 executives or senior officials at the State Department about  
14 your multifaceted concerns?

15 A I did. I had a conversation with the Counselor  
16 Ulrich Brechbuhl and then a conversation with Secretary  
17 Pompeo. And they were -- they were similar in both -- in  
18 both meetings I let them know up front going into the meeting  
19 that I had not decided whether to accept the offer to go back  
20 out to Kyiv because I was troubled by what I was hearing, not  
21 just this Giuliani article, but I was troubled by other  
22 things as well and I made this clear to both, both Mr.  
23 Brechbuhl and Secretary Pompeo.

24 And the concern was that the strong support, the policy  
25 of strong support for Ukraine, that as I said in my

1 statement, bipartisan, House, Senate, Republicans, Democrats  
2 administrations Republicans, Democrats all the way through,  
3 that strong support I was worried could change. And if it  
4 did change, I told them both, I couldn't serve. The counsel,  
5 I mentioned that I'd consulted with a mentor, and he said,  
6 Bill, if your country asks you to do something you could do  
7 it, if you can be effective. And the if you can be effective  
8 clause is really important.

9 And I could not be effective if our strong support for  
10 Ukraine policy were to change and if we were -- if for some  
11 reason, I couldn't imagine this would happen, but I was  
12 worried that there could be some dramatic change where we  
13 would agree with the Russians, that well maybe Crimea is  
14 Russian after all, you know, or something like that. And if  
15 that were to happen, and I made this clear to the Secretary  
16 and others in the room, I would have to come back, I would  
17 have to resign, I would have to leave post.

18 Q And what did Secretary Pompeo say in response to  
19 your expression of these concerns?

20 A He said that he supported the strong U.S. policy  
21 and that he would continue to support that strong U.S.  
22 policy, and that he would make this case to President Trump.

23 Q What, if anything, did he say about the snake pit  
24 in Washington that you described?

25 A He said that I should, as the Ambassador, as the

1 Charge out there, that I should follow the guidance and  
2 pursue the foreign policy of the U.S. -- of the  
3 administration, of the government, well established. And he  
4 said, and that policy is strong support, economic support,  
5 military support, political support, Democratic support  
6 and -- and that he would do his best to keep that strong  
7 support.

8 Q Did he in any way mention Mr. Giuliani?

9 A He didn't.

10 Q What did Counselor Brechbuhl say to you in response  
11 to these concerns?

12 A Same thing. Well, he said you need to -- I saw him  
13 about 3 days, the Thursday before the Monday meeting with  
14 Secretary Pompeo, he said, you'll have an opportunity to ask  
15 the Secretary about that.

16 Q What was Mr. Brechbuhl's view, personally?

17 A He agreed, he's is not directly in the Ukraine  
18 policymaking channel. He was more in the executive  
19 personnel, which is why I was having my -- an interview with  
20 him, a meeting with him before seeing the Secretary.

21 Q Did you specifically mention Mr. Giuliani to either  
22 Counselor Brechbuhl or Secretary Pompeo?

23 A Mr. Goldman, I don't remember if I did, I don't  
24 remember if I did or not.

25 Q Okay.

1           A     Not that I remember.

2           Q     What ultimately led you to take the job?

3           A     The Secretary's assurance that he would continue  
4     that strong support and that he would continue to push that  
5     strong support within the government. And frankly one of my  
6     concerns had been that there had not been a letter to  
7     President Zelensky congratulating him on his victory. And  
8     Secretary Pompeo looked over at Counselor Brechbuhl and said,  
9     what, no letter? And within 48 hours there was a letter.  
10    Now -- and it was a good letter -- it's the letter I  
11    mentioned in my statement that congratulated President  
12    Zelensky and invited him to a meeting in Washington.

13          Q     Okay. That was the May 29th letter that you  
14    referenced?

15          A     Correct, correct. That's right, because I saw  
16    Secretary Pompeo on the 28th.

17          Q     By the time you had seen Secretary Pompeo, were you  
18    aware that there was a meeting related to Ukraine with the  
19    President in the Oval Office on May 23rd?

20          A     Yes. I think I had heard that. I know I've heard  
21    about that -- I have -- I've gotten reports of that meeting.  
22    This was the --this is the meeting of the delegation that  
23    went -- the U.S. delegation that went to the inauguration in  
24    Kyiv and they came back to brief President Trump, that's the  
25    one you're talking about.

1 Q Yes.

2 A Yeah. So your question is whether or not I knew of  
3 that meeting when I saw the Secretary on the 28th. I don't  
4 know when I heard -- I can't remember. I heard several  
5 reports of, descriptions of that May 23rd meeting, but they  
6 might -- may have come after my meeting with Secretary  
7 Pompeo.

8 Q Who did you get reports of that meeting from?

9 THE CHAIRMAN: If I could just interrupt. And I don't  
10 know all the Members so I apologize. Only members of three  
11 committees and their staff and committee staff are authorized  
12 to be present. If there is any Member here who is not a  
13 member of the three committees, they need to absent  
14 themselves.

15 AMBASSADOR TAYLOR: So who did I hear from --

16 BY MR. GOLDMAN:

17 Q -- Yeah.

18 A -- about the May 23rd meeting, yes?

19 Q Right.

20 A I'm sure Kurt Volker -- I imagine -- we had several  
21 conversations about this, this is an important meeting. And  
22 okay -- and Ambassador Sondland, because it was at that  
23 meeting that Ambassador Sondland, Volker and Secretary of  
24 Energy Perry, Rick Perry were given some responsibilities by  
25 the President to work on Ukraine policy.

1           So I'm sure in answer your question, Mr. Goldman, I'm  
2           sure I heard it from Kurt and Gordon, Kurt Volker and Gordon  
3           Sondland.

4           Q     And in addition to the fact that the President had  
5           asked the three of them to work on Ukraine policy, did you  
6           learn anything else about the conversation at that meeting --

7           A     I --

8           Q     -- from either Ambassador Volker or Ambassador  
9           Sondland?

10          A     I did. So they described how enthusiastic they  
11          were coming back from Kyiv, from the inauguration, how  
12          enthusiastic they were about the new President, President  
13          Zelensky. And they described their attempts or their  
14          attempts to pass on this enthusiasm to President Trump.

15          President Trump, I think I mentioned in my statement,  
16          was sceptical of Ukraine in general, but -- of the new  
17          Ukrainian administration. And when Secretary Perry,  
18          Ambassador Volker, and Ambassador Sondland suggested that it  
19          would be a good idea for the two Presidents, President Trump  
20          and President Zelensky to get together in a meeting. This  
21          now is before the letter was signed. Right, but so the idea  
22          to get together for a meeting was a good idea so that  
23          President Trump could see himself, what they had seen when  
24          they were in Kyiv, and what they had seen in their meetings  
25          with President Zelensky.

1           President Trump didn't agree, but what he did say was  
2 work with Rudy Giuliani, he told the three of them to work  
3 with Rudy Giuliani.

4           Q     Did he say what he wanted them to work with Rudy  
5 Giuliani about from your readouts?

6           A     No, not that I recall.

7           Q     By this point you understood that in part based on  
8 that article, but you indicate in your opening statement  
9 other press statements, did you understand what Rudy Giuliani  
10 was pushing for in Ukraine?

11          A     This article that we just talked about was probably  
12 the best description and it -- it may have been the only  
13 direct description of what Mr. Giuliani was interested in.

14          Q     And were you familiar with Burisma or the Ukrainian  
15 role at all in the 2016 --

16          A     I became familiar, but I -- I think at that time I  
17 was not. In the past several months since seeing this and  
18 hearing how it piped up I became more familiar with it so now  
19 I'm pretty familiar. At the time, it is hard to say, exactly  
20 what you knew at a particular time. I don't think so. I --  
21 I don't think I understood other than you know, that Giuliani  
22 was out doing some things along these lines that this was  
23 what he was after.

24          Q     And what was your reaction to hearing that the  
25 President had directed the Ambassador to the European Union,

1 the Special Envoy to the Ukraine conflict, and the Secretary  
2 of Energy to take a role in Ukraine policy and to speak to  
3 his personal lawyer?

4 A Actually, I wasn't disturbed by that. It's not  
5 unusual to ask people outside the government to play a role.  
6 In some sense Kurt Volker was kind of outside the government  
7 and he was playing a very important role. He kind of came  
8 into the government, a very important role in the  
9 negotiations. There have been examples, we've heard about  
10 them recently of other civilians doing work for the State  
11 Department. And as long as the people pulled in from the  
12 outside, consulted from the outside, giving advice or ideas  
13 on policy, that's -- we see that all the time. We all have  
14 seen that, and that's okay, as long as it's consistent with  
15 and supports the main thrust of U.S. foreign policy.

16 And so at the time I didn't think that that was a  
17 problem.

18 Q Over time, did your view of that change?

19 A It did.

20 Q And we'll get into that a little bit later. Did  
21 you come to understand whether any of those three individuals  
22 spoke to Mr. Giuliani after the President directed them to do  
23 so on May 23rd?

24 A I know Kurt, Ambassador Volker, spoke to him on the  
25 phone a couple of times, I think had a breakfast with him

1 during the summer. And as we know, put Rudy Giuliani in  
2 touch with Andrey Yermak, the assistant to President  
3 Zelensky.

4 So I know that Ambassador Volker had some -- did follow  
5 up. And I'm pretty sure that Ambassador Sondland had some  
6 contact with Rudy Giuliani as well.

7 Q And what about Secretary Perry?

8 A I don't know. I've had almost no dealings -- let  
9 me see if it's even -- no dealings with Secretary Perry.

10 Q You testified that you returned to Kyiv on June  
11 17th?

12 A Yes.

13 Q And you described in your opening remarks a phone  
14 conversation that you had 10 days later on June 27th with  
15 Ambassador Sondland about Ukraine matters. Do you recall  
16 anything more about that phone conversation with Ambassador  
17 Sondland?

18 A This phone call, Mr. Goldman, was in preparation  
19 for a larger phone call the following day on June 28th. And  
20 I can -- I'd be happy to check my notes on anything else.  
21 When preparing this statement, I did check my notes and, as I  
22 said in my statement, Ambassador Sondland told me during a  
23 phone conversations President Zelensky, needed to make clear  
24 to President Trump that he, President Zelensky, was not  
25 standing in the way of investigations, there could have been

1 other parts of the conversation. That was the one piece that  
2 stuck out -- sticks out to me that I included here.

3 Q And did you know at that time what  
4 investigations Ambassador Sondland was referring to?

5 A I did not. I didn't, you know, I knew that these  
6 were -- that Mr. Giuliani was pursuing some investigations  
7 and I hadn't -- again, this was 10 days after arriving there  
8 I hadn't put this together. So no I wasn't sure what he was  
9 talking about, nor was I sure the next day, in this larger  
10 phone call, what people were referring to when they talked  
11 about investigations.

12 Q And I believe you testified in your opening  
13 statement that the call the next day there was a reference to  
14 investigations to, quote, "Get to the bottom of things."  
15 unquote.

16 A That's correct. And that was -- Ambassador Volker  
17 intended to say to President Zelensky when Ambassador Volker  
18 sat down with President Zelensky in Toronto at an assistance  
19 conference, at a reform conference that was coming up the  
20 following week. And yes, it was -- and again, from my notes  
21 in preparing this -- from my notes preparing this, this  
22 actually was in the little spiral notebook by my desk in the  
23 office where I had that meeting -- had that phone call is  
24 where I have that quote.

25 Q Was the reference to investigations by Ambassador

1       Sondland on June 27th the earliest date or time that you can  
2       recall any discussion of investigations?

3           A     And again, before I came out there, we'd had some  
4       conversations -- I'm sure that I had conversation with Deputy  
5       Assistant Secretary Kent about the Giuliani role, which made  
6       me concerned and the role was an investigation so I wanted to  
7       be careful about how I answer your question.

8           When I got out there in the first 10 days -- let me see,  
9       I did have a meeting -- I had a phone call the day after I  
10      got there, which was on -- I got there on the 17th. And on  
11      the 18th we had a phone call -- yeah, but it was about -- it  
12      was about the meeting, it was about the meeting that the  
13      Ukrainians wanted with -- that President Zelensky wanted with  
14      President Trump. And I don't recall any discussion on that  
15      day, on the 18th, which is again the day after I arrived of  
16      investigations and I show nothing else in my notes about  
17      that. So I think that's the answer.

18          Q     Okay. And you do reference specifically in your  
19      opening remarks that President Zelensky needed to make it  
20      clear to President Trump that he was not standing in the way  
21      of investigations. And that was a preview to the call that  
22      you had with President Zelensky the day after?

23          A     Right. On June 27th, correct.

24          Q     And do you recall whether or not that message was  
25      conveyed to President Zelensky on the call on the 28th?

1           A     It was not. And -- and Ambassador Volker intended  
2     to pass that message in Toronto several days later.

3           Q     Okay. And did you speak to Ambassador Volker after  
4     he went to Toronto in early July?

5           A     Many times. But about that?

6           Q     Specifically about a conversation that he had with  
7     President Zelensky?

8           A     Yes.

9           Q     And what did he tell you about that conversation?

10          A     He said that he had been in a broader conversation,  
11     a larger conversation with many officials on both sides. And  
12     then he had an opportunity to have a smaller conversation  
13     with President Zelensky and President Zelensky's Chief of  
14     Staff, Andriy Bohdan, where Kurt said that he had -- Kurt  
15     told me that he had discussed how President Zelensky could  
16     prepare for the phone call with President Trump. And without  
17     going into -- without providing me any details about the  
18     specific words, did talk about investigations in that  
19     conversation with -- in Toronto with Zelensky and Bohdan.

20          Q     In what context did he tell you that he spoke about  
21     investigations?

22          A     So when did he tell me --

23          Q     No, in what context did the issue or topic of  
24     investigations come up? Was it in connection with an  
25     interaction between President Zelensky and President Trump?

1           A     Yes, it was specifically in preparation for the  
2 phone call and Kurt suggested to President Zelensky that  
3 President Trump would like to hear about the investigations.

4           Q     Okay. And at that point did you know what  
5 investigations he was talking about?

6           A     No.

7           Q     It was -- it was just described as investigations?

8           A     Correct.

9           Q     Understood. You just --

10          THE CHAIRMAN: Is there anything more you could tell us  
11 about that conversation when he -- when Ambassador Volker  
12 said that he discussed investigations with Zelensky's Chief  
13 of Staff. Did you ask him what about that, what are you  
14 talking about, you were aware at that time of what Giuliani  
15 had said, did it come up in that conversation?

16          AMBASSADOR TAYLOR: Mr. Chairman, the conversation I had  
17 with Ambassador Volker about that -- about the Toronto  
18 conversation took place probably -- let's see, so it was --  
19 July 2nd was the Toronto conversation. Kurt arrived, he and  
20 I talked a lot, and he also visited a couple of times in this  
21 timeframe. And it was during those conversations and visits  
22 that we had this conversation. So nothing specific came out  
23 of those conversations describing this.

24          THE CHAIRMAN: Thank you.

25                 BY MR. GOLDMAN:

1           Q     On July 10th you testified that you had a meeting  
2     in Kyiv with President Zelensky's Chief of Staff Andriy  
3     Bohdan who had indicated to you that he had heard from Mr.  
4     Giuliani that the phone call between the two Presidents was  
5     unlikely to happen and that they I think you said were  
6     alarmed and disappointed. Oh, and the meeting also was the  
7     Foreign Minister Vadym Prystaiko?

8           A     Yeah.

9           Q     Did they indicate to you who had heard from Mr.  
10    Giuliani and how that message had been relayed?

11          A     You know, I was going over my notes last night.  
12    Yes, it was relayed through the then prosecutor general, this  
13    fellow I mentioned earlier, Lutsenko and it was -- and as we  
14    know, Giuliani and Lutsenko talked a lot. And so Prystaiko  
15    and Bohdan had heard from Giuliani through Lutsenko.

16          Q     What do you know about Mr. Lutsenko?

17          A     When I was in Kyiv 2006 to 2009, Yuriy Lutsenko was  
18    the Minister of Interior so he headed up all the police. And  
19    frankly he did a pretty good job at the time. He was a  
20    controversial choice for President Poroshenko as the  
21    Prosecutor General because he -- he had law enforcement with  
22    police but had no legal training. So he was an unusual  
23    choice.

24          Mr. Lutsenko was loyal to President Poroshenko and so  
25    kept his job there. But was a very kind of a person who

1        listened carefully to what was going on in Washington, what  
2        was going on in Kyiv, the politics. He wanted to stay in the  
3        job and of course this is 2016 when he is the Prosecutor  
4        General and no one knows about the outcome of the election.  
5        So I mean a lot of Ukrainians, probably a lot of  
6        internationals around the world were trying to figure out  
7        American politics at the time, but Lutsenko was also tuned  
8        into those.

9            Q        But clearly the senior officials for President  
10        Zelensky were interested in anything that Mr. Giuliani had to  
11        say. Is that accurate?

12            A        That's accurate, because they understood, as did  
13        Kurt and -- Ambassador Volker and Ambassador Sondland, that  
14        at President Trump's direction, Rudy Giuliani was  
15        influential, was influential with that team. And they were  
16        sure, and I think Lutsenko had the same view that in order to  
17        have this meeting, get this meeting between the two  
18        Presidents that Mr. Giuliani was going to be an important  
19        player.

20            Q        Did they understand why Mr. Giuliani had indicated  
21        that there would -- the phone call was unlikely to happen?

22            A        I don't know.

23            Q        Okay. And you said that you relayed these concerns  
24        to Counselor Brechbuhl?

25            A        I did.

1 Q And what did he say to you?

2 A He -- first he'd heard -- I was hoping I could find  
3 out something from Washington that indicated whether or not  
4 this phone call was going to happen and he didn't know.

5 Q Did he get back to you?

6 A No.

7 Q You describe a phone conversation that you had with  
8 Fiona Hill and Alex Vindman on July 19th at some length in  
9 your opening statement.

10 A Yes.

11 Q And you refer back to a meeting that occurred on  
12 July 10th, while you were in Kyiv, so you were not there. Is  
13 that right?

14 A That's correct.

15 Q And based on the phone -- well, let me ask this,  
16 did you hear about that meeting from anyone other than Dr.  
17 Hill and Mr. Vindman on the 19th?

18 A Yes. Let's see, so at that meeting -- that meeting  
19 included Mr. Danyliuk, as well as Mr. Yermak. And I think  
20 Ambassador Sondland, and it might have been Secretary Perry,  
21 and of course Ambassador Bolton were in that meeting. I will  
22 find that there -- yeah. Yes.

23 So, Oleksandr Danyliuk is the National Security Advisor  
24 so he is Ambassador Bolton's counterpart. And they had a  
25 good meeting there. So your question was had -- did I hear

1 from other people? The answer is certainly yes, again with  
2 -- back and forth with Kurt Volker so at least those three  
3 recounting of that meeting.

4 Q Did you have any discussions with any Ukrainian  
5 officials about that meeting?

6 A Yes. When are -- when Oleksandr Danyliuk got back  
7 I'm sure we had conversations about it. I had also had set  
8 him up again as the National Security Advisor for Ukraine. I  
9 also set him up to see in Washington Steve Hadley who had of  
10 course had that job earlier, and they had a good meeting as  
11 well.

12 So I did have a conversation with Danyliuk when he got  
13 back about with meetings with Hadley and -- but not in great  
14 detail about the meeting with Ambassador Bolton and team.

15 Q Okay. So you outlined in some detail what Dr. Hill  
16 and Mr. Vindman describe to you about that meeting. Is there  
17 anything else that you recall that they said about that  
18 meeting that comes to mind?

19 A No.

20 Q What was your reaction when you heard their  
21 description of how Ambassador Sondland had connected  
22 investigations with the Oval Office meeting and that  
23 Ambassador Bolton had directed Dr. Hill to brief the lawyers  
24 and Ambassador Bolton's reference to a drug deal? What was  
25 your reaction?

1           A     My reaction was that the opportunity for Oleksandr  
2     Danyliuk and John Bolton to have a good conversation was  
3     important for Danyliuk. For him to understand how NSCs work,  
4     number one. And two, what the substantive policy issues in  
5     particular the war in the East, and energy security, probably  
6     economic reform, the substance -- and they apparently were  
7     having a good conversation Bolton and Danyliuk were having a  
8     good conversation along these lines.

9           Maybe toward the end, but certainly after they'd had  
10    part of that -- a good amount of that conversation,  
11    programmatic conversation, substantive conversation, what I  
12    call the regular channel conversation, Fiona Hill and Alex  
13    Vindman describe how Ambassador Sondland in that meeting with  
14    John Bolton mentioned investigations.

15          And John Bolton understood what the reference was and  
16    walked out of the meeting, ended the meeting abruptly. Not  
17    wanting to have that kind of -- he understood, more than I, I  
18    guess at the time, that this was -- this could lead to  
19    interference in U.S.- political life and he wanted nothing of  
20    it.

21          Q     And that was the description that you had received  
22    from Dr. Hill and Lieutenant Colonel Vindman?

23          A     That's correct.

24          Q     So at this point then then did you have a better  
25    understanding as to what these investigations were that

1 President Trump and Rudy Giuliani wanted in connection with  
2 an Oval Office meeting?

3 A So this is getting into July -- this is, yeah, July  
4 10th -- yes, I'm beginning to understand that there -- that  
5 the investigations, again I'm not sure if there's a crystal  
6 time, a specific time, but I'm beginning to understand that  
7 these investigations of Burisma and the 2016 elections are  
8 what the term investigations refer to.

9 Q And what did you know about the Burisma  
10 investigation?

11 A So Burisma, a London based company that -- energy  
12 company that invests a lot and has dealings in Ukraine, in I  
13 think mainly -- it's in energy, I'm not sure if it's got gas  
14 -- had Hunter Biden on its board at an earlier time, maybe  
15 back in 2016. I am not an expert on this but this is you  
16 asked what I know, this is what I know.

17 This of course is the time that Vice President Biden was  
18 pushing the Ukrainians very hard on corruption and the  
19 allegation -- you know the allegation. The allegation is  
20 that the Vice President wanted to get a Prosecutor General  
21 fired in order, the allegation was, to stop the investigation  
22 of the Burisma -- the Burisma was a bit of a shady  
23 organization I'm told. Again, I'm not an expert on this.  
24 But it had been accused of money laundering and those kinds  
25 of things so there were some investigations of it. I think

1 they may have been closed, the investigation may have been  
2 closed under one or the other of the Prosecutors General in  
3 the previous time.

4 Q Did you understand whether the investigation  
5 desired by Mr. Giuliani related to Burisma was connected to  
6 the Bidens role in Ukraine and that company in particular?

7 A It became clear to me with press reports or other  
8 discussions, but that emerged, yes.

9 Q Okay. I want to give you what we've marked as  
10 Exhibit 2, which is a stack of the WhatsApp messages that  
11 Mr. Volker had provided to us.

12 [Taylor Exhibit No. 2

13 Was marked for identification.]

14

15 BY MR. GOLDMAN:

16 Q And I would ask you to go to 37, page 37, if you  
17 could. And if you go to 7/21 at 1:45 a.m., which is Eastern  
18 time.

19 A 7/21.

20 Q 1:45:54 a.m., right sort of in the middle page. Do  
21 you see it?

22 A Yes, yes.

23 Q And if you could read. This is a text from you on  
24 a chain with Gordon Sondland and Kurt Volker and you're  
25 writing here can you read it?

1           A     And I'm writing, right -- Gordon, one thing Kurt  
2     and I talked about yesterday was Sasha Danyliuk's point that  
3     President Zelensky is sensitive about Ukraine being taken  
4     seriously, not merely as an instrument in Washington domestic  
5     reelection politics.

6           Q     Okay. And when you had that conversation with  
7     Mr. Danyliuk, what did you understand him to be referring to,  
8     when you say Washington domestic reelection politics?

9           A     I'm sure that was a reference to the investigations  
10    that Mr. Giuliani wanted to pursue.

11          Q     What was your view of the potential telephone call  
12    between President Zelensky and President Trump?

13          A     Initially, as I said in late like June when I first  
14    arrived, this sounded like a good idea. A good idea to have  
15    the two Presidents talk. In particular if President Trump  
16    were skeptical about Ukraine in general and President  
17    Zelensky in particular, I thought that would be a good idea.

18          President Zelensky is a smart man, a good politician. I  
19    would even say charming and he could have a good conversation  
20    with President Trump so I thought it was a good idea to have  
21    that.

22          As the month of July went on and some of these suggest  
23    this, I was less convinced. I became less convinced that  
24    that meeting was worth what Giuliani was asking. Yes, it  
25    would be fine to have the two Presidents talk, but if

1 President Zelensky, in order to get that meeting were going  
2 to have to intervene in U.S. domestic policy or politics by  
3 investigated -- by announcing an investigation that would  
4 benefit someone in the United States, then it's not -- it  
5 wasn't clear to me that that would be worth it. That the  
6 meeting would be worth it.

7 Q Ambassador Sondland then responds to your text 3  
8 hours later. Can you read what he reads?

9 A Yes, he writes, absolutely. But we need to get the  
10 conversation started and the relationship built irrespective  
11 of the pretext. I am worried about the alternative.

12 Q What did you understand him to mean by the pretext?

13 A I thought about -- I'm not sure I understood, but  
14 my -- my guess looking back on it is the pretext for the  
15 phone call, that is Gordon wanted -- he thought that the  
16 phone call would be a good idea and wanted it to happen. And  
17 if the discussion of the investigations was what it took,  
18 then it's -- this suggests that that's what he had in mind.

19 Q And when he says, I'm worried about the  
20 alternative. What did you understand --

21 A I guess -- again, I'm not sure what is in Gordon's  
22 mind, but I guess he was worried that if they didn't have the  
23 meeting it would not be good for the relationship between the  
24 two countries.

25 Q And is this in reference to the meeting or the

1 phone call?

2 A Phone call. I'm sorry, phone call.

3 Q And that was what was at stake at this point?

4 A It was at stake at this point. And the idea was  
5 that the phone call would be a step toward the meeting.

6 Q All right. Now this is 2 months after -- almost  
7 2 months after the letter inviting President Zelensky to the  
8 White House. Is that right?

9 A That's correct. The letter from -- it was May 29th  
10 and this is July 21st.

11 Q And as the Charge de mission, you're meeting with a  
12 number of Ukrainian officials, did you get the sense of  
13 whether or not they were getting a little worried or nervous  
14 or what was their reaction to the delay in time?

15 A Yes, they were eager for this meeting. They wanted  
16 the meeting. They wanted the invitation to the White House.  
17 And when it was suggested that a phone call would be a good  
18 step toward that, they were willing to do that. But in  
19 answer to your question, they were very eager to have this  
20 meeting. That was high on their list.

21 Q Why were they so eager?

22 A A meeting -- people in this room will know as well  
23 as I, a meeting with the head of state with a U.S. President  
24 in the Oval Office suggests a relationship. It suggests a  
25 relationship between the two countries that the Ukrainians

1 wanted. The Ukrainians value, valued and they value a  
2 relationship with the United States as their main strategic  
3 partner, as their mainstream partner.

4 So a meeting with President Trump or any President for  
5 that matter, but President Trump in the Oval Office doesn't  
6 happen regularly -- doesn't happen to very many heads of  
7 state. And if you get that, you can be sure or you can think  
8 or people might be able to believe that you've got a good  
9 relationship between the two countries and I think that's  
10 what they were looking for.

11 Q If I could direct your attention to page 42 now.  
12 On July 22nd, near the top at 4:27. This is a text exchange  
13 between Kurt Volker and Gordon Sondland. You are not on  
14 this. Volker writes to Sondland, orchestrated a great phone  
15 call with Rudy and Yermak. They are going to get together  
16 when Rudy goes to Madrid in a couple of weeks. In the  
17 meantime Rudy is now advocating for a phone call. And Volker  
18 explains how he's also advocating for the phone call and then  
19 Gordon Sondland responds I talked to Tim Morrison, Fiona's  
20 replacement he is pushing, but feel free as well.

21 Volker had said, but I can tell Bolton and you can tell  
22 Mick that Rudy agrees on a call, if that happens. I assume  
23 that means Mick Mulvaney. Right?

24 A Yes.

25 Q Were you aware that Ambassador Volker had connected

1 Mr. Giuliani and Mr. Yermak?

2 A Not at that point. I was made aware later.

3 Q Do you recall when you were made aware?

4 A No.

5 Q Did you learn that they had a meeting in Madrid?

6 A Later.

7 Q After their meeting?

8 A Well after.

9 Q Well after their meeting?

10 A Yeah.

11 Q Okay. And then if we go to page 19 on 7/25 at 8:36  
12 in the morning. This is a text exchange between Volker and  
13 Yermak. Volker writes to Yermak, good lunch, thanks. Heard  
14 from White House. Assuming President Z convinces Trump he  
15 will investigate/ quote, "get to the bottom of what happened"  
16 unquote, in 2016, we will nail down date for visit to  
17 Washington. Good luck see you tomorrow. Kurt.

18 Have you seen this text before?

19 A Yes. I think I've seen it in the paper.

20 Q As part of this investigation?

21 A Right, right. I wasn't on it.

22 Q So you were not on this one?

23 A Correct.

24 Q But were you aware that this message, that Volker  
25 texted to Yermak, were you aware that that message was

1 relayed to the senior Ukrainian officials in advance of the  
2 phone call?

3 A Yes. This is the basic message that Kurt -- that  
4 Ambassador Volker provided to President Zelensky and Bohdan  
5 in Toronto on the 2nd of July, it's very consistent.

6 Q And is it your view that by this point the White  
7 House meeting between President Zelensky and President Trump  
8 was conditioned on the initiation of these investigations by  
9 Ukraine?

10 A I am sure that happened based on all the things I  
11 said. So Mr. Goldman, you asked me did I know it at that  
12 point or on 7/25?

13 Q Right.

14 A The answer must be yes, yeah. I knew it in July it  
15 became clearer and clearer.

16 Q Okay. And you did not -- you said it was I think  
17 somewhat strange that you did not get a readout of the July  
18 25th call. Is that right?

19 A That's correct. It's a little strange, it's not a  
20 lot strange. We didn't get very many readouts, but --

21 Q And I believe you were in Kyiv and so was  
22 Ambassador Volker and Sondland?

23 A Correct.

24 Q At this time?

25 A That's correct.

1           Q     Did any Ukrainian official whether it was Zelensky  
2     or any of their senior officials say anything to you during  
3     their visit, perhaps at a dinner that you had with  
4     Mr. Danyliuk about these investigations, was that on their  
5     mind at that point?

6           A     We did have dinner with Gordon Sondland, and  
7     Danyliuk, and Kurt the night before the discussion -- so  
8     yeah, that -- the night before the discussion, so on the  
9     25th, yes. But the brief conversation that we had with  
10    Danyliuk about that was that they seemed to think that the  
11    call went fine, the call went well. He wasn't disturbed by  
12    anything. He wasn't disturbed that he told us about the  
13    phone call.

14          THE CHAIRMAN: Ambassador, our time has expired. It's  
15    my intention after the minority has their 1 hour to take a  
16    brief lunch break. Would you like a rest room break now  
17    before we begin?

18          AMBASSADOR TAYLOR: I'm fine, I'm fine. I appreciate  
19    the offer.

20          THE CHAIRMAN: Okay. Thank you. 1 hour to the  
21    minority, sir.

22          BY MR. CASTOR:

23          Q     Thank you, Ambassador. Thank you for your service  
24    50 years of faithful service to the United States. We truly  
25    appreciate that. To the extent any of our questions here

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1 today you belie that, let me just state at the outset we  
2 appreciate your service.

3 A Thank you, Mr. Castor.

4 Q I also want to express condolences to Mr. Cummings'  
5 staff, they rejoined us today, Susanne Grooms, Peter Kenny.  
6 Mr. Cummings treated his staff like family and his staff  
7 treated him like family as well. So they are hurting and we  
8 are glad they are back today.

9 You're here today under subpoena. Is that correct?

10 A Yes, sir.

11 Q Would we be able to have a copy of the subpoena?  
12 We've never seen it. A lot of these subpoenas -- some of  
13 them we have seen, others we have not.

14 MR. GOLDMAN: The HPSCI minority saw the subpoena before  
15 it was --

16 MR. CASTOR: Could we make it like an exhibit? Usually  
17 when a witness is appearing per subpoena, you make it an  
18 exhibit. Can we do that?

19 MR. GOLDMAN: We'll consider that and get back to you.

20 MR. CASTOR: So the answer is no?

21 MR. GOLDMAN: No, I said we'll consider that and get  
22 back to you.

23 MR. CASTOR: So -- okay.

24 BY MR. CASTOR:

25 Q When did you first learn the subpoena was coming?

1           A    This morning.

2           Q    Okay.  What time?

3           A    8:30?  8:30.

4           Q    Was it your understanding all along that a subpoena  
5 was likely to --

6           A    I'd seen the pattern of other witnesses who were  
7 under the same instruction I was and presumably we were under  
8 the same constraint and that when they received the subpoena  
9 right before they appeared, so I was anticipating the same  
10 thing.

11          Q    And a handful of State Department officials have  
12 come in so far, Ambassador Yovanovitch, Deputy Assistant  
13 Secretary Kent, Ambassador McKinley.  Although I don't think  
14 --

15          A    Ambassador Sondland.

16          Q    Ambassador Sondland.  And they all had subpoenas,  
17 correct?

18          A    Correct, that's my understand.

19          Q    Not Ambassador McKinley.  So the State Department  
20 is well aware of this pattern?

21          A    Very well aware.

22          Q    Okay.  You mentioned the circumstances.  If the  
23 circumstances changed, you believe you would be allowed to  
24 testify pursuant to the subpoena.  They weren't ordering you  
25 not to appear over the subpoena, were they?

1           A     No.

2           Q     Okay. Did anyone at the State Department reach out  
3     to you either in H or L when it became a foregone conclusion  
4     that these subpoenas are coming? Did anybody reach out to  
5     you to communicate that should a subpoena be issued, you  
6     should not testify?

7           A     Can I ask counsel to answer that, because they had  
8     interaction with the State Department lawyers.

9           MR. CASTOR: Okay.

10          MR. BELLINGER: After his initial conversations with H,  
11     then all further conversations were from the L lawyer to me.  
12     They sent us the directive that said that he should not  
13     appear under I think the quote is under the present  
14     circumstances. We told the majority that we could not  
15     appear; he'd been instructed not to. We saw the pattern.

16          The L said to us, if you get a subpoena, we're not  
17     prohibiting you from appearing, but if you do appear,  
18     ultimately under a subpoena then you have to protect  
19     classified information and other information. So that was  
20     the back and forth with the lawyers at the State Department.

21          MR. CASTOR: Okay, thank you.

22          BY MR. CASTOR:

23          Q     I apologize for asking you some of these details a  
24     lot of those, on the Republican side of things, we're in the  
25     dark about many of these blow by blow when the subpoena, is

1 the subpoena going to go. And that leads to mistrust. Some  
2 of the other machinations about you can't -- we can't have  
3 copies of the transcript, we're only allowed two staffers in  
4 the room from the Oversight Committee, leads to questions of  
5 this sort. So that's why I ask. So I appreciate that.

6 You mentioned that the company Burisma was a bit of a  
7 shady organization?

8 A Mr. Castor, I don't want to say more than I know.  
9 And again, as I mentioned to Mr. Goldman, I learned about  
10 Burisma -- I don't think I knew about Burisma before spring,  
11 before this past spring when I was thinking about coming back  
12 out to Kyiv. So what I know about Burisma is recent and you  
13 and I have probably read the same thing.

14 Q Okay. So you're aware that after you left your  
15 first tour as Ambassador, I think it's in 2014 this former  
16 ecology minister Zlochevsky, it's alleged that he improperly  
17 obtained certain licenses.

18 A I've heard that.

19 Q Okay. And there are a number of allegations  
20 surrounding the company since 2014 relating Zlochevsky,  
21 you're familiar with those?

22 A Not in any detail.

23 Q Do you have any reason to dispute that these things  
24 occurred?

25 A I have no reason.

1           Q     When you arrived at the embassy did your staff  
2     brief you about about some of the oligarchs and the  
3     environment of corruption?

4           A     In general certainly. I don't recall a specific  
5     briefing on Burisma.

6           Q     Okay. Was the name everybody mentioned in any of  
7     those briefings?

8           A     It has certainly been mentioned since, you know,  
9     and over the past couple of months when it has shown up in  
10    the papers.

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1 [11:53 a.m.]

2 BY MR. CASTOR:

3 Q And what you can you tell us about other oligarchs  
4 that might allegedly be involved with corruption in Ukraine?

5 A A general question, okay.

6 Q Is it an issue?

7 A It's a big issue. It's a big issue. And it's  
8 particularly a big issue today with this new administration.  
9 The one problem, the one concern, the one issue that we have,  
10 the U.S. Government and the international community more  
11 broadly, with this administration, with the Zelensky  
12 administration, is the influence of oligarchs.

13 Now, the influence of one particular oligarch over Mr.  
14 Zelensky is of particular concern, and that's this fellow  
15 Kolomoisky, so -- and Kolomoisky has growing influence. And  
16 this is one of the concerns that I have expressed to  
17 President Zelensky and his team on several occasions very  
18 explicitly, saying that, you know, Mr. President, Kolomoisky  
19 was not elected. You were elected and he, Mr. Kolomoisky, is  
20 increasing his influence in your government, which could  
21 cause you to fail. So I've had that conversation with him a  
22 couple of times.

23 Q And you're aware from -- at various points in time  
24 some these oligarchs, some of these companies have been under  
25 investigation?

1 A Yes.

2 Q For various reasons?

3 A Yes.

4 Q We understand Burisma, from additional witness  
5 testimony, has been -- either Burisma or Zlochevsky has been  
6 under investigation for money laundering, for tax evasion,  
7 among other things. And you're familiar with that generally?

8 A I am familiar with that generally.

9 Q What can you say about the integrity of the  
10 criminal justice system in Ukraine?

11 A Flawed.

12 Q So is it fair to say that if some of these  
13 companies, some of these oligarchs had been under  
14 investigation at some point in time that the investigation  
15 may have been closed for improper purposes?

16 A Yes. It could have been closed for payments, yes.

17 Q So, inherently, the interest of somebody in the  
18 United States of wanting to -- wanting Ukraine to get to the  
19 bottom of corruption is not a problem, right?

20 A We have long made it, over -- certainly while I was  
21 there in 2006-2009 and subsequently, have long made it clear  
22 to the Ukrainian Governments over time that their ability to  
23 integrate into Europe and succeed in that goal was challenged  
24 by, was threatened by, a lack of credible rule of law, which  
25 included courts, investigations.

1           So yes, that's been a constant theme of U.S. policy  
2 towards Ukraine.

3           Q     Okay. So, to the extent somebody in the United  
4 States, whether it be at the State Department or the National  
5 Security Council or even the White House, has questions about  
6 whether investigations were properly closed and ought to be  
7 reopened is something that is a product of the environment,  
8 correct?

9           A     We look very carefully at the operation and the  
10 implementation of the justice system in Ukraine, again,  
11 because of its importance for investment, because of its  
12 importance for trust in the government, because of the  
13 importance of having confidence that an objective rule of law  
14 system, a judiciary system, was so important for it.

15           So that, in general -- now, you know -- yeah, that, in  
16 general, has been our policy.

17           Q     But if Zlochevsky or Burisma is under investigation  
18 for money laundering, tax evasion, and those cases are  
19 closed, as you suggest, because they were paid off, the  
20 prosecutors were paid off, then certainly it's okay to want  
21 those cases to be reopened?

22           A     The policy that I've been aware of has been a  
23 general policy of the importance of honest judges, of the  
24 selection process for judges, the selection process for  
25 prosecutors, the institutions. It has been less a focus on

1 individual cases. Individual cases, in my view, is not what  
2 U.S. -- what U.S. foreign policy. What we need to press on  
3 is strengthening the institutions in Ukraine, but in other  
4 countries as well, so that the population, the society has  
5 confidence in it. So it's more the institution than the  
6 specific case.

7 Q Are you aware of the effort of Burisma in 2014 to,  
8 you know, assemble a high-profile board of directors?

9 A So 2014, I was not paying great attention to that  
10 aspect. So what I know, probably what we all know is that  
11 they put some very high-profile people on their board.  
12 Again, I've only come to know that over the past couple of  
13 months because of all the attention. So I know this -- I  
14 didn't know it in 2014 because I was at the Institute of  
15 Peace trying to do Iraq or Afghanistan, whatever.

16 Q And one of the folks they put on the board was  
17 Hunter Biden, right?

18 A That's my understanding.

19 Q Do you know if he has any experience in corporate  
20 governance?

21 A I don't know. I don't know Hunter Biden. I don't  
22 know what he --

23 Q Do you think it's possible that he was tapped for  
24 the board because his dad was the Vice President?

25 A So, Mr. Castor, I'm here as a fact witness. I

1 don't have any facts on that. I don't have an opinion on  
2 that, and you don't want me -- my --

3 Q But a reasonable person could say there are  
4 perceived conflicts of interest there, right?

5 A Sure.

6 Q In your time as Ambassador, the first stint '06 to  
7 '09 and then again, have any -- has anyone asked the Embassy  
8 whether you had an issue about putting certain officials on  
9 their board?

10 A Recently, there have been questions about -- well,  
11 recently there have been questions about boards of Naftogaz.  
12 So the answer is yes, in that case.

13 Another set of issues are the corporate boards of the  
14 state-owned banks. And decisions about who is appointed to  
15 the state-owned bank boards has been an issue for the -- for  
16 the independence of the National Bank of Ukraine, the NBU, in  
17 conflict with the administration.

18 So the short answer is yes, the board membership has  
19 been an issue that we've paid some attention to.

20 Q Okay. And what's the Embassy's ordinary posture  
21 when it comes to that?

22 A The --

23 Q Do you --

24 A The selection process -- so what -- again, the  
25 examples I just gave you, the Naftogaz and the state-owned

1 banks, our policy on those, being -- both being state-owned,  
2 all of those being state-owned banks and Naftogaz, the  
3 selection process, open, competitive, transparent.

4 I don't know that that -- I don't remember seeing any  
5 specific of privately owned companies that -- or the boards  
6 on privately owned companies. So the interest in board  
7 membership is of -- that I'm familiar with is state-owned  
8 companies, the ones I've mentioned.

9 [Discussion off the record.]

10 AMBASSADOR TAYLOR: No, it's actually -- the open  
11 competition is for contracts as well as an open competitive  
12 selection process for board members.

13 BY MR. CASTOR:

14 Q You mentioned in your opener that you're on the  
15 board of a small Ukrainian --

16 A I was. I'm not on, but I was, yeah. It's called  
17 the East Europe Foundation. Yeah.

18 Q Okay. Any other board memberships for you?

19 A I was, again, on the board of the American  
20 Councils, both nongovernmental organizations here in  
21 Washington.

22 Q Okay. Any of these boards pay you \$50,000 a month  
23 for your service?

24 A No. They pay nothing.

25 MR. CASTOR: I want to mark as exhibit 3 a Politico

1 article from January.

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

4 MR. CASTOR: Anybody need copies of this? We try to  
5 bring enough copies for at least four or five people, and so  
6 to the extent you guys could reciprocate, we'd appreciate  
7 that. You've been handing us one copy, and I have to share  
8 it with our members, and it gets tricky.

9 BY MR. CASTOR:

10 Q This is a Politico article dated January 2017. Can  
11 you identify the article -- or the author for the record?

12 A Mr. Castor, I don't know the two authors.

13 Q Yes, could you just say their name?

14 A Oh, sorry. Kenneth Vogel and David Stern.

15 Q Going back to exhibit 1, the New York Times story.

16 A Yes.

17 Q Who wrote that one?

18 A Kenneth Vogel.

19 Q Would you mind reading the highlighted paragraph?

20 A "Ukrainian Government officials tried to help  
21 Hillary Clinton and undermine Trump by publicly questioning  
22 his fitness for office. They also disseminated documents  
23 implicating a top Trump aide in corruption and suggested that  
24 they were investigating the matter, only to back away after  
25 the election, and they helped Clinton's allies research

1       damaging information on Trump and his advisers, a Politico  
2       investigation found."

3           Q     Now, you weren't in the Ukraine in 2017. Had you  
4       been aware of any of these issues --

5           A     No.

6           Q     -- from your post at --

7           A     At the Institute, no.

8           Q     Are you aware of the allegation that a  
9       DNC-connected consultant was communicating with the Ukrainian  
10      Embassy here in D.C.?

11          A     I have recently heard that.

12          Q     And have you ever heard the name [REDACTED]

13      [REDACTED]?

14          A     Again, I think in that same connection where I've  
15      recently heard that issue that you -- the connection that you  
16      just described, I think that's the name. That's about the  
17      limit of my knowledge on that.

18          Q     Fair enough. When you arrived at post, did anybody  
19      give you briefings about --

20          A     They didn't.

21          Q     -- [REDACTED] or --

22          A     They didn't.

23          Q     -- efforts of the DNC to influence Ukrainians in  
24      the U.S.?

25          A     They didn't.

1 Q Okay. So your sum total of knowledge of that comes  
2 from news accounts?

3 A I think that's right. It's -- I think that's  
4 right. It's -- I could have also had a conversation with  
5 somebody about that, but that was also based on news  
6 accounts.

7 Q Were you aware that the Ukrainian Ambassador to the  
8 U.S., Chaly, had entered the fray, the political fray, and  
9 wrote an op-ed in opposition to then-candidate Trump?

10 A I was not aware.

11 Q Is that ordinary or --

12 A It's not. Ambassadors do not -- are not supposed  
13 to and should not interfere in or participate in domestic  
14 elections, the host country elections.

15 Q Did anyone at the Embassy ever call to your  
16 attention the issue with Ambassador Chaly?

17 A In this context, no. In other contexts, in  
18 particular the Zelensky administration, the new  
19 administration was looking to replace him as soon as they  
20 could once they came into office. This, of course, was this  
21 past summer.

22 Q Okay. And is that common? Had Chaly served for a  
23 couple Presidents or was he linked to Poroshenko?

24 A He -- I think he only served under Poroshenko. He  
25 was a professional Foreign Service officer, so he undoubtedly

1 had earlier in his career in other things, but in terms of  
2 that Ambassadorship.

3 Q On page 11 of this story, there's a reference to a  
4 Ukrainian investigative journalist and, at the time, a  
5 Parliamentarian named Serhiy Leschenko. What do you know  
6 about Mr. Leschenko?

7 A So Mr. Leschenko is a known reformer journalist  
8 who, in 2014, when the so-called Revolution of Dignity,  
9 decided to join the government -- well, run for office and  
10 was elected to the Rada, to the Parliament, where he  
11 continued to be associated with a group of reformers.

12 Q And is he still in the Parliament?

13 A Is he in the Parliament? I think he's not.

14 Q Do you know if he's ever been investigated or  
15 prosecuted?

16 A He has been. He has been investigated. Again,  
17 this is not my -- this is before I arrived.

18 Q If you know.

19 A Yeah. He has been investigated, and a court -- I  
20 don't remember which court -- dismissed the charge.

21 Q Okay. Are you aware of the allegations relating to  
22 Leschenko and the Manafort ledgers?

23 A Yes.

24 Q And what do you know about that?

25 A As I understand it, he was the one who -- Serhiy

1 Leschenko was the one who either found or identified the  
2 ledger, and either he or someone in law enforcement turned  
3 that ledger over to the Anticorruption Bureau. That's what I  
4 remember.

5 Q On page 11, there's a paragraph that begins, "The  
6 scrutiny around the ledgers" --

7 A Yes.

8 Q -- "combined with that from other stories about his  
9 Ukraine work -- proved too much, and he stepped down from the  
10 Trump campaign less than a week after the Times story."

11 And that's relating to Manafort.

12 A Yes.

13 Q "At the time, Leschenko suggested that his  
14 motivation was partly to undermine Trump."

15 Was it well-known that Leschenko was, indeed, trying to  
16 undermine candidate Trump at the time?

17 A So this would have been what year? Not to me.  
18 Yeah, it was a 2017 article, but I don't know when they were  
19 talking about here.

20 Q These things were occurring during the 2016  
21 election.

22 A 2016 election, right. Not known to me.

23 Q Okay. When you arrived at post, did your political  
24 adviser there or anybody give you a briefing on some of the  
25 issues relating to Leschenko?

1           A     One of the questions was -- so I mentioned he was a  
2 reformer. One of the -- and he had supported Zelensky,  
3 President Zelensky, and had given him, had given Zelensky  
4 some credibility as a reformer. The other reformer, by the  
5 way, we've already talked about is a man named Alexander  
6 Danyliuk. And so those two people joined Zelensky's team  
7 early as reformers.

8           What I was told, in answer to your question,  
9 Mr. Counselor, was that Leschenko took himself off of the  
10 Zelensky team because of these -- this controversy.

11          Q     Okay. At the bottom of page 11, the report, the  
12 Politico report notes that Leschenko told the Financial  
13 Times, you know, about 2 weeks after the news conference that  
14 he was trying to undermine candidate Trump.

15          The newspaper goes on to note, the Financial Times, that  
16 Trump's candidacy had spurred Kyiv's wider political  
17 leadership to do something they would never have attempted  
18 before, intervene, however indirectly, in a U.S. election.

19          What do you know about attempts of the Ukrainian  
20 Government or Ukrainians to intervene in the 2016 election?

21          A     Mr. Castor, I don't know about those attempts.

22          Q     Okay. And has that been part of any briefings that  
23 you received once you arrived at post?

24          A     No.

25          Q     Okay. And so that's not a concern that's been

1       communicated to you as you've settled in?

2           A     Correct.

3           Q     Flipping over to page 14, the paragraph begins  
4       "Ukraine's Minister of Internal Affairs, Arsen Avakov." You  
5       with me?

6           A     Fourteen. Yes. Yep.

7           Q     Okay -- piled on, trashing Trump on Twitter as a  
8       clown and asserting that Trump is an even bigger danger to  
9       the U.S. than terrorism.

10          The Politico story goes on to report that Avakov also  
11       disparaged the President in Facebook posts.

12          What do you know about Avakov?

13          A     So he is the Minister of Internal Affairs and was  
14       the Minister of Internal Affairs under President Poroshenko  
15       as one of only two carryovers from the Poroshenko Cabinet to  
16       the Zelensky Cabinet. He, as I think I mentioned earlier  
17       when we were talking about Lutsenko, the Minister of  
18       Interior, which Avakov is now, controls the police, which  
19       gives him significant influence in the government.

20          Q     Avakov, he's a relatively influential Minister. Is  
21       that right?

22          A     That is correct.

23          Q     Does it concern you that at one time he was being  
24       highly critical of candidate Trump?

25          A     It does.

1           Q     And did you ever have any awareness of that before  
2 I called your attention to this?

3           A     I haven't. This is surprising. Disappointing,  
4 but --

5           Q     Flipping to page 15, the paragraph that begins with  
6 "Andriy Artemenko."

7           A     At the top, yeah.

8           Q     Ukrainian Parliamentarian associated with  
9 conservative opposition, you know, met with Trump's team  
10 during the campaign. And he was quoted saying: It was clear  
11 they were supporting Hillary Clinton's candidacy. They did  
12 everything from organizing meetings with the Clinton team to  
13 publicly supporting her to criticizing Trump. I think they  
14 simply didn't meet because they thought Hillary would win.

15           This is yet another Ukrainian Parliamentarian, you know,  
16 going on the record in a news account asserting that the  
17 Ukrainian Government establishment was, in fact, supporting  
18 Hillary Clinton.

19           Is this a new fact for you?

20           A     This is a new fact for me. I've not read this  
21 article. So this was a 2017 article. So I didn't know  
22 that -- I don't know Artemenko, so I haven't had a chance to  
23 deal with him. And the answer is yes, new fact.

24           Q     Does it concern you?

25           A     Yes. Same thing, for the same reason.

1 Q Now, is it reasonable for someone in the Trump  
2 administration to conclude that if Artemenko -- and I  
3 apologize if --

4 A No, you're doing fine.

5 Q -- any of my pronunciations are --

6 A You're doing fine.

7 Q If Artemenko, Chaly, Avakov, Leschenko were  
8 engaged -- these are all legitimate people in the Ukraine,  
9 right?

10 A I don't know how legitimate Artemenko is, but --

11 Q He's an elected member of the Parliament?

12 A He's an elected member of the Parliament, which  
13 means -- which may mean that he could -- you can buy your way  
14 into the Parliament.

15 Q Okay. But certainly a government official?

16 A Certainly a -- a deputy, a Rada deputy, yeah.

17 Q Avakov is a legitimate power player in Ukraine?

18 A At least a power player, that's right. That's  
19 right.

20 Q And Chaly is the Ambassador to the U.S.?

21 A Chaly is the Ambassador.

22 Q Okay. And Leschenko was a man of some  
23 significance, right?

24 A Leschenko was a well-known reformer and a well --  
25 and a good journalist beforehand, so yes, well-recognized.

1           Q     So isn't it possible that Trump administration  
2 officials might have a good-founded belief, whether true or  
3 untrue, that there were forces in the Ukraine that were  
4 operating against them?

5           A     Mr. Castor, based on this Politico article, which,  
6 again, surprises me, disappoints me because I think it's a  
7 mistake for any diplomat or any government official in one  
8 country to interfere in the political life of another  
9 country. That's disappointing.

10          Q     So the question is, isn't it fair to say that, if  
11 you're aligned with the Trump administration, isn't it  
12 legitimate to have a good-faith belief that Ukrainians were  
13 operating against you in the 2016 election?

14          A     That's certainly the thrust of this article.

15          Q     And this isn't an opinion piece. I mean, this is  
16 not an opinion piece. This is a journalist --

17          A     This is a journalist. And, as you pointed out,  
18 it's Kenneth Vogel, who also writes for The New York Times.

19          Q     So it's not a fringe, you know, journalist. I  
20 mean, this is a mainstream journalist for Politico and now  
21 the New York Times, not an opinion piece. And to the extent  
22 he's reporting and documenting these facts, I mean, isn't it  
23 fair to say that if you're aligned with the Trump  
24 administration, you might have a good-faith belief that the  
25 Ukrainians were supporting Hillary Clinton and trying to

1       undermine him?

2             A     You could have that opinion, that some were.  If  
3       this reporting is correct, you could certainly have the  
4       opinion that some Ukrainians were.

5             Q     Okay.  And do you have any -- since you've arrived  
6       at post, has anyone briefed you to try to debunk any of these  
7       allegations?

8             A     No.

9             Q     Okay.  So nobody at the Embassy has sat you down in  
10       briefings and said, "Ambassador, there are allegations out  
11       there that the Ukrainians were working for Clinton and  
12       against Trump, but I want to tell you that didn't happen";  
13       nobody came and briefed you on that?

14            A     Correct.

15            Q     Since your time considering the post, which I think  
16       you I think you mentioned was the end of May, and then you  
17       arrived relatively quickly, to your credit, in June, did you  
18       get any background on some of the concerns that the folks  
19       aligned with the President had about the Ukrainians  
20       interfering with the election, or allegedly?

21            A     No.  Mr. Giuliani and his -- who is influential  
22       with the President, and his efforts were known.  I wouldn't  
23       say -- I wouldn't say "briefed."  What the Embassy tries to  
24       do, as a general rule, is stay out of either our domestic or  
25       Ukraine internal politics.  So we have not -- we have tried

1 to avoid dealing certainly with Mr. Giuliani and the kind of  
2 efforts that he was interested in. So that's, again, for --  
3 we don't get involved in election campaigns on either side.

4 Q But you describe a difficult environment leading up  
5 to Ambassador Yovanovitch's recall, and you testified about  
6 some of the concerns you had before accepting the post.

7 Did anyone give you any additional background about what  
8 the issues are that concerned the President or was motivating  
9 Mr. Giuliani?

10 A No.

11 Q Okay. Did you have a general understanding of what  
12 Giuliani's concerns were?

13 A Again, our focus has -- we've attempted to keep the  
14 focus on our bilateral relations and away from domestic  
15 politics or Ukrainian internal politics, to the degree we  
16 can. So --

17 Q Just forgive me. If there was a concern about the  
18 2016 election and concern about investigations, did you ever  
19 try to do some due diligence and find out exactly what the  
20 concerns were before you arrived at post?

21 A No.

22 Q Did you have any conversations with Yovanovitch  
23 about this?

24 A About --

25 Q The environment, the snake pit I think you called

1 it.

2 A Certainly, we had -- I had a conversation with her  
3 in Kyiv and then again in Washington about the -- about that  
4 environment, about how the domestic, our domestic politics  
5 had gotten into the -- into affecting her career.

6 Q Okay. But did you ever have a discussion about  
7 what, you know, when you're -- did you ever try to get into  
8 the -- what was the genuine concern from Giuliani, other  
9 than --

10 A No.

11 Q Okay. You met with Yovanovitch a couple times, you  
12 said --

13 A Yes.

14 Q -- when you were over there as an election  
15 observer.

16 A Yes.

17 Q And then you met with her again after she came  
18 home --

19 A Correct.

20 Q -- before you went out?

21 A Correct.

22 Q So is that roughly three conversations?

23 A Three conversations, at least, yeah.

24 Q And what do you recall her telling you?

25 A I recall in particular the last conversation, which

1 was in my office at the Institute of Peace. She was very  
2 emotional about having been pulled out early. As she has  
3 indicated, she didn't think she had made mistakes or done  
4 something wrong. She felt like someone had -- she felt that  
5 someone or some people may have had other motives for wanting  
6 her not to be there.

7 And I think she's indicated that maybe in her testimony  
8 or the papers or something that has described her testimony.  
9 She made that same point to me in May.

10 Q Did she say who?

11 A I don't recall her mentioning any specific names.  
12 I'm not even sure she knew the people. She had a sense that  
13 there were people who wanted to invest in Ukraine or wanted  
14 to sell things to Ukraine that thought that her  
15 anticorruption stance was getting in their way. I don't  
16 remember -- if she mentioned any names, I don't remember  
17 them.

18 Q Okay. Did you have any discussions -- how many  
19 discussions did you have with Brechbuhl before taking the  
20 post?

21 A Two.

22 Q And during those two discussions, did you have any  
23 dialogue with him about what was going on over there?

24 A Again, he -- with Counselor Brechbuhl, it was  
25 more -- the two conversations were on like the 23rd of May

1 and the 28th of May, and the second with the Secretary. And  
2 they were focused more on my interest, my qualifications,  
3 rather than anything about Ukraine policy.

4 Q Did they ever tell you they'd have your back?

5 A Secretary Pompeo did say that he'd support me on  
6 this strong Ukraine policy. That was my condition for going  
7 out, and he said he would.

8 Q And did you have a relatively open communication  
9 with both Counselor Brechbuhl and the Secretary?

10 A Yes.

11 Q So, if you needed them, they would engage with you,  
12 right?

13 A They would. And I didn't -- and the Secretary said  
14 any time. I didn't abuse that and I only -- but I did call  
15 the counselor a couple of times, you know, and -- from Kyiv.  
16 So I met with him twice while I was -- before I left, called  
17 him a couple times to check in when I started to get  
18 concerned about the security assistance, for example. But  
19 yes, he was available and responsive.

20 Q Okay. Did you ever have any discussions with the  
21 Secretary or the counselor about the circumstances of  
22 Ambassador Yovanovitch being recalled?

23 A That was a concern I had before I agreed with them  
24 to take the job. So it may -- it could have been part of  
25 that conversation, Mr. Castor. I don't recall specifically

1 talking to them about Ambassador Yovanovitch.

2 Q Did they ever give you any assurances that this  
3 won't happen again and --

4 A No, no. I didn't ask for and didn't receive any.

5 Q Okay. The issues that motivated her recall, did  
6 they give you any indication that they were still viable  
7 issues that made the environment tricky?

8 A They didn't.

9 Q But you expected it would be?

10 A I expected it would be.

11 Q Did you ever have any communications with Mr.  
12 Giuliani --

13 A None.

14 Q -- directly?

15 A No. He visited Kyiv in 2008 or '07, while I was  
16 there. 2008, I think. And I remember shaking his hand. He  
17 was America's mayor. But otherwise, not.

18 Q But for times relevant, May 28th on, you've never  
19 spoken to Mr. Giuliani?

20 A No, no.

21 Q Has anyone ever asked you to speak to Mr. Giuliani?

22 A No.

23 Q And if I may, have you spoken to the President of  
24 the United States?

25 A I have not.

1 Q Okay. You had no communications with the President  
2 of the United States?

3 A Correct.

4 Q Have you had any communications with Acting Chief  
5 of Staff Mulvaney?

6 A None.

7 Q The White House officials you have had discussions  
8 with, have you identified them for the most part in your  
9 statement?

10 A Yes.

11 Q Okay. So it's Ambassador Bolton, Fiona Hill, Dr.  
12 Hill, Mr. Vindman, Lieutenant Colonel Vindman?

13 A Vindman, right.

14 Q Any others that were --

15 A Tim Morrison took --

16 Q Tim Morrison.

17 A -- Fiona's place.

18 Q Okay.

19 A Yeah, I think those are the ones.

20 Q And once you arrived at post, did you have any  
21 occasion to engage the Secretary on any of these issues, ask  
22 the Secretary for his assistance in pushing back on the  
23 irregular part of the policy?

24 A So I went to the Secretary at the end of August in  
25 a -- in a cable expressing my concern about -- August 29th,

1 my concern about the hold on security assistance.

2 Q Okay. Was that the first time you engaged the  
3 Secretary on this?

4 A Yes.

5 Q Okay. In your statement, you walk us through what  
6 was a regular, formal, diplomatic process that you were the  
7 point person for, and then there was an irregular, informal  
8 channel, and that was concerning to you. Is that fair?

9 A Not at the beginning.

10 Q Okay.

11 A At the beginning, as I said, I felt the goals were  
12 aligned. I thought the goals of having -- the overall goal  
13 of having strong U.S.-Ukraine relations was supported by --  
14 certainly by -- I knew by Ambassadors Sondland and Volker.

15 I didn't -- I never, as I said, haven't had much  
16 dealings with Secretary Perry, but everything leads me to  
17 believe that he also supported that. And so that irregular  
18 is not necessarily bad.

19 Q Okay.

20 A And it wasn't -- I didn't think it was bad. I  
21 didn't think it was a problem in the beginning. And,  
22 actually, it could have been helpful, because Ambassador  
23 Sondland is able -- is able to call the President, and that's  
24 a valuable thing if you want to try to move our U.S.-Ukraine  
25 relations along. So, at the beginning, it was not a problem.

1 Q How long have you known Ambassador Volker for?

2 A So probably 20 years. A long time.

3 Q And is he a man of integrity?

4 A He is a man of integrity.

5 Q And he is somebody that's always, to the best of  
6 your knowledge, acted in the best interests of the United  
7 States?

8 A He -- when he got involved with Mr. Giuliani, I  
9 think that that pulled him away from or it diverted him from  
10 being focused on what I thought needed to be focused on, that  
11 is -- yeah. So, in general, yes, but the Giuliani factor I  
12 think affected Ambassador Volker.

13 Q But as a man of integrity, if he genuinely believed  
14 it was in the best interests of the United States to engage  
15 with Giuliani, do you agree that that's -- he was acting in  
16 the best interests of the United States when he did that?

17 A I think he thought he was.

18 Q There's this May 23rd briefing in the Oval  
19 Office --

20 A Yes.

21 Q -- where the delegation that went to the  
22 inaugural --

23 A Yes.

24 Q -- communicated with the President.

25 A Yes.

1 Q We've had some accounts of that meeting.

2 A I'm sure.

3 Q And Ambassador Volker was there. Obviously, we've  
4 talked to him at some length. Ambassador Sondland. And  
5 characterizations of that meeting have differed sometimes  
6 between the actual participants and those reporting on what  
7 they think had occurred.

8 For example, it's been -- you know, the President has  
9 been characterized or has been quoted as saying, "Work with  
10 Rudy." Is that something you heard?

11 A Yes.

12 Q Okay. And then it's also been related to us that  
13 the President said, "Talk to Rudy," and it's in a dismissive  
14 sort of way. You know, the President had his concerns about  
15 corruption in Ukraine and, you know, a laundry list of  
16 reasons, including the fact that the President believed that  
17 there were Ukrainians trying to work against him in the  
18 election, right?

19 A As we established, some Ukrainians, a couple of  
20 Ukrainians. And the important point here is none of those,  
21 with the exception of Avakov, who is still -- none of those  
22 were in or are in the Zelensky administration.

23 So that's what -- as I understand it, that's what  
24 Ambassador Volker, Sondland, Perry were coming back to tell  
25 President Trump, that, you know, we just met President

1 Zelensky, and he supports what you support. I've heard  
2 several people said -- made -- tried to make that point.

3 Q And the participants of the meeting have told us  
4 that they briefed the President, and the President wasn't  
5 having it.

6 A Right.

7 Q He said negative things about the country of  
8 Ukraine.

9 A I've heard that.

10 Q And he didn't, you know, get into specifics. He  
11 simply said: It's been related to us, talk to Rudy. If you  
12 think Ukraine is doing such -- you know, they've turned the  
13 corner and Zelensky is the reformer he says he's going to be,  
14 you know, talk to Rudy.

15 Is that fair?

16 THE CHAIRMAN: If I could just interject, and I have to  
17 make this advisory periodically. What counsel represents  
18 prior witnesses may have said or not said, we cannot vouch  
19 for the accuracy.

20 AMBASSADOR TAYLOR: Okay.

21 THE CHAIRMAN: Unless you are a percipient witness, you  
22 should not assume facts that are not in evidence before you.

23 AMBASSADOR TAYLOR: Thank you, Mr. Chairman.

24 BY MR. CASTOR:

25 Q You know, there's nuances that we aren't aware of,

1       you know, that occur in these meetings. There's ambiguities,  
2       and in the, you know, ambiguity a lot of times people jump to  
3       conclusions. And so the question is, is there a difference  
4       between talk to Rudy and work with Rudy?

5             A     I don't know.

6             Q     Okay.

7             A     I don't know.

8             Q     And was that related to you by Ambassador Sondland  
9       or Volker?

10            A     The difference between those two?

11            Q     Yes.

12            A     No.

13            Q     Or what had to be effectuated with Mr. Giuliani?

14            A     Here's what I understood from Ambassador Volker and  
15       Ambassador Sondland. In order to get President Zelensky and  
16       President Trump in a meeting in the Oval Office, they took  
17       from that May 23rd meeting that they needed to work with Rudy  
18       Giuliani, so -- and so they did.

19            Q     What did Volker relate to you about next steps  
20       then? You said you talk with Volker a lot, right?

21            A     I do.

22            Q     And what did he -- do you remember some of the blow  
23       by blow, the play by --

24            A     Well, no, actually, he didn't tell me anything  
25       about him reaching out to Giuliani. And about the same time

1 he had his breakfast with Giuliani, he mentioned that I think  
2 in a text to me and Gordon. And about that same time, Fiona  
3 Hill, Dr. Hill mentioned that same thing, that she had heard  
4 that Kurt had been in touch with or met with Rudy Giuliani.  
5 That was -- I think that was the first time I was aware that  
6 Kurt had been in touch with Giuliani along these lines.

7 Q Did Ambassador Volker give you any readout of his  
8 conversations or what he was doing?

9 A He didn't.

10 Q Okay. So he didn't tell you that he told Mr.  
11 Giuliani that there was no good-faith basis to investigate  
12 the Bidens?

13 A He didn't tell me anything about his conversation  
14 with Giuliani.

15 Q Did you ever come to learn from Sondland or other  
16 players that that was the case?

17 A No. That was the case between Volker and Giuliani?

18 Q Correct.

19 A No.

20 Q Would that surprise you if Volker had communicated  
21 that to Giuliani?

22 A Communicated what?

23 Q That there is no good faith basis to investigate  
24 the Bidens.

25 A No knowledge. I can't answer.

1 MR. CASTOR: I have about 8 or 9 minutes left and I  
2 promised our members we would pivot to them at the end of  
3 the -- at the end of our round, so I would like to do that.

4 MR. NUNES: Thank you, Mr. Castor.

5 Ambassador, welcome. You're aware that this committee  
6 had an investigation into the 2016 elections, the House  
7 Intelligence Committee?

8 AMBASSADOR TAYLOR: Am I aware that there is one? Yes.

9 MR. NUNES: Yes, that there was one that completed, and  
10 now those investigations have even continued.

11 AMBASSADOR TAYLOR: I don't know much about it, Mr.  
12 Chairman, but -- Mr. Nunes, but --

13 MR. NUNES: You're also aware that -- you're aware of  
14 the Bob Mueller special counsel investigation --

15 AMBASSADOR TAYLOR: I am aware.

16 MR. NUNES: -- of the 2016 elections.

17 AMBASSADOR TAYLOR: I am.

18 MR. NUNES: You may not be aware, but at least the  
19 Republicans on this committee were very concerned by  
20 Ukraine's actions during the 2016 election, and they have  
21 long been a target of our investigation and have continued  
22 today to try to get to the bottom of what they were up to in  
23 the 2016 election between the Ambassador's comments here and  
24 between other incidents that are out there.

25 Most notably, are you familiar with -- well, I know

1       you're familiar because you talked about Leschenko earlier --  
2       former journalist turned politician --

3                AMBASSADOR TAYLOR: Leschenko, yes.

4                MR. NUNES: Do you have any current involvement with  
5       Leschenko? Do you run into him now or you're just familiar  
6       with him?

7                AMBASSADOR TAYLOR: I'm familiar with him. I think I  
8       met him in my -- in the 2006-2009 time period, or maybe it  
9       was an earlier visit in like 2014. But he's not in the  
10      government now, and he's not in the Parliament now, I'm  
11      pretty sure.

12              MR. NUNES: Okay. So he's of particular interest to at  
13      least the Republicans in Congress. Are you aware that he was  
14      a source for the Democrats and the Clinton campaign's dirt  
15      that they dug up on the President and fed to the FBI?

16              AMBASSADOR TAYLOR: I am not aware.

17              MR. NUNES: Okay. So I didn't think you were aware of  
18      that, but I wanted to make sure you knew that he is -- by  
19      witnesses who have testified before this committee, he's the  
20      source of that dirt that was then used -- you're familiar  
21      with -- you've heard of the Steele dossier, I assume?

22              AMBASSADOR TAYLOR: I have.

23              MR. NUNES: Okay. So that is our real concern in  
24      Ukraine over the 2016 election. So I understand that you, as  
25      an Ambassador, you don't like to get involved in politics,

1 but the fact of the matter is the Ukrainians decided to get  
2 involved in politics and be, in almost all cases, supportive  
3 of the Democrats and helped to deliver dirt that was then  
4 used by the --

5 AMBASSADOR TAYLOR: Mr. Nunes, the only comment I would  
6 make on that is that, again, according to this Politico  
7 document, which is similar to what you're describing, there  
8 were a couple of Ukrainians who did what you said.

9 When you say "Ukrainians," that paints a broad brush.  
10 And President -- the reason I raise this is that President  
11 Zelensky wants to make it very clear to us and to President  
12 Trump that it wasn't him and it wasn't his people.

13 MR. NUNES: Right. But at the time of the -- at the  
14 time when Mr. Giuliani and Republicans in Congress are  
15 raising these concerns about what was happening in Ukraine,  
16 you know, that's when the Mueller investigation is still  
17 ongoing, our probe is still ongoing, looking into getting to  
18 the bottom of FISA abuse and other matters.

19 So I know you don't want to get involved in politics,  
20 but those are still just ongoing concerns of the Congress.  
21 Thank you for your attendance today.

22 I'll yield to Mr. Jordan.

23 MR. JORDAN: Real quick if I could, Ambassador, on that  
24 last point. President Zelensky does want to clean up  
25 corruption. You know, he's been viewed as a reformer, but I

1 think you said earlier to Mr. Castor's questions that  
2 Mr. Avakov is still in the government. Is that right?

3 AMBASSADOR TAYLOR: That is correct.

4 MR. JORDAN: And he has a pretty important position?

5 AMBASSADOR TAYLOR: He does.

6 MR. JORDAN: And he's the guy who said that President  
7 Trump, during the 2016 campaign, was -- I think he referred  
8 to him in social media postings as a clown and as worse than  
9 a terrorist. Is that accurate?

10 AMBASSADOR TAYLOR: Is that what -- is that the quote  
11 out of this Politico document?

12 MR. JORDAN: It is.

13 AMBASSADOR TAYLOR: Yes.

14 MR. JORDAN: And he's currently in the government,  
15 Minister of Interior, in charge of the police in Ukraine. Is  
16 that right?

17 AMBASSADOR TAYLOR: He is. He is. I suspect he would  
18 not say the same thing today that he said then.

19 MR. JORDAN: No, I understand that, but I just want to  
20 be clear.

21 AMBASSADOR TAYLOR: But 2016.

22 MR. JORDAN: All right. Thank you.

23 Mr. Ratcliffe has a couple.

24 MR. RATCLIFFE: Ambassador Taylor, my name is John  
25 Ratcliffe.

1 I want to read from -- direct you to your opening  
2 statement this morning, page 9, the bottom paragraph, and it  
3 reads: "Just days later, on August 27, Ambassador Bolton  
4 arrived in Kyiv and met with President Zelensky. During  
5 their meeting" --

6 AMBASSADOR TAYLOR: Congressman, can I get you to hold  
7 on? I'm looking at a different one. Yeah, thank you.

8 MR. RATCLIFFE: Last paragraph, page 9.

9 AMBASSADOR TAYLOR: Yes, got it. Okay, met with. Yes.

10 MR. RATCLIFFE: "During their meeting, security  
11 assistance was not discussed -- amazingly, news of the hold  
12 did not leak out until August 29. I, on the other hand, was  
13 all too aware of and still troubled by the hold."

14 Have I read that correctly?

15 AMBASSADOR TAYLOR: Yes, sir.

16 MR. RATCLIFFE: Okay. It sounds like, from your  
17 statement today, that you were aware of the hold and troubled  
18 by it but that President Zelensky was not aware of it at that  
19 point in time.

20 AMBASSADOR TAYLOR: That is correct.

21 MR. RATCLIFFE: Okay. So, based on your knowledge,  
22 nobody in the Ukrainian Government became aware of a hold on  
23 military aid until 2 days later, on August 29th.

24 AMBASSADOR TAYLOR: That's my understanding.

25 MR. RATCLIFFE: That's your understanding. And that

1 would have been well over a month after the July 25th call  
2 between President Trump and President Zelensky.

3 AMBASSADOR TAYLOR: Correct.

4 MR. RATCLIFFE: So you're not a lawyer, are you,  
5 Ambassador Taylor?

6 AMBASSADOR TAYLOR: I am not.

7 MR. RATCLIFFE: Okay. So the idea of a quid pro quo is  
8 it's a concept where there is a demand for action or an  
9 attempt to influence action in exchange for something else.  
10 And in this case, when people are talking about a quid pro  
11 quo, that something else is military aid.

12 So, if nobody in the Ukrainian Government is aware of a  
13 military hold at the time of the Trump-Zelensky call, then,  
14 as a matter of law and as a matter of fact, there can be no  
15 quid pro quo, based on military aid. I just want to be real  
16 clear that, again, as of July 25th, you have no knowledge of  
17 a quid pro quo involving military aid.

18 AMBASSADOR TAYLOR: July 25th is a week after the hold  
19 was put on the security assistance. And July 25th, they had  
20 a conversation between the two Presidents, where it was not  
21 discussed.

22 MR. RATCLIFFE: And to your knowledge, nobody in the  
23 Ukrainian Government was aware of the hold?

24 AMBASSADOR TAYLOR: That is correct.

25 MR. RATCLIFFE: Great. Thank you for clarifying.

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1 I yield back.

2 THE CHAIRMAN: Okay. The time of the minority has  
3 expired.

4 Let's break for lunch until 1:30. I want to remind  
5 members they are not to discuss the substance of the  
6 Ambassador's testimony. And we will resume at 1:30.

7 [Recess.]

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1 [1:56 p.m.]

2 THE CHAIRMAN: We're back on the record.

3 Ambassador, I wanted to just ask you a few followup  
4 questions to the questions you received from the minority,  
5 and then I want to go through some of your opening statement.  
6 Then I'll hand it over to Mr. Noble, who will go much more  
7 methodically than I will through your testimony and the  
8 timeline.

9 You were asked by my colleagues in the minority doesn't  
10 the U.S. have a legitimate interest in fighting corruption,  
11 and I think you would agree that we do. Is that right?

12 AMBASSADOR TAYLOR: That is correct, Chairman.

13 THE CHAIRMAN: And in fact, Ambassador Yovanovitch was  
14 doing exactly that. She was urging the Ukrainians at every  
15 opportunity to fight corruption that had plagued Ukraine.

16 AMBASSADOR TAYLOR: Yes, sir.

17 THE CHAIRMAN: And it came to your attention that part  
18 of the reason why people in Ukraine and maybe some in the  
19 hornets' nest or vipers' nest in the United States wanted her  
20 out was that her efforts to fight corruption were getting in  
21 the way of some potentially corrupt business deals they  
22 wanted to make happen. Is that a fair summary?

23 AMBASSADOR TAYLOR: That could be the case. I don't  
24 know the direct links there, but there were people who were  
25 concerned that she was so tough on -- it would be hard for

1           them to do the kinds of deals that they wanted to do.

2           THE CHAIRMAN: Because she was fighting corruption in  
3           Ukraine?

4           AMBASSADOR TAYLOR: Yes, yes, and supporting reformers  
5           or other people in the government who were fighting  
6           corruption in Ukraine.

7           THE CHAIRMAN: And you can distinguish, can't you,  
8           between a legitimate interest in getting a country to fight  
9           corruption and an illegitimate interest in getting a foreign  
10          government to interfere in U.S. Presidential elections?

11          AMBASSADOR TAYLOR: There is a difference.

12          THE CHAIRMAN: And wouldn't you say that trying to get a  
13          foreign country to intervene in a U.S. Presidential election  
14          is not fighting corruption, it is in itself corruption?

15          AMBASSADOR TAYLOR: Mr. Chairman, you're taking me  
16          beyond my area of expertise. Just the facts are what I can  
17          attest to, but the -- what I said earlier about institutions  
18          I think is -- the way to fight corruption is to fix the  
19          courts and fix the judges.

20          So it's an institutional rather than, as you point out,  
21          rather than individual cases, which may or may not get us to  
22          a reformed, less corrupt system.

23          THE CHAIRMAN: And one of the concerns you had, though,  
24          was that there were efforts being made through this irregular  
25          channel to get Ukraine to interfere in U.S. politics and the

1 next election, is that right?

2 AMBASSADOR TAYLOR: The irregular channel seemed to  
3 focus on specific issues, specific cases, rather than the  
4 regular channel's focus on institution building. So the  
5 irregular channel, I think under the influence of Mr.  
6 Giuliani, wanted to focus on one or two specific cases,  
7 irrespective of whether it helped solve the corruption  
8 problem, fight the corruption problem.

9 THE CHAIRMAN: And those two cases you mentioned, the  
10 Burisma and the Bidens and the 2016 election, those were both  
11 individual investigations that were sought by Mr. Giuliani  
12 because he believed it would help his client, the President  
13 of the United States, right?

14 AMBASSADOR TAYLOR: That's my understanding.

15 THE CHAIRMAN: Let me go through -- I want to ask you  
16 about the Politico article which minority counsel spent about  
17 a third of their time asking you about this article. Prior  
18 to today, had you ever read this article?

19 AMBASSADOR TAYLOR: I had not.

20 THE CHAIRMAN: Are you able to confirm in any way any of  
21 the allegations in the article?

22 AMBASSADOR TAYLOR: Mr. Chairman, as I mentioned to Mr.  
23 Castor, I was surprised and disappointed to read what these  
24 Ukrainians were reported to have said and done.

25 THE CHAIRMAN: But you're not in a position to confirm

1 or deny whether the article is right, not right, half right,  
2 or anything of the sort?

3 AMBASSADOR TAYLOR: No, sir.

4 THE CHAIRMAN: And this article didn't affect your  
5 decision-making at any time, because you were unaware of it?

6 AMBASSADOR TAYLOR: I was unaware of it. It was 2 years  
7 ago.

8 THE CHAIRMAN: There are at least a couple issues that  
9 have been raised by your testimony. The first involves  
10 conditionality surrounding the desperately sought meeting  
11 between the two Presidents, desperately sought by the  
12 Ukrainians, that is.

13 And the second involves conditionality around military  
14 aid. So let me go through your testimony, if I could, and  
15 ask you about a few of those -- both of those issues.

16 On page 5 of your testimony, in the third paragraph, you  
17 say: "But during my subsequent communications with  
18 Ambassador Volker and Sondland, they relayed to me that the  
19 President, quote, "wanted to hear from Zelensky," unquote,  
20 before scheduling the meeting in the Oval Office. It was not  
21 clear to me what this meant.

22 Now, I take it, Ambassador, you used that word "before"  
23 deliberately, that is, they wanted to hear from Zelensky  
24 before they would schedule this meeting. Is that right?

25 AMBASSADOR TAYLOR: That is correct.

1 THE CHAIRMAN: Now, at the time I think you said it  
2 wasn't clear to you what this meant.

3 AMBASSADOR TAYLOR: That is also correct.

4 THE CHAIRMAN: And in the two paragraphs below, you say:  
5 "I sensed something odd when Ambassador Sondland told me on  
6 June 28 that he did not wish to include most of the regular  
7 interagency participants in the call planned with President  
8 Zelensky later that day."

9 Why did you sense something odd about that?

10 AMBASSADOR TAYLOR: He and I were on the phone talking  
11 about the timing of this call. This call had been set up.  
12 Obviously, when you're trying to get the head of state on a  
13 call, get President Zelensky on a call, you had to work  
14 through the timing. Was it convenient? Could he -- there  
15 may have had to be interpreters present. He had to be at the  
16 right phone. So we were working on when the meeting would  
17 happen.

18 On the phone, Ambassador Sondland told me that the  
19 timing was going to change, that the time of the phone call  
20 was going to change. And I asked him something like,  
21 shouldn't we let everybody else know who's supposed to be on  
22 this call? And the answer was, don't worry about it. Even  
23 his staff, I think, were not aware that the time had changed.

24

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1 [2:02 p.m.]

2 THE CHAIRMAN: And what was odd to you about that?

3 AMBASSADOR TAYLOR: This suggested to me that there were  
4 the two channels. This suggested to me that the normal  
5 channel, where you would have staff on the phone call, was  
6 being cut out, and the other channel, of people who were  
7 working, again, toward a goal which I supported, which was  
8 having a meeting to further U.S.-Ukrainian relations, I  
9 supported, but that irregular channel didn't have a respect  
10 for or an interest in having the normal staff participate in  
11 this call with the head of state.

12 THE CHAIRMAN: So was this an early indication to you  
13 that these two channels were diverging?

14 AMBASSADOR TAYLOR: It was.

15 THE CHAIRMAN: And the interests of the irregular  
16 channel, represented by Mr. Giuliani, may not be the same  
17 interests as the State Department and what was in the best  
18 interest of the United States?

19 AMBASSADOR TAYLOR: That second part I came to believe.  
20 I'm not sure it was at this point. This is within a week, a  
21 week and a half, of me -- 10 days of me arriving there. And  
22 so I was still, maybe naively, but I was still of the view  
23 that I was on -- I was part of a team that might have several  
24 parts but we were moving in the same direction.

25 So it was not -- I think, Mr. Chairman, it was not yet.

1 That would come.

2 THE CHAIRMAN: But Ambassador Sondland made it clear not  
3 only that he didn't wish to include most of the regular  
4 interagency participants but also that no one was  
5 transcribing or monitoring the call as they added President  
6 Zelensky. What struck you as odd about that?

7 AMBASSADOR TAYLOR: Same concern. That is, in the  
8 normal, regular channel, the State Department operations  
9 center that was putting the call together would stay on the  
10 line, in particular when you were having a conversation with  
11 the head of state, they would stay on the line, transcribe,  
12 take notes so that there could be a record of the discussion  
13 with this head of state. It is an official discussion.

14 When he wanted to be sure that there was not, the State  
15 Department operations center agreed. And they told us, they  
16 said -- in response to his request, they said, we won't  
17 monitor and will not -- and we certainly won't transcribe  
18 because we're going to sign off.

19 THE CHAIRMAN: On the following page of your testimony,  
20 page 6, second paragraph, you testified: "By mid-July it was  
21 becoming clear to me that the meeting President Zelensky  
22 wanted was conditioned on the investigations of Burisma and  
23 alleged Ukrainian interference in the 2016 U.S. elections.  
24 It was also clear that this condition was driven by the  
25 irregular policy channel I had come to understand was guided

1 by Mr. Giuliani."

2 How had that become clear to you by mid-July?

3 AMBASSADOR TAYLOR: In the subsequent paragraphs,  
4 Mr. Chairman, I tried to walk through that conclusion, how I  
5 came to that conclusion.

6 THE CHAIRMAN: And when you -- I'll go through that with  
7 you. But when you say "conditioned on the investigations," I  
8 take it by that you mean, unless President Zelensky would  
9 agree to do these investigations of Burisma, meaning the  
10 Bidens, and Ukrainian interference in 2016, he wasn't going  
11 to get the White House meeting. Is that right?

12 AMBASSADOR TAYLOR: That is correct. Mr. Yermak,  
13 President Zelensky's assistant, came back at one point -- I  
14 think I talk about it in here -- and asked to nail down a  
15 date first and then he would make the statement -- he would  
16 make the statement of the investigations.

17 You know, Kurt and Ambassador Sondland did not --  
18 weren't able to make that offer, weren't able to nail down  
19 the date. But the point is, that was -- they saw that that  
20 was the condition.

21 THE CHAIRMAN: And, in fact, later on, they would insist  
22 that President Zelensky speak first. That is, until you say  
23 publicly you're going to do these two investigations we want  
24 for the President, you're not going to get that meeting.  
25 That was essentially the position that this irregular channel

1 took.

2 AMBASSADOR TAYLOR: Yes.

3 THE CHAIRMAN: Now, my colleague in the minority asked  
4 you about "quid pro quo." And are you a lawyer?

5 AMBASSADOR TAYLOR: I am not. I am not, Mr. Chairman.

6 THE CHAIRMAN: Because he asked you about the legal  
7 definition of "quid pro quo." So you're not in a position to  
8 talk about legal definitions?

9 AMBASSADOR TAYLOR: I am definitely not in the position.

10 THE CHAIRMAN: Okay.

11 AMBASSADOR TAYLOR: I don't speak Latin.

12 THE CHAIRMAN: And, of course, whether it meets a legal  
13 definition of "quid pro quo" or it doesn't is really  
14 irrelevant to what we're focused on here.

15 But it is your testimony that, hey, you don't make these  
16 public statements about these two political investigations we  
17 want, you're not getting this meeting -- you make these  
18 statements, you'll get the meeting; you don't make these  
19 statements, you won't. Was that your understanding of the  
20 state of affairs in July of 2019?

21 AMBASSADOR TAYLOR: Yes.

22 THE CHAIRMAN: Further down on page 6 of your testimony,  
23 second-to-last paragraph, at the end of that paragraph, you  
24 state: "All that the OMB staff person" -- now we're talking  
25 about the military assistance.

1           AMBASSADOR TAYLOR: Right.

2           THE CHAIRMAN: "All that the OMB staff person said was  
3 that the directive had come from the President to the Chief  
4 of Staff to OMB."

5           That is the directive not to provide the military  
6 assistance, or to hold it up. Is that right?

7           AMBASSADOR TAYLOR: That's correct.

8           THE CHAIRMAN: "In an instant, I realized that one of  
9 the key pillars of our strong support for Ukraine was  
10 threatened. The irregular policy channel was running  
11 contrary to the goals of longstanding U.S. policy."

12           What did you mean by that?

13           AMBASSADOR TAYLOR: Longstanding goal of U.S. policy  
14 would be to support Ukraine in its attempt to defend itself  
15 against the Russians. Part of that was security assistance.  
16 Security assistance had been very effective. It was weapons,  
17 it was training, it was the communications equipment, it was  
18 sustainables. It allowed Ukrainian soldiers to actually  
19 defend themselves.

20           That was longstanding U.S. policy. Even in the previous  
21 administration, the previous administration did not provide  
22 lethal weapons, but they did provide all this other -- so  
23 that was longstanding policy. To stop it, to hold it, for no  
24 apparent reason that I could see, was undercutting the  
25 longstanding U.S. policy.

1           THE CHAIRMAN: In the last paragraph on page 6, you say:  
2           "There followed a series of NSC-led interagency meetings,  
3           starting at the staff level and quickly reaching the level of  
4           Cabinet secretaries. At every meeting, the unanimous  
5           conclusion was that the security assistance should be  
6           resumed, the hold lifted."

7           I take it by that there was no dissent, no disagreement  
8           with that. Everyone thought that, from the point of view of  
9           U.S. national security and our ally fighting the Russians,  
10          that security assistance should be resumed without delay.

11          AMBASSADOR TAYLOR: Unanimous opinion of every level of  
12          interagency discussion.

13          THE CHAIRMAN: Was that it should resume without delay?

14          AMBASSADOR TAYLOR: Without delay.

15          THE CHAIRMAN: And you go on in that paragraph to say:  
16          "My understanding was that the Secretaries of Defense and  
17          State, the CIA Director, and the National Security Advisor  
18          sought a joint meeting with the President to convince him to  
19          release the hold, but such a meeting was hard to schedule."

20          What do you deduce from that, that our ally is fighting  
21          with the Russians, but all of these agencies that support  
22          this can't get a meeting with the President to discuss it?

23          AMBASSADOR TAYLOR: It turns out, Mr. Chairman, that  
24          those principals, as we call them, were on different trips at  
25          different times. I think this was also about the time of the

1 Greenland question, about purchasing Greenland, which took up  
2 a lot of energy in the NSC.

3 THE CHAIRMAN: Okay. That's disturbing for a whole  
4 different reason.

5 AMBASSADOR TAYLOR: Different story. Different story.

6 But, no, the general point was, it was a scheduling  
7 issue, because they really wanted Secretary Esper to be  
8 there, for obvious reasons. Most of this assistance came  
9 through the Defense Department, and they wanted him to be  
10 there. He was traveling. There may have been an Afghanistan  
11 trip. I can't remember whether -- but the problem was  
12 getting the right people in the room at the same time.

13 There actually was a meeting on Afghanistan where all of  
14 the principals hoped to raise the Ukraine issue at the end of  
15 the Afghanistan meeting. Didn't happen.

16 All to say that there was a strong interest in having  
17 this meeting with the President to try to change the  
18 position.

19 THE CHAIRMAN: You go on to say, a couple paragraphs  
20 later, "In the same July 19 phone call, they gave me an  
21 account of the July 10 meeting with the Ukrainian officials  
22 at the White House. Specifically, they told me" -- and  
23 you're referring to Dr. Hill and Mr. Vindman, I believe --

24 AMBASSADOR TAYLOR: Yes.

25 THE CHAIRMAN: -- "that Ambassador Sondland had

1 connected 'investigations' with an Oval Office meeting for  
2 President Zelensky, which so irritated Ambassador Bolton that  
3 he abruptly ended the meeting, telling Dr. Hill and  
4 Mr. Vindman that they should have nothing to do with domestic  
5 politics."

6 Again, is this going to the conditionality of Ukraine  
7 having to do these investigations if they wanted the Oval  
8 Office meeting?

9 AMBASSADOR TAYLOR: That was the implication of that  
10 connection, of the connection between the meeting and  
11 investigations.

12 THE CHAIRMAN: You go on to say, in the second-to-last  
13 paragraph, "Also during our July 19 call, Dr. Hill informed  
14 me that Ambassador Volker had met with Mr. Giuliani to  
15 discuss Ukraine. This caught me by surprise. The next day I  
16 asked Ambassador Volker about that meeting, but received no  
17 response."

18 How did you ask him about the meeting?

19 AMBASSADOR TAYLOR: By text message.

20 THE CHAIRMAN: And had he been pretty good about  
21 replying to you in the past?

22 AMBASSADOR TAYLOR: Pretty good, but, again, he's also  
23 on the road a lot. And sometimes he's in an airplane.  
24 Sometimes I'll get a message back. Most times I get a  
25 message back, but not all the time.

1 THE CHAIRMAN: In this case, you got no reply at all, no  
2 matter when he got off an airplane or whatever took place  
3 thereafter?

4 AMBASSADOR TAYLOR: I don't remember getting a response.  
5 I think, at the same time, that was when I heard from  
6 Dr. Hill that Ambassador Volker had had a meeting with  
7 Mr. Giuliani, so that I got both bits of information the same  
8 time on, I think, the same meeting.

9 THE CHAIRMAN: Turning to page 8 of your testimony:  
10 "Also on July 20, I had a phone conversation with  
11 Mr. Danyliuk, during which he conveyed to me that President  
12 Zelensky did not want to be used as a pawn in a  
13 U.S. re-election campaign."

14 Do you remember what Mr. Danyliuk said and why he was  
15 concerned he was being used as a pawn or why President  
16 Zelensky was concerned he was being used as a pawn in a  
17 U.S. reelection campaign?

18 AMBASSADOR TAYLOR: Yes. I think it was becoming clear  
19 to the Ukrainians that, in order to get this meeting that  
20 they wanted, they would have to commit to pursuing these  
21 investigations. And Mr. Danyliuk, at least, understood --  
22 and I'm sure that he briefed President Zelensky, I'm sure  
23 they had this conversation -- believed that opening those  
24 investigations, in particular on Burisma, would have involved  
25 Ukraine in the 2020 election campaign. He did not want to do

1 that.

2 THE CHAIRMAN: Turning to page 9 of your testimony,  
3 second paragraph, about midway through: "A formal  
4 U.S. request to the Ukrainians to conduct an investigation  
5 based on violations of their own law struck me as improper,  
6 and I recommended to Ambassador Volker that we 'stay clear.'"

7 What struck you as improper about it?

8 AMBASSADOR TAYLOR: It struck me as improper that the  
9 United States would be asking -- if the United States were to  
10 ask Ukraine to investigate an apparent violation of Ukrainian  
11 law, that would be improper.

12 If, on the other hand -- what is proper and what happens  
13 frequently is the United States goes to Ukraine and asks for  
14 their help to pursue an investigation of violations of  
15 American law, of U.S. law. That's what we have a mutual  
16 legal assistance treaty, an MLAT, for.

17 But this is different. This would be -- what Kurt was  
18 asking for was examples or precedent for asking the  
19 Ukrainians to investigate a violation of their own law.

20 THE CHAIRMAN: Well, there were two things that were  
21 improper about this, weren't there? There was the one you're  
22 mentioning now, which is that it wasn't appropriate to ask  
23 Ukraine to investigate a violation of Ukrainian law, correct?

24 AMBASSADOR TAYLOR: Correct.

25 THE CHAIRMAN: But it was also improper because the goal

1 of those investigations was to influence the U.S. election.  
2 Isn't that also the case?

3 AMBASSADOR TAYLOR: Yes.

4 THE CHAIRMAN: If you could turn to page 10 of your  
5 written testimony.

6 One of my colleagues in the minority asked you about,  
7 well, how could it be a quid pro quo if the Ukrainians didn't  
8 know that security assistance was withheld. But Ukraine  
9 found out it was being withheld, did they not?

10 AMBASSADOR TAYLOR: They did.

11 THE CHAIRMAN: And once they found out it was being  
12 withheld -- in the second paragraph of page 10 of your  
13 testimony, you state: "The same day that I sent my cable to  
14 the Secretary, August 29, Mr. Yermak contacted me and was  
15 very concerned, asking about the withheld security  
16 assistance. The hold that the White House had placed on the  
17 assistance had just been made public that day in a Politico  
18 story. At that point, I was embarrassed that I could give  
19 him no explanation for why it was withheld."

20 Why were you embarrassed by that?

21 AMBASSADOR TAYLOR: I was embarrassed because the United  
22 States, as the principal ally, the principal supporter for  
23 Ukraine, in general, but in particular in its fight with the  
24 Russians, was seen to be -- they found out that we had put a  
25 hold on the assistance that would help them fight the

1 Russians. And, at that point, I had nothing to tell them.

2 I mean, the obvious question was, "Why?" So Mr. Yermak  
3 and others were trying to figure out why this was, and they  
4 thought maybe, if they were to travel, if Mr. Yermak were to  
5 go to Washington to talk to someone here or -- the Defense  
6 Minister also contacted me later on. He wanted the same  
7 thing.

8 They thought that there must be some rational reason for  
9 this being held up, and they just didn't -- and maybe in  
10 Washington they didn't understand how important this  
11 assistance was to their fight and to their armed forces. And  
12 so maybe they could figure -- so they were just desperate.  
13 And I couldn't tell them. I didn't know and I didn't tell  
14 them, because we hadn't -- we hadn't -- there'd been no  
15 guidance that I could give them.

16 THE CHAIRMAN: And was it your suspicion at this point  
17 already that the assistance was being withheld potentially  
18 because of this help they wanted to get from the Ukrainians  
19 first?

20 AMBASSADOR TAYLOR: You know, Mr. Chairman, same kind of  
21 question about how it dawns on you. My next paragraph said  
22 it had not occurred to me that the hold on security  
23 assistance could be related to the investigations. As of  
24 that time, it hadn't. I hadn't put those dots together. I  
25 hadn't connected those dots.

1           The next couple -- the next week, from the discussion on  
2           September 1st through about September 7th, it became clearer.

3           THE CHAIRMAN: So when you're asked about this by  
4           Mr. Yermak on August 29th, you're embarrassed because you  
5           hadn't been able to get an answer as to why the aid was  
6           withheld and you felt it desperately ought to be provided.

7           AMBASSADOR TAYLOR: I'm a representative of the United  
8           States Government out there, and he asked me a perfectly  
9           legitimate question, why are you holding up this assistance,  
10          and I couldn't tell him.

11          THE CHAIRMAN: Now, at this point, when you couldn't  
12          tell them, they were aware of other asks the President had  
13          made in that call, right? You know that now, although you  
14          didn't at the time.

15          AMBASSADOR TAYLOR: On -- correct, on the meeting.

16          THE CHAIRMAN: And even though the Ukrainians learned on  
17          August 29th that there had been a hold placed, they certainly  
18          knew up through this whole period of June, July, August that  
19          they hadn't yet received the aid, right?

20          AMBASSADOR TAYLOR: The aid -- so, right. The aid had,  
21          by and large, not been put out to contract.

22          It's 1-year money, by the way. If we can make it 2-year  
23          money, that would be great. This is a little plug here for  
24          2-year money.

25          But it was 1-year money. It expired on the 30th of

1 September. And it was late in coming in the fiscal year, and  
2 so it had not been obligated. It hadn't been put into  
3 contracts yet. So, right, they -- I don't think they  
4 suspected anything during that time.

5 THE CHAIRMAN: Yeah. But you said, in the middle of  
6 page 10, "It had still not occurred to me that the hold on  
7 security assistance could be related to the 'investigations.'  
8 That, however, would soon change."

9 So let me ask you about when that began to change.

10 AMBASSADOR TAYLOR: Yeah.

11 THE CHAIRMAN: In the middle of the following paragraph,  
12 you testify, "Indeed, I received a readout of the  
13 Pence-Zelensky meeting" -- that would be the meeting in  
14 Poland.

15 AMBASSADOR TAYLOR: On the 1st of September.

16 THE CHAIRMAN: On the 1st of September. You received a  
17 readout "over the phone from Mr. Morrison, during which he  
18 told me President Zelensky had opened the meeting by asking  
19 the Vice President about security cooperation."

20 So this was -- if he opened the meeting with this, this  
21 was foremost on President Zelensky's mind?

22 AMBASSADOR TAYLOR: Yes, sir.

23 THE CHAIRMAN: Now, the final paragraph on page 10:  
24 "During this same phone call I had with Mr. Morrison, he went  
25 on to describe a conversation Ambassador Sondland had with

1 Mr. Yermak at Warsaw. Ambassador Sondland told Mr. Yermak  
2 that the security assistance money would not come until  
3 President Zelensky committed to pursue the Burisma  
4 investigation." And the Burisma investigation, again, is the  
5 one involving the Bidens.

6 Now, again, I want to ask you about conditionality. If  
7 Mr. Morrison told you that, according to Mr. Sondland, that  
8 Mr. Sondland had communicated to the Ukrainians, to  
9 Mr. Yermak, security assistance money would not come until  
10 President Zelensky committed to pursue the Burisma  
11 investigation, the one is being conditioned on the other, is  
12 it not?

13 AMBASSADOR TAYLOR: Yes, sir.

14 THE CHAIRMAN: You go on, at the end of that paragraph,  
15 top of page 11: "This was the first time I had heard that  
16 the security assistance -- not just the White House  
17 meeting -- was conditioned on the investigations."

18 So both of these things you now had learned were  
19 conditioned on these two political investigations, right?

20 AMBASSADOR TAYLOR: That's correct, sir.

21 THE CHAIRMAN: That is, but for the Ukrainians'  
22 willingness to do these two investigations, they were not  
23 only not going to get the White House meeting, they were also  
24 not going to get the military assistance.

25 AMBASSADOR TAYLOR: That is what Mr. Sondland told

1 Mr. Yermak.

2 THE CHAIRMAN: So that is what's communicated by the  
3 U.S. Ambassador to the EU, charged with a Ukrainian  
4 responsibility to the Ukrainians, about what they have to do  
5 if they want to get the White House meeting and U.S. military  
6 assistance.

7 AMBASSADOR TAYLOR: The only qualification I would put  
8 on that is that Ambassador Sondland was not the principal  
9 United States representative to Ukraine. Ukraine's not in  
10 the EU. He had this irregular, informal commission from  
11 President Trump based on May 23rd.

12 THE CHAIRMAN: But this is someone, an ambassador --

13 AMBASSADOR TAYLOR: Ambassador.

14 THE CHAIRMAN: -- high rank --

15 AMBASSADOR TAYLOR: Yes.

16 THE CHAIRMAN: -- having direct communication with the  
17 President --

18 AMBASSADOR TAYLOR: He had direct communication with the  
19 President, yes.

20 THE CHAIRMAN: -- and he is communicating to the  
21 Ukrainians that if they don't do these political  
22 investigations that would help Mr. Trump in the next  
23 election, they won't get the meeting with the President and  
24 they won't get military assistance. Is that correct?

25 AMBASSADOR TAYLOR: That's correct.

1 THE CHAIRMAN: If I can go to the second full paragraph  
2 on page 11 of your testimony.

3 "Ambassador Sondland also told me that he now recognized  
4 that he had made a mistake by earlier telling the Ukrainian  
5 officials to whom he spoke that a White House meeting with  
6 President Zelensky was dependent on a public announcement of  
7 investigations -- in fact, Ambassador Sondland said,  
8 'everything' was dependent on such an announcement, including  
9 security assistance."

10 Meaning that he had understated the matter before. Am I  
11 right?

12 AMBASSADOR TAYLOR: He thought it would -- he realized  
13 that it had been a mistake to condition it only on the  
14 meeting.

15 THE CHAIRMAN: That it was also -- the military  
16 assistance was also going to be conditioned on the commitment  
17 by Ukraine to do these two political investigations.

18 AMBASSADOR TAYLOR: Yes.

19 THE CHAIRMAN: You go on to say in that paragraph, "He  
20 said" -- he, Ambassador Sondland -- "said that President  
21 Trump wanted President Zelensky 'in a public box' by making a  
22 public statement about ordering such investigations."

23 By that, do you mean, Ambassador, that President Trump  
24 wanted Zelensky to have to make a public commitment, to get  
25 into a public box -- that is, commit publicly to these two

1 investigations -- before he was going to get either the  
2 meeting or the assistance?

3 AMBASSADOR TAYLOR: That's what Ambassador Sondland told  
4 me.

5 THE CHAIRMAN: So it wasn't even enough that they make a  
6 private commitment; Ambassador Sondland was saying that  
7 Ukraine and President Zelensky needed to make a public  
8 statement for the President.

9 AMBASSADOR TAYLOR: Yes.

10 THE CHAIRMAN: In the next paragraph, you say, "In the  
11 same September 1 call, I told Ambassador Sondland that  
12 President Trump should have more respect for another head of  
13 state and that what he described was not in the interest of  
14 either President Trump or President Zelensky."

15 What did you mean that he should have more respect for  
16 another head of state?

17 AMBASSADOR TAYLOR: What Ambassador Sondland was telling  
18 me that President Trump wanted, and, again, presumably based  
19 on a phone call between Ambassador Sondland and President  
20 Trump, was that President Trump wanted a public statement  
21 from President Zelensky. And that struck me to be bad for  
22 both, that it would not turn out well for both.

23 But, in answer to your question, Mr. Chairman, that  
24 would show disrespect to another head of state. If President  
25 Trump is telling you, I want you to go out and publicly say

1       you're going to do this, that was disrespectful, in my view,  
2       to another head of state.

3               THE CHAIRMAN: Disrespectful in the sense that he not  
4       only wanted this illicit bargain but he wanted him to make it  
5       public that he was going to -- in other words, that he  
6       couldn't trust the Ukrainian President to honor a private  
7       commitment to do these two political investigations, he  
8       needed it to be public?

9               AMBASSADOR TAYLOR: Mr. Chairman, I didn't go that far.

10              THE CHAIRMAN: Yeah.

11              AMBASSADOR TAYLOR: I mean, that was not in my mind,  
12       about public/private. It was more the direction from one  
13       President to another President. Two sovereign states having  
14       a conversation, a respectful conversation, you would not have  
15       one telling the other to go out and make a public --

16              THE CHAIRMAN: In the next paragraph -- well, let me  
17       turn to the following page, page 12, of your testimony.

18              The second-to-last paragraph, in the middle of the  
19       paragraph, you testify: "Ambassador Sondland said that he  
20       talked to President Zelensky and Mr. Yermak and told them  
21       that, although this was not a quid pro quo, if President  
22       Zelensky did not 'clear things up' in public, we would be at  
23       a 'stalemate.' I understood a 'stalemate' to mean that  
24       Ukraine would not receive the much-needed military  
25       assistance."

1           So you understood that, unless President Zelensky made  
2           this public statement, they weren't going to get the military  
3           assistance.

4           AMBASSADOR TAYLOR: Yes.

5           THE CHAIRMAN: On page 13, the middle paragraph, you're  
6           talking about the text messages, and you testified: "Before  
7           these text messages, during our call on September 8,  
8           Ambassador Sondland tried to explain to me that President  
9           Trump is a businessman. When a businessman is about to sign  
10          a check to someone who owes him something, he said, the  
11          businessman asks that person to pay up before signing the  
12          check."

13          Now, when Ambassador Sondland described to you this  
14          signing of the check, did you take it by that he was  
15          referring to signing the check for the military assistance?

16          AMBASSADOR TAYLOR: Yes.

17          THE CHAIRMAN: You go on in the next sentence to say,  
18          "Ambassador Volker used the same terms several days later  
19          when we were together at the Yalta European Strategy  
20          Conference."

21          Did he use the same "signing the check" term?

22          AMBASSADOR TAYLOR: Yes.

23          THE CHAIRMAN: Did that strike you as remarkable, that  
24          that same analogy was used by both ambassadors?

25          AMBASSADOR TAYLOR: No. It struck me -- I concluded

1 that they had had a conversation.

2 THE CHAIRMAN: And that they both understood that if  
3 President Trump was going to sign the check for military  
4 assistance then they needed to pay up first and that pay-up  
5 was a public declaration of these two political  
6 investigations?

7 AMBASSADOR TAYLOR: That was the parallel.

8 THE CHAIRMAN: You go on to say, "I argued to both that  
9 the explanation made no sense: the Ukrainians did not 'owe'  
10 President Trump anything, and holding up security assistance  
11 for domestic political gain was 'crazy,' as I had said in my  
12 text message."

13 Well, I think that's self-explanatory.

14 I'm going to hand it over to Mr. Noble.

15 Oh, I'm sorry. Oh. Yeah. Okay.

16 Well, actually, I'm happy to go to members, if they  
17 would like to ask some questions.

18 Mr. Quigley.

19 MR. QUIGLEY: Ambassador, at any time did anyone detail  
20 what Mr. Giuliani's role was in Ukraine?

21 AMBASSADOR TAYLOR: No, sir.

22 MR. QUIGLEY: How did you keep aware of his activities?  
23 Did anyone report to you? Did anyone at all tell you what he  
24 was doing? The Ukrainians, for example?

25 AMBASSADOR TAYLOR: No, sir. The work on these

1 investigations, to make commitments to pursue these  
2 investigations, was done by Ambassador Volker and Ambassador  
3 Sondland. What I knew was that Ambassador -- that they both,  
4 to a greater and lesser degree, extent, had conversations  
5 with Mr. Giuliani. I don't know the nature of those  
6 conversations.

7 MR. QUIGLEY: You described, I believe, that there were  
8 divergent functions taking place, official and unofficial,  
9 and the Giuliani roles were unofficial. Had you ever seen,  
10 in all your years working in the field that you do, someone  
11 operate in this manner?

12 AMBASSADOR TAYLOR: Congressman, I have seen  
13 constructive input coming from outside the government into  
14 the government decisionmaking process. In particular -- in  
15 every case, that was to push forward, on trying to find ideas  
16 coming from the outside, to push forward an agreed policy  
17 goal or objective.

18 MR. QUIGLEY: Did they typically work together with the  
19 officials?

20 AMBASSADOR TAYLOR: They typically worked together.  
21 That's why you -- yeah.

22 MR. QUIGLEY: They were aware of what each other was  
23 doing --

24 AMBASSADOR TAYLOR: Absolutely.

25 MR. QUIGLEY: -- and they knew each other's role?

1           AMBASSADOR TAYLOR: Absolutely. And they can be --  
2 often can be. I mean, there's things called -- at the  
3 Institute of Peace, we do some what we call track two, which  
4 is the unofficial -- track one is the official dialogue  
5 between governments. Track two is unofficial, where you have  
6 former members of the government talking to former members of  
7 another government. And they come up with ideas that they  
8 feed into the track one, to the formal, and they push that  
9 forward. That's common practice.

10           MR. QUIGLEY: And, finally, did the Ukrainians ever ask  
11 you about his role and what he was doing, or did --

12           AMBASSADOR TAYLOR: No, sir. About Giuliani's role?

13           MR. QUIGLEY: Right.

14           AMBASSADOR TAYLOR: No, sir.

15           MR. QUIGLEY: They never talked to you about it?

16           AMBASSADOR TAYLOR: Not that I recall.

17           MR. QUIGLEY: Very good. Thank you.

18           THE CHAIRMAN: I take it from your testimony,  
19 Ambassador, that while there are appropriate cases to have  
20 that second track, where the second track is ultimately  
21 coordinated with the first track, that's not really what  
22 happened here.

23           AMBASSADOR TAYLOR: Mr. Chairman, it's unusual. There  
24 was some coordination. Occasionally I would be included in  
25 some of these discussions. I was in the first track, in the

1 regular track, and as you could see from the emails, or the  
2 texts, I was included on some of those. So there was some  
3 coordination among that.

4 THE CHAIRMAN: You know, I guess the more accurate way  
5 to ask the question is, in this actual case, not like prior  
6 track two discussions, the irregular channel came to co-opt  
7 the regular channel in pursuit of an objective that was not  
8 in U.S. interests. Is that fair to say?

9 AMBASSADOR TAYLOR: In one aspect of the regular  
10 channel -- that is, in the security assistance component of  
11 the regular channel. The regular channel is all of our  
12 interactions with Ukraine, and one of the very important  
13 components of that interaction with Ukraine is the security  
14 assistance. And the security assistance got blocked by this  
15 second channel.

16 THE CHAIRMAN: Well, not just the one, because it was  
17 also the meeting, correct?

18 AMBASSADOR TAYLOR: The meeting as well. Yes, sir. The  
19 meeting as well.

20 THE CHAIRMAN: Mr. Swalwell.

21 MR. SWALWELL: Thank you, Mr. Chairman.

22 And thank you, Ambassador.

23 Do you have any reason to believe, Ambassador, that  
24 anytime during your communications with Ambassador Sondland  
25 that Ambassador Sondland misrepresented the directives or

1 intentions of President Trump?

2 AMBASSADOR TAYLOR: No.

3 MR. SWALWELL: How would you assess the character of  
4 Ambassador Sondland? You've assessed Mr. Volker's earlier.  
5 Can you make the same assessment for Ambassador Sondland?

6 AMBASSADOR TAYLOR: I can do facts, you know.

7 MR. SWALWELL: Based on your facts, how would you assess  
8 his integrity in this irregular process that you engaged in?

9 AMBASSADOR TAYLOR: I have no reason to believe that he  
10 was not acting with integrity.

11 MR. SWALWELL: What was your concern?

12 AMBASSADOR TAYLOR: My concern about the whole second  
13 track was that, apparently at the instigation of  
14 Mr. Giuliani, Ambassador Sondland and Ambassador Volker were  
15 conditioning an important component of our assistance on what  
16 would ultimately be a political action.

17 MR. SWALWELL: And, Ambassador, you were asked earlier  
18 about President Trump characterizing this to Ambassador  
19 Sondland as "no quid pro quo, no quid pro quo." But as you  
20 described this here, the conditions that were laid out to  
21 you, at least through Ambassador Sondland relaying President  
22 Trump's wishes, you're familiar with the phrase, if it looks  
23 like a duck and it walks like a duck, you can say it's not a  
24 duck, but it's a duck?

25 AMBASSADOR TAYLOR: Congressman, I can just tell you the

1 facts. You've stated them. That is, apparently,  
2 President -- well, Ambassador Sondland told me many times  
3 that President Trump said it was not a quid pro quo. I  
4 observed that, in order to move forward on the security  
5 assistance, the Ukrainians were told by Ambassador Sondland  
6 that they had to pursue these investigations.

7 MR. SWALWELL: I was moved by page 8's description of  
8 your trip to Donbas, and I think you included that for a  
9 reason, because you also expressed the concern that 13,000  
10 Ukrainians have been killed in the war.

11 Can you just talk about the human element here and what  
12 it means to Ukrainians every single day that goes by where we  
13 have authorized aid, they don't see it in their bank account,  
14 and Ukrainians continue to lose their lives, and what that  
15 means for our security and just their livelihood?

16 AMBASSADOR TAYLOR: Congressman, the Ukrainians are  
17 remarkably focused on the casualties in the east.

18 When Senator Johnson and Senator Murphy visited, about  
19 this time, we had a meeting with the Defense Minister. And  
20 it was the first meeting of the day. We went over there.  
21 They invited us to a ceremony that they have in front of  
22 their ministry every day. Every day, they have this  
23 ceremony. And it's about a half-an-hour ceremony where  
24 soldiers in formation, the Defense Minister, families of  
25 soldiers who have been killed are there.

1           And the selection of which soldiers are honored, which  
2 soldiers who had been killed are honored, is on the date of  
3 it. So whatever today's date is, you know, if we were there  
4 today, on the 22nd of October, the families of those soldiers  
5 who were killed on any 22nd of October in the previous  
6 5 years would be there. And --

7           MR. SWALWELL: Is it fair to say that the sooner they  
8 would have received the aid from the United States, the fewer  
9 the casualties would've been?

10          AMBASSADOR TAYLOR: So here's what we could say. This  
11 is -- I don't want to overstate this. Because it wasn't that  
12 the holdup of this particular set of equipment and weapons  
13 and radar and communications and vehicles, that that led to,  
14 the week that I was there or even any particular -- we can't  
15 make that connection.

16          What we can say is that that radar and weapons and  
17 sniper rifles, communication, that saves lives. It makes the  
18 Ukrainians more effective. It might even shorten the war.  
19 That's what our hope is, to show that the Ukrainians can  
20 defend themselves and the Russians, in the end, will say,  
21 "Okay, we're going to stop." It's that saving of life.  
22 That's how we would save lives.

23          MR. SWALWELL: Thank you.

24          Yield back.

25          THE CHAIRMAN: Our time has expired. Forty-five minutes

1 to the minority.

2 BY MR. CASTOR:

3 Q In your statement, on page 2, you mention that,  
4 when you were serving outside of government during the Obama  
5 administration, after the Russian invasion, you joined two  
6 other former Ambassadors to Ukraine in urging the Obama  
7 administration officials at the State Department, Defense  
8 Department, and other agencies to provide lethal defensive  
9 weapons to Ukraine in order to deter further Russian  
10 aggression?

11 A Yes.

12 Q Who were the two other officials?

13 A Ambassador John Herbst and Ambassador Steve Pifer.

14 Q What was the objection to providing lethal  
15 defensive weapons at the time?

16 A The objection was that it might provoke the  
17 Russians.

18 Q But you didn't think that was a good argument?

19 A I didn't. I thought that the Russians had already  
20 been provoked and they had invaded Ukraine.

21 Q Uh-huh.

22 Overall, once you joined, you know, the administration  
23 in Kyiv, were you happy with the package of aid?

24 A I was happy that we were providing aid. It could  
25 always be more. But I was glad it was coming. I would've

1           been very unhappy if it didn't come.

2           Q     But the Trump administration had a package of aid  
3           to the Ukraine --

4           A     Yes.

5           Q     -- including lethal defensive weapons --

6           A     Yes.

7           Q     -- financial assistance --

8           A     I was very happy about that.

9           Q     Okay.

10          A     Yes.

11          Q     And that was an improvement of years prior?

12          A     It was.

13          Q     Was it a substantial improvement?

14          A     It was a substantial improvement, in that this  
15          administration provided Javelin antitank weapons. These are  
16          defensive weapons, and they deter, and I believe successfully  
17          deter, Russians from trying to grab more territory, to push  
18          forward any further tank attack, number one. So there was a  
19          military capability.

20                 There was also a very strong political message that said  
21          that the Americans are willing to provide more than blankets.  
22          I mean, that was the previous. And these weapons are serious  
23          weapons. They will kill Russian tanks. So these were  
24          serious weapons. It was a demonstration that we support  
25          Ukraine.

1 Q Uh-huh. And "the Americans are willing to provide  
2 more than blankets," was that a characterization of the aid  
3 in the prior administration?

4 A The prior administration had been willing to give  
5 aid, but "blankets" was just kind of the more derogatory  
6 version of it, but it was nonlethal weapons. So there was  
7 communications equipment, there were vehicles, there were  
8 maybe some rations, there were blankets, there were  
9 night-vision goggles. So it was a significant package, but  
10 it stopped short of weapons.

11 Q On page 5 of your statement, right around the  
12 June 27th-28th timeframe --

13 A Yes, sir.

14 Q -- you stated that you sensed something odd when  
15 Ambassador Sondland told me that he did not wish to include  
16 most of the regular interagency participants on the upcoming  
17 call with President Zelensky.

18 A Correct.

19 Q Who was excluded from that call?

20 A At a minimum, his staff in Brussels. It may have  
21 also included people on the Department of Energy staff,  
22 because Secretary Perry was on the call. I don't know  
23 which -- I don't think the State Department -- I don't know.  
24 I don't think State Department was even planning to be on the  
25 call, but I -- which is another question, why would that not

1 be, but that's --

2 Q Okay. Was the National Security Council staff on  
3 that call?

4 A No.

5 Q Would they ordinarily be on such a call?

6 A Not necessarily.

7 Q Okay.

8 You state that, before President Zelensky joined the  
9 call, Ambassador Volker advised that he planned to meet with  
10 President Zelensky in Toronto on July 2nd and discuss with  
11 President Zelensky, you know, how to position Ukraine for  
12 this White House meeting?

13 A It was to prepare President Zelensky for the phone  
14 call, which we were trying to schedule, which, in turn,  
15 would've been a step for the meeting -- would've been a step  
16 towards --

17 Q Okay.

18 A -- the scheduling of the meeting. Yes.

19 Q And did you have a concern about that?

20 A I didn't.

21 Q About what Ambassador Volker would say in Canada?

22 A I didn't have a concern. As I think I've  
23 mentioned, I didn't, at that time, understand what the code  
24 was for investigations.

25 Q Uh-huh.

1           A     And I don't even think, at that point -- I don't  
2     think Kurt said anything about investigations on that call or  
3     even on the prep call. So that call, that day, there were  
4     two parts; one was Americans only, and then they introduced  
5     President Zelensky. And it was in the preparatory call with  
6     Americans only that Kurt said he was going to have this  
7     conversation with President Zelensky.

8           Q     Right. But Ambassador --

9           A     And --

10          Q     Oh, I'm sorry.

11          A     No, go ahead.

12          Q     "But Ambassador Volker noted that he would relay  
13     that President Trump wanted to see rule of law, transparency,  
14     but also, specifically, cooperation on investigations to 'get  
15     to the bottom of things.'"

16          A     Good point. You're exactly right. So I stand  
17     corrected. He did mention investigations --

18          Q     Okay.

19          A     -- in that prep part.

20          Q     And he indicated that this would be a topic in  
21     Toronto in a couple days. Is that correct?

22          A     In about 3 days, yes.

23          Q     And did you have any concerns about that?

24          A     I didn't. As I say, I didn't know what  
25     "investigations" referred to at this point.

1 Q Okay.

2 A You know, I was starting to get suspicious.

3 Q Okay. But once President Zelensky joined the call,  
4 there was no discussion of that?

5 A There was not.

6 Q At the top of page 6, you state you reported on  
7 this call to Deputy Assistant Secretary Kent and you wrote a  
8 memo for the record dated June 30th that summarized the  
9 Zelensky call?

10 A Yes.

11 Q Did the memo you prepared have anything in it about  
12 the pre-call?

13 A No.

14 Q Okay. Did you communicate with Kent anything about  
15 the pre-call?

16 A I don't think so. I don't think so. I'm not  
17 100 percent sure.

18 Q Now, did he ask you to write the memo or --

19 A He suggested that I write the memo.

20 So this is on the 30th of June. I got there on the 17th  
21 of June. I'd had a previous call on the 18th of June when I  
22 first arrived, and then there was this.

23 So I was, as I said in the testimony, realizing that  
24 there are these two channels. At the time, I thought it was  
25 beneficial -- benign or even beneficial to have these two,

1           because they could reinforce each other, or one could at  
2           least support the other.

3           But I thought it was -- it struck me -- the reason I  
4           wanted to be sure that Deputy Assistant Secretary George Kent  
5           knew about it was he's clearly and solely in the official  
6           channel, the normal channel.

7           It wasn't at all clear to me from that phone call that  
8           anyone from the State Department, the normal channel, as you  
9           just pointed out -- no State, no NSC -- was on the call. I  
10          just wanted to be sure that they knew that this other one was  
11          going on. It could still be benign or even beneficial, but  
12          it just seemed to me that there ought to be knowledge of the  
13          two.

14          Q       Okay. And so you discussed that with Kent?

15          A       I did.

16          Q       Do you remember what he said to you?

17          A       I just remember him saying two things. One is, you  
18          better write it down --

19          Q       Okay.

20          A       -- which I did. And two, he said, Bill, I'm glad  
21          you're out there, I'm glad that you're there, that you can be  
22          the link between these two what we're now calling channels.

23          Q       Okay.

24          So did you write the memo about the call but also the  
25          pre-call?

1           A     I wrote the memo about the call. I'll have to go  
2 back and look at --

3           Q     Okay.

4           A     So the memo is in the documents that I submitted to  
5 the State Department, so they will be available sooner or  
6 later to you.

7           Q     Possibly later.

8           A     This is up to Secretary Pompeo.

9           THE CHAIRMAN: We're hoping sooner.

10          BY MR. CASTOR:

11          Q     By mid-July, you write, it was becoming clear that  
12 the meeting with Zelensky was conditioned on the  
13 investigations of Burisma and alleged Ukrainian interference  
14 in the 2016 elections.

15          MR. SMITH: Which page, again, was that?

16          MR. CASTOR: It's the very next paragraph.

17          AMBASSADOR TAYLOR: Yeah. Yeah.

18          BY MR. CASTOR:

19          Q     And so my question is, what happened in between  
20 that time period?

21          A     So, actually, what I meant to imply -- what I meant  
22 to suggest was that, right after -- by mid-July, it was  
23 becoming clear. And so, on the two paragraphs to follow  
24 that, Mr. Castor, I tried to describe what led me to make  
25 it -- why it was becoming clear to me that that was the case.

1 Q Uh-huh.

2 A And that is the -- oh, I'm sorry. I've gone now to  
3 page --

4 Q We're on page 6.

5 A You're on page 6, but I've jumped in order to  
6 answer that question about why mid-July. It's on the 19th.  
7 You have to skip ahead until we get to the paragraph that  
8 starts, "In the same July 19 phone call," which on yours is  
9 on page 7 in the middle.

10 This is a readout of the July 10th meeting, where you  
11 had Danyliuk and Yermak, Bolton, Sondland, Volker.

12 Q Right.

13 A And it's at that one where Sondland connected  
14 investigations to an Oval Office meeting, Bolton walked out.

15 Q And you learned that from Fiona Hill?

16 A And Alex Vindman, yes.

17 Q Okay. How frequently did you speak with Hill and  
18 Vindman? Was it on an as-needed basis --

19 A Yes.

20 Q -- or was it a regular schedule?

21 A No. As needed.

22 Q Okay. Any idea why it took so long for the time  
23 period between the 10th and the 19th?

24 A The reason -- I remember it well about the 19th.  
25 The 18th was the NSC meeting where the hold on security

1 assistance was first --

2 Q Okay.

3 A -- broached. Troubling. I called these two NSC  
4 people the next day. And on that one, they gave me the  
5 readout of the July 10th.

6 Q Had you received a readout from Volker about the  
7 meeting?

8 A About the July 10th meeting?

9 Q Yeah.

10 A I don't think so.

11 Q Okay.

12 A Yeah. I'll have to check my notes.

13 Q Have you ever had a readout from Volker about what  
14 happened in the July 10 meeting? Or is your only information  
15 coming from Dr. Hill and Lieutenant Colonel Vindman?

16 A It might just be from that source of information.  
17 I don't remember having a conversation --

18 Q Okay.

19 A -- about these other ones. Danyliuk was,  
20 obviously, in that meeting. Yermak was in that meeting. And  
21 I've had multiple conversations with them, more often than,  
22 actually, with --

23 Q Did anyone relate to you that Danyliuk was getting  
24 way into the weeds with Ambassador Bolton and it was not a  
25 long meeting in --

1           A     No, no.  Actually, it was -- no.  What I heard from  
2     Vindman and Hill was that the first part of that meeting went  
3     well.  Substantive discussions:  security, national security,  
4     both sides, energy security.

5           And, apparently, according to them, their boss, John  
6     Bolton was appreciating the substance of that meeting.  And,  
7     in their description, when Ambassador Sondland raised  
8     investigations in the meeting, that triggered Ambassador  
9     Bolton's antenna, political antenna, and he said, we don't do  
10    politics here.

11          Q     Uh-huh.

12          A     And so he ended the meeting.

13          Q     Okay.  Did anyone provide you a readout that  
14    Danyliuk was talking about establishing new types of  
15    institutions in the Ukrainian Government?

16          A     I don't remember that.

17          Q     Okay.

18          A     No.

19          Q     And so no one related to you that Danyliuk was  
20    getting into the weeds with Bolton?

21          A     No.

22          Q     On July 10th -- going back to the paragraph on  
23    page 6 beginning with, "On July 10" --

24          A     Yes.

25          Q     -- you met with Zelensky's Chief of Staff and

1 then-foreign policy advisor, who had advised you they had  
2 heard from Mr. Giuliani?

3 A Ah. Yes. This is the one where I mentioned that  
4 they had heard this via -- they had heard from Giuliani via  
5 the Prosecutor General Lutsenko.

6 Q Okay. And you relayed your concerns to Counselor  
7 Brechbuhl?

8 A Brechbuhl. That's correct.

9 Q What was his feedback?

10 A Again, the Counselor to the Secretary is focused a  
11 lot -- I won't say mainly, but focused a lot -- on personnel  
12 issues. And yet it was he who -- I had two meetings with  
13 him, one just before the one with the Secretary in May. And  
14 it was he who said, "Look, Bill, call me anytime if you've  
15 got questions or problems. I can check with the Secretary  
16 and" -- so that's why I called him.

17 Q So he is someone who had great influence with the  
18 Secretary, right?

19 A He is very close -- he and the Secretary go back a  
20 long ways.

21 Q Okay. So if you, you know, communicated your  
22 concerns to Brechbuhl --

23 A Yes.

24 Q -- on July 10th --

25 A Yes.

1 Q -- wasn't that, in effect, a signal that your  
2 concerns before you took the post were coming to fruition?

3 A Yes.

4 Q Okay. And did Brechbuhl have a -- did he recognize  
5 that? And did he realize that this was part of having your  
6 back and --

7 A He did. He did.

8 Q -- the other commitments that were made to you?

9 A And I think I talked to him a couple of times along  
10 these lines. And, again, it comes up when we talk about the  
11 security assistance. You know, I called him that time as  
12 well. He said he would check. So he was responsive. It  
13 wasn't in his area of -- he didn't do this day-to-day. So he  
14 had to talk to other people about -- other people in the  
15 State Department about this.

16 Q And then the next event --

17 MR. JORDAN: Can I jump in for just a second?

18 MR. CASTOR: Sure.

19 MR. JORDAN: I want to go back to the July 19th call you  
20 had with Dr. Hill and Lieutenant Colonel Vindman. You said,  
21 Ambassador, you initiated that call?

22 AMBASSADOR TAYLOR: Congressman, I think so. I know it  
23 was on my -- I remember seeing it on the schedule. So,  
24 again, the troubling NSC meeting was the 18th.

25 MR. JORDAN: Understood.

1           AMBASSADOR TAYLOR: And the 19th, it may have been a  
2           prescheduled call. I can't remember if I initiated it or  
3           not. Was that the question?

4           MR. JORDAN: If it was prescheduled with the NSC, would  
5           Dr. Hill or Mr. Vindman have scheduled that call with you?  
6           Who would've scheduled that?

7           AMBASSADOR TAYLOR: I can't remember who did it.

8           MR. JORDAN: You get to Ukraine on June 17th. Is that  
9           right?

10          AMBASSADOR TAYLOR: Yes, sir.

11          MR. JORDAN: All right. So you're there 1 month.  
12          June 17th and July 19th, how many conversations did you have  
13          with Dr. Hill and/or Lieutenant Colonel Vindman in that month  
14          time period?

15          AMBASSADOR TAYLOR: This might have been the first one.

16          MR. JORDAN: This is the first one?

17          AMBASSADOR TAYLOR: This could have been the first one.

18          MR. JORDAN: And you don't know who initiated it?

19          AMBASSADOR TAYLOR: The only reason I'm hesitating -- I  
20          know that I was concerned about the 18th call.

21          MR. JORDAN: I understand.

22          AMBASSADOR TAYLOR: And they were on that.

23          MR. JORDAN: Okay.

24          AMBASSADOR TAYLOR: And I know that it was actually on  
25          my schedule. Sometimes -- well, I remember seeing it on the

1 schedule. So sometimes when there's kind of a  
2 spur-of-the-moment call it doesn't show up on my schedule.  
3 But this was on my schedule. So it was scheduled to happen  
4 the following day. I can't remember if it had been  
5 previously scheduled and I just took advantage of it or if I  
6 scheduled it right then because I wanted to talk about the  
7 18th meeting.

8 MR. JORDAN: If it had been previously scheduled, do you  
9 know why it would've been previously scheduled?

10 AMBASSADOR TAYLOR: I don't.

11 MR. JORDAN: Okay. So would you guess it originated  
12 with the NSC calling you?

13 AMBASSADOR TAYLOR: I can't speculate. I can't  
14 remember.

15 MR. JORDAN: Okay. But this is the only call you've had  
16 with him in the month that you've been there as Ambassador?

17 AMBASSADOR TAYLOR: I think that's correct.

18 MR. JORDAN: And just to go back where our counselor  
19 was, it was both about your concerns that you had learned the  
20 day before, relative to security assistance dollars --

21 AMBASSADOR TAYLOR: Correct.

22 MR. JORDAN: -- and then they volunteered to tell you  
23 about their July 10th meeting, right?

24 AMBASSADOR TAYLOR: Correct.

25 MR. JORDAN: And did you talk to them about your

1 July 10th meeting in Ukraine with the individuals you had met  
2 with, Mr. Zelensky's Chief of Staff? Did you fill him in on  
3 that as well?

4 AMBASSADOR TAYLOR: I don't think I did.

5 MR. JORDAN: Is it fair to say the bulk of the  
6 conversation was Dr. Hill and Lieutenant Colonel Vindman  
7 relating to you what happened at the July 10th meeting here  
8 in the United States?

9 AMBASSADOR TAYLOR: The first part of the conversation  
10 was about what we had all heard the day before --

11 MR. JORDAN: Okay.

12 AMBASSADOR TAYLOR: -- about this security assistance  
13 being held up. And none of the three of us had any idea why.

14 MR. JORDAN: Okay.

15 AMBASSADOR TAYLOR: And then they went into this other  
16 discussion about the July 10th meeting.

17 MR. JORDAN: Okay. Any idea which took the bulk of the  
18 time of the phone call?

19 AMBASSADOR TAYLOR: I'm sure the July 10th -- discussion  
20 of the July 10th meeting took the bulk of the call.

21 MR. JORDAN: The bulk of the time was on this meeting  
22 that took place at the White House.

23 AMBASSADOR TAYLOR: Yes.

24 MR. JORDAN: Okay.

25 Steve, thank you.

1 [3:05 p.m.]

2 BY MR. CASTOR:

3 Q During this time period, did Volker ever talk to  
4 you about his view of whether the aid would be released?

5 A Yes, I can't remember specific conversations, but I  
6 remember we had conversations, and we all agreed that it  
7 would be released. We were all sure it would be released.  
8 The fact is we want -- we were hoping that it would be  
9 resolved, released, decided, reversed, lifted, whatever the  
10 verb is, before the Ukrainians heard about it because we  
11 didn't want to be in the position I found myself later on  
12 being embarrassed and not be able to say. So we hoped that  
13 it would be fixed, and they would never hear about it, and we  
14 wouldn't have to explain.

15 Q And from time to time, this happens with aid. It  
16 gets held up, right?

17 A Sometimes aid gets held up. Yeah, yeah, yeah.

18 Q For whatever reason?

19 A Mr. Castor, I don't know. So I've been in the aid  
20 business for a long time.

21 Q I mean, you know you can snicker about this, but --

22 A No, no, no, I'm not.

23 Q You're not snickering at this. Let me be clear,  
24 you're not snickering. But it's been related to us that this  
25 happens from time to time. Aid gets held up for whatever

1 reason --

2 A So I'm trying to -- Mr. Castor, I've done a bunch  
3 of aid stuff as I mentioned here. Aid can be held up when,  
4 you know, if there is a CR or something, you know, if there's  
5 a congressional -- it could be a congressional hold. Yes, so  
6 there are instances that aid gets held up.

7 Q Okay. But in this instance, everyone was aligned  
8 you thought that we ought to work through this and the aid  
9 will be lift -- the hold will be lifted.

10 A Because I was convinced, and all indications were  
11 that everyone in the interagency community that had anything  
12 to do with this aid was in support of that aid flowing.

13 Q And bipartisan Members of Congress?

14 A And bipartisan Members of Congress.

15 Q And, ultimately, the hold was lifted, right?

16 A And, ultimately, the hold was lifted on the 11th of  
17 September.

18 Q In total, the Ukrainians knew about this for what  
19 about 10 days?

20 A They knew that there was a hold on the 29th, and  
21 they knew it was lifted on the 11th of September.

22 Q Twelve days?

23 A [Nonverbal response.]

24 During that time, I got a lot of questions about it.

25 Q Fair enough. During the July 19th call, was it

1 discussed the status of the upcoming call between the  
2 Presidents? There was a July 25th call between President  
3 Trump and Zelensky that's attracted some attention?

4 A You're talking about with Fiona Hill and Alex  
5 Vindman?

6 Q Right.

7 A I don't recall. I don't think so. I think  
8 actually I could check my text messages. Scheduling that  
9 call was a challenge.

10 Q Okay.

11 A And it went back and forth in terms of time. So I  
12 don't think I had a conversation with Vindman and Hill about  
13 that at that point.

14 Q What was NSC's position on the call?

15 A They opposed it.

16 Q Okay. And so Dr. Hill opposed it?

17 A Certainly her boss opposed it.

18 Q So Ambassador Bolton opposed the call?

19 A He did.

20 Q Okay?

21 A And that was clear from the July 10th meeting.

22 Q So whoever set up the call --

23 A Yes.

24 Q -- it wasn't Ambassador Bolton, right?

25 A I think that's right.

1 Q So you didn't know anything about the call on the  
2 19th, and then it was scheduled on the 25th?

3 A You say I didn't know about the call? I --

4 Q You were talking to Fiona Hill. I'm going back to  
5 the 19th?

6 A Yeah, yeah.

7 Q You're on the phone with Dr. Hill and Lieutenant  
8 Colonel Vindman?

9 A And we were talking about two things.

10 Q Two things.

11 A We were talking about why this assistance was put  
12 on the day before, and we're talking about -- and they are  
13 relating the discussion of July 10th with Danyliuk and  
14 Bolton.

15 Q Right.

16 A And the call was not yet locked in, scheduled.

17 Q Okay.

18 A And it was going back and forth -- there was some  
19 talk. There was some -- as I recall, there was, you know --  
20 it was on and off, the call's on, the call's off. It is  
21 scheduled for here. Not going to happen. I could go back  
22 through the records if you want.

23 Q Okay. To the extent that you can recall --

24 A Yes.

25 Q -- when did you then learn that this July 25th call

1 would be scheduled?

2 A I -- well, we were trying to schedule it for about  
3 a week in advance, that whole week. As I say, back and  
4 forth, yes, no, this time, that time. So that was -- I was  
5 doing it on the Ukrainian side and trying to go back to the  
6 -- trying to keep the NSC advised as to what was going on.  
7 And I think it was kind of -- it may have been about the day  
8 before that it was actually locked down, so about the 24th.

9 Q Okay. And did you find out why --

10 A Why?

11 Q -- the change.

12 A No. As you just made the point, Ambassador Bolton  
13 was not interested in having -- did not want to have the call  
14 because he thought it was going to be a disaster. He thought  
15 that there could be some talk of investigations or worse on  
16 the call. Turned out he was right. So he didn't want to  
17 have the call. I think it was the Chief of Staff who helped  
18 schedule that call.

19 Q Mr. Mulvaney?

20 A Mr. Mulvaney.

21 Q Okay. Do you remember when you finally found out  
22 that the call was happening and you had to go alert the  
23 Ukrainians?

24 A We were alerting the Ukrainians back and forth. We  
25 had given them a couple of head fakes all the way through

1       about this is going to happen; this is not going to happen.  
2       And probably the day before. Now the other thing is the  
3       White House situation room can work directly with the  
4       Ukrainians as well. Most of the time, they would come  
5       through me, and I would kind of set the stage. But when it  
6       gets to the actual final hours of its schedule, they will --  
7       they can call directly to the Ukrainians.

8           Q     Okay. Also, on the July 19th call, Dr. Hill  
9       informed you that Volker had met with Giuliani to discuss  
10      Ukraine?

11           A     Yes.

12           Q     Was that the first time that you knew Volker and  
13      Giuliani were talking about?

14           A     You know, Mr. Castor it was about that time -- I  
15      was looking at my notes last night or the night before -- it  
16      was about that time that I heard from Dr. Hill that Kurt  
17      mentioned -- Kurt sends a text that I have to check to see if  
18      I was on, but in some text that Kurt sent about this time, he  
19      said: I had a good breakfast with Mr. Giuliani. Maybe you  
20      have already pointed this out earlier today. Was that right?  
21      It was in one of your test --

22           Q     I don't think I pointed that out, but fair enough.

23           A     So, so here's what I know. Ambassador Volker sent  
24      that text to at least Ambassador Sondland and maybe -- maybe  
25      the three-way -- I can't remember.

1 Q Uh-huh.

2 A But he said, had a good breakfast with Mr.  
3 Giuliani. And oh, then he also -- I think I was not on this  
4 one, but I've seen it in some document that says that had  
5 Kurt's note back to Rudy Giuliani saying: Thanks for the  
6 good breakfast and had a good time.

7 So it was about that same time. And I think that's the  
8 same contact that Fiona Hill was talking about, about the  
9 same time.

10 Q Okay. Did you have any direct conversations with  
11 Volker about that or just the text?

12 A The text that I think I was asked and I didn't get  
13 a response.

14 Q Okay. So you never had any idea what Volker was  
15 communicating to Giuliani?

16 A Correct.

17 Q Also, on July 20th, which is the next day, you sent  
18 or you had a phone conversation with Danyliuk where the  
19 discussion of being a pawn had come up.

20 A Yes.

21 Q Did you communicate that concern to anybody, such  
22 as Brechbuhl or Kent?

23 A I did it -- I expressed the concern to Volker and  
24 Sondland, as I said here. I don't recall going to Brechbuhl  
25 or Kent.

1 Q Okay. But that would have been another fact -- if  
2 you had gone to Brechbuhl, that would have been another fact  
3 that pointed to the concerns that you discussed before you  
4 took the post?

5 A Yeah. The whole thrust of this irregular channel  
6 was to get these investigations, which Danyliuk and  
7 presumably Zelensky were resisting because they didn't want  
8 to be seen to be interfering but also to be a pawn.

9 Q Right.

10 A Right.

11 Q But you said the irregular channel is -- it  
12 happens.

13 A It does.

14 Q And it can be okay?

15 A It can be okay. It can be helpful. In this  
16 case -- yeah.

17 Q But at some point, the irregular channel in your  
18 view became a problem?

19 A It did.

20 Q And you had the facts from Fiona Hill and Volker  
21 and that side, and then now you're getting the facts from the  
22 Ukraine side?

23 A Correct.

24 Q And I'm wondering, at this point, did it crystalize  
25 to you that the irregular path was going to be more of a

1 concern than you anticipated?

2 A Yes. The general way I have described it is,  
3 during the month of July, it began to be clear --

4 Q Okay.

5 A -- that this was a problem.

6 Q Did you -- I know you sent the cable on the 29th  
7 after you spoke with Ambassador Bolton, but at any point in  
8 time between the 20th and learning that, did you have any  
9 official State Department higher up discussions?

10 MR. GOLDMAN: Can you clarify 20th and 29th, which?

11 MR. CASTOR: July. Do you follow?

12 MR. GOLDMAN: I don't think there was a cable on July  
13 29th.

14 AMBASSADOR TAYLOR: August 29th.

15 MR. CASTOR: August 29th.

16 AMBASSADOR TAYLOR: Which makes your point?

17 BY MR. CASTOR:

18 Q So this is what I'm getting to, is, what did you do  
19 between now and the 29th to alert Mr. -- Counselor Brechbuhl  
20 or Kent or somebody that this is becoming a problem, this is  
21 irregular?

22 A So before the cable -- so August when it was  
23 becoming -- July, I started to identify the problem of the  
24 second channel, in particular with regard to the meeting. So  
25 then the assistance gets put on hold, and that gets to be --

1 goes a month, goes from July 18th into the middle of August  
2 and still is not resolved. It is attempting to be resolved,  
3 and there were descriptions to me from Tim Morrison of how  
4 they tried to get the principals in the same room, couldn't  
5 do it, schedules, et cetera. I then -- I did, I called  
6 Counselor Brechbuhl, talked to John Bolton --

7 Q This is much later.

8 A This is in August.

9 Q Okay.

10 A This is in August.

11 Q I'm just -- after the, you know, it seems like the  
12 July 20th communication you had with Danyliuk really  
13 crystalized that this was also becoming a concern on the  
14 Ukrainian side of things.

15 A It was a concern on the Ukrainian side.

16 Q And I'm just wondering if you did anything right  
17 then and there other than Sondland, Volker channel?

18 A I will check again.

19 Q Okay. And then the July 25th call happens.

20 A Yes.

21 Q Who did you get a readout from about the July 25th  
22 call?

23 A Three people. One was a very short message from  
24 Danyliuk, which said: Went well. Oh, there was also the  
25 Ukrainians put out -- the Ukrainian Office of the President

1 put out a short description. Turned out, looking back on it,  
2 that's not a bad one because it talks about corruption and  
3 working on corruption would improve relations and that kind  
4 of thing, and then kind of normal working -- so that was  
5 that.

6 Tim Morrison and I had a conversation on the 28th. So  
7 that was, what, 3 days later. And he had -- this is one  
8 where he said, "It could've gone better," or something. I  
9 took it as a sarcastic comment: It could have gone better.

10 And then he described several of the things that  
11 happened on that call. He mentioned that Giuliani came up in  
12 the call. He mentioned that he -- he mentioned that Gordon  
13 Sondland had talked to President Trump before and after the  
14 call. So that was not in the call, but that was before and  
15 after, he told me. And he mentioned that the so-called  
16 previous Ambassador, Ambassador Yovanovitch, was a topic of  
17 the call.

18 Q Okay.

19 A So there was that.

20 I got one other readout of the call and this was from  
21 George Kent. And his was secondhand. So George Kent had  
22 talked to Alex Vindman, who had been on the call. So George  
23 hadn't been; Alex had.

24 Q Was Morrison on the call?

25 A I'm sorry, who?

1 Q Was Morrison on the call?

2 A I think so, yes, yes. I'm sure he was. I'm sure  
3 he was. Yes, the answer is yes.

4 George was not. George talked to Alex Vindman, and  
5 George then relayed Alex's comments to me. There was a  
6 difference in their two readouts of the call in one specific  
7 respect, and that is Tim Morrison was sure that President  
8 Trump had asked President Zelensky to fire prosecutor general  
9 Lutsenko. Lutsenko was still on the job because he had -- he  
10 had to stay on the job until Rada takes him off, so he was  
11 still on the job. And Giuliani, we know, wanted to keep  
12 Lutsenko on the job out there. And Tim Morrison's  
13 recollection or recounting of the call was that President  
14 Trump asked President Zelensky to fire Lutsenko. Vindman to  
15 Kent to me said the opposite, that is, that President Trump  
16 said, "Keep Lutsenko," again because Lutsenko and Giuliani  
17 were -- so that actually -- and that turned out to be the  
18 case. We now know, going back to the transcript we saw on  
19 September 25th, we know -- we think, it is a little bit  
20 unclear on that transcript, but we're pretty sure that  
21 President Trump in the transcript asked President Zelensky to  
22 keep -- it said, I understand you fired or you're about to  
23 fire or you're not going to keep this very good prosecutor  
24 general, and we think that's a mistake. So it turns out that  
25 the Vindman description of that aspect was the correct one,

1 and Tim Morrison actually got that one wrong.

2 Q Okay. So you spoke with Morrison and Vindman.

3 A I spoke to Kent, who had talked to Vindman.

4 Q Okay. Anybody else?

5 A And Danyliuk and the report from the --

6 Q Anybody else before the matter became public at the  
7 end of September?

8 A No.

9 Q Okay. So that's sort of the roster of --

10 A That's the roster of reports.

11 MR. CASTOR: I'm at my -- there's about 10 minutes left.  
12 I'd like to pivot to our members.

13 MR. ZELDIN: Ambassador Taylor, on page 9, the second  
14 paragraph.

15 AMBASSADOR TAYLOR: Congressman, I'm sorry. Which page?

16 MR. ZELDIN: Page 9 of your opening statement, where you  
17 discuss Mr. Yermak asking the United States to submit an  
18 official request for an investigation into Burisma's alleged  
19 violations of Ukrainian law.

20 AMBASSADOR TAYLOR: Yes, sir.

21 MR. ZELDIN: Was that request ever made by the United  
22 States?

23 AMBASSADOR TAYLOR: No, not to my knowledge.

24 MR. ZELDIN: On page 10 of your opening statement, so  
25 second paragraph from the bottom in the middle of the

1 paragraph, you say, quote, "I was hopeful that at the  
2 bilateral meeting or shortly thereafter, the White House  
3 would lift the hold, but this was not to be." The hold was  
4 released just 10 days later, correct?

5 AMBASSADOR TAYLOR: Yes, sir.

6 MR. ZELDIN: Also, on page 10, same paragraph at the  
7 bottom you say, quote, "The Vice President did say that  
8 President Trump wanted the Europeans to do more to support  
9 Ukraine and that he wanted the Ukrainians to do more to fight  
10 corruption," end quote. Doesn't that align with U.S. law and  
11 policy what the Vice President stated?

12 AMBASSADOR TAYLOR: It does. And as I understand it,  
13 Congressman, when President Trump decided not to go to Warsaw  
14 and ask Vice President Pence to go for him, President Trump  
15 asked Vice President Pence to make those two points.

16 MR. ZELDIN: Which, as you just stated, is entirely  
17 consistent with U.S. law and policy, correct?

18 AMBASSADOR TAYLOR: Yes. We want the Europeans to do  
19 more for Ukraine, and we want them -- the Ukrainians -- to do  
20 more to fight corruption.

21 MR. ZELDIN: And on page 11, the third paragraph down,  
22 you say, quote: In fact, Ambassador Sondland said, quote,  
23 "everything" was dependent on such an announcement, including  
24 security assistance.

25 Ukraine never made such an announcement, correct?

1           AMBASSADOR TAYLOR: That's correct.

2           MR. ZELDIN: And the hold was still released just 10  
3 days later, correct?

4           AMBASSADOR TAYLOR: That is correct.

5           MR. ZELDIN: On page 12, first paragraph, on September  
6 5th, I hosted Senators Johnson and Murphy for a visit to  
7 Kyiv. During that meeting, did President Zelensky say  
8 anything to Senators Johnson and Murphy about a quid pro quo?

9           AMBASSADOR TAYLOR: No, sir.

10          MR. ZELDIN: Did you say anything to Senators Johnson  
11 and Murphy about a quid pro quo?

12          AMBASSADOR TAYLOR: No, sir.

13          MR. ZELDIN: On page 12, the middle paragraph, you  
14 talked about a conversation with Mr. Morrison. And this  
15 phone call, was Morrison on that call?

16          AMBASSADOR TAYLOR: Congressman, that's a good question.  
17 I don't know what -- I don't know how he knew that. It was  
18 the same -- then, in the next paragraph, Ambassador Sondland  
19 told me that he had a conversation with President Trump. And  
20 so I -- and I think they were talking about the same  
21 conversation. I think those two paragraphs talk about the  
22 same conversation. And I don't know how Tim Morrison --  
23 unless he may have been on the call, or he may have talked to  
24 Sondland after the call.

25          MR. ZELDIN: I might get back to that, but at the bottom

1 of page 12 and the bottom of page 13 as well, so I'm skipping  
2 ahead to the bottom of page 13, it says, again, I asked  
3 Mr. Danyliuk to confirm that there would be no CNN interview,  
4 which he did. It seems throughout your opening statement  
5 you're talking about this demand for a public statement in  
6 order to release aid to Ukraine, but no announcement was ever  
7 made and the aid was still released, right?

8 AMBASSADOR TAYLOR: That's correct.

9 MR. ZELDIN: Earlier on, you had an exchange with the  
10 chairman. He asked you with regards to the legal definition  
11 of the term "quid pro quo." I believe you said something to  
12 the effect of "I don't speak Latin," correct?

13 AMBASSADOR TAYLOR: Sorry.

14 MR. ZELDIN: Correct.

15 AMBASSADOR TAYLOR: Yes, sir.

16 MR. ZELDIN: In your opening statement, though, you do  
17 use the words "quid pro quo."

18 AMBASSADOR TAYLOR: I only quote other people using  
19 those words, Congressman.

20 MR. ZELDIN: Okay. At the very end of your opening  
21 statement, you do make a reference to quid pro quo as one of  
22 the two Ukraine stories. On page 14 --

23 AMBASSADOR TAYLOR: Ah, I do, yes, sir.

24 MR. ZELDIN: So it's an important question for us to ask  
25 you, if you're going to use that term "quid pro quo," for us

1 to ask you what you mean by it, and we're not going to --  
2 obviously, we wouldn't accept the answer that you don't speak  
3 Latin. We want to know what you mean about it. I'll let  
4 Mr. Ratcliffe get into that further with you.

5 THE CHAIRMAN: Let's take a 5- or 10-minute break, and  
6 then we'll resume.

7 AMBASSADOR TAYLOR: Sure.

8 [Recess.]

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1 [4:45 p.m.]

2 THE CHAIRMAN: Okay. Let's go back on the record.

3 Folks, settle down a bit. Let's go back on the record.

4 Just a few follow-up questions before I hand it over to  
5 Mr. Noble, Ambassador.

6 My colleagues on the minority asked you about general  
7 circumstances in which aid may be withheld, that this kind of  
8 thing happens. So I want to ask you a little further about  
9 that.

10 There are certainly legitimate occasions when aid is  
11 withheld, such as when Congress decides in its policy  
12 judgment to withhold aid. Am I right.

13 AMBASSADOR TAYLOR: Yes, sir.

14 THE CHAIRMAN: And there may be other circumstances,  
15 changing conditions on the ground somewhere, where a decision  
16 will be made to withhold aid, appropriately so, correct?

17 AMBASSADOR TAYLOR: Yes, sir.

18 THE CHAIRMAN: But you can distinguish between  
19 appropriate circumstances in which aid is withheld and  
20 illegitimate circumstances in which aid is withheld to coerce  
21 another country to do something improper.

22 AMBASSADOR TAYLOR: You can.

23 THE CHAIRMAN: Now, my colleagues asked you, well,  
24 ultimately the aid was released. I think the thinking is no,  
25 you know, no harm no foul, it ultimately was released. But

1 at the time that it was released are you aware that the White  
2 House was in possession of a whistleblower complaint -- now  
3 public -- that alleged that the assistance may be withheld  
4 for reasons of wanting leverage over Ukraine for political  
5 investigations? Were you aware that at the time it was  
6 released the White House already knew the existence of this  
7 complaint?

8 AMBASSADOR TAYLOR: Mr. Chairman, I don't know that.

9 THE CHAIRMAN: Were you aware at the time that it was --  
10 the aid was released that in fact there were public reports  
11 in newspapers that the aid may be withheld for this improper  
12 reason?

13 AMBASSADOR TAYLOR: When it was released, on September  
14 11th, when it was released?

15 THE CHAIRMAN: When the aid was eventually released --

16 AMBASSADOR TAYLOR: Right.

17 THE CHAIRMAN: -- were you aware there were already  
18 public reports suggesting perhaps that it was being withheld  
19 for inappropriate or inexplicable reasons?

20 AMBASSADOR TAYLOR: In the press? I don't recall.

21 THE CHAIRMAN: Okay.

22 AMBASSADOR TAYLOR: I don't recall.

23 THE CHAIRMAN: And we'll check the timeline. That's my  
24 recollection, but I could be wrong.

25 So if I can go back to your testimony. At the bottom of

1 page 10 you talk about a phone call you had with Mr. Morrison  
2 in which "he went on to describe a conversation Ambassador  
3 Sondland had with Mr. Yermak at Warsaw. Ambassador Sondland  
4 told Mr. Yermak that the security assistance money would not  
5 come until President Zelensky committed to pursue the Burisma  
6 investigation. I was alarmed by what Mr. Morrison told me  
7 about the Sondland-Yermak conversation. This is the first  
8 time I had heard the security assistance -- not just the  
9 White House meeting -- was conditioned on the  
10 investigations."

11 At that point did you understand that unless the  
12 Ukrainians did this for President Trump, that is committed to  
13 these investigations, they were not going to get that  
14 military assistance or that meeting?

15 AMBASSADOR TAYLOR: Mr. Chairman, what I know for sure  
16 is what Mr. Morrison told me that he must have heard  
17 Ambassador Sondland tell Mr. Yermak. And as I said, this was  
18 the first time I'd heard those two put together, those  
19 connected.

20 THE CHAIRMAN: And when you say that, this was the first  
21 time I heard that the security assistance -- not just the  
22 White House meeting -- was conditioned on the investigation,  
23 when you talk about conditioned, did you mean that if they  
24 didn't do this, the investigations, they weren't going to get  
25 that, the meeting and the military assistance?

1           AMBASSADOR TAYLOR: That was my clear understanding,  
2 security assistance money would not come until the President  
3 committed to pursue the investigation.

4           THE CHAIRMAN: So if they don't do this, they are not  
5 going to get that was your understanding?

6           AMBASSADOR TAYLOR: Yes, sir.

7           THE CHAIRMAN: Are you aware that quid pro quo literally  
8 means this for that?

9           AMBASSADOR TAYLOR: I am.

10          THE CHAIRMAN: Mr. Noble.

11                   BY MR. NOBLE:

12          Q     Thank you. Thank you, Chairman.

13                   Ambassador, just sticking in this same general  
14 timeframe, still on page 10 of your statement, on September  
15 1st you wrote that you had a conversation with Mr. Danyliuk  
16 to let him know that the delay of the U.S. security  
17 assistance was a, quote, "all or nothing proposition, in the  
18 sense that if the White House did not lift the hold prior to  
19 the end of the fiscal year, September 30th, the funds would  
20 expire and Ukraine would receive nothing."

21                   How did Mr. Danyliuk respond when you told him that?

22          A     Mr. Noble, the reason I told him that, the reason I  
23 made it clear that it was all or nothing, was that he had  
24 sent me an earlier note, a note just before that, saying,  
25 well, it's a gradually increasing problem, that we're

1 gradually missing out on this assistance.

2 And I wrote back and said, no, Alexander -- Sasha --  
3 Mr. Danyliuk, if the hold is not lifted, in particular by the  
4 end of the fiscal year, then it goes away. And he was  
5 thinking that it was just kind of -- it would be dribbled  
6 out.

7 So in answer to your question, did he respond, nothing  
8 substantive. I mean, he may have said thank you or  
9 something.

10 Q Subsequently, though, did you have conversations  
11 with the Ukrainians? I mean, did they become increasingly  
12 concerned when the freeze remained in place and they weren't  
13 getting an explanation why, and you had told that them these  
14 funds may evaporate completely?

15 A Yes. And they -- I may have mentioned this  
16 already, I can't remember -- they could not understand why it  
17 was being held. And they suggested, well, maybe if I just go  
18 to Washington and convince the President or convince the  
19 Secretary of Defense that this is important that that would  
20 do the trick. They were trying to figure out why this was  
21 being held.

22 Q But then at some point, and again later on page 10,  
23 Ambassador Sondland, it appears, told Mr. Yermak, President  
24 Zelensky's adviser, that the money would not come until  
25 Zelensky committed to pursuing the Burisma investigation. Is

1 that right?

2 A That is correct.

3 Q So, I mean, did the Ukrainians have an  
4 understanding at that point what they had to do in order to  
5 get the funds released?

6 A Certainly Mr. Yermak did. That's what he had heard  
7 from Ambassador Sondland.

8 Q Okay. I want to go back now to the first time you,  
9 I believe, learned of the freeze. Was that during the July  
10 18th SVTC --

11 A It was.

12 Q -- you had?

13 I'd like to ask some questions about that and the other  
14 interagency meetings that you had.

15 Can you just tell us how did you participate in the SVTC  
16 on July 18th?

17 A So the way it works is that in the White House, in  
18 the Old Executive Office Building, there is a room, there's a  
19 series of rooms where they have interagency meetings.

20 MR. BELLINGER: I'm not sure all of this is public.

21 AMBASSADOR TAYLOR: Ah.

22 MR. BELLINGER: You guys have to scrub it later.

23 AMBASSADOR TAYLOR: Fair point. Thank you, Counselor.

24 You think it might be classified that there are those?

25 Anyway, yeah.

1 MR. BELLINGER: No, no, no. It used to be, it used to  
2 be, but times have changed. It was classified when I was  
3 there.

4 AMBASSADOR TAYLOR: Okay. So --

5 THE CHAIRMAN: I am just going to interject. I want to  
6 make sure we're not going it to get into classified  
7 information today.

8 AMBASSADOR TAYLOR: We're not. Unless the existence of  
9 these classified rooms is classified. I can't -- which I  
10 don't think it is.

11 BY MR. NOBLE:

12 Q Perhaps a way to navigate this would be to shortcut  
13 it and just say it's a conference call system.

14 A Thank you. That's a good idea. It is a conference  
15 call.

16 Q Okay.

17 A It is a secure conference call.

18 Q Okay.

19 A I'm in Kyiv. I'm in a secure room. Can I say  
20 that? And there are several other satellite officers that  
21 beam in. And we're all in different parts of --

22 Q So this is a video conference?

23 A It's a video conference, a secure video conference.

24 Q Okay. So you can see who the other participants  
25 are?

1           A     It depends on -- so if the camera is right there,  
2     all of those folks can be on the screen but I'm not, because  
3     it's going right over my head. So the answer is most, but  
4     not all. And I couldn't see the person who said -- the OMB  
5     person who said: I've been told to stop this.

6           Q     Okay. Do you know the identity of the OMB staffer?

7           A     I don't.

8           Q     But you believe -- I believe your testimony said  
9     you believe it was a female staffer?

10          A     It was.

11          Q     Okay. And to this day you still don't know who it  
12     was that announced it?

13          A     I don't.

14          Q     Did you participate in the subsequent interagency  
15     meetings about the aid?

16          A     One of them. As I say, there -- this was a  
17     sub-PCC, so a Sub-Policy Coordination Committee. And then  
18     there is a Policy Coordination Committee, and that is chaired  
19     at the assistant secretary level. And then there's a  
20     Deputies Committee. And then there's a Principals Committee.  
21     And then there's an NSC meeting.

22                 And it went -- and so I was present and beamed in from  
23     Kyiv for the sub-PC and the PC, but not the ones above that.

24          Q     Okay. Can you tell us what happened at the PCC  
25     meeting, the second one?

1           A     Yes. Around the room, observations, information  
2     about the value of the assistance. In particular OSD, I  
3     think it was Laura Cooper, who is probably on your list, made  
4     a very strong case and continued to make a very strong case  
5     for the effectiveness -- indeed, her office was the one  
6     overseeing this assistance, so she made a very strong case  
7     for that.

8           Others around -- the State Department representative,  
9     strong statement, we made a strong statement about the  
10    importance of this assistance.

11          Q     And was there an OMB representative there for that  
12    meeting?

13          A     I don't know the answer.

14          Q     Okay.

15          A     Probably.

16          Q     Do you recall whether there was any communication  
17    from the White House or from OMB regarding the freeze and  
18    whether it was going to stay in place at that meeting?

19          A     I don't. I think coming out of that meeting was  
20    the instruction that we're continuing -- that we're  
21    continuing the policy as it had been. And, probably after  
22    the PCC, the State Department and maybe the Defense  
23    Department decided they were going to move forward with this  
24    assistance anyway, OMB notwithstanding. This was a big  
25    decision that L came to over there, over some debate as to

1           whether or not they could do it without OMB's clearance, send  
2           a CN to the Hill without OMB's clearance, and they decided to  
3           do that. I don't know if they've ever done that before.  
4           This was a big decision for them.

5           Q       So as far as you know, that was unprecedented?

6           A       As far as I know.

7           Q       Was that related to the FMF or USAI portions of the  
8           assistance? Do you know?

9           A       I think both.

10          Q       Do you know whether there was any kind of written  
11         documentation of kind of the decisions made at these  
12         meetings?

13         A       There is every time.

14         Q       Okay. And State Department would have a copy of  
15         those?

16         A       NSC would probably have those.

17         Q       NSC.

18         A       And they were then sent out to the interagency,  
19         including the State Department.

20         Q       Okay. Are you aware whether there were any kind of  
21         preconditions or certifications that had to be made with  
22         respect to Ukraine before the funding could flow?

23         A       In this case, for --

24         Q       Yeah, for this assistance.

25         A       The only thing I heard was that there was a request

1 -- and I'm not sure who it came from, but it may have come  
2 from the NSC -- to the Defense Department for an evaluation  
3 of the assistance to be sure that it was being well spent and  
4 it was effective. And the Defense Department came back very  
5 quickly with the conclusion that it was.

6 Q Well, we've heard claims that President Trump was  
7 interested in corruption or concerned about corruption  
8 generally in Ukraine. Are you aware that DOD, in  
9 consultation with the State Department, had certified that  
10 Ukraine had taken sufficient steps to address corruption such  
11 that they were entitled to the aid at that time?

12 A Mr. Noble, I'm not sure. I think in the Defense  
13 Authorization Act every year there are conditions that are  
14 required to be met in order for that assistance to go  
15 forward. And my understanding is those conditions were met.  
16 On this specific one I'm not sure. I think so.

17 Q Okay. In your statement on page 4 you reference  
18 several actions that President Zelensky had taken quickly to  
19 address corruption in Ukraine, including opening Ukraine's  
20 High Anti-Corruption Court, which had been a U.S. policy goal  
21 for quite some time.

22 A We played a big role in that, yes.

23 Q And President Zelensky had done that at that point?

24 A He had done that and he showed up himself at the  
25 opening of the High Anti-Corruption Court -- with the two

1 Senators, by the way. They were both there as well.

2 Q Which two Senators?

3 A Senator Murphy and Senator Johnson.

4 Q And then President Zelensky had also, after winning  
5 control of the Rada, he changed the Ukrainian Constitution to  
6 remove absolute immunity from Rada Deputies, which you say in  
7 your statement was a source of corruption for over two  
8 decades. Is that right?

9 A So Rada Deputies -- I imagine Representatives in  
10 this body and in the Senate would love to have this -- but  
11 the Rada Deputies in Ukraine up until the point where they  
12 changed the Constitution could commit any kind of crime and  
13 not be prosecuted.

14 And that was changed, he changed that right away, a  
15 commitment that he'd made in his campaign, and he made good  
16 on that commitment right away. And overwhelming support. It  
17 had been promised every Rada by every President before, it  
18 never happened. He got it done.

19 Q So not only had President Zelensky campaigned on  
20 rooting out corruption, I believe his number one priority,  
21 but he had taken concrete steps. And yet the OMB, the  
22 President, still had decided to freeze the aid purportedly  
23 because he had some concerns about corruption in Ukraine?

24 A It is certainly true that he made -- he is not only  
25 fighting corruption. So he changed the -- President Zelensky

1 changed the language. He said he wants to defeat corruption.

2 So he was really focused on this, he made it his number  
3 two priority. Number one priority was stopping the war on  
4 Ukrainian terms and number two was defeating corruption. And  
5 he did a lot on that.

6 And it was -- we talked earlier about how we're focused  
7 on institutions fighting corruption. So the High  
8 Anti-Corruption Court and the Special Prosecutor and all, the  
9 institutional way of fighting corruption, rather than case by  
10 case.

11 And so, yes, he pushed that very hard.

12 Q Okay. So I want to move, fast forward a little bit  
13 to August. And I noticed in your statement that there's a  
14 little bit of a time gap between -- on page 9 -- between July  
15 28th to the middle of August, to August 16th, between the  
16 first and second paragraphs on page 9.

17 And I also noticed that in the text messages that we  
18 have in which you're a participant that Ambassador Volker  
19 produced, there's also a similar gap in that timeframe.

20 So if you take the -- if you have the text messages and  
21 you turn to -- let's go to page 28 first. And if you look at  
22 -- I'll direct your attention to the top there. And  
23 beginning on or around August 11th -- well, actually, yeah,  
24 back to the top there.

25 So these are text messages between you and Ambassador

1 Volker.

2 A Okay.

3 Q There's one July 24th, 2019, where Volker says:  
4 Hi, Bill. Can you talk now?

5 Do you see that?

6 A I do.

7 Q And then it skips forward till August 3rd and you  
8 have a discussion about: Did Tim -- I believe that's Tim  
9 Morrison -- say how he was doing on the call?

10 And then it skips forward to August 11th. And it's not  
11 until August 16th, I believe, that you kind of start talking  
12 again about the investigations or the requests for a White  
13 House meeting. Do you see that?

14 A I do.

15 Q Okay. And then, if you move to page 38, so this is  
16 the three-way text message chain between you and Ambassador  
17 Volker and Ambassador Sondland. And if you look toward the  
18 bottom, there's a big gap between August 6th, 2019, and it  
19 then jumps to August 29th, 2019. Do you see that?

20 A I see that, right.

21 Q Do you recall whether you had any WhatsApp  
22 conversations with Ambassador Sondland and Ambassador Volker  
23 basically during the month of August, or the last 3 weeks of  
24 August?

25 A From the 6th to the 29th?

1 Q Yeah. Do you know whether there'd be any messages  
2 that might have been deleted here?

3 A Oh, I don't know if it's possible to delete on  
4 these things. I don't know. I don't know the reason for the  
5 gap.

6 Q Okay.

7 A Yeah, yeah, yeah. The State Department has all of  
8 mine. I have them as well. But, yeah, the State Department  
9 has all of these.

10 Q Okay. But in this timeframe were you aware that  
11 Ambassador Volker and Ambassador Sondland were in direct  
12 communication with Mr. Yermak and with Mr. Giuliani about the  
13 drafting of a statement that they wanted President Zelensky  
14 to release?

15 A So only after -- only after Ambassador Volker  
16 released his texts. I think that's where they showed up.

17 Q So you weren't involved, as far as you can  
18 remember, in the drafting of that?

19 A I was not.

20 Q Okay. So that was something that Ambassador Volker  
21 and Ambassador Sondland were doing with Giuliani and Yermak?

22 A Yes.

23 Q Okay. So I would like to show you kind of the end  
24 result of that process. If you turn to page 23 of the text  
25 messages. And, again, these aren't ones that you were on.

1           But the last couple messages on that page, from August  
2           13th, 2019, this is an exchange between Ambassador Volker and  
3           Mr. Yermak.

4           And Volker writes: Hi, Andrey. Good talking.  
5           Following is text with insert at the end for the two key  
6           items. We will work on official requests.

7           And then Ambassador Volker drafts -- pastes the  
8           statement that they want President Zelensky to release. And  
9           it reads: "Special attention should be paid to the problem  
10          of interference in the political processes of the United  
11          States, especially with the alleged involvement of some  
12          Ukrainian politicians. I want to declare that this is  
13          unacceptable. We intend to initiate and complete a  
14          transparent and unbiased investigation of all available facts  
15          and episodes, including those involving Burisma and the 2016  
16          elections, which in turn will prevent the recurrence of this  
17          problem in the future."

18          So this is a draft statement that Ambassador Volker and  
19          Ambassador Sondland had drafted with Rudy Giuliani for  
20          President Zelensky to release. Were you involved in the  
21          crafting of this?

22          A     I was not.

23          Q     Okay. So you had no knowledge that this was going  
24          on at the time?

25          A     I had no knowledge.

1 Q Were you aware of any statement generally that --

2 A I wasn't until I saw these once they were released.

3 Q Okay. How did you react when you learned, I guess  
4 from seeing Ambassador Volker's text messages, that this had  
5 been going on behind the scenes, given that you're the Charge  
6 d'Affaires in Ukraine, and yet you have no idea that Volker  
7 and Sondland are working with Giuliani and Yermak to get out  
8 a statement from the President of Ukraine and you had no idea  
9 that that's going on? Did that concern you?

10 A It did. When I found out about it -- again, this  
11 was the irregular channel, I was in the regular channel.  
12 Every now and then I would see what was going on in the  
13 irregular channel, but not in this case.

14 And, yeah, I mean, I should have been involved, but I  
15 knew that there were a lot of communications between  
16 Ambassador Volker preceding -- and President Zelensky and  
17 Yermak -- preceding my arrival. They had a relationship.

18 And similarly with Ambassador Sondland. Ambassador  
19 Sondland had a relationship, he told me, I don't know -- I  
20 think this is true -- that he could WhatsApp and phone and  
21 call President Zelensky. And normally, in a normal  
22 arrangement, the ambassador helps either facilitate that or  
23 monitors that or is at least aware of that and gets  
24 back-briefed on that. I had accepted that this was an  
25 unusual circumstance.

1           Q     I mean, is it -- would you say or would you agree  
2           that these text messages and the drafting of this statement  
3           was, in effect, making concrete the quid pro quo that you had  
4           realized in mid-July, as you describe in your statement, that  
5           a White House visit was dependent on President Zelensky  
6           making a public commitment to those two specifics  
7           investigations?

8           A     So again, being careful about my use and  
9           understanding of quid pro quo, which is imperfect at best,  
10          the facts were that these relationships between the  
11          announcement and the meeting -- or phone call and the meeting  
12          -- and then the security assistance, it was clear to me that  
13          there was that relationship.

14          What I didn't know was there were these -- this drafting  
15          session, this drafting exercise to put together the language  
16          that President Zelensky would use.

17          Q     Okay. I want to fast forward a little bit to  
18          September 7th or 8th. Do you recall sending George Kent a  
19          WhatsApp message regarding your conversation with Tim  
20          Morrison about what President Trump wanted Zelensky to do?  
21          Do you recall telling George Kent about that?

22          A     Is this mentioned in my statement --

23          Q     No, but if you go to your statement --

24          A     September 5th. This is with -- Senators Johnson  
25          and Murphy were in town.

1 Q And then on page 12 in the middle.

2 A Right.

3 Q It says you had a call with Mr. Morrison where he  
4 had a, quote, sinking feeling --

5 A Yes.

6 Q -- after learning about the conversation that  
7 President Trump had with Ambassador Sondland.

8 A Yep.

9 Q Did you relay that in a written communication to  
10 George Kent? Do you remember that?

11 A I don't remember.

12 Q Can we go back to the text messages and turn to  
13 page 53, the last page?

14 A Okay. I'm informed that on my text message there  
15 was a text back to George Kent.

16 Q Okay.

17 A So let me be clear. I didn't remember it until  
18 just now and this great colleague back here reminded me that  
19 this was there.

20 Q Okay. And those text messages have been turned  
21 over to the State Department?

22 A They have, they have, they have.

23 Sorry, where are we now?

24 Q Sure. Last page of the text messages, page 53.

25 A Yes.

1 Q At the top of the page, I believe, on September  
2 8th, 2019, 11:20 a.m. Gordon Sondland says: Guys, multiple  
3 convos with ZE.

4 That's Zelensky, correct?

5 A Yes.

6 Q And POTUS.

7 A Yes.

8 Q President Trump.

9 A Yes.

10 Q Let's talk.

11 A Right.

12 Q And then you go on to have a conversation, which I  
13 believe is the conversation you describe in your statement.  
14 Is that right?

15 A Yes.

16 Q On page 12?

17 A Yes.

18 Q Okay. And that's where President Trump had made  
19 clear that if Zelensky did not, quote, "clear things up in  
20 public," there would be a, quote, "stalemate." Is that  
21 right?

22 A That is correct.

23 Q And you understood that stalemate meant that  
24 Ukraine would not get the military assistance?

25 A That's correct.

1 Q Okay. Was Ambassador Volker on that call with you  
2 and Ambassador Sondland?

3 A I'm sure he was, yes.

4 Q During that call, did you discuss the possibility  
5 of President Zelensky --

6 A Oh, I'm sorry, I'm sorry. On the phone call?

7 Q The phone call, yes.

8 A No, no, no, no. The phone call was just --

9 Q Just you and Sondland?

10 A Yes. Right. Sorry. The text was the three of us,  
11 the phone call was just the two of us.

12 Q Okay. During that phone call did you discuss the  
13 possibility of President Zelensky doing the CNN interview  
14 during the YES Conference in Ukraine? Is that when that  
15 first came up?

16 A That's when he -- yes, that's when Ambassador  
17 Sondland said that he had talked with them and they -- and  
18 the Ukrainians had agreed to do a CNN interview.

19 Q Okay. Can you just describe in a little more  
20 detail your recollection of that conversation with Ambassador  
21 Sondland? Was this the first time you had heard the idea of  
22 President Zelensky making a public announcement on CNN about  
23 these investigations?

24 A It was certainly the first time I'd heard about it  
25 on CNN. We'd had earlier conversations about making public

1        comments. I think that is the case here. I'm remembering  
2        the thing about the interest that Ambassador Sondland had in  
3        having President Zelensky go in a box, in a public box. So  
4        there were those conversations on a couple of occasions.  
5        This is the first time on CNN, talking about CNN interview.

6            Q        And do you recall the dates of the YES Conference?  
7        When was this interview supposed to take place?

8            A        The interview, the CNN interview I think was going  
9        to be in UNGA, which is at the end of September. The YES  
10       Conference was the first week in September, as I recall,  
11       maybe the first -- oh, no, no, sorry. It was the Friday,  
12       Saturday -- Saturday is the 14th of September. But I  
13       don't -- and there was a lot of press at the YES Conference.  
14       I don't think there was talk about doing an interview there.

15           Q        Okay. So you think that the interview that  
16       President Zelensky was going to do that you discussed with  
17       Ambassador Sondland during your call on September 8th was  
18       going to be during UNGA?

19           A        When we were talking about it on September 8th, I  
20       think it was not clear when it was going to be.

21           Q        Okay.

22           A        And when it didn't -- when it didn't happen, didn't  
23       happen, and then they were approaching the UNGA meeting on,  
24       what, the 25th of September, then they got more serious --  
25       then I started hearing about the CNN interview. And so it

1 was going to take place in New York.

2 Q Okay. Going back to the text messages, do you see  
3 the message on September 8th at 12:37 p.m.? Can you just  
4 read what you wrote there about "the nightmare"?

5 A I will.

6 "The nightmare" is they give the interview and don't get  
7 the security assistance. The Russians love it --  
8 parenthetical -- (and I quit.)

9 Q Can you unpack that a little bit for us?

10 A Sure.

11 Q What did you mean by "the nightmare" and what would  
12 the Russians love?

13 A "The nightmare" is the scenario where President  
14 Zelensky goes out in public, makes an announcement that he's  
15 going to investigate Burisma and the election in 2016,  
16 interference in 2016 election, maybe among other things. He  
17 might put that in some series of investigations.

18 But he had to -- he was going -- the nightmare was he  
19 would mention those two, take all the heat from that, get  
20 himself in big trouble in this country and probably in his  
21 country as well, and the security assistance would not be  
22 released. That was the nightmare.

23 The Russians loving it. The Russians are paying  
24 attention. The Russians are paying attention to how much  
25 support the Americans are going to provide the Ukrainians.

1 The Russians are leaning on Ukraine. They are leaning on  
2 Ukraine about Donbas. They are leaning on Ukraine about  
3 sovereign -- small little sovereign countries here, little  
4 statelets. They are leaning on economically, they have got  
5 the Nord Stream coming through, they have got -- they are  
6 putting pressure on -- they have to come to a new gas  
7 agreement by the 1st of January.

8 So they are leaning on them. And they, the Russians  
9 want to know how much support the Ukrainians are going to get  
10 in general, but also what kind of support from the Americans.

11 So the Russians are loving, would love, the humiliation  
12 of Zelensky at the hands of the Americans, and would give the  
13 Russians a freer hand, and I would quit.

14 Q And why would that make you quit?

15 A That's exactly the scenario that I was worried  
16 about when I had my meeting with Secretary Pompeo on the 28th  
17 of May where I said: Mr. Secretary, you know, your current  
18 strong policy of support for Ukraine is one I can support and  
19 I would be glad to go out to Kyiv and support it and push it  
20 hard.

21 However, I told him and the others who were in the room,  
22 if that changes -- and this would have been a change, this  
23 would have been -- it was a nightmare. This would have been  
24 throwing Ukraine under the bus. And I told the Secretary:  
25 If that happens, I'll come home. You don't want me out

1           there, because I'm not going to defend it, you know. I would  
2           say bad things about it. And you wouldn't want me out there  
3           doing that. So I'm going to come home on that. So that was  
4           the message about I quit.

5           Q     And did you communicate that, these concerns around  
6           this time to Secretary Pompeo or --

7           A     I had done so on August 29th.

8           Q     In your -- in the cable?

9           A     Correct.

10          Q     What was the distribution on that cable?

11          A     It was called "NODIS."

12          Q     Okay. What's that mean?

13          A     So it's very limited distribution. It's also first  
14          person, which means the way it reads is: Mr. Secretary, I  
15          am concerned -- I, Bill Taylor -- I am concerned about this  
16          problem.

17                So that's first person. Normally these cables are not  
18          first person, they are third person. So it gets attention,  
19          there are not many first person cables coming, so it gets  
20          attention when it comes in from the ambassador saying: I am  
21          concerned.

22                And "NODIS" means that it is very limited distribution.  
23          It goes obviously to the Secretary. And then if other people  
24          want to read it they have to come up to the Operations Center  
25          in the State Department and they can go into the special room

1 and they can read it.

2 Q And in your statement, I believe page 10, you said  
3 you heard soon thereafter the Secretary carried that cable  
4 with him to a meeting at the White House focused on security  
5 assistance for Ukraine. Where did you hear that from?

6 A Deputy Assistant Secretary George Kent.

7 Q Okay. And do you know what, if anything, else  
8 Secretary Pompeo did after receiving your cable to follow up?

9 A I know that -- I know that he had been pushed -- I  
10 think I mentioned that after the July 18th meeting where the  
11 assistance was frozen by the OMB hand, that there were a  
12 series of these meetings, up to and including Secretary of  
13 State and Defense. And so I know that Secretary Pompeo was  
14 working on this issue, that he wanted it resolved.

15 I was getting more and more concerned that it wasn't  
16 getting resolved. And so I wanted to add my concern and my  
17 arguments, from the perspective of Kyiv and the Ukrainians,  
18 about how important this assistance was.

19 Q Okay. And you said -- how did you learn that the  
20 aid had been unfrozen? I believe it was on September 11th,  
21 is that right?

22 A It was September 11th. So, yeah, I remember  
23 getting an email from a staffer, a Senate Armed Services  
24 Committee staffer. And of course Senate staffers -- House  
25 staffers too, I'm sure -- get the word much earlier than

1 anybody else.

2 And so I got this email, I think it was probably  
3 overnight, which I then sent to Tim Morrison and I think  
4 maybe to George Kent saying: Oh, this is great news. This  
5 is what we've been waiting for.

6 And Tim hadn't heard it yet. So that's how I first  
7 heard. And then he later that day confirmed.

8 Q Okay. Are you aware that The New York Times  
9 published some communications, some emails, relating to the  
10 release of the freeze that involved you on October 9th, 2019,  
11 with a State Department employee, Brad Freedom (ph)?

12 A Oh, I do remember this, yes.

13 Q Do you recall those emails?

14 A This is the one where Brad said something about  
15 nothing to see here, move along.

16 Q I believe the quote is: Keep moving people,  
17 nothing to see here.

18 A There you go.

19 Q Did you have any communications with Mr. Freedom  
20 (ph) or anyone else at the State Department about why they  
21 wanted to keep the release of the funds quiet?

22 A No, I didn't have a conversation with Mr. Freedom  
23 (ph) on this one. I imagine that -- my understanding -- my  
24 view of this was that, as I said earlier, this was an  
25 embarrassment, this freeze on assistance was a mistake, an

1 embarrassment, and it was going to be fixed, it had to be  
2 fixed. And the less said and the less attention it got, the  
3 less embarrassing it was.

4 So I was fine with don't talk about this or, you know,  
5 let's not make a big deal of this.

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1 [4:23 p.m.]

2 BY MR. NOBLE:

3 Q Okay. On or about September 14th, so after the aid  
4 was released, do you recall a meeting that you and Ambassador  
5 Volker had with Andriy Yermak?

6 A I do. It was a dinner.

7 Q A dinner. Can you tell us what happened at that  
8 dinner?

9 A One of the things that happened was Mr. Yermak  
10 described to Kurt and me, described to Ambassador Volker and  
11 me, their plans for a resolution of Donbas, how they were  
12 going to get to a resolution with Donbas.

13 There was a fourth person there, another of his --  
14 another Ukrainian colleague.

15 There were a couple other topics discussed, Mr. Noble,  
16 but anything in particular that I should try to remember?

17 Q Do you recall anything about an investigation  
18 involving former Ukrainian President Poroshenko coming up  
19 during that meeting?

20 A I do.

21 Q Can you tell us about that conversation?

22 A Yes. I can. I can see Ambassador Volker has been  
23 here.

24 Yes, so Ambassador Volker suggested to Mr. Yermak and  
25 Mr. Novikov, the other Ukrainian, that it would be a good

1 idea not to investigate President Poroshenko, the previous  
2 President. And one of the reasons Kurt said that was there  
3 were indications, and maybe even some actions taken by that  
4 time, that made it clear that the new government, the new  
5 Zelensky government, was going to go after President  
6 Poroshenko for a range of issues, on things like -- people in  
7 this room will remember that President Poroshenko was in  
8 office at the time of the Kerch Strait incident. This was  
9 Thanksgiving a year ago, when the Russians attacked these  
10 Ukrainian patrol ships, patrol boats. And President  
11 Poroshenko was getting blamed for and being possibly even  
12 taken to court for some of those military decisions that he  
13 made.

14 And, at that dinner, both Mr. Yermak and Mr. Novikov  
15 took out their cell phones -- I, of course, don't have -- but  
16 took out their cell phones and pulled up pictures of their  
17 relatives -- one was a brother, and one was a cousin -- who  
18 had been killed or wounded in the east. And they showed this  
19 to Kurt and me, and they said, Poroshenko is responsible for  
20 this.

21 There was a deep-seated anger at Poroshenko at an  
22 emotional level. And that was one of the things  
23 motivating -- one of the things motivating the attacks on, or  
24 the court cases on President Poroshenko. Not the only ones.  
25 There were others. This oligarch that I mentioned earlier,

1 Kolomoisky, also had it in for Poroshenko.

2 And Kurt said, you know, you should move forward, don't  
3 prosecute Poroshenko. And they responded, take a look at  
4 this.

5 Q Do you recall Yermak saying anything to the effect  
6 that, why shouldn't we investigate Poroshenko when you're  
7 pushing us to investigate Joe Biden?

8 A Oh, I don't remember that, but -- I don't remember  
9 that.

10 Q Okay.

11 After the freeze was lifted, it sounds like, from your  
12 statement, you still had concerns that President Zelensky  
13 might go forward with the CNN interview and still announce  
14 the investigations. Is that right?

15 A That's right.

16 Q Why did you have that concern that that was going  
17 to happen?

18 A I had the concern because I had a couple of  
19 meetings with President Zelensky and Andrei Bohdan, his Chief  
20 of Staff, about this time. It was just after -- it was on  
21 the 13th, I think, of September, just after the hold had been  
22 released.

23 And walking out of that meeting, Andriy Yermak was about  
24 to walk in. And I had just said to President Zelensky,  
25 bipartisan support of Ukraine in Washington is your most

1 valuable strategic asset, don't jeopardize it. And don't  
2 intervene -- don't interfere in our elections, and we won't  
3 interfere in your elections. I had just said that to  
4 President Zelensky, and on the way out I said the same thing  
5 to Andriy Yermak. And the body language was such that it  
6 looked to me like he was still thinking they were going to  
7 make that statement.

8 Q At that point, had there been a White House meeting  
9 for President Zelensky scheduled?

10 A No. And there still hasn't been.

11 Q Okay.

12 Did you participate in UNGA? Were you here in New York?

13 A No.

14 Q No? Did you help prepare for President Trump's  
15 meeting with President Zelensky?

16 A Yes. I sent in a suggestion to Tim Morrison on  
17 what should -- you know, what he could use as the President's  
18 talking points when he sat down with Zelensky, basically  
19 making the point that, you know, correct, a good, solid,  
20 substantive conversation. Yeah. And that's in the cables,  
21 I'm sure, that the State Department is preparing.

22 Q Okay.

23 THE CHAIRMAN: I'd like to give priority to the members  
24 that have been here for most of the day.

25 Mr. Welch?

1 MR. WELCH: I'll be brief.

2 I just want to, first of all, thank you. But I've been  
3 listening all day and -- pretty much all day, and what I  
4 understand your testimony more or less is, succinctly -- and  
5 correct me if I'm wrong -- is: You have a longstanding  
6 interest in Ukraine; it's been the U.S. policy since 1991 to  
7 support Ukraine; that the policy has been internally for  
8 Ukraine to fight corruption, and we've been supportive of  
9 that, externally to resist aggression from Russia, and we  
10 were trying to be supportive of that; that when you were  
11 faced with this question of whether to return to public  
12 service at the request of Secretary Pompeo, you had a frank  
13 conversation where you made it clear that you had to be  
14 assured that you could defend what had been the consistent  
15 United States policy in both those respects; that if, in  
16 fact, you were unable to do that or the policy changed, you  
17 candidly said you would have to quit; that you then began  
18 your service on the understanding that the policy was to  
19 fight internal corruption and to resist external aggression;  
20 and that, as time developed, you started having questions as  
21 to whether there was a secondary channel for that policy;  
22 and, over time, you came to see that not only was there a  
23 secondary channel but that it included a policy variance from  
24 the traditional one of fighting aggression and corruption;  
25 that you had specific information from people who had talked

1 to President Trump, including Mr. Volker and Mr. Sondland,  
2 that what that policy was was essentially to extract an  
3 agreement from the President of Ukraine to do these  
4 investigations and that everything, not just the White House  
5 meeting but the aid itself, was conditioned on getting that  
6 agreement and that explicit statement; and, at the end, there  
7 was an effort to, quote, put President Zelensky in a box,  
8 which the public statement would make him do.

9 Is that a fair summary of what you've said?

10 AMBASSADOR TAYLOR: Excellent summary, Congressman. The  
11 one thing -- the only clarification I would make is that, in  
12 the beginning, in late June and early July, in July, there  
13 was, in my view, my observation, not a conflict. There was  
14 not a conflict --

15 MR. WELCH: Right.

16 AMBASSADOR TAYLOR: -- between these two channels.

17 MR. WELCH: No. And you were clear that just having  
18 somebody outside of the normal State Department isn't  
19 necessarily a bad thing.

20 AMBASSADOR TAYLOR: Correct.

21 MR. WELCH: Having two policies was the question.

22 But just a couple more, because I want to yield to my  
23 colleagues.

24 THE CHAIRMAN: Mr. Welch, our time has expired.

25 MR. WELCH: Okay.

1 THE CHAIRMAN: We'll come back to you at the very top of  
2 the next.

3 MR. WELCH: Sure, Mr. Chairman. I yield.

4 THE CHAIRMAN: Thank you.

5 Forty-five minutes to the minority.

6 BY MR. CASTOR:

7 Q Where we last left off was a discussion of -- it  
8 was right around the time of this telephone call, July 25th.

9 A 25th, yes.

10 Q And the very next day, you had a meeting with  
11 President Zelensky.

12 A Correct.

13 Q And I think you told us that feedback from the call  
14 from the Ukrainians was positive, for the most part.

15 A Yes.

16 Q They had put out a statement --

17 A They had put out a statement. They'd mentioned  
18 investigations or -- I should look at that statement. But  
19 they had mentioned something that led me to believe that they  
20 were in the same meeting, that they were describing exactly  
21 that call.

22 Q Okay. So --

23 A Law enforcement, I think it was. Yeah, yeah, yeah.

24 Q Was there any other discussion during that meeting  
25 that was a fallout from the call?

1           A     Not that I recall. The bulk -- so it was  
2     Ambassador Volker, Sondland, and I were all there. And the  
3     bulk of the call, after the brief conversation about the --  
4     I'm sorry. The bulk of the meeting after the brief  
5     conversation about the call was on how to solve Donbas.

6           Q     Were you surprised when you read the whistleblower  
7     complaint? And, first of all, did you see the whistleblower  
8     complaint before it was public?

9           A     No.

10          Q     Okay. So it was made public, I think, on Thursday,  
11     September 26th.

12          A     Okay.

13          Q     Were you surprised when there was a discussion of  
14     this July 26th meeting in the whistleblower complaint?

15          A     Mr. Castor, I remember reading that quickly, but I  
16     may have missed that July -- but can you remind me what  
17     the --

18          Q     Sure.

19          A     Yeah.

20          Q     On page 4 of the complaint -- we can give you the  
21     complaint.

22          A     I'm sure I have it somewhere, but that's okay.

23          Q     You know, it states that Ambassadors Volker and  
24     Sondland reportedly provided advice to Ukrainian leadership  
25     about now to navigate the demands that the President had made

1 to Zelensky.

2 Does that ring any bells? Does anything of that sort --

3 A This is in the 26th meeting?

4 Q Yeah.

5 A Advice to Zelensky about how to navigate the --

6 Q Demands of the President.

7 A I was in that -- so the records of -- my records of  
8 that meeting are in the State Department, and they will come.

9 Q Okay.

10 A I don't recall that.

11 Q Okay. By that --

12 A Ah. Ah. Thank you, Counsel.

13 He did ask -- one thing that was in addition to the  
14 brief conversation about the call and Donbas, and it may have  
15 been at the end, President Zelensky still expressed his  
16 interest in the face-to-face meeting in the Oval Office.

17 Q Okay.

18 A Yeah. Thank you.

19 Q But by that point in time, from your limited  
20 knowledge of what had occurred on the call, you didn't know  
21 that the President had made any demands or there was anything  
22 to navigate.

23 A Correct.

24 Q Okay. So, to the extent the whistleblower  
25 complaint chronicles that -- and you were in the meeting, and

1 you don't remember anything of that sort.

2 A I don't remember that.

3 MR. MEADOWS: Steve, let me -- your response, that you  
4 don't remember that, is really an indication that you don't  
5 recall that happening. Is that correct?

6 AMBASSADOR TAYLOR: Yes, sir.

7 MR. MEADOWS: Okay. I just wanted to clarify that.

8 AMBASSADOR TAYLOR: Yes. Yes. Good point.

9 BY MR. CASTOR:

10 Q Now, the various requests for the Ukrainians to  
11 open investigations that had been closed, did you have any  
12 opposition to the effort for Ukraine to investigate, you  
13 know, Ukrainians that had been engaged in wrongdoing that may  
14 have --

15 A Just in general? Was that the question? Or --

16 Q Right. You didn't have any objection to  
17 investigations being reopened that genuinely deserved to be  
18 reopened?

19 A So when President Zelensky comes into office --  
20 well, even before that -- when he runs for President and then  
21 is elected and then takes office, again, his second priority  
22 was defeating corruption. And he said, I think in the call,  
23 in the July 25th call, he said he has a new prosecutor  
24 general, who is very good, by the way. And President  
25 Zelensky said, this man will do the investigations and, you

1 know, he will enforce the law.

2 Q Okay.

3 A And so, yes, he committed to have Prosecutor  
4 General Ryabshapka, and then again recently saying that he'll  
5 take a look at all these --

6 Q Uh-huh.

7 A -- take a look at all these cases.

8 Q Okay.

9 There was a reference to reaching out to the Justice  
10 Department. You mentioned Deputy Assistant Attorney General,  
11 which I assume is Bruce Swartz?

12 A It is.

13 Q Did you ask Ambassador Volker to reach out to Bruce  
14 Swartz?

15 A He volunteered to do that.

16 Q Okay. And what was the feedback from Swartz?

17 A I don't know that they ever connected.

18 Q Okay. And was there any followup effort to close  
19 the loop with the Justice Department?

20 A No. I thought the whole thing was a bad idea.

21 Q You thought it was a bad idea to reach out to Bruce  
22 Swartz?

23 A No. I thought the idea of the Americans asking the  
24 Ukrainians to investigate a violation of Ukrainian law was a  
25 bad idea.

1 Q Okay.

2 A But Kurt, for some reason, wanted to pursue that.  
3 And when he volunteered to take that question to Bruce  
4 Swartz, that was fine with me.

5 Q Okay. I mean, is it possible that Swartz's  
6 feedback on that issue would have been compelling to the  
7 group? Like, why didn't anyone follow up with Swartz?

8 A No idea.

9 Q Okay.  
10 You called Counselor Brechbuhl on August 21st to engage  
11 about whether there was a change in U.S. policy.

12 A Yes.

13 Q And presumably that was on the heels of the  
14 security assistance being held up?

15 A Yes.

16 Q Was that the first time you had engaged Brechbuhl,  
17 you know, in the month of August?

18 A In the month of August?

19 Q Uh-huh.

20 A So I'd had a couple meetings with him before I  
21 left.

22 Q Right.

23 A I called him early on, I think in -- this may have  
24 still been July, about the security assistance, and then -- I  
25 think about security -- and then called him again.

1 Q Okay.

2 A Yeah.

3 Q So, on the 8/21 call that you mention on page 9 of  
4 your statement --

5 A Yep.

6 Q -- did you, at that time, alert him that you had  
7 concerns about the irregular channel?

8 A At that time? Let's see. At some point, I had a  
9 conversation with him about -- I wasn't calling it the  
10 irregular channel at this point. I was talking about  
11 Ambassador Sondland, Ambassador Volker. And it might have  
12 also been in this case.

13 Q Okay.

14 A But it was not the main thing.

15 Q Okay.

16 A The main thing was security assistance.

17 Q Okay. I'm just wondering, you know, during July  
18 and August, you're getting increasingly concerned, correct?

19 A Correct.

20 Q It culminates on August 27th when you wrote this  
21 first-person cable.

22 A I sent it in on the 29th.

23 Q Okay, but the end of August, right?

24 A Right.

25 Q And then by September 8th, you're discussing the

1 prospect that you might have to quit, right?

2 A I was discussing that even earlier. I was -- my  
3 cable on the 29th hinted at that as well.

4 Q Okay. And so, on the 21st, did you raise any of  
5 these concerns? I mean, you had him on the telephone, right?

6 A Yes. Yes. So when I asked him explicitly about a  
7 change in policy, he and I both remembered that a change in  
8 policy was what I was concerned about on May 28th. And this  
9 is why on a couple of times we've had that conversation. He  
10 knew exactly what I was talking about.

11 Q Okay. And did he give you any feedback or -- I  
12 mean, you're sounding -- are you sounding the alarm? Is that  
13 a fair characterization?

14 A I'm sounding the alarm on the 21st. I'm sounding  
15 the alarm on the 23rd. I had another conversation, oh, with  
16 Tim Morrison, I think, asking the same question. Is that --  
17 am I getting these numbers right? Next day, yes, on the 22nd  
18 with Morrison, I asked him the same thing, had there been a  
19 change in policy.

20 Q Uh-huh.

21 A So, yes, I am getting increasingly concerned. I'm  
22 trying to get from Washington what's going on.

23 Q And did Brechbuhl give you any indication that he  
24 was going to talk to the Secretary or he hears you loud and  
25 clear --

1 A Hears me --

2 Q -- and he'll try to do something about it?

3 A He says, "I will check."

4 Q Okay.

5 A "I will check."

6 Q And did he check?

7 A I don't know. I didn't hear anything back from  
8 him.

9 Q Okay.

10 And then Ambassador Bolton comes to Ukraine on  
11 August 27th?

12 A Correct.

13 Q And did you discuss these issues with him at that  
14 time?

15 A At the end of -- yes. Yes. At the end of his --  
16 he was there for, like, 3 days. And the second day -- he  
17 left the morning of the third day, early. The evening of the  
18 second day, which I think is maybe the 28th of September or  
19 so, I asked for a meeting with him to talk about this. And,  
20 again, this is the 28th.

21 September 29th is when the word leaks out in the  
22 Politico article, okay, there is a hold on -- so it wasn't  
23 out then, and, thus, it wasn't a topic of conversation with  
24 the Ukrainians. And he saw the full range of Ukrainians,  
25 including the President.

1           But I knew it. And I asked him at the end of his  
2 meeting, at the end of his visit, before he went to bed, if I  
3 could have a session with him. And I did, and I raised  
4 exactly this question. It was he who suggested then at that  
5 meeting that I write this note to Secretary Pompeo, which I  
6 did the next day.

7           Q     Okay. Did he urge -- he didn't urge a telephone  
8 call or anything of that sort?

9           A     No. He urged the first-person cable to get  
10 attention back there.

11          Q     Okay. Did you ask him whether he was trying to  
12 work the issue from his vantage point?

13          A     He indicated that he was very sympathetic. I had  
14 known from earlier conversations with people that he was also  
15 trying with the two Secretaries and the Director of the CIA  
16 to get this decision reversed. So he confirmed that and  
17 urged me to make my concerns known to the Secretary again.

18          MR. SMITH: Before we leave this, I think the Ambassador  
19 said the meeting was on September 27th. It was August 27th.

20          MR. CASTOR: Okay.

21          AMBASSADOR TAYLOR: Correct. Oh, did I say September?

22          MR. SMITH: I think you did.

23          AMBASSADOR TAYLOR: Thank you, Counselor.

24          MR. MEADOWS: So, Ambassador -- can I follow up with  
25 just one clarifying?

1           So, Ambassador, you said that you were aware of  
2 Ambassador Bolton's advocacy for this. You were aware of  
3 that how? From whom?

4           AMBASSADOR TAYLOR: I was aware, Congressman, in the  
5 discussions that followed the meeting at the NSC where the  
6 hold was put on. And it rapidly went up the chain to  
7 Ambassador Bolton. And was told a couple of times by people  
8 at State and people at the NSC that the Secretary of Defense,  
9 Secretary of State, the National Security Advisor, and the  
10 head of CIA all strongly supported the resumption of this  
11 assistance.

12           MR. MEADOWS: Who told you that? That's what I'm trying  
13 to get at. I mean, who were the conversations with?

14           AMBASSADOR TAYLOR: I'm sure they were with Deputy  
15 Assistant Secretary of State George Kent.

16           MR. MEADOWS: From the State Department standpoint.

17           AMBASSADOR TAYLOR: The State Department.

18           MR. MEADOWS: All right. From the NSC standpoint -- I  
19 mean, who would have direct knowledge of what Ambassador  
20 Bolton had done or was doing that conveyed that to you?

21           AMBASSADOR TAYLOR: Congressman, again, what I know is  
22 those principals were trying to get together with the  
23 President to have this meeting. So, knowing that --

24           MR. MEADOWS: Right, but you said somebody told you  
25 about Ambassador Bolton's advocacy --

1           AMBASSADOR TAYLOR: That's what I was referring to. I  
2 was referring to that I knew what his position was, because  
3 he wanted to get that group together to make the case.

4           MR. MEADOWS: So did he tell you he was getting the  
5 group together? Or who told you the group was getting  
6 together?

7           I guess I'm a little concerned on who at NSC would've  
8 been telling you about Ambassador Bolton. You felt like he  
9 was a kindred spirit on this. So who was telling you from  
10 the NSC that he was?

11          AMBASSADOR TAYLOR: It would've been either -- it  
12 would've been Tim Morrison. But I can't remember the  
13 specific phone call.

14          But, again, the main reason I know where Ambassador  
15 Bolton was was that interest in getting it reversed, getting  
16 the decision reversed, and the way to do that was to get a  
17 meeting with the President. So that was my main source of  
18 information. And that came, as I say, from the State  
19 Department.

20          BY MR. CASTOR:

21          Q     And then you had a subsequent conversation with  
22 Morrison? It sounds like you're talking to Morrison pretty  
23 much every day during this time period?

24          A     "Every day" is too strong, but -- let's see. Yeah.  
25 So Morrison is with Bolton.

1 Q Okay.

2 A So he's in Kyiv. He goes on to Warsaw with Bolton,  
3 and he and I have conversations from Warsaw.

4 Q Okay. What's Morrison's background? Where did he  
5 come from?

6 A He came -- so he took Fiona Hill's place, coming  
7 from another part of the NSC doing arms control, and I don't  
8 know what before that.

9 Q So you sent the first-person cable where you  
10 mention the term "folly."

11 A I did.

12 Q Did you get any feedback from the seventh floor on  
13 that cable?

14 A I got feedback from the sixth floor on that.

15 Q Okay. What feedback did you get?

16 A I got feedback saying, I'm glad you sent that  
17 cable.

18 Q Okay. Did you get any feedback from the Secretary  
19 or --

20 A I didn't. I didn't. As I say, I know he carried  
21 it with him to one of these meetings where they were going to  
22 try to reverse the decision, but no direct feedback.

23 Q Okay. How about from Mr. Brechbuhl?

24 A Nope.

25 Q Anybody else?

1           A     Not -- no, again, other than the desk. I somehow  
2     made sure -- I think I sent an email to Ulrich Brechbuhl to  
3     ensure that he saw that cable, and he may have sent back an  
4     acknowledgement that he'd seen it.

5           Q     Okay.

6           A     After the hold was lifted --

7           A     Yes.

8           Q     -- and the funds started to flow, was there any  
9     other activities that concerned you in the irregular channel?

10          A     Not that I can remember.

11          Q     Okay. I mean, you talked about the statement, the  
12     possible CNN interview, and some of these --

13          A     Correct.

14          Q     -- concerns from that channel.

15          A     Correct. But that had been in train for -- so I  
16     was trying to be sure that the things from the other channel  
17     that had been put in place, like the CNN interview, didn't  
18     happen.

19          Q     Okay.

20          A     And then the focus was on UNGA, as we said, on the  
21     General Assembly. And that, of course, was back into the  
22     regular channels, I mean, all the preparations for that.

23          Q     Did any of your conversations with Morrison reveal  
24     any concerns about the Giuliani-Sondland-Volker channel from  
25     that point on?

1 A Not that I recall.

2 Q Okay. Did you ever have any communications with  
3 Morrison after the aid was released where he indicated to you  
4 that the problem was solved and on to the next issue?

5 A No. No. His -- no. My conversations with Tim  
6 Morrison have been primarily, in particular since then, since  
7 the aid was released, on China. He was very concerned about  
8 China's investments in Ukraine, so we've had many  
9 conversations about that.

10 Q Okay. So you still talk with Mr. Morrison with  
11 some regularity?

12 A I do.

13 Q When did the fact that there was a complaint lodged  
14 about these matters come to your attention?

15 A I'm not sure, Mr. Castor.

16 Q The whistleblower complaint, when did that first  
17 come to your attention?

18 A The whistleblower complaint?

19 Q Yeah.

20 A I guess when I read it in the paper.

21 Q Okay. Which was towards the end of September or  
22 before it was made public?

23 A No, no, no. In the newspaper.

24 Q Okay. Did anyone try to contact you to find out  
25 any information, any firsthand information?

1           A     No.

2           Q     Okay.

3           A     No.

4           Q     How frequently do you have conversations with the  
5     DNI about these issues? Any?

6           A     I think none.

7           Q     Okay. Does a person by the name of Eric Ciaramella  
8     ring a bell for you?

9           A     It doesn't.

10          Q     So, to your knowledge, you never had any  
11     communications with somebody by that name?

12          A     Correct.

13          Q     After the aid was released, did you ever have a  
14     close-the-loop session with Volker and Sondland?

15          A     About that topic?

16          Q     Yes.

17          A     I don't think so.

18          Q     Okay. So, once the aid was released, it was sort  
19     of --

20          A     That was my big concern.

21          Q     Okay.

22          A     Right.

23          Q     The telephone conversation that Sondland relates,  
24     talking to the President, was pretty definitive, was it not?

25          A     I think so. It is the one we're talking about that

1 he relates he had with the President --

2 Q Right.

3 A -- and then Morrison also reports on that same  
4 conversation, I think.

5 Q Right.

6 A That's right. Yes.

7 Q And Morrison's view of that conversation is  
8 slightly different than Sondland's, is it not?

9 A It could well be.

10 So I'm looking at, what, page 12 here. He described a  
11 phone call earlier in the day between Sondland and Trump.  
12 Sinking feeling from Ambassador Sondland.

13 So that may answer this question earlier about whether  
14 he was on it.

15 Q Yeah.

16 A According to Morrison, President Trump asking for a  
17 quid pro quo -- was not asking. Did insist that President  
18 Zelensky go to a microphone.

19 And then Sondland and I spoke on the phone. He said he  
20 talked to President Trump. Adamant Zelensky himself had to  
21 clear things up. The same comment about no quid pro quo.  
22 Sondland said he talked to the President and then he talked  
23 to Zelensky and Yermak after that.

24 Q Uh-huh.

25 A So it sounds like they're talking about the same

1 phone call.

2 Q What was the sinking feeling?

3 A This was a comment that Mr. Morrison made when he  
4 heard that there were a Sondland-President Trump phone call,  
5 and that gave him a sinking feeling. And I think what he  
6 meant by that was, he recognized that that channel -- that's  
7 the irregular channel I've been talking about all day -- has  
8 the potential to be counter to the regular channel. And  
9 whenever he heard that there was an activation of that  
10 irregular channel, you know, he was concerned.

11 Q Okay. How frequently, to your knowledge, was  
12 Sondland in discussion with the President?

13 A This is a good question. Ambassador Sondland will  
14 tell you, has told you, told me: frequently. Frequently. I  
15 mean, I can't -- I don't know.

16 I know for a fact that he can call the President  
17 directly and does. And I've known this has -- I have heard  
18 that on several occasions he had done that, so it's not just  
19 a one-off. I mean, he's done it a bunch -- a couple times  
20 that I know of.

21 Q Okay. So it's a regular enough occurrence that  
22 he's probably talked to the President 10, 20, 30 times?

23 A I have no idea of the number.

24 Q Okay.

25 There's a little bit of a disconnect between -- like,

1 right around this time period is when Sondland reports the  
2 President is pretty definitive, "I don't want anything. I  
3 want nothing." But right at the same time, Morrison is  
4 revealing that he has a sinking feeling.

5 And so I'm just curious as to how you piece those two  
6 together. Because, on one hand, the President says, I want  
7 nothing, then the aid's released; but, on the other hand,  
8 Morrison has the sinking feeling.

9 A Morrison's sinking feeling is anytime there is an  
10 activation of that kind of Giuliani-oriented channel.

11 Q Uh-huh.

12 A But it seems to me that they describe the -- it  
13 seems to me that they describe the same phone call. You're  
14 right, there was some variance.

15 Q Right.

16 A And both related that the President said no quid  
17 pro quo. But they also both related that President Trump did  
18 insist that Zelensky go to a microphone and open  
19 investigations of Biden and 2016, and President Zelensky  
20 should want to do it himself, and --

21 Q But that part's not from Sondland's readout of the  
22 call.

23 A This is Morrison telling me about a Sondland-Trump  
24 meeting --

25 Q Okay.

1           A     -- phone call. Right? And then Sondland -- Gordon  
2 tells me the next day, on September 8th, that he talked to  
3 President Trump -- it must have been the day before -- and  
4 that Trump was adamant that President Zelensky himself --

5           Q     Uh-huh.

6           A     Because a week earlier, I had suggested to Gordon  
7 that maybe the prosecutor general could make this statement;  
8 it would be more logical than the President.

9           Q     But, in any event, you're only hearing this from  
10 either Sondland or Morrison, and you have no idea whether  
11 these calls actually happened.

12          A     I think they actually happened, just because I got  
13 two reports of what sounded like the same call.

14          Q     Okay. But by --

15          A     But it's true that I never talked to the President.

16          Q     Okay. But by September 9th, there had been some --  
17 I mean, it had become public, right, with the Politico story  
18 that the aid was being withheld?

19          A     That was August 29th.

20          Q     Right. So by September 9 --

21          A     Correct, it was out there.

22          Q     -- on the eve of the aid hold being lifted --

23          A     Yep.

24          Q     -- it had been public.

25          A     For a week, week and a half.

1 Q Right.

2 A Yeah.

3 Q And, as we understand it, there were Senators, you  
4 know, calling the --

5 A Two Senators came up. Oh. Right, right. You're  
6 exactly right. Senators called the President. Yes.

7 Q Okay. So it's possible Sondland -- when Sondland  
8 says the President doesn't want anything, no quid pro quo,  
9 it's possible the President's reacting to the fact that he's  
10 getting some heat on this issue and he's about to lift the  
11 hold.

12 A I don't know.

13 Q Okay.

14 A Don't know.

15 MR. MEADOWS: So I wanted a few clarifications --

16 AMBASSADOR TAYLOR: Please.

17 MR. MEADOWS -- because sometimes my ears --

18 AMBASSADOR TAYLOR: I have the same problem. I have the  
19 same problem.

20 MR. MEADOWS: So are you saying you got a call about the  
21 Sondland-Trump phone call from Morrison --

22 AMBASSADOR TAYLOR: Correct.

23 MR. MEADOWS: -- before you did from Sondland?

24 AMBASSADOR TAYLOR: Correct. I got the Morrison call on  
25 the 7th, and I got --

1           MR. MEADOWS: Is that unusual, I mean, that you would  
2 get a report from the NSC on a phone call between an  
3 Ambassador and the President of the United States before you  
4 got a readout from the Ambassador or to the President?

5           AMBASSADOR TAYLOR: Congressman, it's just a matter of  
6 logistics of when you're on what call.

7           MR. MEADOWS: Yeah, but I guess the question I have is,  
8 does Morrison report on other phone calls between the  
9 President and other individuals to you? I just find that  
10 just interesting, that he would pick up the phone and call  
11 you and say "by the way" about this readout between a phone  
12 call and the President before Ambassador Sondland did that.

13           AMBASSADOR TAYLOR: It was before. There's no doubt it  
14 was before Ambassador Sondland did that. That's clear from  
15 the 7th and 8th of September.

16           But Tim Morrison and I have a lot of interactions that I  
17 just mentioned to Mr. Castor, and I may have called him with  
18 some other questions about, I don't know, China, and he may  
19 have related that. So it was not a regular -- I don't  
20 remember any other time when he related a conversation about  
21 the President.

22           MR. MEADOWS: So, obviously, this would've been a big  
23 deal, this phone call, I mean, with the President saying, no  
24 quid pro quo. Did you have a relief at that point that,  
25 well, gosh, since there's no quid pro quo, I guess the funds

1 are going to be released?

2 AMBASSADOR TAYLOR: That was not my reaction at the  
3 time, Congressman. My --

4 MR. MEADOWS: Well, what was your reaction? Because I  
5 guess I'm a little -- I mean, if this is such a big deal --

6 AMBASSADOR TAYLOR: It is a big --

7 MR. MEADOWS: -- that you raised it with a Ukrainian  
8 official on September 1st --

9 AMBASSADOR TAYLOR: Yes.

10 MR. MEADOWS: -- why would you have not reacted in a  
11 more, I guess, exuberant manner?

12 AMBASSADOR TAYLOR: To the statement that I heard twice,  
13 that it was not a quid pro quo? Is that --

14 MR. MEADOWS: Right.

15 AMBASSADOR TAYLOR: I should've been exuberant about  
16 that? Oh, because -- I'm just trying to understand your  
17 question. And so --

18 MR. MEADOWS: Yeah. No, that's the question. You  
19 understand it. I guess I find it that it was just very blase  
20 that you got a phone call --

21 AMBASSADOR TAYLOR: I --

22 MR. MEADOWS: -- when you had raised this, and you  
23 didn't --

24 THE CHAIRMAN: Please let the witness answer.

25 AMBASSADOR TAYLOR: The answer, Congressman, is that --

1 MR. MEADOWS: Adam, I have not interrupted you at all  
2 today.

3 THE CHAIRMAN: I know, but he's trying to answer three  
4 times in a row.

5 MR. MEADOWS: I'm trying to clarify my question. He's  
6 asked me two or three times.

7 AMBASSADOR TAYLOR: And I think I got the question now.  
8 Thank you.

9 MR. MEADOWS: Okay.

10 AMBASSADOR TAYLOR: Thank you, Congressman.

11 So the answer is that, even after the statement that I  
12 heard both times from both recollections, recitations,  
13 descriptions of the phone call, after the quid pro quo, there  
14 is none, there is none, there is none, then it went on --  
15 both conversations went on to say: But President Trump did  
16 insist that President Zelensky go to a microphone and say he  
17 is opening investigations of Biden and 2016, and President  
18 Zelensky should want to do this himself. That was the --  
19 that's what Tim --

20 MR. MEADOWS: And that came from Morrison?

21 AMBASSADOR TAYLOR: That came from Morrison.

22 MR. MEADOWS: Okay.

23 AMBASSADOR TAYLOR: What came from Sondland when he told  
24 me this story was President Trump said it was not a quid pro  
25 quo. Ambassador Sondland said that he had talked to

1 President Zelensky and Yermak and told them that, although  
2 this was not a quid pro quo, if President Zelensky did not  
3 clear things up in public, we would be at a stalemate.

4 MR. MEADOWS: All right.

5 And so let me go back to one other thing, because I  
6 think you said -- you've said it twice now, and I want to  
7 make sure I understand you. You do not think it's  
8 appropriate for the Ukraine Government to investigate a  
9 violation of Ukrainian law. Is that what you said?

10 AMBASSADOR TAYLOR: No, no. I think it's perfectly  
11 appropriate for the Ukrainian Government to investigate a  
12 violation of Ukrainian law. I think it's --

13 MR. MEADOWS: Okay. All right. I thought so.

14 AMBASSADOR TAYLOR: Yeah, yeah.

15 MR. MEADOWS: All right.

16 So one other area. You talked about -- and I think it  
17 was Mr. Noble had asked you about the funds being withheld,  
18 and you said you believed that it was the aid and foreign  
19 military sales as well, all together in one bunch, in answer  
20 to his question.

21 And I want to remind you, actually, the talk of the  
22 Javelins and foreign military sales, it comes at a separate  
23 time. And I want to refresh your memory on that and perhaps  
24 allow you --

25 AMBASSADOR TAYLOR: You're --

1 MR. MEADOWS: -- to correct the record. Because I think  
2 Mr. Noble asked the question and you lumped it all together  
3 and said it came at one time --

4 AMBASSADOR TAYLOR: No --

5 MR. MEADOWS: -- and we know that that's not accurate.

6 AMBASSADOR TAYLOR: Let me tell you what I think is  
7 accurate.

8 MR. MEADOWS: Okay.

9 AMBASSADOR TAYLOR: What I think is accurate is there  
10 was 250 million in something called the Ukraine Security  
11 Assistance Initiative, USAI. And that --

12 MR. MEADOWS: Controlled by DOD.

13 AMBASSADOR TAYLOR: -- is owned by DOD, correct.

14 MR. MEADOWS: That's correct.

15 AMBASSADOR TAYLOR: Correct. And there's another  
16 141 million of, I think it's FMF that's run by the State  
17 Department.

18 MR. MEADOWS: State Department.

19 AMBASSADOR TAYLOR: That is separate from -- those two  
20 things are separate from the purchase of Javelins by the  
21 Ukrainians with their own money --

22 MR. MEADOWS: That's correct.

23 AMBASSADOR TAYLOR: -- of about \$29 million for about  
24 150 Javelins, right? So those are three separate pieces. If  
25 I was not clear on that --

1 MR. MEADOWS: Yeah. Because they came in three separate  
2 tranches. And I used to be on Foreign Affairs, and when we  
3 talk about all of this stuff, there's a whole lot of things  
4 that hold up foreign aid.

5 AMBASSADOR TAYLOR: Yes.

6 MR. MEADOWS: And so you're a career Foreign Service --

7 AMBASSADOR TAYLOR: I am actually not a career Foreign  
8 Service, but I've been in the State Department for a long  
9 time.

10 MR. MEADOWS: Well, you've been in the State Department  
11 for a long time.

12 AMBASSADOR TAYLOR: That's correct.

13 MR. MEADOWS: And so have you seen aid held up for a  
14 variety of reasons other than just a normal appropriations  
15 glitch? Have you seen Senators put a hold on foreign aid  
16 occasionally --

17 AMBASSADOR TAYLOR: Yes.

18 MR. MEADOWS: -- to get votes on things that --

19 AMBASSADOR TAYLOR: I don't know about getting votes on  
20 things. But, sure, there are certainly holds put on foreign  
21 assistance packages. There's no doubt about it.

22 MR. MEADOWS: That have nothing to do with our overall  
23 foreign policy initiative. Have you seen that?

24 AMBASSADOR TAYLOR: I don't remember, but I would not be  
25 surprised. I would not be surprised.

1 MR. MEADOWS: All right.

2 MR. JORDAN: Ambassador, how many conversations and/or  
3 meetings did you have with Mr. Morrison in this relevant time  
4 period?

5 AMBASSADOR TAYLOR: "Relevant time" meaning all summer?

6 MR. JORDAN: Well, you said you had one -- you get there  
7 on June 17th and you had one conversation with the individual  
8 who held Mr. Morrison's position at NSC. You had one  
9 conversation in your first month there, and it was on  
10 July 19th.

11 So, between July 19th and the September timeframe when  
12 Mr. Morrison calls you to tell you about a call that  
13 Mr. Sondland had with the President of the United States, how  
14 many times between July 19th and September 9th, roughly, how  
15 many times did you communicate with Mr. Morrison? It sounds  
16 like it was a lot.

17 AMBASSADOR TAYLOR: Yeah. I was going to say 8, 10, 12.  
18 A good number. A lot.

19 MR. JORDAN: Yeah. So his predecessor you had one  
20 conversation with in this timeframe.

21 AMBASSADOR TAYLOR: Well, no. I actually had -- before  
22 I went out, I sat down with Fiona and Alex -- actually, a  
23 couple times before I went out. And then had this meeting --  
24 or had this call --

25 MR. JORDAN: Well, earlier, in a previous hour, when I

1 asked you how many conversations you had with Dr. Hill  
2 between June 17th and July 19th, you said one, and that was  
3 on July 19th.

4 AMBASSADOR TAYLOR: And I think that's correct. And  
5 what I'm saying is before I --

6 MR. JORDAN: And we tried to establish -- it sounded  
7 like it was on your calendar. She probably called you, but  
8 you weren't sure. Am I characterizing that accurately?

9 AMBASSADOR TAYLOR: That's correct.

10 MR. JORDAN: So you had one conversation with Dr. Hill  
11 in your first month on the job.

12 AMBASSADOR TAYLOR: I think that's correct, yes.

13 MR. JORDAN: And now you've said you had multiple  
14 conversations with Mr. Morrison.

15 AMBASSADOR TAYLOR: Yes.

16 MR. JORDAN: Okay. This one that was in your testimony,  
17 was this Mr. Morrison called you to tell you about that, or  
18 was it his previously scheduled call?

19 AMBASSADOR TAYLOR: We're talking about September 7th  
20 now, Congressman?

21 MR. JORDAN: Let me just go back and look. Yeah, the  
22 September 7th -- you described a phone conversation between  
23 Ambassador Sondland and President Trump. Did he call you?

24 AMBASSADOR TAYLOR: The way we do these phone calls is,  
25 to be secure, to be secure -- September 7th may be a -- was

1           it a Sunday? September 7th. It was a Saturday. So to have  
2           a secure call on a weekend, I go into the Embassy.

3           MR. JORDAN: Okay.

4           AMBASSADOR TAYLOR: And the way we arrange these calls  
5           is through unclass email. We say, Tim, you know, you got  
6           time? Or he may have sent me a note saying, do we have time?  
7           And I'd said, sure, I'll go into the Embassy at such and such  
8           a time.

9           So the short answer is I'm not sure who called whom.

10          MR. JORDAN: Okay. But you had multiple calls between  
11          July 19th and this call on September 7th.

12          AMBASSADOR TAYLOR: Yes.

13          MR. JORDAN: And did you have a prior friendship or  
14          relationship working with Mr. Morrison prior to his time as  
15          coming in --

16          AMBASSADOR TAYLOR: No, I had not met him before.

17          MR. JORDAN: So you'd never met him before.

18          AMBASSADOR TAYLOR: Correct.

19          MR. JORDAN: He gets Dr. Hill's position.

20          AMBASSADOR TAYLOR: Correct.

21          MR. JORDAN: And then you have multiple phone calls with  
22          him in this timeframe.

23          AMBASSADOR TAYLOR: That's correct.

24          MR. JORDAN: And I think you said some of it was  
25          relative to China. And Ukraine as well? The linkage --

1           AMBASSADOR TAYLOR: Yes.

2           MR. JORDAN: -- between China and Ukraine?

3           AMBASSADOR TAYLOR: No, China in Ukraine.

4           MR. JORDAN: I understand.

5           AMBASSADOR TAYLOR: China investing in -- yes.

6           MR. JORDAN: Okay.

7           AMBASSADOR TAYLOR: Yeah, he's very -- he and  
8           Dr. Kupperman and many people, as you are I'm sure aware, are  
9           concerned about the Chinese interest in buying up some of  
10          Ukrainian technology and a company called [REDACTED]. Yes.  
11          So we had many conversations about that.

12          MR. JORDAN: Okay. And of these multiple conversations,  
13          many conversations you had, do you think it's -- characterize  
14          it. Was it more Mr. Morrison reaching out to you to  
15          communicate information to you or the other way?

16          AMBASSADOR TAYLOR: Both.

17          MR. JORDAN: Who initiated?

18          AMBASSADOR TAYLOR: It's both.

19          MR. JORDAN: Who initiated most? I'm just curious.

20          AMBASSADOR TAYLOR: I'm just --

21          MR. JORDAN: You don't know?

22          AMBASSADOR TAYLOR: Both. I don't know.

23          MR. JORDAN: Okay. Thank you.

24          AMBASSADOR TAYLOR: It's some of each.

25          MR. JORDAN: All right.

1 MR. MEADOWS: And so this phone call you had was on a  
2 Saturday.

3 AMBASSADOR TAYLOR: September 7th I think was a  
4 Saturday.

5 MR. MEADOWS: So how many times do you go in to make  
6 phone calls on urgent matters on a Saturday?

7 AMBASSADOR TAYLOR: Not infrequently, sadly.

8 MR. MEADOWS: So you literally say, well, I need to go  
9 talk to Washington, D.C., and go in on a Saturday --

10 AMBASSADOR TAYLOR: If it has to be secure, yes, I go  
11 into the Embassy. And the Embassy is 25 minutes away.

12 MR. MEADOWS: No, I get the secure nature, but --

13 AMBASSADOR TAYLOR: Yeah.

14 MR. MEADOWS: So what you're saying is you go into the  
15 Embassy to make this phone call to talk about a phone call  
16 that he had with the President.

17 AMBASSADOR TAYLOR: That he had it --

18 MR. MEADOWS: Sondland had it with the President.

19 AMBASSADOR TAYLOR: Right. Morrison is talking about a  
20 Sondland conversation with the President, correct.

21 MR. MEADOWS: Okay. And so, as you go in -- you don't  
22 recall what else you talked about?

23 AMBASSADOR TAYLOR: In that phone call?

24 MR. MEADOWS: Yeah.

25 AMBASSADOR TAYLOR: I don't.

1 BY MR. CASTOR:

2 Q You first learned you were going to be coming here  
3 today to answer questions last week? Or before?

4 A No, no, no. You sent me -- somebody sent me a note  
5 or an invitation to come probably 2 weeks ago?

6 Q Okay.

7 A Yeah.

8 Q But prior to today, have you had any communications  
9 with congressional staff about any of the issues that we've  
10 discussed here today?

11 A No.

12 Q Okay. And, you know, there was a report running  
13 yesterday about things that may or may not have occurred on a  
14 codel, and I just want to --

15 A Staffdel, maybe. Was it a staffdel?

16 Q Codel or staffdel.

17 A So I saw a report. Maybe this is what you're  
18 asking.

19 While I was in Kyiv -- this must've been -- maybe about  
20 the same time. I can't remember. In September. The  
21 Atlantic Council had one of its many visits, and the Atlantic  
22 Council invites congressional staff. Generally, they are  
23 fairly junior congressional staff. And I think there were  
24 probably 15 or so congressional staffers on this trip.

25 John Herbst, Ambassador Herbst organizes these. It was

1 a Sunday afternoon. They were just off the plane. They came  
2 to my residence, and I gave them a briefing. And it could've  
3 been that one of your staffers was on this, Mr. Chairman.

4 Q My question was just simply, you haven't had  
5 communications with --

6 A I have not.

7 Q -- congressional staff outside of what we're here  
8 doing here today?

9 A That's right. Other -- if the question is about  
10 that Atlantic Council one, there were a bunch of  
11 congressional staffers whom I gave a regular briefing to.

12 Q Okay. Fair enough.

13 What else -- what can you tell us about the Atlantic  
14 Council? Did you know they were funded in part by Burisma?

15 A You know, I didn't know that. I didn't know that.  
16 So I have great respect for the people -- I know a lot of the  
17 people at the Atlantic Council. And I know that -- and I  
18 know that they have to raise funds. I didn't know that  
19 Burisma was one of their funders.

20 Q Okay. But you learned that recently or --

21 A Maybe in the past week.

22 Q Do a lot of Ukrainian business enterprises  
23 contribute money to the Atlantic Council, to your knowledge?

24 A I don't know.

25 MR. CASTOR: Mr. Armstrong, did you have something you

1 wanted to --

2 MR. ARMSTRONG: Yeah, just briefly.

3 You were talking about the High Court of  
4 Anti-Corruption. And that was actually set up under  
5 Poroshenko, but it was inactive. And when Zelensky got  
6 elected, he brought it back, right?

7 AMBASSADOR TAYLOR: Yes, sir. "Inactive" is probably --  
8 well, it wasn't put into effect. It wasn't -- it didn't  
9 start. And the problem was, it didn't have a place to meet.  
10 And so -- under President Poroshenko. And so people were  
11 thinking that he was kind of dragging his feet.

12 MR. ARMSTRONG: Yeah.

13 AMBASSADOR TAYLOR: And then Zelensky gets in, and  
14 within, like, 2 weeks, the same fellow, this prosecutor  
15 general that I mentioned a minute ago, Ryabshapka, came up  
16 with a place, got them in, and they opened it on  
17 September 5th.

18 MR. ARMSTRONG: But earlier in your testimony, you  
19 said -- we had a comment about Parliament, and you said you  
20 can buy your way into Parliament. We asked about criminal  
21 justice. You can buy your way out of prosecution essentially  
22 is going on.

23 And there were actually -- you had talked earlier about  
24 concerns about Zelensky's relationship with a particular  
25 oligarch. There were concerns about the Naftogaz board, the

1 boards of state-owned banks, and, obviously, even outside of  
2 all of this, some questions about Burisma and what we just  
3 found out.

4 And corruption relating to oligarchs is not something  
5 new, correct?

6 AMBASSADOR TAYLOR: Correct.

7 MR. ARMSTRONG: I mean -- and during this, we went  
8 through it. I mean, there was a parliamentarian, Leshchenko,  
9 who was investigated. You said he was an original supporter  
10 of Zelensky and then wasn't?

11 AMBASSADOR TAYLOR: So he was originally -- well, he  
12 started off as a journalist. He joined President  
13 Poroshenko's party and was elected to Parliament. And then,  
14 as a reformer, he was advising the Zelensky campaign,  
15 self-selected out of the Zelensky camp.

16 MR. ARMSTRONG: And people were excited about Zelensky's  
17 election, but also, at the same time -- and I'll get back to  
18 this in a second -- I mean, there was at least four current  
19 or former members of the Ukrainian Government that were, I  
20 mean, participating in our 2016 election. And I don't mean  
21 anything -- I mean, they were posting on Facebook, whether it  
22 was former Prime Minister Yatseniuk was posting on Facebook;  
23 Minister of Internal Affairs -- who is still a member of  
24 government, correct.

25 AMBASSADOR TAYLOR: Correct.

1 MR. ARMSTRONG: -- Avakov, who has, I mean, said some  
2 pretty derogatory things about the President. Chaly, who was  
3 the Ambassador to Ukraine, coined an op-ed in The Hill during  
4 the campaign.

5 So we have a concern about a potential relationship with  
6 Zelensky. We have -- I mean, this is systemic, and it's gone  
7 on for a long time.

8 So, I mean, while we're excited and this is moving  
9 forward and some of these things are going on, you can see  
10 probably how this administration maybe had a little concern,  
11 particularly not only with corruption but also with direct  
12 relationship to what went on with --

13 AMBASSADOR TAYLOR: Congressman, the only thing I'd say  
14 is that the concern should not have been about the new team.  
15 Now, your point is a good one -- that is, they had one  
16 carryover from --

17 MR. ARMSTRONG: Well, let me ask you this. Because you  
18 weren't the Ambassador during the 2016 election.

19 AMBASSADOR TAYLOR: That's true.

20 MR. ARMSTRONG: But you were the Ambassador during the  
21 2008 election.

22 AMBASSADOR TAYLOR: I was.

23 MR. ARMSTRONG: And if four members of the Ukrainian  
24 Government were directly involved in the election of -- which  
25 ended up being President Obama, in your position of

1 Ambassador, how would you have handled that?

2 AMBASSADOR TAYLOR: What would I have done to -- so the  
3 scenario is --

4 MR. ARMSTRONG: Let me ask -- let's start here: Would  
5 that have concerned you?

6 AMBASSADOR TAYLOR: Any interference of diplomats or of  
7 government officials in an election in another country would  
8 concern me.

9 MR. ARMSTRONG: So I'm assuming none of that happened in  
10 2008.

11 AMBASSADOR TAYLOR: Not that I know of.

12 MR. ARMSTRONG: Any Ukrainian officials that you're  
13 aware of.

14 AMBASSADOR TAYLOR: Not that I'm aware of.

15 MR. ARMSTRONG: Okay. Thanks.

16 MR. CASTOR: I think our time has expired.

17 THE CHAIRMAN: Let's take a 5- or 10-minute break. We  
18 do have votes coming up. It would be my intention for staff  
19 to continue the interview during votes. And I don't think we  
20 have a lot more questions for you. I don't know where the  
21 minority is, but hopefully we won't go too much longer.

22 AMBASSADOR TAYLOR: I'm at your service, Mr. Chairman.

23 THE CHAIRMAN: Okay. Thank you, Ambassador.

24 AMBASSADOR TAYLOR: Thank you.

25 [Recess.]

1 [5:31 p.m.]

2 THE CHAIRMAN: We're going to go back on the record to  
3 try to get to as many members as we can before votes. And  
4 let me start by recognizing Mr. Malinowski.

5 MR. MALINOWSKI: Thank you, Mr. Chairman.

6 Thank you, Ambassador, for your service and your  
7 patience with us today. I just wanted -- you've answered  
8 most of my questions, so I wanted to maybe try to sum things  
9 up a little bit. It seems to me from your testimony and from  
10 that of others that we've heard that there was a group of  
11 officials in the executive branch who were working on Ukraine  
12 and who cared about Ukraine across the interagency.

13 And at the start of this drama, all of you basically  
14 agreed on the objective, supporting Ukraine against Russia,  
15 fighting corruption, promoting democracy. You wanted a good  
16 relationship between the two countries. And then, at a  
17 certain point, you all learned that the President was in a  
18 different place, correct?

19 AMBASSADOR TAYLOR: Yes. So, in the May 23rd, before I  
20 got out there, in his meeting with the delegation that came  
21 back enthusiastic about Zelensky, the President was less  
22 enthusiastic.

23 MR. MALINOWSKI: Right. And at that point, things --  
24 that group of people, roughly speaking, split into two  
25 different camps. You all still had the same goals, but there

1 was one group of folks who felt that they didn't want to have  
2 anything to do with what Mr. Bolton reportedly described as  
3 the drug deal because it was wrong, it was unprincipled, we  
4 should not be operating that way.

5 And then there was a second group of people that may  
6 have included Kurt Volker, Ambassador Sondland, Secretary  
7 Perry, who decided that they had to somehow go along with  
8 this drug deal because they felt it was the only way to bring  
9 the President back, to get him to support the vision of the  
10 relationship that you wanted. Is that a fair assessment?

11 AMBASSADOR TAYLOR: It is, Congressman. And it was  
12 motivated, but as you said, toward a strong relationship. It  
13 was just a different -- they thought they had to take a  
14 different route through Giuliani to get there.

15 MR. MALINOWSKI: Right. And so the problem wasn't with  
16 either of those groups of people. The problem was the drug  
17 deal itself, in effect. It was this decision that, you know,  
18 you had to go through this path to get to that outcome. And  
19 so let me ask you, who was responsible for the drug deal?  
20 Who was responsible for setting all this into motion? Was it  
21 Mr. Sondland? Was it Ambassador Sondland?

22 AMBASSADOR TAYLOR: I don't think so. I think the  
23 origin of the idea to get President Zelensky to say out loud  
24 he's going to investigate Burisma and 2016 election, I think  
25 the originator, the person who came up with that was

1 Mr. Giuliani.

2 MR. MALINOWSKI: And he was representing whose interests  
3 in --

4 AMBASSADOR TAYLOR: President Trump.

5 MR. MALINOWSKI: Thank you.

6 THE CHAIRMAN: Mr. Krishnamoorthi.

7 MR. KRISHNAMOORTHI: Hello, Mr. Ambassador.

8 Thank you for your incredible service to our Nation.

9 AMBASSADOR TAYLOR: Thank you, sir.

10 MR. KRISHNAMOORTHI: First of all, on page 12 of your  
11 statement, you talked about the meeting that you helped  
12 facilitate between Senators Johnson and Murphy with President  
13 Zelensky. Do you recall that meeting?

14 AMBASSADOR TAYLOR: I do.

15 MR. KRISHNAMOORTHI: And in your statement, you say that  
16 they emphasized that President Zelensky should not jeopardize  
17 bipartisan support by getting drawn into U.S. domestic  
18 politics. What exactly were they referring to when they said  
19 he should not jeopardize bipartisan support by getting drawn  
20 into U.S. politics?

21 AMBASSADOR TAYLOR: The Senators were concerned -- the  
22 Senators could see that President Zelensky faced a dilemma,  
23 and the dilemma was investigate Burisma and 2016 or don't.  
24 And if they investigated, then that would be seen to be  
25 interfering on the side of President Trump's reelection; if

1 they didn't investigate, that would be seen to be interfering  
2 in favor of some of his -- of President Trump's opponent. So  
3 they told him: Just don't get involved, just don't get  
4 involved.

5 MR. MALINOWSKI: And both Senator Murphy and Senator  
6 Johnson said -- or expressed that sentiment, correct?

7 AMBASSADOR TAYLOR: I want to be careful about quoting  
8 Members of Congress and Senators. This is why I was  
9 counseled by smarter people than I about how to phrase this.  
10 But that was spoken by Senator Murphy.

11 MR. MALINOWSKI: Okay. And, now, some folks might say  
12 that the beginning of those investigations was merely  
13 investigating corruption. Why was it your and their  
14 sentiment that it was actually getting Zelensky drawn into  
15 U.S. politics?

16 AMBASSADOR TAYLOR: It would get into U.S. politics if  
17 the Ukrainians were to go -- was to investigate the Burisma  
18 cases that were closed at the time when Vice President Biden  
19 was in town -- in Kyiv frequently making the point about  
20 anticorruption and when his son was on the board of Burisma.  
21 So it was that cluster of issues surrounding Burisma that  
22 would be highlighted by an investigation.

23 MR. KRISHNAMOORTHY: And you agreed with the sentiment  
24 expressed by the Senators, correct?

25 AMBASSADOR TAYLOR: I did.

1 MR. KRISHNAMOORTHY: Now, let me turn your attention to  
2 page 8 for a second. There?

3 AMBASSADOR TAYLOR: Yep.

4 MR. KRISHNAMOORTHY: Ambassador Sondland said that --  
5 I'm looking at the top of the page -- said that a call  
6 between President Trump and President Zelensky would take  
7 place soon. This is in the July timeframe. And Ambassador  
8 Volker said that what was, quote, most important for Zelensky  
9 to say that he will help investigation and address any  
10 specific personnel issues if there are any, closed quote.

11 What specific personnel issues are being referred to?

12 AMBASSADOR TAYLOR: Congressman, I don't know. To this  
13 day, I don't know what he was referring to there.

14 MR. KRISHNAMOORTHY: Okay. And did Ambassador Sondland  
15 ever bring up personnel issues?

16 AMBASSADOR TAYLOR: Not in my -- not that I know of.

17 MR. KRISHNAMOORTHY: Finally, Giuliani. You may or may  
18 not be aware of this, but Giuliani had a hand in trying to  
19 force out Ambassador Yovanovitch from her post as Ambassador.  
20 Are you aware of any attempts by Giuliani or anyone else to  
21 come back at you for some of the text messages that you had  
22 sent basically questioning the wisdom of Ukraine policy that  
23 was being pursued by Volker, Sondland, Giuliani, or anyone  
24 else?

25 AMBASSADOR TAYLOR: No, sir.

1 MR. KRISHNAMOORTHY: And did anybody ever question you  
2 directly about your statements and whether you were somehow  
3 out of line in making the statements that you made?

4 AMBASSADOR TAYLOR: Not yet.

5 MR. KRISHNAMOORTHY: Okay. Thank you. I hope never.

6 AMBASSADOR TAYLOR: Thank you.

7 MR. KRISHNAMOORTHY: Do me a favor though: Stay honest  
8 as you are. Thank you, sir.

9 AMBASSADOR TAYLOR: Thank you, sir.

10 THE CHAIRMAN: Just one followup question before I go to  
11 my next colleague. Prior to the codel you mentioned with  
12 Senators Murphy and Johnson, Senator Johnson told The Wall  
13 Street Journal that Sondland had described to him a quid pro  
14 quo involving a commitment by Kyiv to probe matters related  
15 to U.S. elections and the status of nearly \$400 million in  
16 U.S. aid to Ukraine that the President had ordered to be held  
17 up in July.

18 Apparently, Senator Johnson had told this to the Journal  
19 before the codel. Did he ever raise this with you during  
20 those meetings?

21 AMBASSADOR TAYLOR: He didn't raise that, no,  
22 Mr. Chairman.

23 THE CHAIRMAN: Okay. Representative Lynch. Then  
24 Maloney and Speier, if you have questions, Speier, Jackie  
25 Speier.

1 MR. LYNCH: Thank you. Thank you, Ambassador. I really  
2 appreciate your courage in coming forward, and thank you for  
3 your service.

4 I'd like you to focus on page 10 and 11 of your opening  
5 statement. And September 1st seems to be a red letter day,  
6 so to speak. You have a conversation -- excuse me, yeah, you  
7 have a number of conversations here that are very important.

8 One you had with Mr. Morrison, who described a  
9 conversation between Ambassador Sondland with Mr. Yermak at  
10 Warsaw, where Ambassador Sondland told Mr. Yermak that the  
11 security assistance money would not come until President  
12 Zelensky commits to pursue the Burisma investigation.

13 You also say that's the first time you've heard that  
14 security assistance, not just the White House meeting, was  
15 conditioned on the investigation. And then you text message  
16 Ambassador Sondland, and you're saying -- it's a question:  
17 We are now saying the security assistance and the White House  
18 meeting are conditioned on investigations, question mark, end  
19 quote.

20 There's also a statement here that you relate that  
21 Ambassador Sondland also told you that he now recognized he'd  
22 made a mistake by earlier telling the Ukrainian officials to  
23 whom he spoke that a White House meeting with President  
24 Zelensky was dependent on a public announcement of  
25 investigations, in fact. Ambassador Sondland said everything

1 was dependent on such an announcement, including security  
2 assistance.

3 He said the President -- Trump wanted President  
4 Zelensky, quote, in a public box, close quote, by making a  
5 public statement about ordering such investigations. This is  
6 a rich description. This is all one day, September 1st. And  
7 so I would like to know, is this a product of your memory, or  
8 is this something that you took contemporaneous notes, you  
9 know, at the time that this was occurring?

10 AMBASSADOR TAYLOR: Contemporaneous notes, Mr. Lynch.

11 MR. LYNCH: They are. And that is your usual practice?

12 AMBASSADOR TAYLOR: It is, indeed.

13 MR. LYNCH: And did you surrender these notes to the  
14 State Department?

15 AMBASSADOR TAYLOR: I did.

16 MR. LYNCH: You did?

17 AMBASSADOR TAYLOR: I did.

18 MR. LYNCH: And do you have copies in your custody?

19 AMBASSADOR TAYLOR: I do.

20 MR. LYNCH: You do. Okay. That's all I got. I yield  
21 back.

22 THE CHAIRMAN: Mr. Maloney.

23 MR. MALONEY: Just a quick followup on that one point.  
24 Over here. My name is Sean Maloney. Ambassador Sondland,  
25 thank you for your testimony today.

1           Just to follow up on my colleague's question, along  
2 those same lines, when you use quotation marks in your  
3 opening statement, did you have a standard that you applied?  
4 In other words, would we find those phrases, those quotes in  
5 the notes you just described to my colleague, Mr. Lynch?

6           AMBASSADOR TAYLOR: Yes, sir. If I had them -- if I put  
7 them in quotation marks, that means I can find them in my  
8 notes. And I took notes -- it would either be in a text  
9 message or WhatsApp message or notes that I took on my little  
10 notebook that I carry around, or a notebook that I keep in my  
11 office that I take notes on phone calls when I'm in the  
12 office. So the answer is, yes, if I've got quotes on them, I  
13 can find them.

14           MR. MALONEY: Thank you.

15           I want to direct your attention to page 10. I just have  
16 a couple of questions about the Warsaw meeting.

17           AMBASSADOR TAYLOR: Yes.

18           MR. MALONEY: Now, we see towards the bottom of page 10  
19 you describe the meeting that Vice President Pence had with  
20 President Zelensky. I believe that was on September 1st?

21           AMBASSADOR TAYLOR: Yes.

22           MR. MALONEY: And in that fourth paragraph towards the  
23 bottom, you mentioned that while President Zelensky, and I'm  
24 quoting, had opened the meeting by asking the Vice President  
25 about security cooperation, you go on to say, the Vice

1 President did not respond substantively but said he would  
2 talk to President Trump that night.

3 Do you see where I'm reading from?

4 AMBASSADOR TAYLOR: I do.

5 MR. MALONEY: Do you know whether the Vice President  
6 spoke to the President that night?

7 AMBASSADOR TAYLOR: I don't.

8 MR. MALONEY: And then you also go on to say, the Vice  
9 President did not say the President wanted the Europeans to  
10 do -- excuse me, the Vice President did say that President  
11 Trump wanted the Europeans to do more to support the Ukraine  
12 and that he wanted the Ukrainians to do more to fight  
13 corruption.

14 In the next paragraph, however, you describe another  
15 meeting that's going on also in Warsaw, also the same day, as  
16 I understand it, between Ambassador Sondland and Mr. Yermak.  
17 Is that right?

18 AMBASSADOR TAYLOR: This is a report of a phone call I  
19 had with Mr. Morrison. I think it's the same one that we  
20 just -- I think he called me to tell me about or I called him  
21 to ask about the events in Warsaw on September 1st.

22 MR. MALONEY: And --

23 AMBASSADOR TAYLOR: I'm sorry, Congressman. This is the  
24 same phone call with Mr. Morrison. He went on to describe  
25 this subsequent conversation with Sondland, Yermak.

1 MR. MALONEY: I think I understand your answer, sir.  
2 But my question is, is in the phone call you're having with  
3 Mr. Morrison --

4 AMBASSADOR TAYLOR: And he's describing a Warsaw meeting  
5 between Mr. Sondland and Mr. Yermak --

6 AMBASSADOR TAYLOR: Yes.

7 MR. MALONEY: -- which seems to have happened at the  
8 same time as the Vice President was meeting with President  
9 Zelensky. Am I correct?

10 AMBASSADOR TAYLOR: It was the same event, but  
11 probably -- I wasn't there, but what happens at these is  
12 there's a bilateral meeting between Vice President and the  
13 President with all the aides. And then, after that, the  
14 aides may get together separately, and that's what I imagine  
15 happened here.

16 MR. MALONEY: I understand. Do you know whether  
17 Ambassador Sondland ever spoke to the Vice President about  
18 his conversation with Mr. Yermak?

19 AMBASSADOR TAYLOR: I don't know.

20 MR. MALONEY: I want to ask you about one other thing,  
21 sir, which is, on page 12 and on page 13, my colleague  
22 Chairman Schiff has taken you at some length through the  
23 various statements of conditionality and your view of that.  
24 And it's not my intention to go back into that. I just  
25 wanted to ask you about the wording you use at this point in

1 the sequence of events.

2 So, on September 8th, there is the call between Sondland  
3 and Volker and you, and you recount this expression about  
4 how when a businessman is about to sign a check to someone  
5 who owes him something, the businessman asks that person to  
6 pay up before signing the check. And then, of course, you  
7 mention that Ambassador Volker used the same term several  
8 days later. Do you see where I'm reading from the from in  
9 the middle of the page?

10 AMBASSADOR TAYLOR: I do.

11 MR. MALONEY: And you go on to say that holding up  
12 security assistance for -- and you use the words "domestic  
13 political gain" was, quote, crazy. Do you see that?

14 AMBASSADOR TAYLOR: I do.

15 MR. MALONEY: And the day before -- excuse me, the day  
16 after that, on September 9th, it comes before in your  
17 testimony a couple paragraphs up, but it's actually the next  
18 day is when you write the famous text: I think it's crazy to  
19 withhold security assistance for help with a political  
20 campaign. Do you see that?

21 AMBASSADOR TAYLOR: I do.

22 MR. MALONEY: And so my question, sir, is, when you use  
23 phrases like "domestic political gain" or a "political  
24 campaign," I want to understand what you meant by that,  
25 because, of course, we're not just talking now about whether

1 or not an investigation was launched or whether or not it  
2 would be appropriate or not to do that. I'm curious about  
3 why you connected it up to, quote, a domestic political gain  
4 and, quote, a political campaign?

5 AMBASSADOR TAYLOR: Because as I understood the reason  
6 for investigating Burisma was to cast Vice President Biden in  
7 a bad light.

8 MR. MALONEY: That would be the domestic political gain?

9 AMBASSADOR TAYLOR: Yes.

10 MR. MALONEY: To cast Vice President Biden in a bad  
11 light?

12 AMBASSADOR TAYLOR: Right.

13 MR. MALONEY: And the political campaign would be what  
14 political campaign?

15 AMBASSADOR TAYLOR: A political campaign for the  
16 reelection of President Trump.

17 MR. MALONEY: On page 2 of your testimony -- last  
18 question. On page 2 of your testimony, you say that Ukraine  
19 was special, which struck me. You talk about your many years  
20 of service and the extraordinary work you've done for our  
21 country, but in that third paragraph, you say: Ukraine is  
22 special for me. Do you see that? In fact, you say, across  
23 the responsibilities I've had in public service, Ukraine is  
24 special for me. It's in the third paragraph, halfway  
25 through.

1           AMBASSADOR TAYLOR: Yes. Yes, sir.

2           MR. MALONEY: Throughout the day, you've responded to  
3 our questions in a very professional manner. I take it this  
4 is your years of training as a diplomat. But I'm curious  
5 about your emotional reaction to these events. Ukraine, as  
6 you say, was special to you, and you witnessed this over the  
7 series of a couple of months this summer from June, I guess,  
8 through the present, but really to early September,  
9 especially. What was your emotional reaction to these  
10 events?

11           AMBASSADOR TAYLOR: It was a reaction based on the fact  
12 that, as I mentioned, either before or after that, just after  
13 that, that I think Ukraine is important objectively to the  
14 United States. That is not emotionally, but we can do some  
15 kind of analysis and determine why it's important for Ukraine  
16 to succeed as a state and why it's important for Russia not  
17 to succeed in its aggression. That's kind of the analytic  
18 piece.

19           The emotional piece is based on my time in Ukraine in  
20 2006, 2009, when traveling around the country, I got to know  
21 Ukrainians and their frustrations and difficulties and those  
22 kind of things. And then coming back and seeing it now where  
23 they have the opportunity, they've got a young President, a  
24 young Prime Minister, a young Parliament, the Prime Minister  
25 is 35 years old. This new government has appealed to young

1 people who are so idealistic, pro-West, pro-United States,  
2 pro-Europe, that I feel an emotional attachment, bond,  
3 connection to this country and these people.

4 MR. MALONEY: You cared about it?

5 AMBASSADOR TAYLOR: I cared about this country.

6 MR. MALONEY: And you didn't want to see it screwed up?

7 AMBASSADOR TAYLOR: I didn't want to see it screwed up.  
8 I wanted to see it succeed.

9 MR. MALONEY: And you didn't want to see it screwed up  
10 by some political agenda coming from Washington. Is that  
11 fair to say?

12 AMBASSADOR TAYLOR: Well, what I didn't want to do is  
13 have United States assistance to Ukraine blocked or suspended  
14 for no good reason that I could see. And there are some bad  
15 reasons that -- I didn't want to see that blocked. That was  
16 my concern, in this episode.

17 MR. MALONEY: Thank you, sir.

18 THE CHAIRMAN: Just one followup question before I go to  
19 Representative Speier. In Warsaw, Morrison relates to you  
20 there are two meetings going on. There is a meeting with a  
21 Vice President and President Zelensky, and then there's the  
22 separate meeting between Sondland and Yermak, correct?

23 AMBASSADOR TAYLOR: Correct, and they're probably in  
24 sequence. They're probably not at the same time.

25 THE CHAIRMAN: And the meeting with the Vice President

1 and Zelensky was actually a big meeting with one or two dozen  
2 people. Am I right?

3 AMBASSADOR TAYLOR: Probably. I was not there, but,  
4 yes. Normally that's the case.

5 THE CHAIRMAN: So, at a big meeting like that, it stands  
6 to reason they're not going to get into the specifics about  
7 that we want you to do this political investigation in order  
8 to get this. Am I right?

9 AMBASSADOR TAYLOR: Correct.

10 THE CHAIRMAN: That takes place, in fact, in this small,  
11 private meeting between Sondland and Yermak?

12 AMBASSADOR TAYLOR: Yes, without -- presumably without  
13 the Vice President.

14 THE CHAIRMAN: Okay. Representative Speier.

15 MS. SPEIER: Thank you.

16 Ambassador, thank you for really a lifetime of service  
17 to our country. You're really a great American.

18 I've got a couple of kind of strings I'd like to just  
19 get some clarification on. You said that you met with  
20 Ambassador Volker and Mr. Yermak over dinner on the 14th of  
21 September after the money had been released. And Mr. Volker  
22 kept pushing, saying, do not investigate Poroshenko. Did you  
23 have a subsequent conversation with him as to why he was  
24 doing that?

25 AMBASSADOR TAYLOR: With Mr. Volker, no. I wouldn't

1 characterize it, Ms. Speier, as saying that he -- or he kept  
2 doing it. I mean, he raised it once, got a pretty emotional  
3 response or kind of, you know, a strong response from both  
4 Ukrainians at the table. And he didn't push --

5 MS. SPEIER: He backed off?

6 AMBASSADOR TAYLOR: Kurt did not pursue it.

7 MS. SPEIER: But you didn't ask him afterwards why he  
8 was --

9 AMBASSADOR TAYLOR: I didn't.

10 MS. SPEIER: Okay. Did anyone in the Zelensky  
11 administration indicate to you a sense of confusion with what  
12 you have dubbed as the irregular policy channel?

13 AMBASSADOR TAYLOR: Indirectly. So, in my conversations  
14 in the regular channel with President Zelensky and his team,  
15 they would, on occasion, express confusion or uncertainty  
16 about what direction they were getting from the United States  
17 because they were hearing, as I mentioned earlier, directly  
18 from Ambassador Sondland who could and would pick up the  
19 phone and call President Zelensky or President -- Assistant  
20 Yermak and give them advice outside of the normal channel --  
21 outside of my channel, outside of the normal channel. So  
22 they were hearing different things from both -- from those  
23 two channels. And that's confusing.

24 MS. SPEIER: There's hardly any reference to Secretary  
25 Perry, who has been included as one of the tres amigos. Did

1 you have any contact with him?

2 AMBASSADOR TAYLOR: I didn't.

3 MS. SPEIER: And he was never in any of your text  
4 messages?

5 AMBASSADOR TAYLOR: No, not in any text messages. He  
6 was in two phone calls, Ms. Speier. Early on the -- I think  
7 two phone calls. Certainly was in the June 28th phone call,  
8 and he might have been -- I'll check my notes to see if he  
9 were in the June 18 phone call. But those were the only two  
10 times that I heard him on the phone or had any interaction  
11 with him.

12 MS. SPEIER: Did you think it was peculiar that he was  
13 engaged in this?

14 AMBASSADOR TAYLOR: No. Secretary Perry is very  
15 interested in energy markets. Ukraine could be a big energy  
16 market. It would be -- Secretary Perry knows that there are  
17 a lot of companies, in particular in Texas, but I'm sure in  
18 other places, who would like to sell liquid natural gas,  
19 liquefied natural gas, LNG, to Ukraine or east Europe more  
20 broadly. So he had been interested in this, and I didn't  
21 think this was very unusual.

22 MS. SPEIER: So, on page 12, third paragraph, you  
23 reference that President Trump did insist that President  
24 Zelensky go to a microphone and say he is opening  
25 investigations of Biden and the 2016 election interference.

1 Was that specific reference to Biden and not Burisma?

2 AMBASSADOR TAYLOR: I would check my notes, but I think  
3 the answer is yes.

4 MS. SPEIER: So it was very specific to an investigation  
5 of Biden?

6 AMBASSADOR TAYLOR: Yes.

7 MS. SPEIER: All right. There was a lot of discussion  
8 after September 11th that it might be difficult to get all  
9 the money out to Ukraine -- by the September 30th end of the  
10 fiscal year. How much money actually got released?

11 AMBASSADOR TAYLOR: I should know the answer to that. I  
12 don't know the answer to that. I know it's probably about  
13 90 percent of -- that's rough, Ms. Speier, but roughly  
14 90 percent.

15 MS. SPEIER: Okay. And my last question is, at one  
16 point, there was a reference made, I think it's on page 9,  
17 where Mr. Morrison references that the President doesn't want  
18 to provide any assistance at all. And that's in quotes.

19 AMBASSADOR TAYLOR: Yeah.

20 MS. SPEIER: Did that alarm you?

21 AMBASSADOR TAYLOR: It did.

22 MS. SPEIER: And coupled with that May 23rd, I think it  
23 was, meeting in the White House where everyone came back very  
24 excited and the President seemed very unexcited, what does  
25 that tell you about his interest in Ukraine?

1           AMBASSADOR TAYLOR: Again, I have never -- I wasn't in  
2           that meeting. I've never had conversations with the  
3           President. Secretary Pompeo did tell me the same thing that  
4           the participants of that May 23rd meeting said, and that was  
5           the President was skeptical of Ukraine. And we've heard  
6           several descriptions of the skepticism. Some appear in this  
7           -- the Politico article. I mean, he was concerned about the  
8           allegations here. And that's as much as I know about the  
9           President's view.

10          MS. SPEIER: Okay. Thank you.

11          AMBASSADOR TAYLOR: Thank you.

12          THE CHAIRMAN: Representative Lieu.

13          MR. LIEU: All right. Thank you, Ambassador Taylor, for  
14          your service to our country. Thank you for serving in  
15          Vietnam with the 101st Airborne. I note for the record you  
16          jumped out of perfectly fine airplanes, so thank you for your  
17          courage.

18          I'd like to talk about U.S. national security. It's a  
19          fundamental principle, intent of U.S. national security to  
20          push back against Russian aggression, correct?

21          AMBASSADOR TAYLOR: [Nonverbal response.]

22          MR. LIEU: And Ukraine is one of the countries at the  
23          tip of the spear of pushing back against Russian aggression,  
24          correct?

25          AMBASSADOR TAYLOR: It is.

1 MR. LIEU: And on page eight of your statement, you  
2 write, Ambassador Volker and I could see the armed and  
3 hostile Russian-led forces on the other side of a damaged  
4 bridge across the line of contact. Over 13,000 Ukrainians  
5 had been killed in the war, one or two a week. More  
6 Ukrainians would undoubtedly die without the U.S. assistance.

7 But I want to make clear, U.S. security assistance to  
8 Ukraine isn't just to help Ukrainian national security. It's  
9 also to help U.S. national security. Is that right?

10 AMBASSADOR TAYLOR: It is. That's correct.

11 MR. LIEU: All right. And, in fact, that's why, as you  
12 said, the Department of Defense within a day came back with  
13 analysis saying: We need to give security assistance to  
14 Ukraine.

15 Isn't that right?

16 AMBASSADOR TAYLOR: That is correct.

17 MR. LIEU: Okay. When the President of the United  
18 States freezes aid to Ukraine, the Russians can detect  
19 weakness, isn't that right, between the U.S. and Ukrainian  
20 relationship?

21 AMBASSADOR TAYLOR: The Russians are very careful  
22 observers of Ukraine and the United States, and they would  
23 immediately -- my bet is they knew. They're very good. My  
24 bet is they knew that there was something up with the  
25 security assistance. So --

1 MR. LIEU: And if the U.S. doesn't give security  
2 assistance, it could in effect embolden the Russians to be  
3 even more aggressive towards Ukraine. Isn't that right?

4 AMBASSADOR TAYLOR: Absolutely right.

5 MR. LIEU: Okay. So, when the President of the United  
6 States freezes security aid to Ukraine for months and months  
7 and months, that not only harms Ukrainian national security,  
8 it also harms U.S. national security. Isn't that right?

9 AMBASSADOR TAYLOR: Yes, sir.

10 MR. LIEU: All right. Let me move on quickly to one  
11 other aspect. The public reporting on Ambassador Sondland's  
12 testimony is that he didn't remember a lot of stuff. You  
13 have a number of conversations here with Ambassador Sondland.  
14 I just want to make sure, in those conversations, there was  
15 no indication he was under the influence of alcohol, correct?

16 AMBASSADOR TAYLOR: Correct.

17 MR. LIEU: He didn't slur his words, correct?

18 AMBASSADOR TAYLOR: Correct.

19 MR. LIEU: There was no indication that he was under any  
20 medications that caused him short-term memory loss, correct?

21 AMBASSADOR TAYLOR: Not that I know of.

22 MR. LIEU: Okay. And last couple questions. The State  
23 Department told you not to come here today. Is that fair?

24 AMBASSADOR TAYLOR: They did.

25 MR. LIEU: So did they tell you to also not give

1 documents and notes to Congress, your notes? Did they say  
2 you can't provide that to --

3 MR. BELLINGER: They did. We've been prohibited from  
4 providing documents directly to Congress.

5 MR. LIEU: Okay. Thank you. That's all I have.

6 AMBASSADOR TAYLOR: Thank you.

7 MR. GOLDMAN: Thank you, Mr. Lieu.

8 BY MR. GOLDMAN:

9 Q Just a couple of sort of cleanup questions for you,  
10 Ambassador Taylor, and then I think, at least, on the  
11 majority side, we'll be finished.

12 You were asked by Mr. Jordan about the number of  
13 conversations that you had with Tim Morrison, the senior  
14 director on the NSC. Is it fairly common to speak regularly  
15 with members of the NSC who cover the country where you are  
16 the effective Ambassador or Charge de mission?

17 A Mr. Goldman, you know, a lot of it depends on the  
18 pace of activity in certain issues, and it certainly is the  
19 case in this one. So the role, of course, of the senior  
20 director is to be the interface between the President,  
21 National Security Advisor and the President, and the  
22 interagency.

23 And, often, they'll be in direct interactions with  
24 people in the field. In particular, I think it's the case  
25 that embassies or ambassadors will be in touch. I try to

1 keep my, you know, DAS Kent, the Deputy Assistant Secretary  
2 George Kent, advised on all of these things, but it's also  
3 very common for an NSC director or senior director to be  
4 directly in touch.

5 And when I said it was dependent to some degree on the  
6 issue, I think I mentioned that Tim Morrison, much more than  
7 Fiona Hill, Dr. Hill, was very interested in Chinese  
8 investment in Ukraine, continues to today. So our  
9 conversations, the vast bulk of the conversations I had with  
10 Tim Morrison concerned the Chinese attempts to buy a  
11 Ukrainian [REDACTED] manufacturer [REDACTED].

12 And he has been a -- Tim Morrison has been a driving  
13 force in Washington to try to prevent that, and we are on the  
14 front end of that. And so, you know, I go down to [REDACTED]  
15 [REDACTED], and I visit and talk to people who are looking  
16 for alternative investors, and Ambassador Bolton, when he was  
17 there, and Tim was there for that visit.

18 The main focus of Ambassador Bolton's visit and  
19 conversations with all of these officials that he had in the  
20 Ukrainian Government was China. And, again, this was the day  
21 before Ukrainians knew that there was even a hold. But it  
22 was China and its attempt to buy [REDACTED]  
23 [REDACTED].

24 So, when the question comes, how often are you talking  
25 to -- well, it depends on the issue. And if there's any --

1 so, for example, Fiona was focused on Russia. She's a Russia  
2 expert. And the Russia-Ukraine Donbas negotiations were  
3 stalled. So there was not much happening there. What was  
4 not stalled was the Chinese attempt -- well, what was not  
5 stalled was our attempt to block Chinese purchase of these  
6 [REDACTED]. So that's what -- Tim was  
7 on the phone a lot for those purposes.

8 Q You mentioned that you kept Deputy Assistant  
9 Secretary Kent as much up to date as you could.

10 A Yeah.

11 Q Did you speak -- during the last few months, since  
12 you arrived there in mid-June, did you speak at all with  
13 Assistant Secretary Phil Reeker?

14 A A couple of times. Phil Reeker has not focused  
15 very much on Ukraine. He relies heavily on George Kent as  
16 the DAS. And George, as we know, is -- you have had him.  
17 You know George, so he's great. He's an incredible resource  
18 on Ukraine and Thailand, by the way.

19 When I was there in 2006, 2009, he was the deputy  
20 political counselor. He then, of course, went back as the  
21 DCM. He then was pulled back to be the DAS, Deputy Assistant  
22 Secretary. He is a wealth of -- as you probably heard from  
23 him, he's a wealth of knowledge. So Phil Reeker relies on  
24 George Kent, and I'm in constant contact with George Kent.  
25 We have weekly -- we have regular weekly SVTC meetings.

1           Q     Did you ever raise any concerns about the -- what  
2     you call the irregular policy path or track with Ambassador  
3     Reeker?

4           A     I don't think so. I think it was primarily with  
5     George Kent.

6           Q     Any other conversations on the sub topics today  
7     with Ambassador Reeker that come to mind?

8           A     No. So, let's see, Ambassador Reeker, I think, was  
9     in my -- I have to check my notes on this too -- I think was  
10    in my meeting with Secretary Pompeo, I'm pretty sure he was,  
11    on the 28th of May, before I decided -- as I was deciding.  
12    And Phil was there. And Phil Reeker travels a lot. He has  
13    got all the European countries, and so he's on the road more  
14    than average, I will say, and so hasn't focused a whole lot  
15    on Ukraine.

16          Q     You said you received reaction to your cable on  
17    August 29th from the sixth floor. Who responded to you?

18          A     It was actually George Kent, who may actually be on  
19    the fifth floor, but, you know, down one.

20          Q     Okay. What about Under Secretary David Hale? Did  
21    you communicate at all with him?

22          A     On occasion. I went to see him before I went out.  
23    And he had visited Kyiv before I got there, so I was hoping  
24    to have him come out, but he didn't. But only on occasion  
25    would I -- I may have tried to be sure that he got the cable,

1 the notice cable.

2 Q Okay. But you never spoke to him about it?

3 A No.

4 Q Did you ever speak to anybody other than George  
5 Kent about your -- at the State Department about your notice  
6 cable?

7 A Ulrich Brechbuhl, I believe, the counselor, just to  
8 be sure that he got it because I wanted to be sure that the  
9 Secretary got it.

10 Q Right. But you never received a response --

11 A I didn't.

12 Q -- in any meaningful way?

13 A I didn't.

14 Q Did you ever receive any indication when you  
15 relayed any concerns to the State Department about this  
16 irregular policy group that anyone in the Department actually  
17 took any steps to resolve anything?

18 A There was some discomfort within the State  
19 Department with Ambassador Sondland's role in Ukraine. Of  
20 course, Ukraine is not in the EU. But it was well-known  
21 that, in that famous May 23rd meeting in the Oval Office,  
22 that Ambassador Sondland was given direction, with Secretary  
23 Perry and Ambassador Volker, to focus on Ukraine, to do  
24 something with regard to Ukraine policy.

25 Q You testified a little bit earlier about a staffdel

1 or Atlantic Council trip --

2 A Yep.

3 Q -- where you met with a staff member from the  
4 Intelligence Committee, right? And you had no conversations  
5 about any of these issues --

6 A No.

7 Q -- with that individual?

8 A No.

9 Q Were you aware that there were also three staff  
10 members from -- Republican Members of Congress who were on  
11 the Foreign Affairs Committee on that trip as well?

12 A I knew the names and affiliations and members or  
13 committees that each of those members of the staff were  
14 on.

15 Q Did you have any conversations with any of those  
16 staff members about any of the issues here today?

17 A No. This was a briefing, as I say, in my  
18 residence. I gave them a briefing, and then we had an  
19 opportunity for questions and answers, and they hit it off.

20 Q Are you familiar with the individuals Lev Parnas  
21 and Igor Fruman?

22 A I only know them through the newspapers.

23 Q Or the indictments?

24 A Or the indictments in the newspapers.

25 Q So you were not -- but prior to the public reports

1       about their involvement in Ukraine and their association with  
2       Rudy Giuliani, you were not aware of them in any way?

3             A     Mr. Goldman, looking back on this, I think back in  
4       like March or April someone had -- again, when I was at the  
5       Institute of Peace -- sent me some description of  
6       interference in -- what was this deal -- in maybe a natural  
7       gas -- I think there was a -- I think there was a proposal to  
8       sell natural gas to Ukraine.

9             And I think the person who was telling me this  
10       referenced these two names, which I didn't recognize at the  
11       time, and I didn't even register at the time. But now, you  
12       know, in the last, you know, now they're indicted or now they  
13       were picked up at -- then I now recollect that they were  
14       mentioned in this previous discussion.

15            Q     Who were you having this conversation with?

16            A     I got a note from a man named Dale Perry. He's a  
17       businessman.

18            Q     Did you get an open letter from Dale Perry? Did  
19       you ever see that, or a memo of some sort?

20            A     Yes. Yes. Which I then sent -- again, it meant  
21       nothing to me. I was at the Institute of Peace. I had no  
22       idea what he was talking about, but I sent it to George Kent  
23       and to Masha Yovanovitch.

24            Q     Okay. Did you ever get a readout of the private  
25       meeting between President Trump and President Zelensky at

1 UNGA in New York after their press conference?

2 A Ambassador Volker gave me a description, I think,  
3 of that meeting. It was not too private. I mean, there were  
4 staffs on both sides, right. Okay. I think there's only  
5 one. So I think -- and Ambassador Volker, with not in great  
6 detail, he was in the meeting and said that it was a good  
7 meeting.

8 The President left pleased that they had finally met  
9 face to face. They discussed some connections between  
10 President Zelensky's cabinet or his government and several  
11 cabinet members on President Trump's team that they should  
12 connect.

13 Q Was there any discussion that you heard of, whether  
14 it was at the principal level or the staff level, about any  
15 of these investigations that we've been talking about?

16 A No.

17 Q Now, you said that the new prosecutor general --

18 A Yes.

19 Q -- confirmed that he is looking into the issues  
20 that were the subject of the --

21 A "Confirmed" may be too strong.

22 Q Sorry. Just for the record --

23 A Right. Right. Right. So what he said, I think  
24 fairly recently, last couple of weeks, was that he was going  
25 to take a look at all of the cases that had been closed over

1 the past several years to be sure they were done correctly.

2 Q And would that include a Burisma investigation?

3 A Could.

4 Q Or the 2016 election interference --

5 A Could.

6 Q -- investigation?

7 A Could.

8 Q So would you say that, at the end of the day, that  
9 President Trump got the investigations that he was pressuring  
10 Ukraine for?

11 A Hasn't gotten them yet, and, of course, President  
12 Zelensky didn't have to go in front of a mike and say this.  
13 But Mr. -- but the prosecutor general did say that he was  
14 going to take a look at any or all of these cases that may  
15 have been closed for no good reasons.

16 Q All right. So he's at least open to looking into  
17 this?

18 A He's at least open, yes.

19 Q Okay. I think -- all right. We are out of time  
20 anyway. So we'll yield to the minority.

21 MR. JORDAN: Thank you, Ambassador.

22 I want to go back to the phone calls you had with  
23 Mr. Morrison. In the last hour, when I asked you, you said  
24 that there were several -- just a few minutes ago when  
25 majority counsel asked you, you said that many of those calls

1       dealt with the issue of China and its influence or attempt to  
2       influence Ukrainian -- the country of Ukraine.

3             AMBASSADOR TAYLOR: Yes.

4             MR. JORDAN: That's all fair?

5             AMBASSADOR TAYLOR: Yes.

6             MR. JORDAN: But there were at least four calls where it  
7       wasn't about China because you reference four calls in your  
8       testimony?

9             AMBASSADOR TAYLOR: Absolutely.

10            MR. JORDAN: Were there other calls that weren't about  
11       China that were about this subject that aren't reflected in  
12       your testimony?

13            AMBASSADOR TAYLOR: Congressman, I don't think so. I  
14       tried, as I went through my notes, to pull out everything  
15       that I could on this topic. I think I got them all, but I --  
16       I think I got them all.

17            MR. JORDAN: So you think any conversation you had with  
18       Mr. Morrison relative to the subject that we've been  
19       discussing all day are at least highlighted and referenced in  
20       your opening statement?

21            AMBASSADOR TAYLOR: Congressman, that was my intent --

22            MR. JORDAN: That was your intent.

23            AMBASSADOR TAYLOR: -- and I hope I succeeded. Others  
24       have taken a look through these, and I think I'm okay on  
25       that.

1           MR. JORDAN: And it's not out of the -- well, let me ask  
2           it this way. Let's go to the first -- the first call is a  
3           couple days, 3 days after the call between President Trump  
4           and President Zelensky, and you get a readout from  
5           Mr. Morrison about President Trump and President Zelensky's  
6           call. Is that accurate? It's on page nine of your testimony  
7           at the top.

8           AMBASSADOR TAYLOR: Page nine, let's see.

9           MR. JORDAN: Top of page nine.

10          AMBASSADOR TAYLOR: All right. Yes.

11          MR. JORDAN: That's your first readout of the call  
12          between President Trump and President Zelensky?

13          AMBASSADOR TAYLOR: Yes.

14          MR. JORDAN: Okay. And why did Mr. Morrison call you?  
15          Did he call you to give you a readout of that call, or was  
16          there -- and/or some other reason?

17          AMBASSADOR TAYLOR: That will be in my notes. So what I  
18          did, Congressman, in preparation for this, I tried to pull  
19          out all relevant phone calls, meetings, et cetera, and within  
20          each of those phone calls, I wrote down the components of  
21          those or aspects of those that was relevant here, which means  
22          that I didn't write down, and so I'm not remembering what  
23          other topics. I know that there were other topics in many of  
24          these calls.

25          MR. JORDAN: Okay. You don't know about this one?

1           AMBASSADOR TAYLOR: I don't --

2           MR. JORDAN: You know this was talked about, what you  
3           referenced in your testimony, that he gave you a readout of  
4           President Trump, President Zelensky's call.

5           AMBASSADOR TAYLOR: I do.

6           MR. JORDAN: And there may have been something else on  
7           the call. You don't recall?

8           AMBASSADOR TAYLOR: There could have been other things  
9           on the call as well, yes.

10          MR. JORDAN: Who initiated this call?

11          AMBASSADOR TAYLOR: You asked me this before, and I  
12          probably told you that I couldn't remember. It's not clear  
13          to me from my notes here whether or not I did it or he did  
14          it. Again, I --

15          MR. JORDAN: Can you hazard a guess who likely initiated  
16          the call? Was it you calling him, or did he call you to talk  
17          about this? And was this his primary focus of the call,  
18          giving you a readout of President Trump, President Zelensky's  
19          call?

20          AMBASSADOR TAYLOR: I can't hazard a guess.

21          MR. JORDAN: Okay.

22          AMBASSADOR TAYLOR: Probably other issues on the call.  
23          Again, his main focus was not this; it was China.

24          MR. JORDAN: Okay.

25          AMBASSADOR TAYLOR: But I don't want to guess.

1 MR. JORDAN: Okay. Let's go to the next page.

2 AMBASSADOR TAYLOR: Yes.

3 MR. JORDAN: Your second call with Mr. Morrison, it  
4 looks like the big paragraph about halfway down, on  
5 September 1st.

6 AMBASSADOR TAYLOR: Yep.

7 MR. JORDAN: And can you give me the particulars of this  
8 call? Did he call you? Did you call him? Was it a  
9 scheduled call?

10 AMBASSADOR TAYLOR: Ah, so this was -- so he was in  
11 Warsaw on September 1st, yeah.

12 MR. JORDAN: You indicate at the bottom of the paragraph  
13 that he gives you a readout of the call that took place  
14 between President Zelensky and Vice President Pence. Is that  
15 accurate?

16 AMBASSADOR TAYLOR: Yes. Yes. Yes.

17 MR. JORDAN: All right. And, again, how did this call  
18 come about?

19 AMBASSADOR TAYLOR: Same way the others did, which is  
20 one of the two of us emails on an unclass system the interest  
21 in having a phone call. The other writes back and says: The  
22 time is good. Let's go it at such and such a time.

23 I go to a secure phone and get on it. So I can't hazard  
24 a guess on who initiated this one either, Congressman.

25 MR. JORDAN: Okay. And was it the primary focus to give

1       you a readout of the call between the President of Ukraine  
2       and the Vice President of the United States?

3            AMBASSADOR TAYLOR: Yes.

4            MR. JORDAN: Okay. So now we have two calls that you  
5       get from Mr. Morrison, you initiate, he initiates. It's on  
6       the thing. Some of them are on the weekend. And both are  
7       readouts from Mr. Morrison giving you a readout between  
8       either the President's call with the President of Ukraine or  
9       the Vice President's call with the President of Ukraine?

10          AMBASSADOR TAYLOR: Correct.

11          MR. JORDAN: Right. And then we have the third one,  
12       that we discussed earlier, which I think took place on the  
13       7th. Is that right? Page twelve of your testimony.

14          AMBASSADOR TAYLOR: Conversation with Mr. Morrison in  
15       which he describes -- yes.

16          MR. JORDAN: So now we have Mr. Morrison and you getting  
17       on the phone again, and Mr. Morrison is giving you a readout  
18       of a conversation that Ambassador Sondland had with President  
19       Trump?

20          AMBASSADOR TAYLOR: Correct.

21          MR. JORDAN: And is this -- I guess, maybe it is. I  
22       don't know. Is it customary for the NSC to call up the  
23       Ambassador and give them readouts of the President and Vice  
24       President's phone calls?

25          AMBASSADOR TAYLOR: It's not unusual for the NSC to be

1 describing the policy steps that need to be implemented  
2 coming out of phone calls. That's not unusual.

3 MR. JORDAN: That's not what I asked. I asked --

4 AMBASSADOR TAYLOR: Sorry.

5 MR. JORDAN: -- is it unusual for the new guy at the NSC  
6 to call you three times in 5 weeks and give you a readout of  
7 the Vice President's call with President Zelensky, the  
8 President's call with President Zelensky, and the President's  
9 call with Ambassador Sondland? I'm asking, is that unusual?

10 AMBASSADOR TAYLOR: Congressman, I'm trying to be  
11 responsive here. It doesn't seem unusual to me.

12 MR. JORDAN: Okay. Yeah. I mean, I read this, and it's  
13 like Mr. Morrison, new on the job, and he calls you four  
14 times relative to the subject matter that this committee is  
15 looking into.

16 AMBASSADOR TAYLOR: Yeah.

17 MR. JORDAN: And three of those four times is to give  
18 you a direct readout of the Vice President's conversation  
19 with someone else or the President, on two occasions the  
20 President of the United States talking with someone else.  
21 And you're saying that happens all the time?

22 AMBASSADOR TAYLOR: Those meetings don't happen all the  
23 time, as we know. So it doesn't happen all the time.

24 MR. JORDAN: Is it customary for the person at the NSC  
25 to, when the President of the United States has a

1 conversation with someone and the Vice President of the  
2 United States has a conversation with someone, is it  
3 customary for someone at the NSC to call up the Ambassador  
4 and say, "Hey, I just want to let you know what the President  
5 said on his call"?

6 AMBASSADOR TAYLOR: Congressman, my understanding is not  
7 unusual.

8 MR. JORDAN: Not unusual?

9 AMBASSADOR TAYLOR: Not unusual.

10 MR. JORDAN: And the fact that you had three of those in  
11 this sort of time period, that's not unusual?

12 AMBASSADOR TAYLOR: The unusual aspect of that is that  
13 there were meetings of the President of the United States  
14 with someone having to do with Ukraine in that short period  
15 of time.

16 MR. JORDAN: Okay. All right.

17 MR. ZELDIN: And, by the way, Ambassador, just to follow  
18 up with one quick question on that, when did you first meet  
19 Mr. Morrison?

20 AMBASSADOR TAYLOR: In person, I met him when he came  
21 with Ambassador Bolton to Ukraine the end of August. That's  
22 when I first met him in person.

23 MR. ZELDIN: And so these phone calls from Tim Morrison  
24 to you, you hadn't even met Tim Morrison before?

25 AMBASSADOR TAYLOR: That's correct.

1 MR. ZELDIN: An Ambassador can be recalled by the  
2 President at any time with or without cause, correct?

3 AMBASSADOR TAYLOR: I'm sure that's -- yes.

4 MR. ZELDIN: A lot of claims in your opening statement  
5 are without firsthand knowledge, and I just -- I wanted to  
6 ask about one of them. So, in your opening statement, you  
7 reference Burisma five times. You reference Biden twice.  
8 One of those references of Biden was just a reference to the  
9 July 25th call. The other reference was on page 12 of  
10 paragraph 3. And so, on September 7th, Ambassador Sondland  
11 has a call with the President, according to a conversation  
12 that you had with Tim Morrison, right?

13 AMBASSADOR TAYLOR: September 7th. Are we looking at  
14 the same paragraph?

15 MR. ZELDIN: Third paragraph down on page 12.

16 AMBASSADOR TAYLOR: Right, in which he described a phone  
17 conversation with Sondland and President Trump, yes, sir.

18 MR. ZELDIN: This is the only reference in your opening  
19 statement to Biden other than your one reference to the  
20 July 25th call. And this isn't firsthand. It's not  
21 secondhand. It's not thirdhand. But if I understand this  
22 correctly, you're telling us that Tim Morrison told you that  
23 Ambassador Sondland told him that the President told  
24 Ambassador Sondland that Zelensky would have to open an  
25 investigation into Biden?

1           AMBASSADOR TAYLOR: That's correct.

2           MR. ZELDIN: Is it possible that somewhere in that chain  
3 of events that the President spoke to President Zelensky  
4 about Burisma? Probably assume President Trump spoke to  
5 Ambassador Sondland about Burisma?

6           AMBASSADOR TAYLOR: I don't know, Congressman.

7           MR. ZELDIN: Yeah. It's just -- it's hard when we -- I  
8 mean, it's one thing if you have firsthand information, but a  
9 lot of what you're saying in your opening statement is not  
10 firsthand information. That's one example. And it happens  
11 to be the only reference at all in your opening statement to  
12 Joe Biden.

13           You testified that the goal requesting investigations  
14 into the 2016 election in Burisma was to influence the U.S.  
15 election. Is that correct?

16           AMBASSADOR TAYLOR: I'm sorry. Say that again,  
17 Congressman.

18           MR. ZELDIN: I believe you testified earlier that the  
19 goal of requesting investigations into the 2016 election and  
20 Burisma was to influence the U.S. election. Is that an  
21 accurate reflection of your testimony from earlier?

22           AMBASSADOR TAYLOR: I don't think so.

23           MR. ZELDIN: Would you like to tell us what your  
24 position is on it? What was the goal of requesting  
25 investigations into 2016 election and Burisma?

1           AMBASSADOR TAYLOR: As I understand it from one of  
2           the -- maybe the article in The New York Times about  
3           Mr. Giuliani's interest in Burisma, in that article, he  
4           describes, and I think he quotes Giuliani at some length,  
5           that article indicates that Giuliani was interested in  
6           getting some information on Vice President Biden that would  
7           be useful to Mr. Giuliani's client. I think that's what he  
8           says. He says he's got one client, and he's useful to the  
9           client.

10          MR. ZELDIN: And then it's your inference that  
11          Mr. Giuliani's goal would be the President's goal?

12          AMBASSADOR TAYLOR: Yes.

13          MR. ZELDIN: And your source is The New York Times?

14          AMBASSADOR TAYLOR: Yes.

15          MR. ZELDIN: So do you have any other source that the  
16          President's goal in making this request was anything other  
17          than The New York Times?

18          AMBASSADOR TAYLOR: I have not talked to the President.  
19          I have no other information from what the President was  
20          thinking.

21          MR. ZELDIN: Is it possible that requesting an  
22          investigation, for example, into the 2016 election wasn't to  
23          influence a future election?

24          AMBASSADOR TAYLOR: I'm sorry. Can you say that one  
25          again?

1 MR. ZELDIN: Is it possible that the request to  
2 investigate interference with the 2016 election was not to  
3 influence a future election?

4 AMBASSADOR TAYLOR: I don't know, Congressman.

5 MR. ZELDIN: Well, you just told us what you inferred  
6 based off of what The New York Times told you Rudy Giuliani  
7 was thinking, which inferred what the President was thinking.  
8 I'm asking you to answer a question that, is it possible that  
9 the request to investigate the 2016 election was for a reason  
10 other than influencing the 2020 election? Is that possible?

11 AMBASSADOR TAYLOR: I don't know if it's possible.

12 MR. ZELDIN: I remember you testified a little earlier  
13 that you're familiar with the Robert Mueller investigation.

14 AMBASSADOR TAYLOR: I said I'd heard of the Robert  
15 Mueller investigation, yes, sir.

16 MR. ZELDIN: And the investigation was still ongoing at  
17 that time, correct?

18 AMBASSADOR TAYLOR: I suppose -- yes.

19 MR. ZELDIN: Was your understanding of the Robert  
20 Mueller investigation that Robert Mueller was investigating  
21 foreign interference in the U.S. election --

22 AMBASSADOR TAYLOR: Yes.

23 MR. ZELDIN: -- from 2016?

24 AMBASSADOR TAYLOR: Yes.

25 MR. ZELDIN: As far as Burisma and Zlochevsky, when did

1           you first become familiar with this corruption case?

2           AMBASSADOR TAYLOR: With Burisma, I think this summer  
3           when it became -- when it was an item in the press.

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1 [6:30 p.m.]

2 MR. ZELDIN: And can you give us a rough idea of when  
3 that might have been?

4 AMBASSADOR TAYLOR: I can't.

5 MR. ZELDIN: A month?

6 AMBASSADOR TAYLOR: July.

7 MR. ZELDIN: And you wrote in your opening -- you  
8 testified in your opening statement, it's on page 6,  
9 paragraph 2, quote: By mid-July it was becoming clear to me  
10 that the meeting President Zelensky wanted was conditioned on  
11 the investigations of Burisma and alleged Ukrainian  
12 interference in the 2016 elections.

13 So that was mid-July. Is it -- had you back familiar  
14 with this case before mid-July?

15 AMBASSADOR TAYLOR: As I say, I don't remember exactly  
16 when I became familiar with that case.

17 MR. ZELDIN: I'm having trouble understanding how you  
18 would have concluded it was clear to you by mid-July that the  
19 meeting President Zelensky wanted conditioned on the  
20 investigations of Burisma if you can't even testify now that  
21 you had even heard of the Burisma case by then.

22 AMBASSADOR TAYLOR: I think I said it was sometime this  
23 summer. And I don't know exactly when it was.

24 MR. ZELDIN: So it's possible that you did hear Burisma  
25 before mid-July?

1           AMBASSADOR TAYLOR: Yes.

2           MR. ZELDIN: And then in mid-July it, as you testified,  
3 became clear to you that the meeting that President Zelensky  
4 wanted was conditioned on an investigation into Burisma and  
5 alleged Ukrainian interference in the 2016 U.S. elections.  
6 Obviously you would be identifying at that point that it's  
7 important to the President, that investigation, if you were  
8 reaching that conclusion?

9           AMBASSADOR TAYLOR: No. What I know is what -- what  
10 Ambassador Sondland was able to tell me about those  
11 investigations and Ambassador Volker. I don't know what was  
12 in the President's mind.

13          MR. ZELDIN: So where was this condition coming from if  
14 you're not sure if it was coming from the President?

15          AMBASSADOR TAYLOR: I think it was coming from Mr.  
16 Giuliani.

17          MR. ZELDIN: But not from the President?

18          AMBASSADOR TAYLOR: I don't know.

19          MR. ZELDIN: And you testified earlier that Mr. -- you  
20 were interpreting Rudy Giuliani's advocacy as the position of  
21 the President?

22          AMBASSADOR TAYLOR: What I said -- what I said, I think,  
23 was the President was Giuliani's client.

24          MR. ZELDIN: And by Rudy Giuliani -- you believe in  
25 mid-July, when you reached this conclusion, that Rudy

1           Giuliani wants an investigation into Burisma. Are you  
2           believing at all that the President wants an investigation  
3           into Burisma or no?

4           AMBASSADOR TAYLOR: I don't know. What I know is that  
5           the direction was coming from Giuliani.

6           MR. ZELDIN: Okay. Well, it's important to point out  
7           then, because your opening statement has leaked because  
8           that's what's been happening during these depositions, so  
9           everyone outside has read your opening statement, but what  
10          they haven't read obviously is that you're testifying now  
11          that you're not even sure if that condition came from the  
12          President. You don't even know where it came from. You're  
13          guessing maybe Rudy Giuliani and you're not sure whether or  
14          not it came from the President. Is that what you're saying?

15          AMBASSADOR TAYLOR: What I'm saying is that I'm  
16          describing conversations that I heard. I didn't hear it from  
17          the President. I can't say what the President was thinking.  
18          I can -- I can say what Kurt Volker and Ambassador Sondland  
19          told me.

20          MR. ZELDIN: Did you have any firsthand knowledge that  
21          confirms that the President was conditioning an investigation  
22          into Burisma and alleged election -- Ukrainian interference  
23          in the 2016 elections with a meeting with President Zelensky?

24          AMBASSADOR TAYLOR: Again, I had no conversations with  
25          the President.

1 MR. ZELDIN: So did you have any firsthand knowledge at  
2 all to support that?

3 AMBASSADOR TAYLOR: Firsthand meaning -- firsthand  
4 meaning had I talked to the President? No, I've never talked  
5 to the President.

6 MR. ZELDIN: Or any other firsthand knowledge, other  
7 than a communication directly with the President.

8 AMBASSADOR TAYLOR: No communication with the President.

9 MR. ZELDIN: And no communication with Rudy Giuliani.

10 AMBASSADOR TAYLOR: There was none with Giuliani, only  
11 with Sondland and Volker.

12 MR. ZELDIN: Why wouldn't you want to get more familiar  
13 with the case on its merits at this time?

14 AMBASSADOR TAYLOR: I'm sorry, Congressman, say it  
15 again.

16 MR. ZELDIN: Why wouldn't you want to get more familiar  
17 with the case on its merits at that time?

18 AMBASSADOR TAYLOR: I am trying to do U.S. foreign  
19 policy. I am trying to stay out of U.S. domestic policy and  
20 politics. So I'm not looking to get involved in that.

21 MR. ZELDIN: Did the merits of the case matter to you --  
22 did the merits of the case matter to you in taking that  
23 position?

24 AMBASSADOR TAYLOR: The merits of the case matter by  
25 taking the position of staying out of domestic politics.

1 MR. ZELDIN: But the merits of whether or not there was  
2 actual corruption was not part of your decisionmaking process  
3 at that time?

4 As part of your decision -- in mid-July you make this  
5 conclusion of a condition. And I'm just asking if part of  
6 that decisionmaking process of what to do next included any  
7 analysis of this particular corruption case on its merits.

8 AMBASSADOR TAYLOR: I did not investigate the Burisma  
9 case on its merits.

10 MR. ZELDIN: Were there any meetings at that time at the  
11 embassy to discuss the case on its merits?

12 AMBASSADOR TAYLOR: What we did at the embassy, as I  
13 mentioned, is we are focused on institutions, not on specific  
14 cases. We're looking to fight back against corruption and to  
15 help the Ukrainians fight back against corruption by  
16 improving their courts and their judicial system. That's --  
17 not on individual cases.

18 MR. ZELDIN: And if you did take the time to analyze the  
19 case on its merits and you were to determine that it, in  
20 fact, had merit, that this was a corruption case impacting  
21 parties from both the Ukraine and the United States, wouldn't  
22 you possibly conclude differently with regard to an answer  
23 you gave earlier where you said this was not in the U.S.  
24 interest?

25 AMBASSADOR TAYLOR: Can't answer that one. Don't know.

1 MR. ZELDIN: If the case had merits, maybe it would be  
2 in the U.S. interest.

3 AMBASSADOR TAYLOR: Don't know, Congressman.

4 MR. ZELDIN: And I believe you might have testified  
5 earlier, U.S. law conditions aid to Ukraine based off of  
6 their efforts to make progress in fighting corruption,  
7 correct?

8 AMBASSADOR TAYLOR: Some of the security assistance has  
9 conditions in the Defense Authorization Act every year that  
10 has conditions on their -- having to do with civilian control  
11 of the military and those kinds of things. And it may well  
12 have some language about governance in contracting.

13 MR. ZELDIN: If the President believed that looking  
14 further into Ukrainian interference in the 2016 election and  
15 Burisma had merit where would he have gone if you aren't  
16 going to even look into it? What other way does he have to  
17 look into these two cases?

18 AMBASSADOR TAYLOR: He has -- he has a lot of resources,  
19 Congressman, as you know. In the Justice Department I think  
20 he's suggested or directed further investigations of 2016 and  
21 related things. So he's got many ways to investigate.

22 MR. ZELDIN: But you weren't one of those resources?

23 AMBASSADOR TAYLOR: That's correct.

24 MR. ZELDIN: So before you send your text on September  
25 1st, it appears that there were two things that you come in

1 contact with, one being the Politico story that we spoke  
2 about earlier and on page 10 a September 1st conversation  
3 between Ambassador Sondland and Mr. Yermak in Warsaw.

4 With regards to that September 1st reference in your  
5 opening statement, the source of your information is Tim  
6 Morrison, correct?

7 AMBASSADOR TAYLOR: I'm looking for your cite here.

8 MR. ZELDIN: The bottom of page 10.

9 AMBASSADOR TAYLOR: The bottom of page 10, right.

10 During the same phone call I had with Mr. Morrison, he  
11 went on to describe a conversation Ambassador Sondland with  
12 Yermak.

13 Yes, it was with Morrison.

14 MR. ZELDIN: Tim Morrison. Is he your only source of  
15 information?

16 AMBASSADOR TAYLOR: Yes.

17 MR. ZELDIN: Was he in that meeting? Was he part of  
18 that conversation with -- between Ambassador Sondland and  
19 Mr. Yermak?

20 AMBASSADOR TAYLOR: I don't know.

21 MR. ZELDIN: Well, how would Mr. Morrison know that  
22 information if he wasn't in the meeting?

23 AMBASSADOR TAYLOR: Because he could have talked to  
24 Ambassador Sondland. I don't know which of those two.

25 MR. ZELDIN: Okay. So that conclusion, again, it's not

1 firsthand or secondhand?

2 AMBASSADOR TAYLOR: It could have been firsthand. I  
3 don't know. First or second --

4 MR. ZELDIN: But it's not your firsthand. So best case  
5 scenario it's your secondhand information, but maybe it's  
6 thirdhand information.

7 On your call with Tim Morrison after the July 25th call  
8 between President Trump and President Zelensky, did he tell  
9 you anything in his readout other than the reference to --  
10 anything else specifically from the call other than the  
11 reference to fire Lutsenko?

12 AMBASSADOR TAYLOR: Yes. He mentioned -- I think it was  
13 he who mentioned -- that there had been discussion of the  
14 previous ambassador.

15 Did I mention that? I think I did. Let's see here.

16 Yes, here we are. Yes, he said, fire Lutsenko. Talked  
17 about the previous ambassador. He mentioned Giuliani. And  
18 he mentioned -- and he mentioned that Gordon had -- Gordon  
19 Sondland had called the President before and after the  
20 meeting -- the phone call.

21 MR. ZELDIN: But as far as what was on the July 25th  
22 phone call, other than a reference to fire Lutsenko, what  
23 else was specifically said on the call?

24 AMBASSADOR TAYLOR: Again, I just said that he also  
25 talked about the previous ambassador, Ambassador Yovanovitch.

1 He mentioned Giuliani. And that's all I have written down.

2 MR. ZELDIN: After the text on September 1st, you then  
3 had a conversation with Ambassador Sondland, correct?

4 AMBASSADOR TAYLOR: September 1st, you're going to go  
5 back to that one.

6 MR. ZELDIN: Yes, we're going back to that.

7 AMBASSADOR TAYLOR: Hang on here. So -- this is when --  
8 are you looking at page 13, Congressman?

9 MR. ZELDIN: Well, you do talk about it on page 10. At  
10 the bottom is the reference to Ambassador Sondland's meeting  
11 with Yermak that you heard from Tim Morrison. And then it  
12 goes through, as you go into the next page, the following  
13 paragraphs are leading you into your conversation that you  
14 had with Ambassador Sondland. The first full paragraph on  
15 page 11 is your text, and then you get into specifics about  
16 the phone call in the following paragraph.

17 In that conversation between you and Ambassador  
18 Sondland, did you ask him about the meeting he had with  
19 Mr. Yermak that Tim Morrison told you about?

20 AMBASSADOR TAYLOR: I did not.

21 MR. ZELDIN: So the basis of your information,  
22 secondhand or thirdhand, that there was a link between money  
23 and an investigation into Burisma, you then have an  
24 opportunity to talk to the person who was in the meeting and  
25 you don't even ask him whether or not that meeting happened

1 or if this was discussed?

2 AMBASSADOR TAYLOR: I was -- there's no doubt that the  
3 meeting happened. And I didn't ask him further about the  
4 conversation with Yermak.

5 And those are -- you know, all I'm reporting -- all I'm  
6 reporting is firsthand knowledge of my phone call with people  
7 or my texts with people.

8 MR. ZELDIN: Right.

9 AMBASSADOR TAYLOR: But you're right, those are often  
10 about other conversations.

11 MR. ZELDIN: But it seemed like that would have been a  
12 good opportunity to ask Ambassador Sondland about the meeting  
13 with Mr. Yermak, correct?

14 AMBASSADOR TAYLOR: And I didn't take the opportunity.

15 MR. ZELDIN: How long was that phone call, if you  
16 remember, between you and Ambassador Sondland on September  
17 1st?

18 AMBASSADOR TAYLOR: I don't remember.

19 MR. ZELDIN: Maybe -- any idea? Like a couple minutes  
20 or 30 minutes? Was it a short call, a long call?

21 AMBASSADOR TAYLOR: Let's see here. So we're talking  
22 about the phone call on 11, on page 11. Is that right?

23 MR. ZELDIN: On page 11.

24 AMBASSADOR TAYLOR: Yeah, yeah. Right. Asked me to  
25 call him, which I did. During that phone call, right.

1 Sondland told me he now recognized he made a mistake.

2 So probably, I don't know, 15 minutes, 20 minutes.

3 MR. ZELDIN: And here you have a -- so the reference on  
4 the phone call is to Burisma, not the Bidens, is that -- is  
5 that correct? That's what's -- that's what's in your opening  
6 statement?

7 AMBASSADOR TAYLOR: During the phone call Ambassador  
8 Sondland told me that President Trump told him he wants  
9 President Zelensky to state publicly investigate Burisma and  
10 alleged --- is it that the one you're talking about?

11 MR. ZELDIN: Yeah.

12 AMBASSADOR TAYLOR: On the second paragraph?

13 MR. ZELDIN: Yes.

14 AMBASSADOR TAYLOR: Yes.

15 MR. ZELDIN: And nothing linking that to aid, correct?

16 AMBASSADOR TAYLOR: No, the next paragraph describes how  
17 it's linked to aid.

18 MR. ZELDIN: Where -- where did -- where did -- where  
19 did Ambassador Sondland --

20 AMBASSADOR TAYLOR: Link it to aid? So --

21 MR. ZELDIN: Go ahead.

22 AMBASSADOR TAYLOR: Yeah. So Ambassador Sondland on  
23 this phone call tells me that he now recognizes that he'd  
24 made a mistake when he told the Ukrainians that the only  
25 thing they had to do in order to -- the only thing they had

1 to do -- only thing they would get if they -- if they  
2 announced these investigations was a meeting. Said that was  
3 a mistake.

4 MR. ZELDIN: That was never actually communicated to  
5 Ukraine; correct?

6 AMBASSADOR TAYLOR: No, I think that is what he  
7 communicated to Yermak.

8 MR. ZELDIN: According to a conversation that you had  
9 with Tim Morrison about what Ambassador Sondland spoke to  
10 Mr. Yermak?

11 AMBASSADOR TAYLOR: That's on the previous page, that's  
12 correct.

13 MR. ZELDIN: You had this conversation with Ambassador  
14 Sondland and you didn't ask him?

15 AMBASSADOR TAYLOR: Did you just ask that? Is that the  
16 same question? I just want to be sure I'm getting this.

17 Yeah, I did not ask him.

18 MR. ZELDIN: Go ahead.

19 VOICE: No, I'm just confused as to which call.  
20  
21  
22  
23  
24  
25

1 [6:46 p.m.]

2 MR. ZELDIN: We are talking about the September 1st  
3 phone call. I believe the Ambassador is testifying that  
4 Ambassador Sondland had communicated this to Mr. Yermak. But  
5 that information is not from Ambassador Sondland; that  
6 information is from Tim Morrison, who may or may not have  
7 been in that meeting with Ambassador Sondland and Mr. Yermak.

8 And then when Ambassador Taylor then sent this text and  
9 had a call, during the call with Ambassador Sondland, he  
10 didn't even raise that meeting at all with Mr. Yermak.

11 I just want to understand --

12 AMBASSADOR TAYLOR: Got it. Got it. Right.

13 MR. ZELDIN: -- that chain. Is that all correct?

14 AMBASSADOR TAYLOR: I didn't raise the Yermak meeting.  
15 What I raised was the concern about linking the security  
16 assistance to the investigation. That was the concern.

17 MR. ZELDIN: Right, but you didn't confirm, though, that  
18 that was actually communicated. You didn't ask Ambassador  
19 Sondland that.

20 AMBASSADOR TAYLOR: If he'd communicated it to the  
21 Ukrainians? No, I asked him about the linkage.

22 MR. ZELDIN: Right.

23 Okay, Steve.

24 BY MR. CASTOR:

25 Q Looking back on these events, would you have

1 handled anything differently in terms of your communications  
2 with the seventh floor of the State Department?

3 You sent your cable. You know, you had a couple phone  
4 calls with Mr. Brechbuhl. But it doesn't seem like your  
5 concerns penetrated.

6 A Mr. Castor, I don't think that's true. I think  
7 that, first of all, they shared my concerns. Second of all,  
8 they got my cable. Third of all, based on the concerns and  
9 the cable, Secretary Pompeo went to the White House, probably  
10 on a couple of occasions, you know, in trying to have these  
11 meetings, and attempted to get the decision changed. So I'm  
12 comfortable --

13 Q Okay.

14 A -- that I got a response.

15 Q Okay. So, looking back on things, you wouldn't  
16 have handled anything different?

17 A Correct.

18 Q Okay.

19 MR. CASTOR: I'd just note for the record we haven't  
20 seen a copy of the subpoena and we haven't made it a part of  
21 the record. Is that still on the table as an option?

22 MR. GOLDMAN: We're happy to show you a copy of the  
23 subpoena.

24 MR. BITAR: We're more than happy for you, Mr. Castor,  
25 to also make sure that the seal is authentic and that the

1 signature is authentic. No worries. I'll get it for you  
2 now.

3 MR. GOLDMAN: And apparently you have an email in your  
4 inbox with the --

5 MR. CASTOR: Oh, okay. Yeah, I mean, I don't have my  
6 email.

7 BY MR. CASTOR:

8 Q You would agree that, if Burisma -- if their  
9 motivation for engaging Hunter Biden for their board was not  
10 related to his corporate governance expertise but, in fact,  
11 was hoping to buy some protection, you would agree that  
12 that's worthy of investigating, right?

13 A Mr. Castor, I don't know why Burisma got him on the  
14 board.

15 Q But if Ukrainians were engaged in misdeeds or  
16 wrongdoing with regard to putting Hunter Biden on their  
17 board, that could be something that could be worth  
18 investigating, right?

19 A I don't know. I don't know. I don't know the  
20 relationship that he had with the board. I don't know.

21 Q Okay. And, at the time, the Vice President had a,  
22 you know, policy supervision of Ukraine on some respects.

23 A He was very interested in policy with Ukraine, yes.

24 Q Okay. So do you see a perceived conflict of  
25 interest there?

1 A I'm a fact witness. I'm not giving opinions on --

2 Q Okay.

3 A -- this thing, but -- so I --

4 Q Is it reasonable to see a perceived conflict of  
5 interest there, or is that crazy?

6 A I've said other things are crazy.

7 Q A reasonable person could conclude that there is a  
8 possible perceived conflict of interest there, right?

9 MR. BELLINGER: You asked him that question earlier, at  
10 the beginning, about 7-1/2 hours ago. It was one of the  
11 first questions you asked him. He's already answered it.

12 MR. CASTOR: So he's not going to answer it?

13 MR. BELLINGER: He's already answered it.

14 BY MR. CASTOR:

15 Q Have you had any communications with other  
16 witnesses or likely witnesses before this investigation, such  
17 as Mr. Morrison? Presumably he's sort of on the docket next  
18 to come in. Have you had any conversations about your  
19 testimony with other possible witnesses?

20 A Not about testimony. Again, he's very interested  
21 in China, and we continue to talk about China --

22 Q Okay.

23 A -- but nothing about --

24 Q With Mr. Reeker?

25 A No.

1 Q With some of the others?

2 A No.

3 Q You didn't have any communications with some of our  
4 previous witnesses?

5 A No. Nothing on the substance of the testimony.

6 Q And just one other item. The State Department,  
7 they didn't order you to not appear under subpoena, right?

8 A Correct.

9 MR. CASTOR: I think that's all I've got. I'm out of  
10 members, so -- I'm almost out of time.

11 BY MR. GOLDMAN:

12 Q Ambassador Taylor, you've been here a long time. I  
13 just wanted to address one thing --

14 A Please. Please.

15 Q -- which was brought up in the last --

16 A Yep.

17 Q It will just be a couple minutes. But we  
18 understand you're tired and it's been a long day, and we --

19 A No, no. I am tired, but it's okay.

20 Q We appreciate it. This won't be long.

21 A Not a problem.

22 Q So I think you testified earlier today that you  
23 drafted your statement based on, in part, a review of your  
24 notes and the various WhatsApp and text messages that you are  
25 in possession of, right?

1 A Correct.

2 Q And so is it accurate that the statement, the  
3 opening statement, that you gave is based on your very best  
4 recollection after reviewing your own notes?

5 A It is correct.

6 Q Okay. And so is that the most accurate recitation  
7 of events that you can remember today? Is --

8 A It is.

9 Q -- that right?

10 A It is.

11 Q When Mr. Zeldin was questioning you, he was talking  
12 about the connection -- he was sort of conflating a couple  
13 things between Mr. Giuliani, Mr. Trump, and the New York  
14 Times article. I just want to clarify a couple of things for  
15 now.

16 You did see that May 9th New York Times article, which I  
17 believe is exhibit 1, right?

18 A I did.

19 Q And so you understood from that article that  
20 Mr. Giuliani was interested in pressing Ukraine to conduct  
21 investigations into Biden and the 2016 election?

22 A Correct.

23 Q And that was before you took the job.

24 A It was.

25 Q Okay.

1           A     It was one of the hesitations about taking the job.

2           Q     Right. I believe you expressed in your text  
3 messages your concerns about Rudy Giuliani and Biden in those  
4 text messages. Do you recall that?

5           A     I do.

6           Q     And were you aware of other public statements,  
7 either on Twitter or on television, that Rudy Giuliani was  
8 making frequently on this topic, about these investigations?

9           A     Not on Twitter or television, because I rarely do  
10 either of those. But in the general press, I think this is  
11 pretty well-described.

12          Q     Okay.

13                 And then you also testified, right, that at that  
14 May 23rd Oval Office meeting you understood that President  
15 Trump directed Ambassadors Sondland, Volker, and Secretary  
16 Perry to consult with Rudy Giuliani in order for a White  
17 House meeting to occur?

18          A     That was my understanding.

19          Q     That was your understanding.

20          A     Yes.

21          Q     And then after that point, you had many  
22 conversations with Ambassadors Sondland and Volker about Rudy  
23 Giuliani's interest in the investigations in Ukraine. Is  
24 that accurate?

25          A     Mr. Goldman, I don't remember many conversations

1 with those two about Rudy Giuliani's specific interest, but  
2 certainly with the interest that they were expressing,  
3 presumably coming from Giuliani, in having these  
4 investigations proceed.

5 Q Right. And you say presumably coming from Rudy  
6 Giuliani because you, A, understood that Rudy Giuliani was  
7 interested in these investigations and, B, understood that  
8 the President had directed them to discuss Rudy Giuliani's  
9 concerns before scheduling a White House meeting.

10 A A and B both correct.

11 Q Okay.

12 And then you had a telephone call with Tim Morrison on  
13 July 28th where he gave you a brief readout of the  
14 President's call with President Zelensky.

15 A Yes.

16 Q And I believe you testified that you understood  
17 also that Ambassador Sondland spoke to President Trump both  
18 before and after that call?

19 A Tim Morrison said that, that he had -- in that  
20 call. He said -- yes.

21 Q Okay. And then when you actually read the call  
22 transcript, Tim Morrison's readout was accurate, correct?

23 A It was.

24 Q It wasn't complete --

25 A It wasn't complete, but what he said was accurate.

1 Right. Yes.

2 Q And, subsequently then, you in early September had  
3 two separate phone calls, right, with Tim Morrison and  
4 Ambassador Sondland about a phone call between Ambassador  
5 Sondland and President Trump?

6 A Correct. And both --

7 Q Right?

8 A Yes.

9 Q And both of those conversations, so what Ambassador  
10 Sondland told you about his own conversation with President  
11 Trump and what Tim Morrison told you about Ambassador  
12 Sondland's conversation with President Trump, were pretty  
13 consistent.

14 A They were pretty consistent.

15 Q Right. And you understood that President Trump was  
16 insisting and conditioning the White House meeting on, I  
17 think, quote, "everything," which was both the security  
18 assistance and the White House meeting.

19 A That's what Ambassador Sondland said. He said that  
20 they were linked. They were linked.

21 Q Right.

22 A I don't remember him saying President Trump said  
23 that they had to be linked.

24 Q Right. But you understood Ambassador Sondland was  
25 speaking regularly --

1           A     Having just gotten off the phone call with  
2     President Trump, and he was then relaying it to Yermak  
3     and me.

4           Q     Right.

5           A     And then you also had your own conversations with  
6     Ukrainian officials about Rudy Giuliani, right? And if I  
7     could refresh you, because it's late, you, I think, testified  
8     that on July 10th, when you had your meeting with the Chief  
9     of Staff and the Defense Minister, they relayed to you that  
10    they understood that Mr. Giuliani had said that there would  
11    not be a phone call.

12          A     Ah. Yes. Yeah, that's exactly right. And that  
13    came through the Prosecutor General Lutsenko. Yes.

14          Q     Right. And they certainly understood that  
15    Mr. Giuliani represented President Trump, correct?

16          A     They did.

17          Q     Because why else would they care what Rudy Giuliani  
18    thought?

19          A     Correct.

20          Q     And just to be clear, who ultimately decides  
21    whether or not there is a White House meeting between the  
22    President of the United States and any other foreign leader?  
23    Is it Rudy Giuliani, or is it the President of the United  
24    States?

25          A     It's the President of the United States.

1 Q Okay.

2 MR. GOLDMAN: Just 1 minute.

3 All right. I think we are done. I don't know if the  
4 minority has a couple followup questions?

5 MR. CASTOR: Thank you for coming in today. We  
6 appreciate your cooperation.

7 AMBASSADOR TAYLOR: Glad to be here.

8 THE CHAIRMAN: I can tell my timing is good.

9 MR. GOLDMAN: Chairman Schiff has arrived to adjourn the  
10 proceedings.

11 AMBASSADOR TAYLOR: Unless he has questions.

12 THE CHAIRMAN: No, no. We are adjourned. And I want to  
13 thank you, Ambassador.

14 AMBASSADOR TAYLOR: Thank you, Mr. Chairman.

15 [Whereupon, at 7:00 p.m., the deposition was concluded.]

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## Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump

By Kenneth P. Vogel

May 3, 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 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 \$325,000 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."

Zach Montague contributed reporting.

A version of this article appears in print on May 10, 2019, Section A, Page 1 of the New York edition with the headline: Giuliani Plans to Prod Ukraine in Cases That Might Aid Trump

READ 791 COMMENTS

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

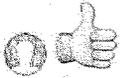
Monday 10 to 11

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

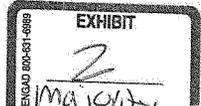
Yes

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

kmi



 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

2776

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.

19179513862



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?

19179513862



Yes just call

2778

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, 8:08 AM

Good morning! Am in the restaurant on the mezzanine. Kurt

2779

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.

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 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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@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](https://twitter.com)

Read 9/22/19

[7/2/19, 6:50:21 PM] Andrey Yermak: Messages to this chat and calls are now secured with end-to-end encryption.

[7/2/19, 6:50:21 PM] Andrey Yermak: Hello again, Yermak Andrey

[7/2/19, 10:56:00 PM] Kurt Volker: Hi Andrey - thanks and see you soon. Best - Kurt

[7/2/19, 11:24:22 PM] Andrey Yermak: Thank you

[7/4/19, 8:22:56 AM] Kurt Volker: Hi Andrey - are you back in Kyiv or still in Canada or US? When should we meet next week? Best - Kurt

[7/5/19, 4:29:31 PM] Andrey Yermak: 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

[7/7/19, 7:10:37 PM] Kurt Volker: Hi Andrey - sorry for delay. Can we meet for dinner on Tuesday? 7pm? I am meeting danylyuk 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

[7/8/19, 10:02:42 AM] Andrey Yermak: Hi, Kurt. My plane will land at 8 pm. We can have late dinner or breakfast on Wednesday morning. It will be great to meet with you before our big meeting. Up to you, I'm at your disposal at any time

[7/8/19, 10:03:42 AM] Andrey Yermak: I will stay in Trump International Hotel

[7/8/19, 1:05:49 PM] Kurt Volker: Are you coming straight from Kyiv? That will be 10pm before you are downtown. I could do coffee Wednesday morning around 9:00am / 9:15am at trump hotel.

[7/8/19, 2:05:31 PM] Andrey Yermak: Yes. Perfect, Wednesday, 9:15 am at Trump hotel

[7/8/19, 5:14:05 PM] Kurt Volker: Great - see you there

[7/10/19, 9:08:20 AM] Kurt Volker: Hi Andrey - got here early and ordered a coffee. No rush - see you in a bit. Kurt

[7/10/19, 9:10:19 AM] Andrey Yermak: Hi Kurt, I'm 5 min

[7/10/19, 1:06:30 PM] Andrey Yermak: 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 Rudi and I ready to talk with him at any time. Please, let me know when you can meet. Andrey

[7/8/19, 9:56:26 PM] Kurt Volker: Hi Andrey - sorry for delay - full evening. Can we talk by phone tomorrow between 11am and 12pm? I am flying to Denver at 12:45 but can talk before. Best - Kurt

[7/10/19, 9:59:20 PM] Andrey Yermak: Ok, thank you

[7/11/19, 12:28:00 PM] Kurt Volker: Hi Andrey - are you available to talk? Kurt

[7/11/19, 12:35:14 PM] Kurt Volker: Let's talk Saturday after the Paris meeting.

[7/11/19, 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.

[7/11/19, 8:34:49 PM] Andrey Yermak: Ok and thank you very much! Will inform you about meeting in Paris

[7/13/19, 8:32:48 AM] Kurt Volker: Hi Andrey - how was Paris? Can you talk today or tomorrow? Kurt

[7/13/19, 8:35:45 AM] Andrey Yermak: Hi Kurt. You know much better. I think phone conversation between Presidents works. I back tonight and can call you. What time?

[7/13/19, 8:37:26 AM] Kurt Volker: I will be 10 hours behind Kyiv. Noon here is 10pm Kyiv. Is that too late? Otherwise we could do tomorrow around 8am here / 6pm Kyiv

[7/13/19, 8:40:35 AM] Andrey Yermak: If it's ok for you 11:30 pm Kyiv and 1:30 pm you?

[7/13/19, 8:42:16 AM] Kurt Volker: Yes - perfect

[7/13/19, 8:38:20 PM] Kurt Volker: Hi Andrey - still ok?

[7/13/19, 8:44:23 PM] Kurt Volker: I think it is late for you - let's try tomorrow!

[7/13/19, 4:28:35 PM] Andrey Yermak: Now ok for you?

[7/13/19, 4:30:35 PM] Kurt Volker: In about 20 minutes? Just wrapping up a meeting

[7/13/19, 4:39:26 PM] Andrey Yermak: Ok

[7/13/19, 5:38:47 AM] Andrey Yermak: КСРТАУ, <https://en.interfax.com.ua/news/interview/601400.html>

◆

[7/19/19, 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

[7/19/19, 1:17:15 PM] Andrey Yermak: Thank you Kurt

[7/19/19, 2:02:43 PM] Kurt Volker: Can I call you in about an hour?

[7/19/19, 3:22:42 PM] Andrey Yermak: Yes, of course

[7/22/19, 8:32:30 AM] Kurt Volker: Also - please convey my best wishes and congratulations to the President! Great result!

[7/22/19, 8:32:50 AM] Andrey Yermak: OI course!

[7/22/19, 8:35:35 AM] Andrey Yermak: One question. I have information about phone call from President Trump to President Zelensky at 6 pm Kyiv time today. Can you confirm it?

[7/22/19, 8:36:07 AM] Kurt Volker: I will check - maybe yes

[7/22/19, 8:38:07 AM] Andrey Yermak: Its very good that our conversation with Mr. Mayor will be before it

[7/22/19, 8:47:51 AM] Kurt Volker: Yes - and I checked - call will not be today but White House will call Danylyuk to re-schedule it

[7/22/19, 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 Nadrid dates- best - Kurt

[7/22/19, 11:24:54 AM] Andrey Yermak: Missed voice call

[7/22/19, 11:25:25 AM] Andrey Yermak: When you will be in Kiev?

[7/22/19, 11:26:23 AM] Andrey Yermak: And thank you for conversation and your help!

[7/22/19, 12:08:42 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

[7/22/19, 12:08:54 PM] Kurt Volker: Hope to meet with the President - also see you and others

[7/22/19, 12:09:40 PM] Andrey Yermak: ◆

[7/22/19, 12:10:35 PM] Andrey Yermak: What about late dinner Wednesday or breakfast Thursday?

[7/22/19, 12:18:01 PM] Andrey Yermak: Sorry about Thursday I understand, you will go to the East

[7/22/19, 12:18:42 PM] Andrey Yermak: Breakfast possible only Friday

[7/22/19, 12:19:43 PM] Andrey Yermak: Please let me know about Wednesday and we will decide about Friday

[7/22/19, 12:40:05 PM] Kurt Volker: Hi - looks like midnight arrival on Wednesday, so let's try Friday breakfast.

[7/22/19, 1:43:15 PM] Andrey Yermak: Ok great ◆

[7/23/19, 1:08:09 PM] Kurt Volker: Hi Andrey. I sent this to Danylyuk. Would also be happy to connect you if you and/or Prystaiko 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."

[7/23/19, 1:14:46 PM] Andrey Yermak: Hi Kurt. Yes, please connect with me. Thank you

[7/23/19, 1:16:05 PM] Andrey Yermak: We have breakfast and lunch with Gordon Friday?  
 [7/23/19, 1:16:54 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 could 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 on that  
 [7/23/19, 2:27:33 PM] Andrey Yermak: Up to you, I'm with pleasure and Friday and Saturday. Phone call still not confirm  
 [7/23/19, 2:31:43 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, 2:33:36 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 nail down date for visit to Washington. Good luck! See you tomorrow - kurt  
 [7/25/19, 10:45:08 AM] Andrey Yermak: Phone call went well. President Trump proposed to choose any convenient dates. President Zelenskiy 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, 10:16:42 AM] Kurt Volker: Great — thanks and will do!  
 [7/26/19, 8:22:26 AM] Kurt Volker: 180730 Deployment Timeline # 2 pages <attached: 00000075-180730 Deployment Timeline.pdf>  
 [7/26/19, 8:25:23 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, 8:26:06 AM] Kurt Volker: Also — Rudy Giuliani says he arrives in Madrid on August 1 and departs August 5.  
 [7/27/19, 3:01:16 AM] Andrey Yermak: Good morning  
 [7/27/19, 3:01:42 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, 1:28:19 PM] Andrey Yermak: My meeting with Mr. Mayor was very good  
 [8/2/19, 1:30:38 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 1.5 hours in plane  
 [8/2/19, 1:38:44 PM] Kurt Volker: Hi Andrey — sorry I missed you. Will be free when you land  
 [8/4/19, 12:39:54 PM] Andrey Yermak: Hi Kurt, how are you? Do you have any news?  
 [8/4/19, 1:16:37 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, 4:21:41 PM] Kurt Volker: I think it is late in Spain now so will try again first thing in the morning  
 [8/5/19, 1:19:18 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, 1:36:07 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, 4:56:15 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 Pres.2 can go forward with it?  
 [8/10/19, 5:26:17 PM] Andrey Yermak: Ok  
 [8/10/19, 5:38:43 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 reboot 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, 9:49:09 AM] Kurt Volker: Hi Andrey - ready in 10 minutes?  
 [8/11/19, 9:50:01 AM] Andrey Yermak: Hi Kurt, in 25 min ok?  
 [8/11/19, 9:51:01 AM] Kurt Volker: Yes — no problem  
 [8/11/19, 10:19:11 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, 10:27:39 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 Volker: 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, 8:39:25 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 повторение 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.

[8/17/19, 2:09:08 PM] Andrey Yermak: Hi Kurt! Can you talk?  
 [8/17/19, 3:03:45 PM] Kurt Volker: Hi Andrey -- am driving for the next hour. Would it work to call you then?  
 [8/17/19, 3:05:31 PM] Andrey Yermak: Yes, please  
 [8/17/19, 4:34:05 PM] Kurt Volker: Hi Andrey -- sorry for delay -- is now good? Kurt  
 [8/17/19, 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 Volker: No worries -- just got in. We are in no hurry  
 [8/24/19, 3:45:13 PM] Andrey Yermak: Good evening  
 [8/24/19, 3:21:41 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 Volker: Hi Andrey - sorry - was on another call. Was great to be here -- thank you! Very inspiring day!  
 [8/24/19, 3:32:37 PM] Kurt Volker: Can talk now or tomorrow morning -- flight is at 2pm to Frankfurt  
 [8/25/19, 4:18:07 PM] Kurt Volker: Hi Andrey -- let me know when you can talk -- have more on RFE following up on discussion with the President. - Kurt  
 [8/27/19, 8:08:04 PM] Kurt Volker: Hi Andrey -- did you get to see Bolton?  
 [8/27/19, 2:08:30 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 Volker: :(  
 [8/27/19, 2:09:12 PM] Kurt Volker: 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: 10:30 big group, 12:30 with President  
 [8/27/19, 2:10:31 PM] Kurt Volker: Ok -- I imagine his breakfast is already booked, but I'll ask.  
 [8/27/19, 2:11:44 PM] Andrey Yermak: No problem, maybe better after  
 [8/27/19, 2:11:55 PM] Kurt Volker: Ok  
 [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 Volker: 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: Ok. I'm ready meet with him after official meeting  
 [8/28/19, 8:11:57 AM] Andrey Yermak: Turns out that Bolton can't make it. We'll talk  
 [8/28/19, 8:12:10 AM] Andrey Yermak: Hi Kurt  
 [8/28/19, 8:12:20 AM] Andrey Yermak: It's from Taylor  
 [8/28/19, 8:14:08 AM] Kurt Volker: That's too bad -- but bill is on the ground with him so he knows the schedule. How was the meeting w/ the president?  
 [8/28/19, 8:15:29 AM] Andrey Yermak: I think very good  
 [8/28/19, 8:17:47 AM] Andrey Yermak: And involved in this case with Motor Sich  
 [8/28/19, 8:19:05 AM] Andrey Yermak: Me  
 [8/28/19, 8:19:32 AM] Andrey Yermak: Ok, for me no problem  
 [8/28/19, 8:20:12 AM] Andrey Yermak: This message was delayed.  
 [8/28/19, 8:26:54 AM] Kurt Volker: Ok -- let's talk later today  
 [8/28/19, 4:02:34 PM] Andrey Yermak: Missed voice call  
 [8/29/19, 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-4689561>  
 [8/29/19, 6:55:04 AM] Kurt Volker: Hi Andrey - Absolutely. When is good for you?  
 [8/29/19, 3:01:38 PM] Kurt Volker: Hi Andrey -- am told 2:40pm meeting on Sunday in Warsaw. 1 hour bitat  
 [8/29/19, 5:03:38 PM] Kurt Volker: Just saw trump cancelling going to Poland -- sending Pence instead. Hope we keep the bitat -- and push for date for WH visit  
 [9/1/19, 11:33:07 AM] Kurt Volker: Hi Andrey -- how was pence meeting?  
 [9/3/19, 8:59:30 AM] Kurt Volker: Hi Andrey -- how was N4 meeting. Can call in an hour or so...  
 [9/3/19, 9:08:33 AM] Andrey Yermak: Hi Kurt  
 [9/3/19, 9:08:51 AM] Andrey Yermak: Will be in plane  
 [9/3/19, 9:09:05 AM] Andrey Yermak: In general, ok  
 [9/3/19, 9:09:24 AM] Andrey Yermak: Details tonight  
 [9/3/19, 9:09:44 AM] Andrey Yermak: What about Pence meeting?  
 [9/3/19, 9:10:00 AM] Andrey Yermak: Any news about dates?  
 [9/3/19, 11:29:23 AM] Kurt Volker: Ukraine Security Letter \* 2 pages <attached: 00000174-Ukraine Security Letter.pdf>  
 [9/4/19, 9:56:30 AM] Kurt Volker: 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, 9:56:49 AM] Kurt Volker: Sorry -- on Friday  
 [9/4/19, 9:57:35 AM] Andrey Yermak: Hi Kurt

[9/4/19, 9:57:41 AM] Andrey Yermak: Thank you!  
 [9/4/19, 9:58:09 AM] Andrey Yermak: Call you in 30 min?  
 [9/4/19, 9:58:54 AM] Kurt Volker: My pleasure. Did you have a chance to put a word into Kozak about me visiting?  
 [9/4/19, 9:58:29 AM] Kurt Volker: In an hour would be better -- going in to a meeting now...  
 [9/4/19, 1:53:32 PM] Andrey Yermak: Missed voice call  
 [9/4/19, 2:37:50 PM] Andrey Yermak: Missed voice call  
 [9/4/19, 2:56:25 PM] Andrey Yermak: Can you talk?  
 [9/5/19, 8:56:56 PM] Kurt Volker: Hi Andrey -- flying to Georgia -- can talk Friday or Saturday. Nothing new on RFE? I will see RFE President Jamie Fly on Monday. Best - Kurt  
 [9/7/19, 8:17:52 AM] Kurt Volker: Great news on the prisoner exchange! Hope it leads to progress in Donbas.  
 [9/9/19, 8:31:29 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  
 [9/11/19, 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  
 [9/11/19, 4:52:34 PM] Andrey Yermak: Hi Kurt  
 [9/11/19, 4:52:52 PM] Andrey Yermak: Can call you in 40 min?  
 [9/11/19, 5:36:40 PM] Andrey Yermak: Missed voice call  
 [9/12/19, 12:58:11 AM] Kurt Volker: Hi Andrey -- sorry to miss you last night. Let's try later today-- 9am?  
 [9/12/19, 1:44:10 PM] Andrey Yermak: Missed voice call  
 [9/12/19, 2:59:54 PM] Andrey Yermak: Missed voice call  
 [9/12/19, 2:56:07 PM] Kurt Volker: Hi Andrey -- sorry to miss your call. Just getting back from a dinner and will call  
 [9/12/19, 3:40:42 PM] Kurt Volker: Call in 20 min - no problem  
 [9/14/19, 2:39:42 AM] Kurt Volker: Hi Andrey -- planning on 20:30 dinner at Hyatt. Let me know once you are back from Dnipro if you need to adjust timing. I am flexible, Kurt  
 [9/14/19, 2:40:34 AM] Andrey Yermak: Hi, Kurt  
 [9/14/19, 2:40:35 AM] Andrey Yermak: Ok  
 [9/14/19, 2:41:05 AM] Kurt Volker: Ok - thanks  
 [9/14/19, 2:41:34 AM] Andrey Yermak: Thank you  
 [9/14/19, 12:03:54 PM] Kurt Volker: Hi Andrey -- checking schedule -- ok for 8:30pm?  
 [9/14/19, 12:06:51 PM] Andrey Yermak: If possible 9 pm  
 [9/14/19, 12:06:55 PM] Andrey Yermak: ?  
 [9/14/19, 12:09:40 PM] Kurt Volker: Yes -- 9am is fine. Also -- Pinchuk is urging 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.  
 [9/14/19, 12:17:59 PM] Andrey Yermak: I was in YES dinner yesterday, it's problematic to speak there. See you at Hyatt  
 [9/14/19, 12:18:15 PM] Kurt Volker: Ok -- see you there at 9am  
 [9/14/19, 12:18:49 PM] Andrey Yermak: Tomorrow?  
 [9/14/19, 12:19:15 PM] Andrey Yermak: 9 am?  
 [9/14/19, 12:37:42 PM] Kurt Volker: Sorry -- I meant 9pm!  
 [9/14/19, 12:37:52 PM] Kurt Volker: I have a flight at 9am tomorrow  
 [9/14/19, 12:34:38 PM] Andrey Yermak: Ok  
 [9/14/19, 12:34:41 PM] Andrey Yermak: Excellent  
 [9/14/19, 12:34:57 PM] Kurt Volker: Ok - thank you!!  
 [9/16/19, 1:18:05 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

[9/20/19, 8:02:05 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.

[9/20/19, 1:27:38 PM] Andrey Yermak: Hi

[9/20/19, 1:27:51 PM] Andrey Yermak: Will call you

[9/20/19, 1:51:37 PM] Kurt Volker: Ok - thanks

[9/20/19, 2:20:52 PM] Andrey Yermak: Missed voice call

[9/21/19, 12:25:47 AM] Andrey Yermak: <https://thehill.com/opinion/white-house/462422-missing-piece-to-the-ukraine-puzzle-state-departments-overture-to-rudy>

[9/23/19, 5:29:23 PM] Kurt Volker: Hi Andrey -- welcome to New York! Would you be free between 6pm and 8pm tomorrow? Either the two of us, or also with Vadym? Best - Kurt

[9/24/19, 10:08:28 AM] Andrey Yermak: Hi Kurt

[9/24/19, 10:08:48 AM] Andrey Yermak: And what about evening?

[9/24/19, 10:09:04 AM] Andrey Yermak: Gordon already here?

[9/24/19, 10:09:15 AM] Kurt Volker: Yes -- I have a dinner at 8:30pm -- but can rearrange to make time for you.

[9/24/19, 10:09:22 AM] Kurt Volker: Yes - he is there

[9/24/19, 10:09:28 AM] Kurt Volker: I arrive around 3:30pm

[9/24/19, 10:09:56 AM] Andrey Yermak: It will be excellent

[9/24/19, 10:10:05 AM] Kurt Volker: What time are you free

[9/24/19, 10:10:07 AM] Kurt Volker: ?

[9/24/19, 10:10:29 AM] Andrey Yermak: 8:30 pm?

[9/24/19, 10:11:19 AM] Kurt Volker: Ok -- I'll skip my dinner -- let's get a dinner reservation for 8:30

[9/24/19, 10:11:42 AM] Andrey Yermak: Ok

[9/24/19, 10:12:07 AM] Kurt Volker: Is 9pm too late? 9-10:30pm?

[9/24/19, 10:12:47 AM] Andrey Yermak: May be Gordon will join us?

[9/24/19, 10:15:02 AM] Kurt Volker: I'll ask him

[9/24/19, 10:15:12 AM] Kurt Volker: Do you want to invite Vadym?

[9/24/19, 10:15:47 AM] Andrey Yermak: Yes  
 [9/24/19, 10:17:13 AM] Andrey Yermak: You will make a reservation or me?  
 [9/24/19, 10:43:04 AM] Kurt Volker: i'll get a reservation -- what hotel are you be staying at? will look for a steak place.  
 [9/24/19, 10:43:29 AM] Andrey Yermak: ♦  
 [9/24/19, 10:43:47 AM] Andrey Yermak: Park Hyatt  
 [9/24/19, 10:50:58 AM] Kurt Volker: Reservation for 4 people at The Strip House -- 9pm. 15 West 44th Street  
 [9/24/19, 10:51:23 AM] Kurt Volker: Gordon has another dinner at 7 pm and will join as soon as he can after  
 [9/24/19, 10:51:32 AM] Kurt Volker: Will you tell Vadym?  
 [9/24/19, 10:54:18 AM] Andrey Yermak: Ok  
 [9/24/19, 10:54:23 AM] Andrey Yermak: Yes  
 [9/24/19, 10:54:35 AM] Andrey Yermak: ♦  
 [9/24/19, 11:01:02 AM] Kurt Volker: Great!  
 [9/24/19, 7:16:04 PM] Andrey Yermak: See you very soon  
 [9/24/19, 7:16:06 PM] Andrey Yermak: I have one question  
 [9/24/19, 7:16:06 PM] Andrey Yermak: May be you know  
 [9/24/19, 7:17:07 PM] Kurt Volker: Yes -- I think so  
 [9/24/19, 7:17:19 PM] Kurt Volker: Don't have an answer yet and trying to get one  
 [9/25/19, 8:21:20 AM] Andrey Yermak: Good morning  
 [9/25/19, 8:21:28 AM] Andrey Yermak: Any news?  
 [9/25/19, 8:22:46 AM] Kurt Volker: Spoke w Gordon - he was feeling sick last night  
 [9/25/19, 8:23:28 AM] Kurt Volker: We are both weighing in on the issue... nothing more yet  
 [9/25/19, 9:31:27 AM] Andrey Yermak: Will publish full or part?  
 [9/25/19, 9:52:05 AM] Kurt Volker: I pushed for sharing w you first, then meeting, then release. But no word back  
 [9/25/19, 3:18:16 PM] Andrey Yermak: What you think? Great that you was  
 [9/25/19, 3:20:43 PM] Kurt Volker: Thanks - very good meeting. Exactly what I expected. Once they can talk to each other -- all good  
 [9/25/19, 5:26:27 PM] Kurt Volker: Did you want to meet and follow up also with Gordon? Can try, though schedules are tight for all of us  
 [9/25/19, 5:54:07 PM] Andrey Yermak: Yes  
 [9/25/19, 5:54:16 PM] Andrey Yermak: With pleasure  
 [9/25/19, 5:54:47 PM] Andrey Yermak: I will call you about 8 pm?  
 [9/25/19, 6:00:15 PM] Kurt Volker: Ok -- can talk briefly then  
 [9/25/19, 7:24:30 PM] Andrey Yermak: Missed voice call  
 [9/25/19, 7:24:51 PM] Andrey Yermak: Can you talk now?  
 [9/25/19, 7:27:25 PM] Kurt Volker: Yes -- but maybe better in 15-20 min?  
 [9/25/19, 11:36:11 PM] Andrey Yermak: What about tomorrow?  
 [9/25/19, 11:36:41 PM] Kurt Volker: Yes -- 8am your Hotel -- Park Hyatt  
 [9/25/19, 11:36:59 PM] Andrey Yermak: ♦  
 [9/26/19, 7:49:17 AM] Andrey Yermak: Missed voice call  
 [9/26/19, 7:50:20 AM] Andrey Yermak: Missed voice call  
 [9/26/19, 7:55:46 AM] Andrey Yermak: Missed voice call  
 [9/26/19, 7:57:58 AM] Andrey Yermak: Good morning  
 [9/26/19, 7:58:38 AM] Andrey Yermak: Waiting for you in lobby, place for breakfast  
 [9/26/19, 10:43:57 AM] Kurt Volker: Hi Andrey -- good visit. Reminder about Metropolitan Emmanuel Adamakis. Do you need his number again? Thanks - Kurt  
 [9/26/19, 10:47:21 AM] Andrey Yermak: Thank you! Yes, please  
 [9/26/19, 10:48:10 AM] Kurt Volker: +33 6 89 52 12 55  
 [9/26/19, 10:48:38 AM] Kurt Volker: He is planning to be in ukraine through tomorrow  
 [9/27/19, 7:44:20 PM] Andrey Yermak: Hi  
 [9/28/19, 8:11:36 AM] Andrey Yermak: Hello again. I+ channel want to talk with you?  
 [9/28/19, 9:23:16 AM] Kurt Volker: Thanks -- not yet -- have to do the Congress first  
 [9/28/19, 9:23:31 AM] Andrey Yermak: Ok

[8/9/19, 2:24:21 PM] You created group "Andrey/Gordon/Kurt"  
[8/9/19, 2:24:21 PM] Andrey/Gordon/Kurt: Messages to this group are now secured with end-to-end encryption.  
[8/9/19, 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  
[8/9/19, 2:25:40 PM] Gordon Sandland: I have a call sched at 3pm Eastern for the three of us. Gps will call  
[8/13/19, 10:11:50 AM] Kurt Volker: Hi Andrey -- we spoke with Rudy. When is good to call you?  
[8/13/19, 10:19:20 AM] Andrey Yermak: Hi Kurt  
[8/13/19, 10:19:50 AM] Gordon Sandland: I can talk now  
[8/13/19, 10:20:54 AM] Andrey Yermak: I'm in Israel  
[8/13/19, 10:21:20 AM] Gordon Sandland: Important. Do you have 5 mins  
[8/13/19, 10:21:21 AM] Andrey Yermak: I can speak in 10-15 min  
[8/13/19, 10:22:55 AM] Gordon Sandland: Ok I will have our operator dial us in at 4:35 Brussels time  
[8/13/19, 10:23:14 AM] Kurt Volker: Can we do this one on what's App?  
[8/13/19, 10:23:31 AM] Gordon Sandland: Ok, fine. Can you initiate?  
[8/13/19, 10:23:41 AM] Kurt Volker: Yes - will do  
[8/13/19, 10:24:17 AM] Andrey Yermak: Ok  
[8/13/19, 12:11:15 PM] Kurt Volker: Hi Andrey -- good talking -- following is text with insert at the end for the 2 key items. We will work on official request  
[8/13/19, 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 Burisma 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?

[1/2/19, 11:42:47 AM] Bill Taylor: Steve hasn't received a draft yet. Still a good idea?

[1/2/19, 11:43:02 AM] Kurt Volker: Yes - I should have it today

[1/2/19, 11:37:21 AM] Bill Taylor: On another topic, we continue to plan the February 12 roundtable on Donbas peace plans. It's on Steve's calendar. Two questions: can you kick off the discussion? Minister Aravok will also speak. Second, would you be OK if we invited Professor Dynkin, Steve's friend from IMEMO? He made a proposal for peacekeepers last year. Minister Aravok and Gregory Nemyria are both comfortable inviting Dynkin.

[1/2/19, 11:38:07 AM] Kurt Volker: Yes -- all good. What time on 12th?

[1/2/19, 11:40:58 AM] Bill Taylor: Opening comments at 9:30. First session on peacekeepers until 12:30. Informal lunch. Afternoon session an interim international administration and political prospects in the UN. Close by 5.

[1/2/19, 11:43:01 AM] Kurt Volker: Ok -- so I can be there from 9:30-10:15am?

[1/2/19, 11:47:33 AM] Bill Taylor: Yes

[1/2/19, 12:32:13 PM] Kurt Volker: Great. Will it be as USIP?

[1/2/19, 1:53:37 PM] Bill Taylor: Yes

[1/3/19, 11:57:40 AM] Bill Taylor: Dynkin declined.

[1/3/19, 11:58:43 AM] Kurt Volker: Interesting. Means there is no room for progress

[1/3/19, 12:22:13 PM] Bill Taylor: Not with this Ukrainian administration, he says.

[1/5/19, 11:02:14 AM] Bill Taylor: Haven't heard from Steve on the edits 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.

[1/5/19, 11:04:31 PM] Kurt Volker: Good -- I saw the edits -- I think he will want to make the recommendations less of a "list" -- but let's hear from him.

[1/5/19, 11:01:00 PM] Kurt Volker: If we don't get Steve (although we should) is there someone else the WH would be impressed by?

[1/5/19, 12:3:58 PM] Bill Taylor: That's a hard question. Steve is almost unique -- a reasonable Republican, respected by both ends of that spectrum.

[1/5/19, 12:4:39 PM] Kurt Volker: Exactly. Almost anyone else would not be respected at WH. So let's convince him!

[1/5/19, 1:26:40 PM] Bill Taylor: Yup. I'm hoping he's in an airplane. He is usually very responsive. Is there a way to repackaging the recommendations in a way that looks less like a laundry list?

[1/5/19, 1:36:55 PM] Kurt Volker: I think just turning it into prose instead of bullets would do it

[1/5/19, 1:38:21 PM] Bill Taylor: Could be, but might make it longer. Want to take a shot? Or I can.

[1/5/19, 1:38:40 PM] Kurt Volker: I can do it now -- back to you in half an hour

[1/5/19, 2:43:05 PM] Kurt Volker: Just sent via email to the group - kv

[1/5/19, 3:01:43 PM] Bill Taylor: Got it -- looks good

[1/5/19, 3:03:50 PM] Kurt Volker: Same recommendations, but less jarring -- think he'll like that better

[1/5/19, 3:05:43 PM] Bill Taylor: Agree. Hope it gets published before the Russians move.

[1/5/19, 10:10:08 PM] Bill Taylor: Missed voice call

[1/7/19, 3:15:33 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.

[1/7/19, 4:01:13 PM] Kurt Volker: Have you considered foreign policy?

[1/7/19, 4:02:04 PM] Bill Taylor: Good idea

[1/7/19, 5:05:02 PM] Kurt Volker: btw -- surprised wsj rejected since this has nothing to do with the church. Did shai speak with an editor and explain who it is and why it is imp't?

[1/7/19, 5:47:43 PM] Bill Taylor: I'll press

[1/7/19, 8:17:50 PM] Bill Taylor: Shai 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.

[1/7/19, 9:53:37 PM] Kurt Volker: Ok - great - thanks - hope they take it!

[1/9/19, 10:22:43 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.

[1/9/19, 10:24:34 AM] Bill Taylor: Different topic: what do you think about inviting Chasnakov to the February 12 roundtable? Not to present, but to participate.

[1/9/19, 5:37:18 PM] Kurt Volker: I think it is a good idea

[1/9/19, 5:52:31 PM] Bill Taylor: I agree. John Herbst doesn't think that Chasnakov will agree to participate. But we can ask.

We are submitting the op-ed to foreign Affairs tomorrow morning.

[1/9/19, 11:50:33 PM] Kurt Volker: Sounds good -- thx

[1/9/19, 11:51:01 PM] Kurt Volker: And on chesnakov -- let it be him who declines -- good that we ask

[1/10/19, 5:07:24 AM] Bill Taylor: Sounds good

[1/15/19, 7:07:33 PM] Kurt Volker: Hi bill -- any news on the op-Ed? Needed now more than ever. Indeed, may need to be sharper up front.

[1/15/19, 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?

[1/16/19, 8:25:52 PM] Kurt Volker: 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. Zero from the list we discussed.

[1/16/19, 8:38:35 PM] Bill Taylor: Just sent it to Steve, blind copying you.

[1/16/19, 3:40:28 PM] Kurt Volker: Hi Bill -- should we try foreign policy instead? I can send you contact for lead editor Jonathan Tepperman if you want - kv

[1/16/19, 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 pull 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.

[1/16/19, 3:52:23 PM] Kurt Volker: Ok - great - thanks!

[1/16/19, 3:53:33 PM] Bill Taylor: Submitted and alerted Jonathan Tepperman

[1/16/19, 10:08:52 PM] Kurt Volker: Great - thanks!

[1/17/19, 9:42:25 AM] Bill Taylor: Looking good for FP. Will confirm

[1/17/19, 9:42:32 AM] Kurt Volker: Great!

[1/17/19, 9:42:51 AM] Kurt Volker: Let me know and I'll try to get it into TV interviews

[1/17/19, 11:08:52 AM] Bill Taylor: Will do

[1/17/19, 11:49:41 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 Chasnakov but Dynkin's colleague Zagorski is trying to get here. The Russian embassy? Are there Donbas watchers at the French and German embassies?

[1/17/19, 1:14:41 PM] Kurt Volker: Yes -- Chris knows the names at the Normandy embassies. Fine on Zagorsky: Avakov is a mixed bag. Is he still coming?

[1/17/19, 1:17:43 PM] Bill Taylor: Yes

[1/18/19, 12:23:17 PM] Kurt Volker: Hi bill -- did they publish?

[1/18/19, 1:58:08 PM] Bill Taylor: As soon as they get the contributor consent form back from Steve, they hit publish.

[1/18/19, 2:23:29 PM] Kurt Volker: Great - thanks!

[1/18/19, 4:12:22 PM] Bill Taylor: It's up. On your email

[1/18/19, 6:05:31 PM] Kurt Volker: Great!! Thanks!

[4/29/19, 5:01:59 PM] Bill Taylor: What did you volunteer me for?

[4/29/19, 5:02:31 PM] Kurt Volker: I can't remember-- context?

[4/29/19, 5:14:18 PM] Bill Taylor: George has asked me to go to Kyiv for a while.

[4/29/19, 5:16:52 PM] Kurt Volker: Ah... good!!!

[4/29/19, 5:16:56 PM] Kurt Volker: You should!

[4/29/19, 5:17:39 PM] Bill Taylor: George described two snake pits, one in Kyiv and one in Washington.

[4/29/19, 5:19:15 PM] Kurt Volker: :) so what's new?

[4/29/19, 5:23:05 PM] Bill Taylor: Yes, but he described much more than I knew. Very ugly

[5/25/19, 10:07:55 AM] Kurt Volker: Anti-Trust Reform = 2 pages <attached: 00000072-Anti-Trust Reform.docx>

[5/25/19, 10:21:15 AM] Bill Taylor: I like this a lot.

[5/25/19, 10:22:50 AM] Kurt Volker: Thanks! Will need more expert advice, but wanted to kick this off

[5/25/19, 10:23:10 PM] Bill Taylor: I look forward to pushing it in Kyiv.

[5/26/19, 2:14:39 PM] Bill Taylor: I am still struggling with the decision whether to go. Can anyone hope to succeed with the Gulaam-Giden issue swirling for the next 18 months? Can S offer any reassurance on this issue?

[5/26/19, 6:25:42 PM] Bill Taylor: You mentioned that several people have asked you to go out as CoA. 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.

[5/26/19, 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 Gulaam 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

[5/27/19, 6:47:44 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.

[5/27/19, 2:33:31 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.

[5/27/19, 3:20:12 PM] Bill Taylor: How about for a short period of time?

[5/27/19, 4:22:43 PM] Kurt Volker: I can visit for a day or two, but not longer. Still have all the other commitments here

[5/28/19, 5:49:28 PM] Bill Taylor: Do we know for sure that there is a letter inviting Ze to visit? Fiona doesn't think so

[5/28/19, 5:58:25 PM] Kurt Volker: I heard it from Mulvaney -- so I think so

[5/28/19, 6:10:39 PM] Bill Taylor: Wouldn't it have to go through Fiona?

[5/28/19, 6:10:44 PM] Kurt Volker: I don't know how things work over there. In a normal world, of course. But ...

[5/28/19, 6:03:31 PM] Bill Taylor: Do I want to enter this non-normal world?

[5/28/19, 6:09:01 PM] Kurt Volker: Despite everything, 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...

[5/28/19, 6:15:16 PM] Kurt Volker: And just checked w Sandland, who said Mulvaney told him today it is with POTUS... etc...

[6/1/19, 4:15:35 PM] Kurt Volker: Hi bill -- Perry, Sandland and I had a good call w Bolton yesterday. He is going to get a date for Ze visit -- maybe late July -- and also ask about VPOTUS visit to Kyiv. All good. Best - Kurt

[6/1/19, 4:20:41 PM] Bill Taylor: Excellent -- thanks, Kurt. I am hoping to meet AMB Sandland, maybe in Brussels on my way to Kyiv.

[6/1/19, 4:59:53 PM] Kurt Volker: Good idea!

[6/2/19, 7:56:49 AM] Bill Taylor: Can you introduce me to AMB Sandland? I looked 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.

[6/14/19, 4:43:35 PM] Kurt Volker: Hi Bill -- are you in DC now? We should take a picture together!

[6/14/19, 4:43:46 PM] Kurt Volker: Then can tweet when you are in Kyiv

[6/14/19, 4:46:24 PM] Bill Taylor: Excellent idea! I am here until Sunday night. Where are you?

[6/14/19, 4:59:20 PM] Bill Taylor: I am en route to the Ukrainian embassy now.

[6/15/19, 2:26:12 AM] Bill Taylor: Kurt, what's the view of Kobalyev among the three of you?

[6/19/19, 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 2 senior US energy industry people on an expanded board.

[6/19/19, 6:07:59 AM] Kurt Volker: Gordon shares this view - but maybe a little less negative.

[6/19/19, 6:09:13 AM] Kurt Volker: I remember Naltegaz 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.

[6/19/19, 6:10:02 AM] Kurt Volker: Blw - hope the testimony went over well - kv

[6/19/19, 11:04:25 AM] Bill Taylor: Kurt, I am getting the same thing out here -- stiffing private investment. Will look for your testimony

[6/19/19, 11:16:05 AM] Kurt Volker: Yes -- exactly -- stiffing private investment

[6/19/19, 11:17:26 AM] Kurt Volker: Here's the testimony - best - Kurt  
<https://www.c-span.org/video/?461818-1/us-policy-russia-ukraine>

[6/25/19, 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?

[6/25/19, 2:26:53 PM] Bill Taylor: At a dinner this evening, Klimkin advised you to engage Ze 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.

[6/25/19, 2:47:13 PM] Kurt Volker: Hi -- he is religious about checking messages so am sure he did. Got the point on Ze -- will do my best -- any thoughts about "emotions"?

[6/25/19, 2:48:21 PM] Bill Taylor: I am checking that suggestion with Prystaiko.

[6/28/19, 11:38:56 AM] Bill Taylor: Are you telling Chris about the call?

[6/28/19, 11:40:45 AM] Bill Taylor: Prystaiko?

[6/28/19, 11:41:16 AM] Bill Taylor: He will be in Toronto with Ze

(6/28/19, 11:53:24 AM) Kurt Volker: Yes -- in person though  
 (6/28/19, 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?  
 (6/28/19, 12:25:39 PM) Kurt Volker: Yes -- that's a good idea  
 (7/3/19, 2:01:39 PM) Bill Taylor: Are you OK with me briefing Ulrich on these conversations? Maybe you have already?  
 (7/3/19, 5:53:34 PM) Kurt Volker: I have not -- please feel free  
 (7/3/19, 5:54:05 PM) Kurt Volker: The key thing is to tee up a phone call w/ patus and then get visit nailed down  
 (7/3/19, 11:09:58 PM) Bill Taylor: I agree. Is Ze on board with a phone call?  
 (7/4/19, 1:30:29 AM) Kurt Volker: Yes -- bagdan was a little skeptical, but Zelensky was ok with it. Now we need to get it on patus schedule...  
 (7/4/19, 1:40:35 AM) Bill Taylor: The three amigos are on a roll. Let me know when I can help.  
 (7/7/19, 2:46:13 PM) Bill Taylor: Do you have a minute to talk?  
 (7/7/19, 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 Za get it when you laid out what needs to happen on the call? Should I follow up with Prystaiko?  
 (7/7/19, 3:09:30 PM) Bill Taylor: Or with Bohdan?  
 (7/7/19, 4:30:24 PM) Kurt Volker: Hi bill -- sorry -- just saw this -- I can talk now or first thing tomorrow if you can -- best Kurt  
 (7/7/19, 4:32:31 PM) Kurt Volker: Spoke w Zelensky, bagdan and Prystaiko in Toronto. Have 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  
 (7/7/19, 5:26:12 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?  
 (7/8/19, 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?  
 (7/8/19, 9:12:30 AM) Kurt Volker: Hi bill - I can call around 9:30/9:40 dc time of ok?  
 (7/8/19, 9:14:05 AM) Kurt Volker: Zelensky was on board - bagdan was skeptical. Worried that a call substitutes for a visit. I pulled the two of them aside at the end and explained the Giuliani factor...  
 (7/8/19, 9:16:50 AM) Bill Taylor: Live interview here 4:30 here, 9:30 there. How about 6 here, 11 there? Or pick a later time today.  
 (7/8/19, 9:31:17 AM) Kurt Volker: Great -- I can do 1:30pm here / 8:30 for you -- does that work?  
 (7/8/19, 10:01:37 AM) Bill Taylor: Perfectly  
 (7/8/19, 1:29:42 PM) Bill Taylor: Calling shortly  
 (7/10/19, 3:22:20 AM) Bill Taylor: Are you OK on MNNA for Ukraine? They are raising it a lot. Would be a win for Ze?  
 (7/10/19, 5:23:34 AM) Kurt Volker: 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...  
 (7/10/19, 5:24:38 AM) Bill Taylor: Absolutely  
 (7/10/19, 2:28:34 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?  
 (7/10/19, 10:30:22 PM) Bill Taylor: Missed voice call  
 (7/10/19, 10:39:22 PM) Bill Taylor: Missed voice call  
 (7/10/19, 10:45:02 PM) Bill Taylor: Can you talk now?  
 (7/10/19, 10:48:07 PM) Bill Taylor: Missed voice call  
 (7/11/19, 9:24:23 AM) Bill Taylor: When can we talk?  
 (7/11/19, 9:26:39 AM) Kurt Volker: Hi Bill! Can we try around 11am my time?  
 (7/11/19, 9:46:51 AM) Bill Taylor: Yes. I will call you then. Thanks  
 (7/11/19, 10:29:23 AM) Kurt Volker: I have another call at 11:15 so let's talk at 11 but then follow up again later as needed...  
 (7/11/19, 10:53:42 AM) Bill Taylor: I can call now if that works  
 (7/11/19, 10:54:41 AM) Bill Taylor: Missed voice call  
 (7/11/19, 10:58:15 AM) Bill Taylor: Missed voice call  
 (7/11/19, 10:59:45 AM) Bill Taylor: Calling shortly  
 (7/11/19, 11:01:39 AM) Bill Taylor: Missed voice call  
 (7/11/19, 11:08:57 AM) Bill Taylor: Missed voice call  
 (7/11/19, 11:02:19 AM) Bill Taylor: Call when you can  
 (7/16/19, 9:48:09 AM) Bill Taylor: Should I suggest that you join your N4 counterparts starting soon?  
 (7/16/19, 9:48:43 AM) Bill Taylor: And do you have dates for your (and Gordon's) visit?  
 (7/16/19, 9:59:10 AM) Kurt Volker: Hi bill -- looking at leaving here 23rd -- arriving east on 24th. Meetings there on 25th, Kyiv on 26th return on 27th. Catherine Croft should be working w your staff.  
 (7/16/19, 10:00:30 AM) Kurt Volker: On N4 -- what specifically? I saw Jan Hecker in DC last week -- I know they are planning another meeting in August. But taking stock after seeing how ICG goes tomorrow in Minsk...  
 (7/16/19, 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.  
 (7/16/19, 12:22:47 PM) Kurt Volker: Hi -- I want to be supportive of the president's efforts, so whatever helps them 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  
 (7/16/19, 12:40:55 PM) Bill Taylor: Got it  
 (7/17/19, 1:45:10 PM) Kurt Volker: 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. -kv  
 (7/17/19, 1:58:01 PM) Bill Taylor: Excellent. I will plan to join you. Gordon coming?  
 (7/17/19, 2:00:42 PM) Kurt Volker: Yes - he wants to. And Prystaiko will also come  
 (7/17/19, 2:04:16 PM) Bill Taylor: Excellent. My folks will work with Catherine.  
 (7/19/19, 11:55:14 PM) Bill Taylor: Preparations for the trip are well underway. You had breakfast with RG?  
 (7/22/19, 10:43:00 AM) Kurt Volker: Should I plan on being in Kyiv on National day? Will get my own ticket at this time... come down from Vidnus -- arrive late 23rd or early 24th, depart 25th  
 (7/22/19, 11:58:50 AM) Bill Taylor: Excellent idea! Stay at the residence.  
 (7/22/19, 11:06:49 PM) Kurt Volker: Ok -- will do!  
 (7/24/19, 3:39:05 AM) Bill Taylor: I will call you back

[7/24/19, 6:23:59 AM] Kurt Volker: Hi bill -- can you talk now?  
 [8/3/19, 1:45:55 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, 2:18:06 PM] Kurt Volker: Not yet. We heard from surkov but nothing from ushakov or Kazak.  
 [8/11/19, 2:18:35 PM] Kurt Volker: Meantime Yermak is in touch with Kazak and will be in dc next week and wants to coordinate before a Moscow trip  
 [8/11/19, 2:19:16 PM] Kurt Volker: Spoke w Etienne on Friday and have joint FR/GE SVTC Monday, Paris hoping for N4 summit (at UKR request) in mid September  
 [8/11/19, 2:21:08 PM] Bill Taylor: I 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, 2:23:00 PM] Bill Taylor: You are still planning to be here for August 24?  
 [8/11/19, 2:23:43 PM] Kurt Volker: 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, 2:25:06 PM] Bill Taylor: I asked Prystaiko again Friday. He smiled and said something about a parade with no tanks. Sounds pretty vague  
 [8/11/19, 2:26:21 PM] Kurt Volker: 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 DV'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, 2:37:10 PM] Kurt Volker: 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, 2:52:08 PM] Kurt Volker: Thank you! You don't happen to have a gym, do you?  
 [8/11/19, 2:52:22 PM] Kurt Volker: That's the single best thing about the Hyatt...  
 [8/11/19, 2:55:21 PM] Kurt Volker: I am supposed to arrive on 23rd at 8:35pm from Vilnius on Ukrainian Air 178. 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, 2:58:48 PM] Bill Taylor: Sounds good. Sadly, no gym.  
 [8/13/19, 10:05:59 AM] Bill Taylor: Kurt, we are meeting with Honcharuk and Rybshapka on Thursday to get their thoughts on de-oligarchization. We may want to enlist the reform-minded G-7 to this effort. Clearly this has to be Ukrainian-owned for it to have a chance. You are OK on all this?  
 [8/13/19, 10:11:49 AM] Kurt Volker: Yes -- all good. Would it be possible to arrange a follow up with G7 (with or sequentially with or Rybshapka) on 24th?  
 [8/15/19, 10:38:15 AM] Kurt Volker: Hi bill -- can you take a call?  
 [8/15/19, 10:38:50 AM] Bill Taylor: In a car in Lviv. Can call now.  
 [8/15/19, 10:39:02 AM] Bill Taylor: Missed voice call  
 [8/15/19, 10:39:05 AM] Kurt Volker: 2 min  
 [8/15/19, 10:39:22 AM] Bill Taylor: Sounds good  
 [8/16/19, 12:54:11 AM] Bill Taylor: The person who asked for an official request was Yermak?  
 [8/16/19, 7:01:10 AM] Kurt Volker: 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, 7:06:33 AM] Kurt Volker: Were 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 legatt just left on leave. You should ask Bruce Schwartz at Justice.  
 [8/16/19, 8:53:14 AM] Kurt Volker: Ok -- will do  
 [8/20/19, 8:40:35 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?  
 [8/20/19, 10:43:27 AM] Kurt Volker: Yes -- can we do a G7 Amb coffee? And a separate meeting w Yermak? Anyone else we should see on anti-trust legislation?  
 [8/20/19, 12:33:37 PM] Bill Taylor: Let's ask Yermak to stay after the dinner. Most G-7 ambassadors are not in town, both turnover and leave. I can see if Honcharuk is available.  
 [8/20/19, 11:44:36 PM] Bill Taylor: Honcharuk can meet us after the president's reception. What about a dinner with the embassy team working on de-oligarching?  
 [8/21/19, 6:03:53 AM] Kurt Volker: Yes - casual embassy dinner would be great. And Yermak after dinner or lunch Saturday -- whatever is best for him  
 [8/21/19, 6:13:03 AM] Bill Taylor: Got it  
 [8/21/19, 6:21:05 AM] Bill Taylor: Turns out it works for Honcharuk for lunch on Saturday, Yermak after dinner on Friday. Internal, informal dinner Saturday.  
 [8/21/19, 6:31:05 AM] Kurt Volker: Great!  
 [8/22/19, 3:45:56 AM] Bill Taylor: Honcharuk moved to 16:30 Saturday at the residence.  
 PAS is suggesting skipping the Sunday press engagements because of the G-7/8 comments and the NYT article. Thoughts?  
 [8/22/19, 4:39:48 AM] Kurt Volker: I think I can handle those topics... might even be useful. But let's decide tomorrow or Saturday. Things always seem to change...  
 [8/22/19, 5:38:09 AM] Bill Taylor: Sounds good  
 [8/23/19, 4:59:09 AM] Kurt Volker: Hi bill -- is it casual or suits for dinner? Thanks! Kurt  
 [8/23/19, 5:00:14 AM] Bill Taylor: No ties  
 [8/23/19, 5:00:33 AM] Kurt Volker: But no jeans then either -- no prob!  
 [8/23/19, 5:25:45 AM] Bill Taylor: We are working today!  
 [8/23/19, 5:44:20 AM] Kurt Volker: :) great - see you later  
 [8/26/19, 4:46:31 PM] Kurt Volker: Hi Bill -- thanks for a great visit!  
 [8/26/19, 4:47:43 PM] Kurt Volker: Briefed Bolton, spoke w Hirtzman and with Jamie Fly. Jamie will visit in mid- late September.  
 [8/26/19, 4:48:44 PM] Kurt Volker: Since Bolton has extra time, strongly recommend you set up a meeting with Yermak for him tomorrow, before he sees Ze on Wednesday. I will also recommend thru WHSR. - kv  
 [8/26/19, 4:48:58 PM] Kurt Volker: Talk tomorrow if it is too late today. Best - Kurt  
 [8/26/19, 11:05:35 PM] Bill Taylor: When you briefed Bolton, did you recommend he see Yermak?  
 [8/27/19, 5:50:19 AM] Kurt Volker: Yes, but I did not stress the point. On reflection, think he really should ...  
 [8/27/19, 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.  
 [8/27/19, 7:44:57 AM] Kurt Volker: How to make the POTUS encounter a success, and what deliverables we achieve for a W meeting  
 [8/27/19, 8:03:03 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.  
 [8/27/19, 2:19:55 PM] Kurt Volker: Good. Any luck on sitting him down with Yermak?  
 [8/27/19, 2:17:58 PM] Kurt Volker: He would like to meet with Bolton after the meeting with Zelenskyy if possible (to help coach for Warsaw)  
 [8/27/19, 2:42:03 PM] Bill Taylor: Have questions in with Bolton team, Prystaiko and Yermak. Nothing back yet.  
 [8/27/19, 11:26:26 AM] Bill Taylor: <attached: 00002230-Andrei Zagorodnyuk>  
 [8/27/19, 11:28:40 AM] Bill Taylor: Kurt, can you WhatsApp Defense Minister Zagorodnyuk? We just met to discuss the pause in security assistance. He would like your advice and assistance.

[9/2/19, 11:28:59 AM] Kurt Volker: Sure -- need a few min but will do!  
[9/2/19, 11:29:38 AM] Bill Taylor: Many thanks. I think he is very good.  
[9/2/19, 12:32:19 PM] Bill Taylor: You two connected?  
[9/2/19, 3:25:47 PM] Kurt Volker: Hi bill -- we are taking in half an hour. Have you got a minute to talk?  
[9/2/19, 11:03:28 PM] Bill Taylor: Sorry to miss you last night. Glad you connected. Glad to talk -- when works for you?  
[9/3/19, 11:27:50 AM] Kurt Volker: Ukraine Security Letter \* 2 pages <attached: 00000237-Ukraine Security Letter.pdf>  
[9/6/19, 10:44:57 AM] Kurt Volker: Hi Bill greetings from Munich -- en route to Tbilisi...  
[9/6/19, 10:45:10 AM] Kurt Volker: I'll let Chris answer on who the advisor is...  
[9/6/19, 10:45:42 AM] Bill Taylor: Looking forward to seeing you next week  
[9/6/19, 10:45:59 AM] Kurt Volker: However -- what I did not want to say in that wider group is that Z team does not plan on a Minsk-related constitutional amendment. They want to do decentralization through legislation  
[9/9/19, 10:46:05 AM] Kurt Volker: Yes -- me too!  
[9/9/19, 10:47:27 AM] Bill Taylor: And I agree with him on no constitutional amendment on special status. Decentralization!  
[9/9/19, 8:01:57 AM] Kurt Volker: Hi bill -- is there a good time to call this afternoon / eve? Best - Kurt  
[9/9/19, 8:10:16 AM] Bill Taylor: Maybe around 9?  
[9/9/19, 8:30:59 AM] Kurt Volker: Ok -- in 30 min?  
[9/9/19, 8:33:41 AM] Bill Taylor: Na, sorry -- 9 PM my time.  
[9/9/19, 8:34:10 AM] Kurt Volker: Ok - 10pm here - can do  
[9/13/19, 7:55:14 AM] Bill Taylor: We just had a good meeting with Zelenskyy, Bohdan and Zhovka (now in Yeliseiev position) and discussed Donbas and Steinmyer formula at some length. If Yermak is not available for breakfast, how about Bohdan and Zhovka for breakfast?  
[9/13/19, 7:55:36 AM] Kurt Volker: Sure -- that would be great  
[9/13/19, 8:06:14 AM] Kurt Volker: Did you ask about Privatbank?  
[9/13/19, 8:08:34 AM] Bill Taylor: Yes, and Kalamoitsky, NBU, Hontereva.  
[9/13/19, 8:11:13 AM] Kurt Volker: Great -- interested to hear...

[8/9/19, 12:29:28 PM] Call with Sondland/Volker: Messages to this group are now secured with end-to-end encryption.

[8/9/19, 12:29:28 PM] Gordon Sondland created group "Call with Sondland/Volker"

[8/9/19, 12:29:28 PM] Gordon Sondland added you

[8/9/19, 12:30:03 PM] Gordon Sondland: 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 Sondland: I will have our State Dept ops center place the call to you at this number at 3pm Washington time.

(6/12/19, 9:39:22 AM) You created group "Gordon and Bill"  
 (6/12/19, 9:39:22 AM) Gordon and Bill: Messages to this group are now secured with end-to-end encryption.  
 (6/12/19, 9:40:38 AM) Kurt Volker: Hi Gordon -- introducing you here to Bill Taylor, who is going out to Kyiv as Chargé. 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. Bast - Kurt  
 (6/12/19, 9:56:09 AM) Bill Taylor: Thanks, Kurt. Ambassador, good to meet you. I look forward to working with you.  
 Bill  
 (6/19/19, 5:12:14 AM) Gordon Sondland: This message was deleted.  
 (6/19/19, 5:33:31 AM) Gordon Sondland: 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  
 (6/19/19, 8:33:02 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  
 (6/24/19, 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  
 (6/26/19, 3:48:43 PM) Bill Taylor: Gordon,  
 You might not have seen the message from George Keat 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 can turn 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?  
 (6/26/19, 3:49:33 PM) Kurt Volker: Let's have an internal call Friday -- three of us plus Secretary Perry. - Kurt  
 (6/26/19, 3:50:13 PM) Gordon Sondland: This is Vinoman and is being fixed. Agree Kurt, lets talk Fri  
 (6/27/19, 3:51:04 PM) Bill Taylor: Good idea.  
 (6/27/19, 7:33:33 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 and agree the call tomorrow should be just Americans. Thoughts?  
 (6/27/19, 7:53:52 AM) Gordon Sondland: Just Americans tomorrow. Give me a call when u can on this line  
 (6/27/19, 8:46:02 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. taylorwb@state.gov  
 (6/28/19, 9:47:19 AM) Bill Taylor: Call this afternoon still on?  
 (6/28/19, 9:52:06 AM) Gordon Sondland: 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, 10:03:23 AM) Bill Taylor: Good call.  
 Thanks for including me and for the Secretary's kind endorsement. Good luck in Toronto, Kurt  
 (6/28/19, 10:06:30 AM) Gordon Sondland: Whew, glad you stayed on!  
 (6/28/19, 10:13:33 AM) Bill Taylor: Me, too. I might see him Sunday with Congressman Hoyer's congressional delegation.  
 (6/28/19, 10:15:04 AM) Bill Taylor: How do you plan to handle informing anyone else about the call? I will completely follow your lead.  
 (6/28/19, 10:23:52 AM) Kurt Volker: I think we just keep it among ourselves to try to build working relationship and just get the d\*\*\* date for the meeting!  
 (6/28/19, 11:23:57 AM) Kurt Volker: :)  
 (6/28/19, 11:34:39 AM) Gordon Sondland: Agree with KY. Very close hold  
 (6/28/19, 11:37:32 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 Danyliuk's strategic partnership plan in preparation for next Wednesday's meeting. OK to talk with Ulrich about these conversations, or have you already briefed him?  
 (7/3/19, 1:22:28 PM) Gordon Sondland: Did Danyliuk get confirmed with Bolton for next week?  
 (7/3/19, 1:26:21 PM) Bill Taylor: Yes -- 2 PM Wednesday  
 (7/3/19, 1:50:06 PM) Gordon Sondland: 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 4th!  
 (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 Danyliuk in his helicopter on the way back from the Crimean border. Can pass on any new information.  
 (7/7/19, 10:07:30 AM) Gordon Sondland: We are seeing Danyliuk in a couple of days. Better face to face with Bolton  
 (7/7/19, 1:50:19 PM) Bill Taylor: As Kurt knows, the NSDC 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, 2:45:32 PM) Gordon Sondland: Call me.  
 (7/7/19, 2:29:01 PM) Bill Taylor: Just called. Let me know what's a convenient time.  
 (7/7/19, 2:34:01 PM) Kurt Volker: Gordon - maybe we can talk a Mulvaney on Monday by phone? Kurt  
 (7/7/19, 5:08:56 PM) Gordon Sondland: Yes, lets do that  
 (7/7/19, 11:24:08 PM) Bill Taylor: Great. If you get me a time for the call, I will get them ready and the call on their schedule.  
 (7/10/19, 7:56:03 AM) Bill Taylor: Just had a meeting with Andriy and Vadym. Very concerned about what Lutsenko told them -- that, according to RG, the ZE-PTIUS meeting will not happen. Advice?  
 (7/10/19, 7:57:58 AM) Kurt Volker: Good grief. Please tell Vadym to let the official USG representatives speak for the U.S. Lutsenko has his own self-interest here...  
 (7/10/19, 7:58:37 AM) Bill Taylor: Exactly what I told them.  
 (7/10/19, 7:59:41 AM) Bill Taylor: And I said that RG is a private citizen.  
 (7/10/19, 11:43:41 AM) Bill Taylor: I briefed Ulrich this afternoon on this.  
 (7/10/19, 2:26:06 PM) Bill Taylor: Eager to hear if your meeting with Danyliuk and Bolton resulted in a decision on a call.  
 (7/10/19, 10:26:13 PM) Bill Taylor: How did the meeting go?  
 (7/10/19, 10:29:44 PM) Kurt Volker: Not good -- let's talk -- kv

(7/10/19, 10:31:20 PM) Bill Taylor: Just called. You are on the phone.  
 (7/14/19, 10:07:27 AM) Gordon Sondland: Everyone is now focused on making the Patus ZC call happen prior to 7/21  
 (7/14/19, 10:09:33 AM) Kurt Volker: Anything new you have heard?  
 (7/14/19, 10:12:57 AM) Gordon Sondland: Tim Morrison is also tracking now. Good sign  
 (7/14/19, 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  
 (7/15/19, 10:10:22 AM) Bill Taylor: We keep getting readouts of the Danylyuk-Balton meeting that predict no phone call or meeting any time soon. This can't be my message to Ze. How to proceed?  
 (7/15/19, 10:31:05 AM) Gordon Sondland: Talking to NSC tomorrow at 8:30 eastern  
 (7/15/19, 12:47:13 PM) Bill Taylor: Make any progress?  
 (7/17/19, 10:46:23 AM) Bill Taylor: Danylyuk just asked if there was any news from the WH. Any update?  
 (7/17/19, 10:47:01 AM) Gordon Sondland: I put in a call to Potus and am waiting for a return  
 (7/17/19, 10:47:44 AM) Bill Taylor: Excellent -- thanks, Gordon  
 (7/18/19, 10:49:54 AM) Bill Taylor: DMG on a SVTS just now said that all security assistance to Ukraine is frozen, per a conversation with Mulvaney and POTUS. Over to you.  
 (7/18/19, 11:07:08 AM) Gordon Sondland: All over it  
 (7/19/19, 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 Servant of the People does well?  
 (7/19/19, 11:31:03 AM) Gordon Sondland: Talked to WH. This is moving but post election  
 (7/19/19, 11:49:51 AM) Bill Taylor: If we can get a congratulatory call post election, that could begin to establish the relationship?  
 (7/19/19, 4:49:42 PM) Kurt Volker: Can we three do a call tomorrow -- say noon WASHINGTON?  
 (7/19/19, 6:50:29 PM) Gordon Sondland: Looks like Potus call tomorrow. I spike directly to Zelensky and gave him a full briefing. He's got it.  
 (7/19/19, 6:52:57 PM) Gordon Sondland: Sure!  
 (7/19/19, 7:31:22 PM) Kurt Volker: Good. Had breakfast with Rudy this morning -- teasing call w Yermak Monday. Must have helped. Most imp't is for Zelensky to say that he will help investigation -- and address any specific personnel issues -- if there are any  
 (7/19/19, 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 1500 Kyiv time today has been put on hold pending the outcome of the election tomorrow. Is that what you hear?  
 (7/20/19, 4:52:58 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.  
 (7/20/19, 4:53:15 AM) Gordon Sondland: Call me Bill thx  
 (7/20/19, 10:41:01 AM) Bill Taylor: Do we need to talk at noon Washington time?  
 (7/20/19, 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 loop Gordon in if we can  
 (7/20/19, 11:33:00 AM) Bill Taylor: Kupperman (sp?) wants to talk to Danylyuk secure so I am meeting taking him to my office. Can we reschedule?  
 (7/20/19, 11:37:11 AM) Kurt Volker: Absolutely  
 (7/20/19, 11:37:19 AM) Kurt Volker: Anytime today will work for me  
 (7/20/19, 11:46:20 AM) Bill Taylor: Maybe after the Kupperman-Danylyuk call? Around 9 my time tonight?  
 (7/20/19, 12:29:14 PM) Kurt Volker: Ok  
 (7/20/19, 1:48:41 PM) Bill Taylor: Just finished with Danylyuk. Will be in the car in 10 minutes. Call then?  
 (7/20/19, 1:48:03 PM) Kurt Volker: Yes - good  
 (7/20/19, 2:27:04 PM) Bill Taylor: Call now?  
 (7/21/19, 1:45:54 AM) Bill Taylor: Gordon, one thing Kurt and I talked about yesterday was Sasha Danylyuk's point that President Zelenskyy is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic, reelection politics.  
 (7/21/19, 4:45:44 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.  
 (7/21/19, 5:21:47 AM) Bill Taylor: So, the call tomorrow can be a positive step.  
 (7/22/19, 12:15:55 AM) Bill Taylor: Good, pretty long meeting -- both one-on-one and with Bohdan, Sasha, Yermak, Razumkov -- with the president at his campaign headquarters last night. Interested in both the call and meeting. I couldn't be specific.  
 (7/22/19, 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.  
 (7/22/19, 12:20:59 AM) Bill Taylor: Very good election result for Zelenskyy and us. Likely a young, Western-oriented prime minister. Ze likely in coalition with Vakarchuk (with whom I have met one-on-one twice in the last three days).  
 (7/22/19, 12:22:01 AM) Gordon Sondland: So Monday call was just rumor?  
 (7/22/19, 12:28:22 AM) Bill Taylor: Doesn't sound like from either side that it was actually scheduled.  
 (7/22/19, 8:38:05 AM) Kurt Volker: Yermak thinks Call is at 6pm Kiev today. Bill -- any idea? Should I call sitroom?  
 (7/22/19, 8:40:38 AM) Gordon Sondland: Good idea  
 (7/22/19, 8:42:38 AM) Bill Taylor: Tim Morrison just told me it's not on today and I should tell Danylyuk that they will schedule through him shortly.  
 (7/22/19, 8:43:12 AM) Bill Taylor: I have told Sasha (and Vadym).  
 (7/22/19, 8:44:12 AM) Bill Taylor: Don't you think we should work through Sasha?  
 (7/22/19, 8:46:03 AM) Kurt Volker: Yes -- you've got the latest. That's good. Work thru Sasha. And great they will schedule thru danylyuk. Keep us posted what you hear.  
 (7/22/19, 8:46:19 AM) Kurt Volker: I'll tell Yermak some thing  
 (7/22/19, 8:46:52 AM) Bill Taylor: Excellent. Will do  
 (7/23/19, 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.  
 (7/23/19, 4:28:55 AM) Gordon Sondland: Great. I will be in Kyiv Thu night  
 (7/23/19, 4:57:47 AM) Bill Taylor: Looking forward to seeing you here!  
 (7/23/19, 11:33:06 PM) Bill Taylor: NSC now looking at Friday for the call. Ukrainians are checking to see if that works  
 (7/24/19, 1:39:08 AM) Kurt Volker: Great! Sounds like this is now on track?  
 (7/24/19, 1:40:57 AM) Gordon Sondland: Oy  
 (7/24/19, 1:40:58 AM) Gordon Sondland: Oy  
 (7/24/19, 2:58:33 AM) Bill Taylor: Is right. Also, 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.  
 (7/24/19, 2:57:25 AM) Kurt Volker: Great. I'll go east on whichever day in order to accommodate zelenskyy -- fine either way  
 (7/24/19, 2:57:41 AM) Gordon Sondland: Call me just spoke to Danylyuk. I have clarity

(7/24/19, 2:58:21 AM) Bill Taylor: Calling now  
(7/24/19, 3:30:19 AM) Bill Taylor: Prystaiko and Danylyuk are now coordinating the call. President Zelensky is traveling on Friday.  
(7/24/19, 3:39:03 AM) Kurt Volker: Ok -- 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/S-L schedule. Most imp't thing is that potus call happens no matter what day.  
(7/24/19, 9:18:00 AM) Bill Taylor: Still waiting on word from NSC on the phone call tomorrow. President Zelensky 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, 9:23:08 AM) Gordon Sondland: My primary objective is Zelensky. Friday morning is great  
(7/24/19, 9:24:13 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, reinforces 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 date they asked for.  
(7/24/19, 10:41:47 AM) Kurt Volker: Also -- Gordon just called and danylyuk said meeting w president is confirmed for 11am 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 15:00 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 Sondland: 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: 0000027-01010-2019-07-26-06-36-53.jpg>  
(7/26/19, 6:37:38 AM) Kurt Volker: Great photo! Gordon- can you get this to POTUS without intermediaries? - ky  
(7/27/19, 4:26:25 AM) Gordon Sondland: -attached: 0000029-01010-2019-07-27-04-26-25.jpg>  
(7/27/19, 4:40:43 AM) Gordon Sondland: <https://youtu.be/vN3pad9ROc0>  
(7/27/19, 7:21:45 AM) Gordon Sondland: Ric and I are talking later today  
(7/27/19, 7:22:16 AM) Kurt Volker: Great -- give him my best. I'm arriving to Kyiv on aug 23 and departing aug 25.  
(7/27/19, 7:22:31 AM) Kurt Volker: Would be happy if he joined  
(7/27/19, 7:23:56 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 Sondland: Kurt, thx for flagging, Bill. S' office 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 9, 16 and 30. The Ukrainians want to make one trip, so either the week before UNGA or the week after. Bill is back in Tim's court.  
(8/1/19, 11:03:57 AM) Kurt Volker: Thanks! 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 Sondland: This team works like a Swiss Watch ♦  
(8/1/19, 11:08:28 AM) Kurt Volker: Or a Timex... takes a licking and keeps on ticking...)  
(8/1/19, 11:58:28 AM) Bill Taylor: I know about the licking part  
(8/3/19, 6:27:26 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 reengage.  
(8/3/19, 11:59:50 AM) Gordon Sondland: I have a sec call w Tim Man. Sounds like had news. Kurt, call if u have a sec. thx  
(8/3/19, 1:39:17 PM) Kurt Volker: Hi all -- Gordon -- will call in a bit -- had a long talk w Tim on Friday. Seeing steve if on Thursday. We just keep working it...  
(8/4/19, 8:52:00 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, 4:16:13 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 9 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, 7:59:21 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, 10:41:07 AM) Kurt Volker: That does sound right...  
(8/6/19, 10:27:04 AM) Gordon Sondland: 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, 3:01:01 PM) Kurt Volker: Full bill?  
(8/23/19, 3:01:26 PM) Bill Taylor: Yup, an hour.  
(8/23/19, 3:01:48 PM) Kurt Volker: Outstanding!!  
(8/23/19, 3:02:03 PM) Gordon Sondland: Fantastic! News Bill  
(8/23/19, 3:02:55 PM) Gordon Sondland: Vlad must have made quite the impression on John B  
(8/23/19, 3:03:10 PM) Bill Taylor: You are listed as a participant, Gordon.  
(8/23/19, 3:04:10 PM) Bill Taylor: He did have a good, long meeting.  
(8/23/19, 3:04:43 PM) Bill Taylor: Does this mean no Washington meeting?

[8/29/19, 3:05:02 PM] Kurt Volker: Just the opposite — should open the door  
[8/29/19, 3:05:33 PM] Bill Taylor: Hope you are right  
[8/30/19, 12:14:57 AM] Bill Taylor: Trip canceled  
[8/30/19, 12:16:02 AM] Kurt Volker: Hope VPOTUS keeps the bilat — and tees up WH visit...  
[8/30/19, 12:16:18 AM] Kurt Volker: And hope Gordon and Perry still going...  
[8/30/19, 5:31:14 AM] Gordon Sondland: I am going. Pompeo is speaking to Potus today to see if he can go.  
[9/1/19, 12:08:57 PM] Bill Taylor: Are we now saying that security assistance and WH meeting are conditioned on investigations?  
[9/1/19, 12:42:29 PM] Gordon Sondland: Call me  
[9/3/19, 11:49:46 AM] Bill Taylor: Defense Minister Zagorodnyuk is calling you both about security assistance. I think Kurt talked with him last night.  
[9/4/19, 9:55:18 AM] Kurt Volker: Yes — we had a good talk — Bill — I'll call you later today  
[9/4/19, 11:08:05 AM] Bill Taylor: Sounds good. Am heading to the airport to pick up Senators Johnson and Murphy. Messages for them?  
[9/4/19, 12:42:20 PM] Kurt Volker: Thank you for the letter!! And push for WH visit...  
[9/4/19, 12:42:44 PM] Kurt Volker: Being denied visas for Russia is a badge of honor  
[9/4/19, 12:44:03 PM] Kurt Volker: Even more convinced of our assessment after inauguration— Zelenskyy is the real deal and he needs our support  
[9/4/19, 3:22:02 PM] Bill Taylor: Made those points. They are in exactly the right place.  
[9/12/19, 12:08:40 AM] Kurt Volker: Hi — got an email overnight from SASE — says hold is lifted. Let's verify...  
[9/12/19, 12:10:19 AM] Bill Taylor: Got the same message. Checking with NSC  
[9/12/19, 12:10:49 AM] Kurt Volker: Great - thanks! Let me know what you hear!  
[9/12/19, 3:58:27 AM] Kurt Volker: <https://www.rferl.org/a/ukraine-s-zelenskyy-talks-business-with-oligarch-kolomoyskiy/30157530.html>  
[9/12/19, 3:58:08 AM] Bill Taylor: Yup  
[9/12/19, 3:58:31 AM] Kurt Volker: Will be interesting to talk w Honcharuk on Saturday  
[9/12/19, 3:59:09 AM] Bill Taylor: Yes

[6/28/19, 3:12:31 AM] Gordon Sandland: Messages to this chat and calls are now secured with end-to-end encryption.  
 [6/28/19, 3:12:31 AM] Gordon Sandland: Pis call. Urgent. Thx  
 [7/10/19, 3:53:48 PM] Gordon Sandland: Missed voice call  
 [7/10/19, 9:57:14 PM] Kurt Valker: Hi Gordon - sorry I missed you earlier. Can talk tomorrow early morning? Kurt  
 [7/10/19, 10:24:41 PM] Gordon Sandland: Will call  
 [7/10/19, 10:30:45 PM] Gordon Sandland: Missed voice call  
 [7/22/19, 4:27:55 PM] Kurt Valker: Orchestrated a great phone call w Rudy and Yermak. They are going to get together when Rudy goes to Madrid in a couple of weeks.  
 [7/22/19, 4:28:08 PM] Kurt Valker: In the meantime, Rudy is now advocating for me call  
 [7/22/19, 4:28:26 PM] Kurt Valker: I have call into Fiona's replacement and will call Bolton if needed.  
 [7/22/19, 4:28:48 PM] Kurt Valker: But I can tell Bolton and you can tell Mick that Rudy agrees on a call, if that helps  
 [7/22/19, 4:30:10 PM] Gordon Sandland: I talked to Tim Morrison. (Fiona's replacement). He is pushing but feel free as well.

Wa still meeting in Kyiv Fri?

[7/22/19, 4:30:35 PM] Kurt Valker: Yes - Morrison. We're talking in 5  
 [7/22/19, 4:31:05 PM] Kurt Valker: And yes - do come to kyiv! I'll go east on Thursday (welcome there too) and go to kyiv on Friday.  
 [7/22/19, 4:32:00 PM] Gordon Sandland: Tim is a good guy. Tell him we are in touch and synced. I wont make East but will be in Kyiv Thu night/all day Fri  
 [7/22/19, 4:33:52 PM] Kurt Valker: Great!  
 [7/25/19, 7:54:09 AM] Gordon Sandland: Missed voice call  
 [7/25/19, 7:54:20 AM] Gordon Sandland: Call asap  
 [7/25/19, 9:35:32 AM] Kurt Valker: Hi Gordon - got your message. Had a great lunch w Yermak and then passed your message to him. He will see you tomorrow. Think everything in place  
 [7/26/19, 9:34:51 AM] Kurt Valker: Hi Gordon - when are you flying, and when can I call you about Sweden? Kurt  
 [7/26/19, 9:33:42 AM] Gordon Sandland: Call  
 [7/26/19, 9:41:03 AM] Kurt Valker: When we land - still in helo - maybe another 45 min?  
 [7/26/19, 9:41:2 AM] Gordon Sandland: Sure  
 [7/26/19, 4:54:58 PM] Kurt Valker: Hi Gordon - we could not get a chance to call. free for 2 min or call tomorrow? Kurt  
 [7/26/19, 11:23:43 PM] Gordon Sandland: In air. On ground after 10am Brussels time  
 [7/27/19, 12:43:35 AM] Kurt Valker: Ok - will call  
 [7/27/19, 6:14:08 AM] Kurt Valker: Hi Gordon - have an hour now - let's talk when you can.  
 [7/27/19, 6:15:50 AM] Kurt Valker: I want to connect you to the Swedish ambassador in Washington, who was dispatched from her vacation to go back to work...  
 [7/28/19, 9:29:26 AM] Kurt Valker: Hi Gordon - can you take a call?  
 [7/28/19, 9:30:27 AM] Gordon Sandland: Yes  
 [7/28/19, 10:56:47 AM] Kurt Valker: I gather potus is getting a Sweden briefing this afternoon - Swedes met with O'Brien, and somehow WH lawyer thinks they did not take the meeting... crazy...  
 [7/28/19, 12:05:24 PM] Gordon Sandland: Missed voice call  
 [7/28/19, 12:05:41 PM] Kurt Valker: Call you back in 15  
 [7/28/19, 12:05:52 PM] Gordon Sandland: Sure  
 [8/1/19, 7:05:41 AM] Gordon Sandland: I am on Eastern time. Can u talk?  
 [8/4/19, 4:21:51 PM] Kurt Valker: Gordon - on east coast time?  
 [8/4/19, 4:22:29 PM] Gordon Sandland: West coast  
 [8/4/19, 4:22:46 PM] Kurt Valker: Even better - call in a few?  
 [8/4/19, 4:22:54 PM] Gordon Sandland:   
 [8/9/19, 10:36:23 AM] Kurt Valker: Got a minute? Best - Kurt  
 [8/9/19, 10:56:31 AM] Gordon Sandland: Missed voice call  
 [8/9/19, 5:35:53 PM] Gordon Sandland: Morrison ready to get dates as soon as Yermak confirms.  
 [8/9/19, 5:46:21 PM] Kurt Valker: Excellent!! How did you sway him? :)  
 [8/9/19, 5:47:34 PM] Gordon Sandland: Not sure I did. I think potus really wants the deliverable  
 [8/9/19, 5:48:00 PM] Kurt Valker: But does he know that?  
 [8/9/19, 5:48:09 PM] Gordon Sandland: Yep  
 [8/9/19, 5:48:37 PM] Gordon Sandland: Clearly lots of convos going on  
 [8/9/19, 5:48:38 PM] Kurt Valker: Ok - then that's good it's coming from two separate sources  
 [8/9/19, 5:51:18 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 a live presser they can still summarize in a brief statement. Thoughts?  
 [8/9/19, 5:51:42 PM] Kurt Valker: Agree!  
 [8/10/19, 11:58:56 AM] Gordon Sandland: Anything from Andrey?  
 [8/10/19, 1:22:51 PM] Kurt Valker: Not yet - will give him some time  
 [8/10/19, 1:23:24 PM] Gordon Sandland: I briefed Ulrich. All good  
 [8/10/19, 1:23:24 PM] Kurt Valker: This came in from Andrey - I suggested we talk at my 10am / his 5pm tomorrow...  
 [8/10/19, 5:12:49 PM] Kurt Valker: 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, 5:14:08 PM] Gordon Sandland: If that's 10am Eastern, I can join you if you wish.  
 [8/10/19, 5:14:31 PM] Kurt Valker: Yes - hoping you can!  
 [8/10/19, 5:14:51 PM] Gordon Sandland: Great. You want to call State ops or shall I?  
 [8/10/19, 5:15:05 PM] Kurt Valker: No - I'll just do via what's App  
 [8/10/19, 5:15:28 PM] Gordon Sandland: Perfect. Talk tomorrow.  
 [8/11/19, 9:48:53 AM] Kurt Valker: Hi Gordon - ready in 10 min?  
 [8/11/19, 9:49:08 AM] Gordon Sandland: Yes  
 [8/11/19, 9:50:16 AM] Kurt Valker: He needs another 15 min. So 10:15

[8/11/19, 9:52:54 AM] Gordon Sandland: Ok  
 [8/13/19, 9:20:21 AM] Kurt Volker: You free?  
 [8/13/19, 10:26:44 AM] 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 Burisma and the 2016 U.S. elections, which in turn will prevent the recurrence of this problem in the future.  
 [8/13/19, 10:27:53 AM] Gordon Sandland: Perfect. Lets send to Andrey after our call  
 [8/13/19, 10:27:53 AM] Kurt Volker: Yes  
 [8/13/19, 10:38:37 AM] Gordon Sandland: Missed voice call  
 [8/13/19, 10:39:27 AM] Gordon Sandland: Missed group voice call  
 [8/13/19, 10:42:20 AM] Gordon Sandland: Missed voice call  
 [8/13/19, 10:49:20 AM] Gordon Sandland: Missed voice call  
 [8/13/19, 2:44:58 PM] Gordon Sandland: U going to call Andrey first tomorrow?  
 [8/15/19, 7:26:36 AM] Gordon Sandland: Hi, did you connect with Andrey?  
 [8/15/19, 7:34:14 AM] Kurt Volker: Not yet - will talk w bill and then call him later today. Want to know our status on asking them to investigate  
 [8/15/19, 7:51:49 AM] Gordon Sandland: Good thought  
 [8/17/19, 2:48:40 PM] Gordon Sandland: Yermak just tapped on me about dates. Haven't responded. Any updates?  
 [8/17/19, 3:02:55 PM] Kurt Volker: Hi -- I've got nothing. Bill had no info on requesting an investigation -- calling a friend at DOJ (Bruce Schwartz)  
 [8/17/19, 3:06:19 PM] Gordon Sandland: Do we still want Ze to give us an unequivocal draft with 2016 and Borisma?  
 [8/17/19, 4:34:21 PM] Kurt Volker: That's the clear message so far ...  
 [8/17/19, 4:34:39 PM] Kurt Volker: I'm hoping we can put something out there that causes him to respond with that  
 [8/17/19, 4:40:09 PM] Gordon Sandland: Unless you think otherwise I will return Andrey's call tomorrow and suggest they send us a clean draft.  
 [8/17/19, 8:57:11 PM] Kurt Volker: Let's talk tomorrow my morning so you have all latest. We spoke for about 30 min today  
 [8/17/19, 8:58:05 PM] Gordon Sandland: Deal  
 [8/18/19, 7:13:04 AM] Gordon Sandland: Call when up  
 [8/18/19, 10:11:00 AM] Kurt Volker: Hi Gordon -- am free anytime - Kurt  
 [8/19/19, 8:56:25 AM] Gordon Sandland: Drove 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  
 [8/19/19, 7:27:50 PM] Gordon Sandland: Missed voice call  
 [8/19/19, 7:27:58 PM] Gordon Sandland: Missed voice call  
 [8/23/19, 10:49:20 AM] Gordon Sandland: Missed voice call  
 [8/23/19, 10:49:31 AM] Gordon Sandland: New news. Pls call  
 [8/23/19, 12:08:40 PM] Kurt Volker: Thanks - a just called -- ring back when you can  
 [8/28/19, 5:37:17 PM] Gordon Sandland: Missed voice call  
 [8/28/19, 5:37:32 PM] Gordon Sandland: Call at your convenience  
 [8/28/19, 5:52:21 PM] Kurt Volker: Is it ok to call now?  
 [9/1/19, 11:59:02 AM] Kurt Volker: Hi Gordon -- how was pence - Ze meeting?  
 [9/2/19, 3:51:50 PM] Gordon Sandland: Missed voice call  
 [9/2/19, 4:08:31 PM] Gordon Sandland: Missed voice call  
 [9/2/19, 4:10:03 PM] Gordon Sandland: Missed voice call  
 [9/8/19, 11:05:57 PM] Gordon Sandland: Missed voice call  
 [9/9/19, 12:44:44 AM] Gordon Sandland: Yes, please call soonest  
 [9/9/19, 1:42:49 AM] Gordon Sandland: Missed voice call  
 [9/9/19, 1:43:27 AM] Gordon Sandland: Missed voice call  
 [9/9/19, 1:43:35 AM] Gordon Sandland: Try me back  
 [9/9/19, 1:55:22 AM] Gordon Sandland: Missed voice call  
 [9/9/19, 1:56:02 AM] Kurt Volker: Head a few min still -- chairing a discussion -- but will pass baton when I can and call  
 [9/9/19, 1:56:15 AM] Gordon Sandland: ♦  
 [9/9/19, 3:25:08 AM] Kurt Volker: I am free for about 90 min if you can call. Thx - kv  
 [9/9/19, 4:20:41 AM] Gordon Sandland: Missed voice call  
 [9/9/19, 4:20:56 AM] Gordon Sandland: Just called  
 [9/11/19, 1:57:21 PM] Gordon Sandland: Pls call  
 [9/12/19, 4:25:49 AM] Kurt Volker: Rompetrol II Investigation Background, September 2019 - 7 pages <attached: 0000011-Rompetrol II Investigation Background, September 2019.pdf>  
 [9/12/19, 4:27:15 AM] Kurt Volker: Hi Gordon -- just sent the background on US businessman Phil Stephenson's case. Hope Ana can get a handle on this. Best - Kurt  
 [9/12/19, 6:07:41 AM] Gordon Sandland: Will take up when i see her Friday  
 [9/12/19, 6:10:03 AM] Kurt Volker: Great - thanks  
 [9/12/19, 12:15:24 PM] Gordon Sandland: Missed voice call  
 [9/12/19, 4:28:41 PM] Kurt Volker: Hi Gordon - Any news from call to Lisa / WH?  
 [9/12/19, 4:29:24 PM] Kurt Volker: Great news otherwise on security assistance -- and great statements from Inhofe and McConnell to back it up  
 [9/12/19, 5:17:01 PM] Gordon Sandland: Call me in am  
 [9/13/19, 8:43:04 PM] Kurt Volker: Hi Gordon -- hearing sept 25 for bilat at UNGA. Have you heard?  
 [9/14/19, 12:08:18 AM] Gordon Sandland: Nope, but we should be there. Perry is going to be in NY as well for nuclear signing I am working on with RO. We need to all be manifested for the bilat  
 [9/14/19, 12:12:29 AM] Kurt Volker: Yes -- will push for that  
 [9/14/19, 12:28:43 AM] Gordon Sandland: I will send Morrison an email as well and will copy you.  
 [9/14/19, 9:25:22 AM] Gordon Sandland: Missed voice call  
 [9/20/19, 4:20:38 PM] Kurt Volker: Hi Gordon -- are you state side or in Brussels?  
 [9/20/19, 4:20:46 PM] Kurt Volker: I just got to NY for a dinner  
 [9/20/19, 11:53:38 PM] Gordon Sandland: Just saw this. Call at convenience. In BRU. NY on Sun

(9/22/19, 12:03:58 PM) Kurt Volker: Landed yet? Will call  
 (9/22/19, 12:04:38 PM) Gordon Sondland: Yes, can u meet with S this afternoon?  
 (9/22/19, 12:05:02 PM) Kurt Volker: I'm in DC -- but would be happy to join by phone  
 (9/22/19, 3:54:32 PM) Gordon Sondland: U dialing in?  
 (9/22/19, 3:54:44 PM) Gordon Sondland: At 5:45  
 (9/22/19, 3:58:51 PM) Kurt Volker: Yes -- secure from state via ops  
 (9/22/19, 7:21:09 PM) Kurt Volker: 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, 10:39:50 AM) Kurt Volker: Hi Gordon - can you make dinner with me and Andrey and Vadym at 9pm? Venue TBD  
 (9/24/19, 10:46:08 AM) Gordon Sondland: I am taking Reeker, Morgan and another 7 to dinner at Cipriani at 8. Maybe drop by later? Where will u be.  
 (9/24/19, 10:46:49 AM) Kurt Volker: Working on that. Can you recommend steakhouse in midtown?  
 (9/24/19, 10:47:01 AM) Gordon Sondland: The Strip House  
 (9/24/19, 10:50:14 AM) Kurt Volker: Done -- reservation for 4 at 9pm. Jain when you can  
 (9/24/19, 10:53:31 AM) Gordon Sondland: OK!  
 (9/24/19, 11:14:18 AM) Kurt Volker: 15 W 44th St  
 (9/24/19, 9:31:24 PM) Kurt Volker: We are here - hope you can make it  
 (9/24/19, 10:10:38 PM) Kurt Volker: ??  
 (9/24/19, 10:45:12 PM) Kurt Volker: Dk -- we are taking off. Let's talk when you can  
 (9/25/19, 7:53:10 AM) Gordon Sondland: Missed voice call  
 (9/25/19, 7:54:05 AM) Gordon Sondland: 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, 8:00:56 AM) Kurt Volker: Sorry to hear that! Hope you feel better. Need to discuss one urgent topic - best - Kurt  
 (9/25/19, 7:49:01 PM) Kurt Volker: Breakfast with Andrey at Park Hyatt at 8am??  
 (9/25/19, 8:03:43 PM) Gordon Sondland: If you guys could come to the Peninsula for bkfst my treat. I have to be on a call just prior.  
 (9/25/19, 8:41:14 PM) Gordon Sondland: Missed voice call  
 (9/25/19, 10:08:57 PM) Gordon Sondland: Missed voice call  
 (9/25/19, 11:09:33 PM) Kurt Volker: 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, 11:36:57 PM) Kurt Volker: 57th street  
 (9/25/19, 4:59:07 AM) Gordon Sondland: Kurt, sorry cant make bkfst. Do you have a moment to chat by phone or in person after your bkfst?  
 (9/25/19, 5:31:14 AM) Kurt Volker: 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 Sondland: Cant make 8 but can we meet around 9:30 or 10?  
 (9/25/19, 5:43:42 AM) Kurt Volker: No - Andrey has meetings w Le 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 Sondland: Just wanted to meet with you  
 (9/25/19, 5:47:39 AM) Kurt Volker: 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

[9/8/19, 11:20:08 AM] Ukraine: Messages to this group are now secured with end-to-end encryption.

[9/8/19, 11:20:08 AM] Gordon Sandland created group "Ukraine"

[9/8/19, 11:20:08 AM] Gordon Sandland added you

[9/8/19, 11:20:32 AM] Gordon Sandland: Guys, multiple convos with Ze. Potus. Lets talk

[9/8/19, 11:21:41 AM] Bill Taylor: Now is fine with me

[9/8/19, 11:23:13 AM] Kurt Volker: Try again -- could not hear

[9/8/19, 11:40:11 AM] Bill Taylor: Gordon and I just spoke. I can brief you if you and Gordon don't connect

[9/8/19, 12:37:28 PM] Bill Taylor: The nightmare is they give the interview and don't get the security assistance. The Russians love it. (And I quit.)

[9/8/19, 5:04:18 PM] Kurt Volker: I'm not in the loop. Talk Monday?

[9/9/19, 12:16:42 AM] Gordon Sandland: Call at your convenience or let me know a good time. I am in Brussels

[9/9/19, 12:20:32 AM] Kurt Volker: Will do - just getting started here in Georgia -- will step out and call in an hour or so a thanks!

[9/9/19, 12:31:16 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. Thus my nightmare scenario.

[9/9/19, 12:34:44 AM] Bill Taylor: Counting on you to be right about this interview, Gordon.

[9/9/19, 12:37:16 AM] Gordon Sandland: 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.

[9/9/19, 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.

[9/9/19, 5:19:35 AM] Gordon Sandland: 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 Kenna or S a call to discuss them directly. Thanks.

[9/9/19, 5:47:03 AM] Bill Taylor: I agree

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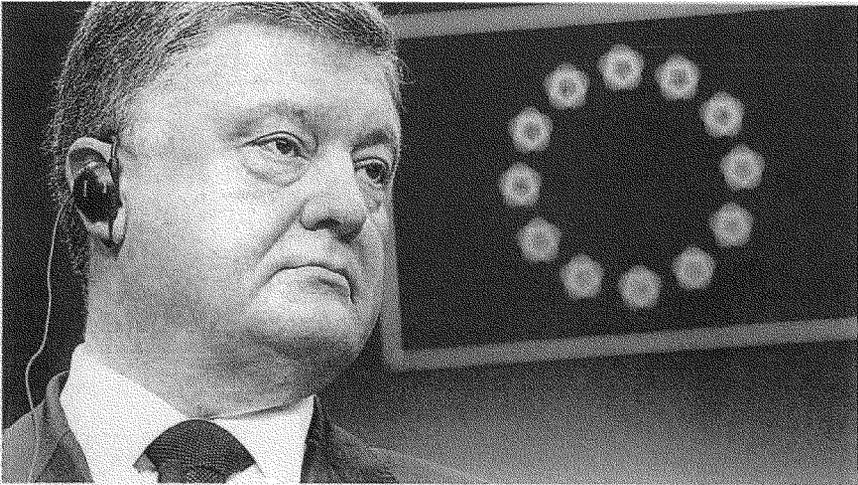


PRESIDENTIAL TRANSITION

**Ukrainian efforts to sabotage Trump backfire**

Kiev officials are scrambling to make amends with the president-elect after quietly working to boost Clinton.

By KENNETH P. VOGEL and DAVID STERN | 01/11/2017 05:05 AM EST



President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the American presidential race. | Getty

Donald Trump wasn't the only presidential candidate whose campaign was boosted by officials of a former Soviet bloc country.

Ukrainian government officials tried to help Hillary Clinton and undermine Trump by publicly questioning his fitness for office. They also disseminated documents implicating a

top Trump aide in corruption and suggested they were investigating the matter, only to back away after the election. And they helped Clinton's allies research damaging information on Trump and his advisers, a Politico investigation found.

A Ukrainian-American operative who was consulting for the Democratic National Committee met with top officials in the Ukrainian Embassy in Washington in an effort to expose ties between Trump, top campaign aide Paul Manafort and Russia, according to people with direct knowledge of the situation.

The Ukrainian efforts had an impact in the race, helping to force Manafort's resignation and advancing the narrative that Trump's campaign was deeply connected to Ukraine's foe to the east, Russia. But they were far less concerted or centrally directed than Russia's alleged hacking and dissemination of Democratic emails.

Russia's effort was personally directed by Russian President Vladimir Putin, involved the country's military and foreign intelligence services, according to U.S. intelligence officials. They reportedly briefed Trump last week on the possibility that Russian operatives might have compromising information on the president-elect. And at a Senate hearing last week on the hacking, Director of National Intelligence James Clapper said "I don't think we've ever encountered a more aggressive or direct campaign to interfere in our election process than we've seen in this case."

There's little evidence of such a top-down effort by Ukraine. Longtime observers suggest that the rampant corruption, factionalism and economic struggles plaguing the country — not to mention its ongoing strife with Russia — would render it unable to pull off an ambitious covert interference campaign in another country's election. And President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the race.

CONGRESS

## **Lawmakers broach possible Trump campaign coordination with Russia**

By AUSTIN WRIGHT and MARTIN MATISHAK

Yet Politico's investigation found evidence of Ukrainian government involvement in the race that appears to strain diplomatic protocol dictating that governments refrain from engaging in one another's elections.

Russia's meddling has sparked outrage from the American body politic. The U.S. intelligence community undertook the rare move of publicizing its findings on the matter, and President Barack Obama took several steps to officially retaliate, while members of Congress continue pushing for more investigations into the hacking and a harder line against Russia, which was already viewed in Washington as America's leading foreign adversary.

Ukraine, on the other hand, has traditionally enjoyed strong relations with U.S. administrations. Its officials worry that could change under Trump, whose team has privately expressed sentiments ranging from ambivalence to deep skepticism about Poroshenko's regime, while sounding unusually friendly notes about Putin's regime.

Poroshenko is scrambling to alter that dynamic, recently signing a \$50,000-a-month contract with a well-connected GOP-linked Washington lobbying firm to set up meetings with U.S. government officials "to strengthen U.S.-Ukrainian relations."

Revelations about Ukraine's anti-Trump efforts could further set back those efforts.

"Things seem to be going from bad to worse for Ukraine," said David A. Merkel, a senior fellow at the Atlantic Council who helped oversee U.S. relations with Russia and Ukraine while working in George W. Bush's State Department and National Security Council.

Merkel, who has served as an election observer in Ukrainian presidential elections dating back to 1993, noted there's some irony in Ukraine and Russia taking opposite sides in the 2016 presidential race, given that past Ukrainian elections were widely viewed in Washington's foreign policy community as proxy wars between the U.S. and Russia.

"Now, it seems that a U.S. election may have been seen as a surrogate battle by those in Kiev and Moscow," Merkel said.

...

The Ukrainian antipathy for Trump's team — and alignment with Clinton's — can be traced back to late 2013. That's when the country's president, Viktor Yanukovich, whom Manafort had been advising, abruptly backed out of a European Union pact linked to anti-corruption reforms. Instead, Yanukovich entered into a multibillion-dollar bailout agreement with Russia, sparking protests across Ukraine and prompting Yanukovich to flee the country to Russia under Putin's protection.

In the ensuing crisis, Russian troops moved into the Ukrainian territory of Crimea, and Manafort dropped off the radar.

Manafort's work for Yanukovich caught the attention of a veteran Democratic operative named Alexandra Chalupa, who had worked in the White House Office of Public Liaison during the Clinton administration. Chalupa went on to work as a staffer, then as a consultant, for Democratic National Committee. The DNC paid her \$412,000 from 2004 to June 2016, according to Federal Election Commission records, though she also was paid by other clients during that time, including Democratic campaigns and the DNC's arm for engaging expatriate Democrats around the world.

A daughter of Ukrainian immigrants who maintains strong ties to the Ukrainian-American diaspora and the U.S. Embassy in Ukraine, Chalupa, a lawyer by training, in 2014 was doing pro bono work for another client interested in the Ukrainian crisis and began researching Manafort's role in Yanukovich's rise, as well as his ties to the pro-Russian oligarchs who funded Yanukovich's political party.

In an interview this month, Chalupa told Politico she had developed a network of sources in Kiev and Washington, including investigative journalists, government officials and private intelligence operatives. While her consulting work at the DNC this past election cycle centered on mobilizing ethnic communities — including Ukrainian-Americans — she said that, when Trump's unlikely presidential campaign began surging in late 2015, she began focusing more on the research, and expanded it to include Trump's ties to Russia, as well.

She occasionally shared her findings with officials from the DNC and Clinton's campaign, Chalupa said. In January 2016 — months before Manafort had taken any role in Trump's campaign — Chalupa told a senior DNC official that, when it came to Trump's campaign, "I felt there was a Russia connection," Chalupa recalled. "And that, if there was, that we can expect Paul Manafort to be involved in this election," said Chalupa, who at the time also was warning leaders in the Ukrainian-American community that Manafort was "Putin's political brain for manipulating U.S. foreign policy and elections."

#### PRESIDENTIAL TRANSITION

### **Trump confronts firestorm over Russia allegations**

By ELI STOKOLS, SHANE GOLDMACHER, JOSH DAWSEY and MICHAEL CROWLEY

She said she shared her concern with Ukraine's ambassador to the U.S., Valeriy Chaly, and one of his top aides, Oksana Shulyar, during a March 2016 meeting at the Ukrainian Embassy. According to someone briefed on the meeting, Chaly said that Manafort was very

much on his radar, but that he wasn't particularly concerned about the operative's ties to Trump since he didn't believe Trump stood much of a chance of winning the GOP nomination, let alone the presidency.

That was not an uncommon view at the time, and, perhaps as a result, Trump's ties to Russia — let alone Manafort's — were not the subject of much attention.

That all started to change just four days after Chalupa's meeting at the embassy, when it was reported that Trump had in fact hired Manafort, suggesting that Chalupa may have been on to something. She quickly found herself in high demand. The day after Manafort's hiring was revealed, she briefed the DNC's communications staff on Manafort, Trump and their ties to Russia, according to an operative familiar with the situation.

A former DNC staffer described the exchange as an "informal conversation," saying "briefing' makes it sound way too formal," and adding, "We were not directing or driving her work on this." Yet, the former DNC staffer and the operative familiar with the situation agreed that with the DNC's encouragement, Chalupa asked embassy staff to try to arrange an interview in which Poroshenko might discuss Manafort's ties to Yanukovich.

While the embassy declined that request, officials there became "helpful" in Chalupa's efforts, she said, explaining that she traded information and leads with them. "If I asked a question, they would provide guidance, or if there was someone I needed to follow up with." But she stressed, "There were no documents given, nothing like that."

Chalupa said the embassy also worked directly with reporters researching Trump, Manafort and Russia to point them in the right directions. She added, though, "they were being very protective and not speaking to the press as much as they should have. I think they were being careful because their situation was that they had to be very, very careful because they could not pick sides. It's a political issue, and they didn't want to get involved politically because they couldn't."

Shulyar vehemently denied working with reporters or with Chalupa on anything related to Trump or Manafort, explaining "we were stormed by many reporters to comment on this subject, but our clear and adamant position was not to give any comment [and] not to interfere into the campaign affairs."

Both Shulyar and Chalupa said the purpose of their initial meeting was to organize a June reception at the embassy to promote Ukraine. According to the embassy's website, the event highlighted female Ukrainian leaders, featuring speeches by Ukrainian parliamentarian Hanna Hopko, who discussed "Ukraine's fight against the Russian

aggression in Donbas,” and longtime Hillary Clinton confidante Melanne Verbeke, who worked for Clinton in the State Department and was a vocal surrogate during the presidential campaign.

Shulyar said her work with Chalupa “didn’t involve the campaign,” and she specifically stressed that “We have never worked to research and disseminate damaging information about Donald Trump and Paul Manafort.”

But Andrii Telizhenko, who worked as a political officer in the Ukrainian Embassy under Shulyar, said she instructed him to help Chalupa research connections between Trump, Manafort and Russia. “Oksana said that if I had any information, or knew other people who did, then I should contact Chalupa,” recalled Telizhenko, who is now a political consultant in Kiev. “They were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa,” he said, adding “Oksana was keeping it all quiet,” but “the embassy worked very closely with” Chalupa.

In fact, sources familiar with the effort say that Shulyar specifically called Telizhenko into a meeting with Chalupa to provide an update on an American media outlet’s ongoing investigation into Manafort.

Telizhenko recalled that Chalupa told him and Shulyar that, “If we can get enough information on Paul [Manafort] or Trump’s involvement with Russia, she can get a hearing in Congress by September.”

Chalupa confirmed that, a week after Manafort’s hiring was announced, she discussed the possibility of a congressional investigation with a foreign policy legislative assistant in the office of Rep. Marcy Kaptur (D-Ohio), who co-chairs the Congressional Ukrainian Caucus. But, Chalupa said, “It didn’t go anywhere.”

Asked about the effort, the Kaptur legislative assistant called it a “touchy subject” in an internal email to colleagues that was accidentally forwarded to Politico.

Kaptur’s office later emailed an official statement explaining that the lawmaker is backing a bill to create an independent commission to investigate “possible outside interference in our elections.” The office added “at this time, the evidence related to this matter points to Russia, but Congresswoman Kaptur is concerned with any evidence of foreign entities interfering in our elections.”

...

Almost as quickly as Chalupa's efforts attracted the attention of the Ukrainian Embassy and Democrats, she also found herself the subject of some unwanted attention from overseas.

Within a few weeks of her initial meeting at the embassy with Shulyar and Chaly, Chalupa on April 20 received the first of what became a series of messages from the administrators of her private Yahoo email account, warning her that "state-sponsored actors" were trying to hack into her emails.

She kept up her crusade, appearing on a panel a week after the initial hacking message to discuss her research on Manafort with a group of Ukrainian investigative journalists gathered at the Library of Congress for a program sponsored by a U.S. congressional agency called the Open World Leadership Center.

Center spokeswoman Maura Sheldon stressed that her group is nonpartisan and ensures "that our delegations hear from both sides of the aisle, receiving bipartisan information." She said the Ukrainian journalists in subsequent days met with Republican officials in North Carolina and elsewhere. And she said that, before the Library of Congress event, "Open World's program manager for Ukraine did contact Chalupa to advise her that Open World is a nonpartisan agency of the Congress."

Chalupa, though, indicated in an email that was later hacked and released by WikiLeaks that the Open World Leadership Center "put me on the program to speak specifically about Paul Manafort."

## **Republicans pile on Russia for hacking, get details on GOP targets**

By MARTIN MATISHAK and AUSTIN WRIGHT

In the email, which was sent in early May to then-DNC communications director Luis Miranda, Chalupa noted that she had extended an invitation to the Library of Congress forum to veteran Washington investigative reporter Michael Isikoff. Two days before the event, he had published a story for Yahoo News revealing the unraveling of a \$26 million deal between Manafort and a Russian oligarch related to a telecommunications venture in Ukraine. And Chalupa wrote in the email she'd been "working with for the past few weeks" with Isikoff "and connected him to the Ukrainians" at the event.

Isikoff, who accompanied Chalupa to a reception at the Ukrainian Embassy immediately after the Library of Congress event, declined to comment.

Chalupa further indicated in her hacked May email to the DNC that she had additional sensitive information about Manafort that she intended to share “offline” with Miranda and DNC research director Lauren Dillon, including “a big Trump component you and Lauren need to be aware of that will hit in next few weeks and something I’m working on you should be aware of.” Explaining that she didn’t feel comfortable sharing the intel over email, Chalupa attached a screenshot of a warning from Yahoo administrators about “state-sponsored” hacking on her account, explaining, “Since I started digging into Manafort these messages have been a daily occurrence on my yahoo account despite changing my password often.”

Dillon and Miranda declined to comment.

A DNC official stressed that Chalupa was a consultant paid to do outreach for the party’s political department, not a researcher. She undertook her investigations into Trump, Manafort and Russia on her own, and the party did not incorporate her findings in its dossiers on the subjects, the official said, stressing that the DNC had been building robust research books on Trump and his ties to Russia long before Chalupa began sounding alarms.

Nonetheless, Chalupa’s hacked email reportedly escalated concerns among top party officials, hardening their conclusion that Russia likely was behind the cyber intrusions with which the party was only then beginning to grapple.

Chalupa left the DNC after the Democratic convention in late July to focus fulltime on her research into Manafort, Trump and Russia. She said she provided off-the-record information and guidance to “a lot of journalists” working on stories related to Manafort and Trump’s Russia connections, despite what she described as escalating harassment.

About a month-and-a-half after Chalupa first started receiving hacking alerts, someone broke into her car outside the Northwest Washington home where she lives with her husband and three young daughters, she said. They “rampaged it, basically, but didn’t take anything valuable — left money, sunglasses, \$1,200 worth of golf clubs,” she said, explaining she didn’t file a police report after that incident because she didn’t connect it to her research and the hacking.

But by the time a similar vehicle break-in occurred involving two family cars, she was convinced that it was a Russia-linked intimidation campaign. The police report on the latter break-in noted that “both vehicles were unlocked by an unknown person and the

interior was ransacked, with papers and the garage openers scattered throughout the cars. Nothing was taken from the vehicles.”

Then, early in the morning on another day, a woman “wearing white flowers in her hair” tried to break into her family’s home at 1:30 a.m., Chalupa said. Shulyar told Chalupa that the mysterious incident bore some of the hallmarks of intimidation campaigns used against foreigners in Russia, according to Chalupa.

“This is something that they do to U.S. diplomats, they do it to Ukrainians. Like, this is how they operate. They break into people’s homes. They harass people. They’re theatrical about it,” Chalupa said. “They must have seen when I was writing to the DNC staff, outlining who Manafort was, pulling articles, saying why it was significant, and painting the bigger picture.”

In a Yahoo News story naming Chalupa as one of 16 “ordinary people” who “shaped the 2016 election,” Isikoff wrote that after Chalupa left the DNC, FBI agents investigating the hacking questioned her and examined her laptop and smartphone.

Chalupa this month told Politico that, as her research and role in the election started becoming more public, she began receiving death threats, along with continued alerts of state-sponsored hacking. But she said, “None of this has scared me off.”

...

While it’s not uncommon for outside operatives to serve as intermediaries between governments and reporters, one of the more damaging Russia-related stories for the Trump campaign — and certainly for Manafort — can be traced more directly to the Ukrainian government.

Documents released by an independent Ukrainian government agency — and publicized by a parliamentarian — appeared to show \$12.7 million in cash payments that were earmarked for Manafort by the Russia-aligned party of the deposed former president, Yanukovich.

The New York Times, in the August story revealing the ledgers’ existence, reported that the payments earmarked for Manafort were “a focus” of an investigation by Ukrainian anti-corruption officials, while CNN reported days later that the FBI was pursuing an overlapping inquiry.

One of the most damaging Russia-related stories during Donald Trump's campaign can be traced to the Ukrainian government. | AP Photo

Clinton's campaign seized on the story to advance Democrats' argument that Trump's campaign was closely linked to Russia. The ledger represented "more troubling connections between Donald Trump's team and pro-Kremlin elements in Ukraine," Robby Mook, Clinton's campaign manager, said in a statement. He demanded that Trump "disclose campaign chair Paul Manafort's and all other campaign employees' and advisers' ties to Russian or pro-Kremlin entities, including whether any of Trump's employees or advisers are currently representing and or being paid by them."

A former Ukrainian investigative journalist and current parliamentarian named Serhiy Leshchenko, who was elected in 2014 as part of Poroshenko's party, held a news conference to highlight the ledgers, and to urge Ukrainian and American law enforcement to aggressively investigate Manafort.

"I believe and understand the basis of these payments are totally against the law — we have the proof from these books," Leshchenko said during the news conference, which attracted international media coverage. "If Mr. Manafort denies any allegations, I think he has to be interrogated into this case and prove his position that he was not involved in any misconduct on the territory of Ukraine," Leshchenko added.

Manafort denied receiving any off-books cash from Yanukovych's Party of Regions, and said that he had never been contacted about the ledger by Ukrainian or American investigators, later telling POLITICO "I was just caught in the crossfire."

According to a series of memos reportedly compiled for Trump's opponents by a former British intelligence agent, Yanukovych, in a secret meeting with Putin on the day after the *Times* published its report, admitted that he had authorized "substantial kickback payments to Manafort." But according to the report, which was published Tuesday by BuzzFeed but remains unverified. Yanukovych assured Putin "that there was no documentary trail left behind which could provide clear evidence of this" — an alleged statement that seemed to implicitly question the authenticity of the ledger.

2016

### **Inside the fall of Paul Manafort**

By KENNETH P. VOGEL and MARC CAPUTO

The scrutiny around the ledgers — combined with that from other stories about his Ukraine work — proved too much, and he stepped down from the Trump campaign less than a week after the *Times* story.

At the time, Leshchenko suggested that his motivation was partly to undermine Trump. "For me, it was important to show not only the corruption aspect, but that he is [a] pro-Russian candidate who can break the geopolitical balance in the world," Leshchenko told the *Financial Times* about two weeks after his news conference. The newspaper noted that Trump's candidacy had spurred "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election," and the story quoted Leshchenko asserting that the majority of Ukraine's politicians are "on Hillary Clinton's side."

But by this month, Leshchenko was seeking to recast his motivation, telling Politico, “I didn’t care who won the U.S. elections. This was a decision for the American voters to decide.” His goal in highlighting the ledgers, he said was “to raise these issues on a political level and emphasize the importance of the investigation.”

In a series of answers provided to Politico, a spokesman for Poroshenko distanced his administration from both Leshchenko’s efforts and those of the agency that reLeshchenko Leshchenko leased the ledgers, The National Anti-Corruption Bureau of Ukraine. It was created in 2014 as a condition for Ukraine to receive aid from the U.S. and the European Union, and it signed an evidence-sharing agreement with the FBI in late June — less than a month and a half before it released the ledgers.

The bureau is “fully independent,” the Poroshenko spokesman said, adding that when it came to the presidential administration there was “no targeted action against Manafort.” He added “as to Serhiy Leshchenko, he positions himself as a representative of internal opposition in the Bloc of Petro Poroshenko’s faction, despite [the fact that] he belongs to the faction,” the spokesman said, adding, “it was about him personally who pushed [the anti-corruption bureau] to proceed with investigation on Manafort.”

But an operative who has worked extensively in Ukraine, including as an adviser to Poroshenko, said it was highly unlikely that either Leshchenko or the anti-corruption bureau would have pushed the issue without at least tacit approval from Poroshenko or his closest allies.

“It was something that Poroshenko was probably aware of and could have stopped if he wanted to,” said the operative.

And, almost immediately after Trump’s stunning victory over Clinton, questions began mounting about the investigations into the ledgers — and the ledgers themselves.

An official with the anti-corruption bureau told a Ukrainian newspaper, “Mr. Manafort does not have a role in this case.”

And, while the anti-corruption bureau told Politico late last month that a “general investigation [is] still ongoing” of the ledger, it said Manafort is not a target of the investigation. “As he is not the Ukrainian citizen, [the anti-corruption bureau] by the law couldn’t investigate him personally,” the bureau said in a statement.

Some Poroshenko critics have gone further, suggesting that the bureau is backing away from investigating because the ledgers might have been doctored or even forged.

Valentyn Nalyvaichenko, a Ukrainian former diplomat who served as the country's head of security under Poroshenko but is now affiliated with a leading opponent of Poroshenko, said it was fishy that "only one part of the black ledger appeared." He asked, "Where is the handwriting analysis?" and said it was "crazy" to announce an investigation based on the ledgers. He met last month in Washington with Trump allies, and said, "of course they all recognize that our [anti-corruption bureau] intervened in the presidential campaign."

And in an interview this week, Manafort, who re-emerged as an informal advisor to Trump after Election Day, suggested that the ledgers were inauthentic and called their publication "a politically motivated false attack on me. My role as a paid consultant was public. There was nothing off the books, but the way that this was presented tried to make it look shady."

He added that he felt particularly wronged by efforts to cast his work in Ukraine as pro-Russian, arguing "all my efforts were focused on helping Ukraine move into Europe and the West." He specifically cited his work on denuclearizing the country and on the European Union trade and political pact that Yanukovich spurned before fleeing to Russia. "In no case was I ever involved in anything that would be contrary to U.S. interests," Manafort said.

Yet Russia seemed to come to the defense of Manafort and Trump last month, when a spokeswoman for Russia's Foreign Ministry charged that the Ukrainian government used the ledgers as a political weapon.

"Ukraine seriously complicated the work of Trump's election campaign headquarters by planting information according to which Paul Manafort, Trump's campaign chairman, allegedly accepted money from Ukrainian oligarchs," Maria Zakharova said at a news briefing, according to a transcript of her remarks posted on the Foreign Ministry's website. "All of you have heard this remarkable story," she told assembled reporters.

...

Beyond any efforts to sabotage Trump, Ukrainian officials didn't exactly extend a hand of friendship to the GOP nominee during the campaign.

The ambassador, Chaly, penned an op-ed for *The Hill*, in which he chastised Trump for a confusing series of statements in which the GOP candidate at one point expressed a willingness to consider recognizing Russia's annexation of the Ukrainian territory of Crimea as legitimate. The op-ed made some in the embassy uneasy, sources said.

“That was like too close for comfort, even for them,” said Chalupa. “That was something that was as risky as they were going to be.”

Former Ukrainian Prime Minister Arseny Yatseniuk warned on Facebook that Trump had “challenged the very values of the free world.”

Ukraine’s minister of internal affairs, Arsen Avakov, piled on, trashing Trump on Twitter in July as a “clown” and asserting that Trump is “an even bigger danger to the US than terrorism.”

Avakov, in a Facebook post, lashed out at Trump for his confusing Crimea comments, calling the assessment the “diagnosis of a dangerous misfit,” according to a translated screenshot featured in one media report, though he later deleted the post. He called Trump “dangerous for Ukraine and the US” and noted that Manafort worked with Yanukovich when the former Ukrainian leader “fled to Russia through Crimea. Where would Manafort lead Trump?”

#### INVESTIGATIONS

### **Manafort’s man in Kiev**

By KENNETH P. VOGEL

The Trump-Ukraine relationship grew even more fraught in September with reports that the GOP nominee had snubbed Poroshenko on the sidelines of the United Nations General Assembly in New York, where the Ukrainian president tried to meet both major party candidates, but scored only a meeting with Clinton.

Telizhenko, the former embassy staffer, said that, during the primaries, Chaly, the country’s ambassador in Washington, had actually instructed the embassy not to reach out to Trump’s campaign, even as it was engaging with those of Clinton and Trump’s leading GOP rival, Ted Cruz.

“We had an order not to talk to the Trump team, because he was critical of Ukraine and the government and his critical position on Crimea and the conflict,” said Telizhenko. “I was yelled at when I proposed to talk to Trump,” he said, adding, “The ambassador said not to get involved — Hillary is going to win.”

This account was confirmed by Nalyvaichenko, the former diplomat and security chief now affiliated with a Poroshenko opponent, who said, “The Ukrainian authorities closed all doors and windows — this is from the Ukrainian side.” He called the strategy “bad and short-sighted.”

Andriy Artemenko, a Ukrainian parliamentarian associated with a conservative opposition party, did meet with Trump's team during the campaign and said he personally offered to set up similar meetings for Chaly but was rebuffed.

"It was clear that they were supporting Hillary Clinton's candidacy," Artemenko said. "They did everything from organizing meetings with the Clinton team, to publicly supporting her, to criticizing Trump. ... I think that they simply didn't meet because they thought that Hillary would win."

Shulyar rejected the characterizations that the embassy had a ban on interacting with Trump, instead explaining that it "had different diplomats assigned for dealing with different teams tailoring the content and messaging. So it was not an instruction to abstain from the engagement but rather an internal discipline for diplomats not to get involved into a field she or he was not assigned to, but where another colleague was involved."

And she pointed out that Chaly traveled to the GOP convention in Cleveland in late July and met with members of Trump's foreign policy team "to highlight the importance of Ukraine and the support of it by the U.S."

Despite the outreach, Trump's campaign in Cleveland gutted a proposed amendment to the Republican Party platform that called for the U.S. to provide "lethal defensive weapons" for Ukraine to defend itself against Russian incursion, backers of the measure charged.

The outreach ramped up after Trump's victory. Shulyar pointed out that Poroshenko was among the first foreign leaders to call to congratulate Trump. And she said that, since Election Day, Chaly has met with close Trump allies, including Sens. Jeff Sessions, Trump's nominee for attorney general, and Bob Corker, the chairman of the Senate Foreign Relations Committee, while the ambassador accompanied Ivanna Klympush-Tsintsadze, Ukraine's vice prime minister for European and Euro-Atlantic integration, to a round of Washington meetings with Rep. Tom Marino (R-Pa.), an early Trump backer, and Jim DeMint, president of The Heritage Foundation, which played a prominent role in Trump's transition.

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Many Ukrainian officials and operatives and their American allies see Trump's inauguration this month as an existential threat to the country, made worse, they admit, by the dissemination of the secret ledger, the antagonistic social media posts and the perception that the embassy meddled against — or at least shut out — Trump.

“It’s really bad. The [Poroshenko] administration right now is trying to re-coordinate communications,” said Telizhenko, adding, “The Trump organization doesn’t want to talk to our administration at all.”

During Nalyvaichenko’s trip to Washington last month, he detected lingering ill will toward Ukraine from some, and lack of interest from others, he recalled. “Ukraine is not on the top of the list, not even the middle,” he said.

Poroshenko’s allies are scrambling to figure out how to build a relationship with Trump, who is known for harboring and prosecuting grudges for years.

A delegation of Ukrainian parliamentarians allied with Poroshenko last month traveled to Washington partly to try to make inroads with the Trump transition team, but they were unable to secure a meeting, according to a Washington foreign policy operative familiar with the trip. And operatives in Washington and Kiev say that after the election, Poroshenko met in Kiev with top executives from the Washington lobbying firm BGR — including Ed Rogers and Lester Munson — about how to navigate the Trump regime.

## **Ukrainians fall out of love with Europe**

By DAVID STERN

Weeks later, BGR reported to the Department of Justice that the government of Ukraine would pay the firm \$50,000 a month to “provide strategic public relations and government affairs counsel,” including “outreach to U.S. government officials, non-government organizations, members of the media and other individuals.”

Firm spokesman Jeffrey Birnbaum suggested that “pro-Putin oligarchs” were already trying to sow doubts about BGR’s work with Poroshenko. While the firm maintains close relationships with GOP congressional leaders, several of its principals were dismissive or sharply critical of Trump during the GOP primary, which could limit their effectiveness lobbying the new administration.

The Poroshenko regime’s standing with Trump is considered so dire that the president’s allies after the election actually reached out to make amends with — and even seek assistance from — Manafort, according to two operatives familiar with Ukraine’s efforts to make inroads with Trump.

Meanwhile, Poroshenko’s rivals are seeking to capitalize on his dicey relationship with Trump’s team. Some are pressuring him to replace Chaly, a close ally of Poroshenko’s who

is being blamed by critics in Kiev and Washington for implementing — if not engineering — the country’s anti-Trump efforts, according to Ukrainian and U.S. politicians and operatives interviewed for this story. They say that several potential Poroshenko opponents have been through Washington since the election seeking audiences of their own with Trump allies, though most have failed to do so.

“None of the Ukrainians have any access to Trump — they are all desperate to get it, and are willing to pay big for it,” said one American consultant whose company recently met in Washington with Yuriy Boyko, a former vice prime minister under Yanukovych. Boyko, who like Yanukovych has a pro-Russian worldview, is considering a presidential campaign of his own, and his representatives offered “to pay a shit-ton of money” to get access to Trump and his inaugural events, according to the consultant.

The consultant turned down the work, explaining, “It sounded shady, and we don’t want to get in the middle of that kind of stuff.”

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**Opening Statement of Ambassador William B. Taylor - October 22, 2019**

Mr. Chairman, I appreciate the opportunity to appear today to provide my perspective on the events that are the subject of the Committees' inquiry. My sole purpose is to provide the Committees with my views about the strategic importance of Ukraine to the United States as well as additional information about the incidents in question.

I have dedicated my life to serving U.S. interests at home and abroad in both military and civilian roles. My background and experience are nonpartisan and I have been honored to serve under every administration, Republican and Democratic, since 1985.

For 50 years, I have served the country, starting as a cadet at West Point, then as an infantry officer for six years, including with the 101<sup>st</sup> Airborne Division in Vietnam; then at the Department of Energy; then as a member of a Senate staff; then at NATO; then with the State Department here and abroad—in Afghanistan, Iraq, Jerusalem, and Ukraine; and more recently, as Executive Vice President of the nonpartisan United States Institute of Peace.

While I have served in many places and in different capacities, I have a particular interest in and respect for the importance of our country's relationship with Ukraine. Our national security demands that this relationship remain strong. However, in August and September of this year, I became increasingly concerned that our relationship with Ukraine was being fundamentally undermined by an irregular, informal channel of U.S. policy-making and by the withholding of vital security assistance for domestic political reasons. I hope my remarks today will help the Committees understand why I believed that to be the case.

At the outset, I would like to convey several key points. First, Ukraine is a strategic partner of the United States, important for the security of our country as well as Europe. Second, Ukraine is, right at this moment—while we sit in this room—and for the last five years, under armed attack from Russia. Third, the security assistance we provide is crucial to Ukraine's defense against Russian aggression, and, more importantly, sends a signal to Ukrainians—and Russians—that we are Ukraine's reliable strategic partner. And finally, as the Committees are now aware, I said on September 9 in a message to Ambassador Gordon Sondland that withholding security assistance in exchange for help with a domestic political campaign in the United States would be "crazy." I believed that then, and I still believe that.

Let me now provide the Committees a chronology of the events that led to my concern.

On May 28 of this year, I met with Secretary Mike Pompeo who asked me to return to Kyiv to lead our embassy in Ukraine. It was—and is—a critical time in U.S.-Ukraine relations: Volodymyr Zelenskyy had just been elected president and Ukraine remained at war with Russia. As the summer approached, a new Ukrainian government would be seated, parliamentary elections were imminent, and the Ukrainian political trajectory would be set for the next several years.

I had served as Ambassador to Ukraine from 2006 to 2009, having been nominated by George W. Bush, and, in the intervening 10 years, I have stayed engaged with Ukraine, visiting frequently since 2013 as a board member of a small Ukrainian non-governmental organization supporting good governance and reform. Across the responsibilities I have had in public service, Ukraine is special for me, and Secretary Pompeo's offer to return as Chief of Mission was compelling. I am convinced of the profound importance of Ukraine to the security of the United States and Europe for two related reasons:

First, if Ukraine succeeds in breaking free of Russian influence, it is possible for Europe to be whole, free, democratic, and at peace. In contrast, if Russia dominates Ukraine, Russia will again become an empire, oppressing its people, and threatening its neighbors and the rest of the world.

Second, with the annexation of the Crimea in 2014 and the continued aggression in Donbas, Russia violated countless treaties, ignored all commitments, and dismissed all the principles that have kept the peace and contributed to prosperity in Europe since World War II. To restore Ukraine's independence, Russia must leave Ukraine. This has been and should continue to be a bipartisan U.S. foreign policy goal.

When I was serving outside of government during the Obama administration and after the Russian invasion of Ukraine in 2014, I joined two other former ambassadors to Ukraine in urging Obama administration officials at the State Department, Defense Department, and other agencies to provide lethal defensive weapons to Ukraine in order to deter further Russian aggression. I also supported much stronger sanctions against Russia.

All to say, I cared about Ukraine’s future and the important U.S. interests there. So, when Secretary Pompeo asked me to go back to Kyiv, I wanted to say “yes.”

But it was not an easy decision. The former Ambassador, Masha Yovanovitch, had been treated poorly, caught in a web of political machinations both in Kyiv and in Washington. I feared that those problems were still present. When I talked to her about accepting the offer, however, she urged me to go, both for policy reasons and for the morale of the embassy.

Before answering the Secretary, I consulted both my wife and a respected former senior Republican official who has been a mentor to me. I will tell you that my wife, in no uncertain terms, strongly opposed the idea. The mentor counseled: if your country asks you to do something, you do it—if you can be effective.

I could be effective only if the U.S. policy of strong support for Ukraine—strong diplomatic support along with robust security, economic, and technical assistance—were to continue and if I had the backing of the Secretary of State to implement that policy. I worried about what I had heard concerning the role of Rudolph Giuliani, who had made several high-profile statements about Ukraine and U.S. policy toward the country. So during my meeting with Secretary Pompeo on May 28, I made clear to him and the others present that if U.S. policy toward Ukraine changed, he would not want me posted there and I could not stay. He assured me that the policy of strong support for Ukraine would continue and that he would support me in defending that policy.

With that understanding, I agreed to go back to Kyiv. Because I was appointed by the Secretary but not reconfirmed by the Senate, my official position was *Chargé d’Affaires ad interim*.

\* \* \* \* \*

I returned to Kyiv on June 17, carrying the original copy of a letter President Trump signed the day after I met with the Secretary. In that letter, President Trump congratulated President Zelenskyy on his election victory and invited him to a meeting in the Oval Office. I also brought with me a framed copy of the Secretary’s declaration that the United States would never recognize the illegal Russian annexation of Crimea.

But once I arrived in Kyiv, I discovered a weird combination of encouraging, confusing, and ultimately alarming circumstances.

First, the encouraging: President Zelenskyy was taking over Ukraine in a hurry. He had appointed reformist ministers and supported long-stalled anti-corruption legislation. He took quick executive action, including opening Ukraine's High Anti-Corruption Court, which was established under the previous presidential administration but never allowed to operate. He called snap parliamentary elections—his party was so new it had no representation in the Rada—and later won an overwhelming mandate, controlling 60 percent of the seats. With his new parliamentary majority, President Zelenskyy changed the Ukrainian constitution to remove absolute immunity from Rada deputies, which had been the source of raw corruption for two decades. There was much excitement in Kyiv that this time things could be different—a new Ukraine might finally be breaking from its corrupt, post-Soviet past.

And yet, I found a confusing and unusual arrangement for making U.S. policy towards Ukraine. There appeared to be two channels of U.S. policy-making and implementation, one regular and one highly irregular. As the Chief of Mission, I had authority over the regular, formal diplomatic processes, including the bulk of the U.S. effort to support Ukraine against the Russian invasion and to help it defeat corruption. This regular channel of U.S. policy-making has consistently had strong, bipartisan support both in Congress and in all administrations since Ukraine's independence from Russia in 1991.

At the same time, however, there was an irregular, informal channel of U.S. policy-making with respect to Ukraine, one which included then-Special Envoy Kurt Volker, Ambassador Sondland, Secretary of Energy Rick Perry, and as I subsequently learned, Mr. Giuliani. I was clearly in the regular channel, but I was also in the irregular one to the extent that Ambassadors Volker and Sondland included me in certain conversations. Although this irregular channel was well-connected in Washington, it operated mostly outside of official State Department channels. This irregular channel began when Ambassador Volker, Ambassador Sondland, Secretary Perry, and Senator Ron Johnson briefed President Trump on May 23 upon their return from President Zelenskyy's inauguration. The delegation returned to Washington enthusiastic about the new Ukrainian president and urged President Trump to meet with him early on to cement the U.S.-Ukraine relationship. But from what I understood, President Trump did not share their enthusiasm for a meeting with Mr. Zelenskyy.

When I first arrived in Kyiv, in June and July, the actions of both the regular and the irregular channels of foreign policy served the same goal—a strong U.S.-

Ukraine partnership—but it became clear to me by August that the channels had diverged in their objectives. As this occurred, I became increasingly concerned.

In late June, one of the goals of both channels was to facilitate a visit by President Zelenskyy to the White House for a meeting with President Trump, which President Trump had promised in his congratulatory letter of May 29. The Ukrainians were clearly eager for the meeting to happen. During a conference call with Ambassador Volker, Acting Assistant Secretary of State for European and Eurasian Affairs Phil Reeker, Secretary Perry, Ambassador Sondland, and Counselor of the U.S. Department of State Ulrich Brechbuhl on June 18, it was clear that a meeting between the two presidents was an agreed-upon goal.

But during my subsequent communications with Ambassadors Volker and Sondland, they relayed to me that the President “wanted to hear from Zelenskyy” before scheduling the meeting in the Oval Office. It was not clear to me what this meant.

On June 27, Ambassador Sondland told me during a phone conversation that President Zelenskyy needed to make clear to President Trump that he, President Zelenskyy, was not standing in the way of “investigations.”

I sensed something odd when Ambassador Sondland told me on June 28 that he did not wish to include most of the regular interagency participants in a call planned with President Zelenskyy later that day. Ambassador Sondland, Ambassador Volker, Secretary Perry, and I were on this call, dialing in from different locations. However, Ambassador Sondland said that he wanted to make sure no one was transcribing or monitoring as they added President Zelenskyy to the call. Also, before President Zelenskyy joined the call, Ambassador Volker separately told the U.S. participants that he, Ambassador Volker, planned to be explicit with President Zelenskyy in a one-on-one meeting in Toronto on July 2 about what President Zelenskyy should do to get the White House meeting. Again, it was not clear to me on that call what this meant, but Ambassador Volker noted that he would relay that President Trump wanted to see rule of law, transparency, but also, specifically, cooperation on investigations to “get to the bottom of things.” Once President Zelenskyy joined the call, the conversation was focused on energy policy and the Stanytsia-Luhanska bridge. President Zelenskyy also said he looked forward to the White House visit President Trump had offered in his May 29 letter.

I reported on this call to Deputy Assistant Secretary of State George Kent, who had responsibility for Ukraine, and I wrote a memo for the record dated June 30 that summarized our conversation with President Zelenskyy.

By mid-July it was becoming clear to me that the meeting President Zelenskyy wanted was conditioned on the investigations of Burisma and alleged Ukrainian interference in the 2016 U.S. elections. It was also clear that this condition was driven by the irregular policy channel I had come to understand was guided by Mr. Giuliani.

On July 10, Ukrainian officials Alexander Danyliuk, the Ukrainian national security advisor, and Andriy Yermak, an assistant to President Zelenskyy, and Secretary Perry, then-National Security Advisor John Bolton, Ambassador Volker, and Ambassador Sondland met at the White House. I did not participate in the meeting and did not receive a readout of it until speaking with the National Security Council's (NSC's) then-Senior Director for European and Russian Affairs, Fiona Hill, and the NSC's Director of European Affairs, Alex Vindman, on July 19.

On July 10 in Kyiv, I met with President Zelenskyy's chief of staff, Andrei Bohdan, and then-foreign policy advisor to the president and now Foreign Minister Vadym Prystaiko, who told me that they had heard from Mr. Giuliani that the phone call between the two presidents was unlikely to happen and that they were alarmed and disappointed. I relayed their concerns to Counselor Brechbuhl.

In a regular NSC secure video-conference call on July 18, I heard a staff person from the Office of Management and Budget (OMB) say that there was a hold on security assistance to Ukraine but could not say why. Toward the end of an otherwise normal meeting, a voice on the call—the person was off-screen—said that she was from OMB and that her boss had instructed her not to approve any additional spending of security assistance for Ukraine until further notice. I and others sat in astonishment—the Ukrainians were fighting the Russians and counted on not only the training and weapons, but also the assurance of U.S. support. All that the OMB staff person said was that the directive had come from the President to the Chief of Staff to OMB. In an instant, I realized that one of the key pillars of our strong support for Ukraine was threatened. The irregular policy channel was running contrary to the goals of longstanding U.S. policy.

There followed a series of NSC-led interagency meetings, starting at the staff level and quickly reaching the level of Cabinet secretaries. At every meeting, the

unanimous conclusion was that the security assistance should be resumed, the hold lifted. At one point, the Defense Department was asked to perform an analysis of the effectiveness of the assistance. Within a day, the Defense Department came back with the determination that the assistance was effective and should be resumed. My understanding was that the Secretaries of Defense and State, the CIA Director, and the National Security Advisor sought a joint meeting with the President to convince him to release the hold, but such a meeting was hard to schedule and the hold lasted well into September.

The next day on the phone, Dr. Hill and Mr. Vindman tried to reassure me that they were not aware of any official change in U.S. policy toward Ukraine, OMB's announcement notwithstanding. They did confirm that the hold on security assistance for Ukraine came from Chief of Staff Mick Mulvaney and that the Chief of Staff maintained a skeptical view of Ukraine.

In the same July 19 phone call, they gave me an account of the July 10 meeting with the Ukrainian officials at the White House. Specifically, they told me that Ambassador Sondland had connected "investigations" with an Oval Office meeting for President Zelenskyy, which so irritated Ambassador Bolton that he abruptly ended the meeting, telling Dr. Hill and Mr. Vindman that they should have nothing to do with domestic politics. He also directed Dr. Hill to "brief the lawyers." Dr. Hill said that Ambassador Bolton referred to this as a "drug deal" after the July 10 meeting. Ambassador Bolton opposed a call between President Zelenskyy and President Trump out of concern that it "would be a disaster."

Needless to say, the Ukrainians in the meetings were confused. Ambassador Bolton, in the regular Ukraine policy decision-making channel, wanted to talk about security, energy, and reform; Ambassador Sondland, a participant in the irregular channel, wanted to talk about the connection between a White House meeting and Ukrainian investigations.

Also during our July 19 call, Dr. Hill informed me that Ambassador Volker had met with Mr. Giuliani to discuss Ukraine. This caught me by surprise. The next day I asked Ambassador Volker about that meeting, but received no response. I began to sense that the two decision making channels—the regular and irregular—were separate and at odds.

Later on July 19 and in the early morning of July 20 (Kyiv time), I received text messages on a three-way WhatsApp text conversation with Ambassadors Volker and Sondland, a record of which I understand has already been provided to the

Committees by Ambassador Volker. Ambassador Sondland said that a call between President Trump and President Zelenskyy would take place soon. Ambassador Volker said that what was “[m]ost important is for Zelensky to say that he will help investigation—and address any specific personnel issues—if there are any.”

Later on July 20, I had a phone conversation with Ambassador Sondland while he was on a train from Paris to London. Ambassador Sondland told me that he had recommended to President Zelenskyy that he use the phrase, “I will leave no stone unturned” with regard to “investigations” when President Zelenskyy spoke with President Trump.

Also on July 20, I had a phone conversation with Mr. Danyliuk, during which he conveyed to me that President Zelenskyy did not want to be used as a pawn in a U.S. re-election campaign. The next day I texted both Ambassadors Volker and Sondland about President Zelenskyy’s concern.

On July 25, President Trump and President Zelenskyy had the long-awaited phone conversation. Strangely, even though I was Chief of Mission and was scheduled to meet with President Zelenskyy along with Ambassador Volker the following day, I received no readout of the call from the White House. The Ukrainian government issued a short, cryptic summary.

During a previously planned July 26 meeting, President Zelenskyy told Ambassador Volker and me that he was happy with the call but did not elaborate. President Zelenskyy then asked about the face-to-face meeting in the Oval Office as promised in the May 29 letter from President Trump.

After our meeting with President Zelenskyy, Ambassador Volker and I traveled to the front line in northern Donbas to receive a briefing from the commander of the forces on the line of contact. Arriving for the briefing in the military headquarters, the commander thanked us for security assistance, but I was aware that this assistance was on hold, which made me uncomfortable.

Ambassador Volker and I could see the armed and hostile Russian-led forces on the other side of the damaged bridge across the line of contact. Over 13,000 Ukrainians had been killed in the war, one or two a week. More Ukrainians would undoubtedly die without the U.S. assistance.

Although I spent the morning of July 26 with President Zelenskyy and other Ukrainian officials, the first summary of the Trump-Zelenskyy call that I heard from anybody inside the U.S. government was during a phone call I had with Tim Morrison, Dr. Hill's recent replacement at the NSC, on July 28. Mr. Morrison told me that the call "could have been better" and that President Trump had suggested that President Zelenskyy or his staff meet with Mr. Giuliani and Attorney General William Barr. I did not see any official readout of the call until it was publicly released on September 25.

On August 16, I exchanged text messages with Ambassador Volker in which I learned that Mr. Yermak had asked that the United States submit an official request for an investigation into Burisma's alleged violations of Ukrainian law, if that is what the United States desired. A formal U.S. request to the Ukrainians to conduct an investigation based on violations of their own law struck me as improper, and I recommended to Ambassador Volker that we "stay clear." To find out the legal aspects of the question, however, I gave him the name of a Deputy Assistant Attorney General whom I thought would be the proper point of contact for seeking a U.S. referral for a foreign investigation.

By mid-August, because the security assistance had been held for over a month for no reason that I could discern, I was beginning to fear that the longstanding U.S. policy of strong support for Ukraine was shifting. I called Counselor Brechbuhl to discuss this on August 21. He said that he was not aware of a change of U.S. policy but would check on the status of the security assistance. My concerns deepened the next day, on August 22, during a phone conversation with Mr. Morrison. I asked him if there had been a change in policy of strong support for Ukraine, to which he responded, "it remains to be seen." He also told me during this call that the "President doesn't want to provide any assistance at all." That was extremely troubling to me. As I had told Secretary Pompeo in May, if the policy of strong support for Ukraine were to change, I would have to resign. Based on my call with Mr. Morrison, I was preparing to do so.

Just days later, on August 27, Ambassador Bolton arrived in Kyiv and met with President Zelenskyy. During their meeting, security assistance was not discussed—amazingly, news of the hold did not leak out until August 29. I, on the other hand, was all too aware of and still troubled by the hold. Near the end of Ambassador Bolton's visit, I asked to meet him privately, during which I expressed to him my serious concern about the withholding of military assistance to Ukraine while the Ukrainians were defending their country from Russian aggression. Ambassador Bolton recommended that I send a first-person cable to

Secretary Pompeo directly, relaying my concerns. I wrote and transmitted such a cable on August 29, describing the “folly” I saw in withholding military aid to Ukraine at a time when hostilities were still active in the east and when Russia was watching closely to gauge the level of American support for the Ukrainian government. I told the Secretary that I could not and would not defend such a policy. Although I received no specific response, I heard that soon thereafter, the Secretary carried the cable with him to a meeting at the White House focused on security assistance for Ukraine.

The same day that I sent my cable to the Secretary, August 29, Mr. Yermak contacted me and was very concerned, asking about the withheld security assistance. The hold that the White House had placed on the assistance had just been made public that day in a *Politico* story. At that point, I was embarrassed that I could give him no explanation for why it was withheld.

It had still not occurred to me that the hold on security assistance could be related to the “investigations.” That, however, would soon change.

On September 1, just three days after my cable to Secretary Pompeo, President Zelenskyy met Vice President Pence at a bilateral meeting in Warsaw. President Trump had planned to travel to Warsaw but at the last minute had cancelled because of Hurricane Dorian. Just hours before the Pence-Zelenskyy meeting, I contacted Mr. Danyliuk to let him know that the delay of U.S. security assistance was an “all or nothing” proposition, in the sense that if the White House did not lift the hold prior to the end of the fiscal year (September 30), the funds would expire and Ukraine would receive nothing. I was hopeful that at the bilateral meeting or shortly thereafter, the White House would lift the hold, but this was not to be. Indeed, I received a readout of the Pence-Zelenskyy meeting over the phone from Mr. Morrison, during which he told me President Zelenskyy had opened the meeting by asking the Vice President about security cooperation. The Vice President did not respond substantively, but said that he would talk to President Trump that night. The Vice President did say that President Trump wanted the Europeans to do more to support Ukraine and that he wanted the Ukrainians to do more to fight corruption.

During this same phone call I had with Mr. Morrison, he went on to describe a conversation Ambassador Sondland had with Mr. Yermak at Warsaw. Ambassador Sondland told Mr. Yermak that the security assistance money would not come until President Zelenskyy committed to pursue the Burisma investigation. I was alarmed by what Mr. Morrison told me about the Sondland-Yermak

conversation. This was the first time I had heard that the security assistance—not just the White House meeting—was conditioned on the investigations.

Very concerned, on that same day I sent Ambassador Sondland a text message asking if “we [are] now saying that security assistance and [a] WH meeting are conditioned on investigations?” Ambassador Sondland responded asking me to call him, which I did. During that phone call, Ambassador Sondland told me that President Trump had told him that he wants President Zelenskyy to state publicly that Ukraine will investigate Burisma and alleged Ukrainian interference in the 2016 U.S. election.

Ambassador Sondland also told me that he now recognized that he had made a mistake by earlier telling the Ukrainian officials to whom he spoke that a White House meeting with President Zelenskyy was dependent on a public announcement of investigations—in fact, Ambassador Sondland said, “everything” was dependent on such an announcement, including security assistance. He said that President Trump wanted President Zelenskyy “in a public box” by making a public statement about ordering such investigations.

In the same September 1 call, I told Ambassador Sondland that President Trump should have more respect for another head of state and that what he described was not in the interest of either President Trump or President Zelenskyy. At that point I asked Ambassador Sondland to push back on President Trump’s demand. Ambassador Sondland pledged to try. We also discussed the possibility that the Ukrainian Prosecutor General, rather than President Zelenskyy, would make a statement about investigations, potentially in coordination with Attorney General Barr’s probe into the investigation of interference in the 2016 elections.

The next day, September 2, Mr. Morrison called to inform me that Mr. Danyliuk had asked him to come to his hotel room in Warsaw, where Mr. Danyliuk expressed concern about the possible loss of U.S. support for Ukraine. In particular, Mr. Morrison relayed to me that the inability of any U.S. officials to respond to the Ukrainians’ explicit questions about security assistance was troubling them. I was experiencing the same tension in my dealings with the Ukrainians, including during a meeting I had had with Ukrainian Defense Minister Andriy Zagordnyuk that day.

During my call with Mr. Morrison on September 2, I also briefed Mr. Morrison on what Ambassador Sondland had told me during our call the day prior.

On September 5, I hosted Senators Johnson and Murphy for a visit to Kyiv. During their visit, we met with President Zelenskyy. His first question to the senators was about the withheld security assistance. My recollection of the meeting is that both senators stressed that bipartisan support for Ukraine in Washington was Ukraine's most important strategic asset and that President Zelenskyy should not jeopardize that bipartisan support by getting drawn into U.S. domestic politics.

I had been making (and continue to make) this point to all of my Ukrainian official contacts. But the push to make President Zelenskyy publicly commit to investigations of Burisma and alleged interference in the 2016 election showed how the official foreign policy of the United States was undercut by the irregular efforts led by Mr. Giuliani.

Two days later, on September 7, I had a conversation with Mr. Morrison in which he described a phone conversation earlier that day between Ambassador Sondland and President Trump. Mr. Morrison said that he had a "sinking feeling" after learning about this conversation from Ambassador Sondland. According to Mr. Morrison, President Trump told Ambassador Sondland that he was not asking for a "quid pro quo." But President Trump did insist that President Zelenskyy go to a microphone and say he is opening investigations of Biden and 2016 election interference, and that President Zelenskyy should want to do this himself. Mr. Morrison said that he told Ambassador Bolton and the NSC lawyers of this phone call between President Trump and Ambassador Sondland.

The following day, on September 8, Ambassador Sondland and I spoke on the phone. He said he had talked to President Trump as I had suggested a week earlier, but that President Trump was adamant that President Zelenskyy, himself, had to "clear things up and do it in public." President Trump said it was not a "quid pro quo." Ambassador Sondland said that he had talked to President Zelenskyy and Mr. Yermak and told them that, although this was not a quid pro quo, if President Zelenskyy did not "clear things up" in public, we would be at a "stalemate." I understood a "stalemate" to mean that Ukraine would not receive the much-needed military assistance. Ambassador Sondland said that this conversation concluded with President Zelenskyy agreeing to make a public statement in an interview with CNN.

After the call with Ambassador Sondland on September 8, I expressed my strong reservations in a text message to Ambassador Sondland, stating that my

“nightmare is they [the Ukrainians] give the interview and don’t get the security assistance. The Russians love it. (And I quit.)” I was serious.

The next day, I said to Ambassadors Sondland and Volker that “[t]he 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.” I also said, “I think it’s crazy to withhold security assistance for help with a political campaign.”

Ambassador Sondland responded about five hours later that I was “incorrect about President Trump’s intentions. The President has been crystal clear no quid pro quo’s of any kind.”

Before these text messages, during our call on September 8, Ambassador Sondland tried to explain to me that President Trump is a businessman. When a businessman is about to sign a check to someone who owes him something, he said, the businessman asks that person to pay up before signing the check. Ambassador Volker used the same terms several days later while we were together at the Yalta European Strategy Conference. I argued to both that the explanation made no sense: the Ukrainians did not “owe” President Trump anything, and holding up security assistance for domestic political gain was “crazy,” as I had said in my text message to Ambassadors Sondland and Volker on September 9.

Finally, I learned on September 11 that the hold had been lifted and that the security assistance would be provided.

After I learned that the security assistance was released on September 11, I personally conveyed the news to President Zelenskyy and Foreign Minister Prystaiko. And I again reminded Mr. Yermak of the high strategic value of bipartisan support for Ukraine and the importance of not getting involved in other countries’ elections. My fear at the time was that since Ambassador Sondland had told me President Zelenskyy already agreed to do a CNN interview, President Zelenskyy would make a statement regarding “investigations” that would have played into domestic U.S. politics. I sought to confirm through Mr. Danyliuk that President Zelenskyy was not planning to give such an interview to the media. While Mr. Danyliuk initially confirmed that on September 12, I noticed during a meeting on the morning of September 13 at President Zelenskyy’s office that Mr. Yermak looked uncomfortable in response to the question. Again, I asked Mr. Danyliuk to confirm that there would be no CNN interview, which he did.

On September 25 at the UN General Assembly session in New York City, President Trump met President Zelenskyy face-to-face. He also released the transcript of the July 25 call. The United States gave the Ukrainians virtually no notice of the release, and they were livid. Although this was the first time I had seen the details of President Trump’s July 25 call with President Zelenskyy, in which he mentioned Vice President Biden, I had come to understand well before then that “investigations” was a term that Ambassadors Volker and Sondland used to mean matters related to the 2016 elections, and to investigations of Burisma and the Bidens.

\* \* \* \* \*

I recognize that this is a rather lengthy recitation of the events of the past few months told from my vantage point in Kyiv. But I also recognize the importance of the matters your Committees are investigating, and I hope that this chronology will provide some framework for your questions.

I wish to conclude by returning to the points I made at the outset. Ukraine is important to the security of the United States. It has been attacked by Russia, which continues its aggression against Ukraine. If we believe in the principle of sovereignty of nations on which our security and the security of our friends and allies depends, we must support Ukraine in its fight against its bullying neighbor. Russian aggression cannot stand.

There are two Ukraine stories today. The first is the one we are discussing this morning and that you have been hearing for the past two weeks. It is a rancorous story about whistleblowers, Mr. Giuliani, side channels, quid pro quos, corruption, and interference in elections. In this story Ukraine is an object.

But there is another Ukraine story—a positive, bipartisan one. In this second story, Ukraine is the subject. This one is about young people in a young nation, struggling to break free of its past, hopeful that their new government will finally usher in a new Ukraine, proud of its independence from Russia, eager to join Western institutions and enjoy a more secure and prosperous life. This story describes a nation developing an inclusive, democratic nationalism, not unlike what we in America, in our best moments, feel about our diverse country—less concerned about what language we speak, what religion if any we practice, where our parents and grandparents came from; more concerned about building a new country.

Because of the strategic importance of Ukraine in our effort to create a whole, free Europe, we, through Republican and Democratic administrations over three decades, have supported Ukraine. Congress has been generous over the years with assistance funding, both civilian and military, and political support. With overwhelming bipartisan majorities, Congress has supported Ukraine with harsh sanctions on Russia for invading and occupying Ukraine. We can be proud of that support and that we have stood up to a dictator's aggression against a democratic neighbor.

It is this second story that I would like to leave you with today.

And I am glad to answer your questions.



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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.

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11

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13 INTERVIEW OF: GORDON SONDLAND

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18 Thursday, October 17, 2019

19 Washington, D.C.

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22 The interview in the above matter was held in Room  
23 HVC-304, Capitol Visitor Center, commencing at 9:30 a.m.

24 Present: Representatives Schiff, Himes, Sewell, Speier,  
25 Quigley, Swalwell, Heck, Welch, Maloney, Demings,

1       Krishnamoorthi, Nunes, Turner, Conaway, Stewart, Stefanik,  
2       and Hurd.

3             Also Present: Representatives Malinowski, Raskin, Bera,  
4       Cicillini, Connolly, Bass, Espaillat, Lieu, Hill, Deutch,  
5       Rouda, Deutch, Gibbs, Wasserman Shultz, Wagner, Welch, Mast,  
6       Tlaib, Ocasio Cortez, Jordan, McCaul, Meadows, and Roy.

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1 Appearances:

2

3

4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24

25

1 For the COMMITTEE ON OVERSIGHT AND REFORM:

2 [REDACTED]

3 [REDACTED]

4

5 For the COMMITTEE ON FOREIGN AFFAIRS:

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9

10 For GORDON SONDLAND:

11

12 ROBERT D. LUSKIN

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14 DANIEL ALAN HOLMAN

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16 875 15th Street, NW

17 Washington, D.C. 20005

18 and

19 JAMES T. MCDERMOTT

20 BALL JANIK LLP

21 101 SW Main Street

22 Suite 1100

23 Portland, Oregon 97204

24

25

1           THE CHAIRMAN: All right. Let's come to order. At the  
2 outset, I want to express -- I know what many of are of  
3 feeling this morning over the loss of our colleague, Elijah  
4 Cummings. There are few members, I think, that have ever  
5 served in this body who enjoyed wider respect and love among  
6 their colleagues as Elijah Cummings.

7           He was a dear friend to many of us. He was an  
8 inspiration to all of us. I spoke with him repeatedly while  
9 he was convalescing, and he was always offering his support  
10 and guidance and his superb example. We lost a giant among  
11 us. And I wanted to relay something that he -- a poem that  
12 he cited in his, as I understand, his first 1-minute as a new  
13 member of the House of Representatives more than 20 years ago  
14 by Dr. Benjamin E. Mays.

15           I have only just a minute. Only 60 seconds in it.  
16 Forced upon me, can't refuse it, didn't seek it, didn't  
17 choose it, but it's up to me to use it. I must suffer if I  
18 lose it. Give account if I abuse it. Just a tiny little  
19 minute, but eternity is in it.

20           That so typifies Elijah Cummings, who I think viewed  
21 every minute as a blessing and not to be squandered. And  
22 truly lived every minute as if it might be his last, and gave  
23 us just an incredible legacy.

24           So with your indulgence, if we could pause for a moment  
25 of silence in memory of our colleague, Elijah Cummings.

1 [Pause.]

2 THE CHAIRMAN: I don't know if one of my colleagues in  
3 the minority might like to make a statement about Elijah.

4 MR. JORDAN: Thank you, Chairman. And let me just echo  
5 what you said. I think the folks in Baltimore, the whole  
6 State of Maryland, this town, and frankly the whole country  
7 are saddened by the loss of our friend. And he truly was a  
8 friend to both sides of the aisle.

9 And I will say, personally, I am, like all of of you,  
10 I'm going to miss him, I'm going to miss just debating with  
11 him, arguing with him, he was special. And it was funny,  
12 because we would debate and go at it in committee and then  
13 I'd see him in the gym and we'd be talking about the normal  
14 things that folks talk about. He was a good man. He was a  
15 good chairman. And, like I said, I think this whole town and  
16 the whole country is saddened by the loss of Chairman  
17 Cummings. So thank for the moment of silence and your words.

18 THE CHAIRMAN: I thank you, Mr. Jordan, and we did some  
19 soul searching about whether we should, or could, go forward  
20 today, but I think we felt that he was so dedicated to his  
21 work that he would want the work to continue, and so we plow  
22 forward.

23 Good morning, Ambassador Sondland, and welcome to the  
24 House Permanent Select Committee on Intelligence, which,  
25 along with the Foreign Affairs and Oversight Committees, is

1 conducting this investigation as part of the official  
2 impeachment inquiry of the House of Representatives. Today's  
3 deposition is being conducted as part of the inquiry.

4 In light of attempts by the State Department to direct  
5 you not to cooperate with the inquiry, the committee had no  
6 choice but to compel your appearance today. We thank you for  
7 complying with the duly authorized congressional subpoena.  
8 After creating and operating a successful hotel business, the  
9 Senate confirmed Ambassador Sondland on June 28, 2019, to  
10 serve as Ambassador -- oh, sorry, 2018. If it had been 2019  
11 it would be a completely different circumstance -- to serve  
12 as the Ambassador to the European Union in Brussels.

13 Ambassador Sondland's appearance today under subpoena,  
14 as a result of the State Department's decision, in  
15 coordination with the White House to obstruct the impeachment  
16 inquiry by directing the Ambassador at the 11th hour not to  
17 appear on October 8th for his scheduled deposition. The  
18 committee was therefore forced to issue a subpoena for  
19 Ambassador Sondland's appearance today.

20 In the intervening week, the committee has collected  
21 important evidence and learned a great deal of new  
22 information, including through powerful and detailed  
23 testimony of Ambassador Yovanovitch, Dr. Fiona Hill, Deputy  
24 Assistant Secretary of State George Kent, and Ambassador  
25 McKinley. The committee will also hear from Ambassador Bill

1 Taylor, our Charge d'Affaires in Kyiv next week, among  
2 others.

3 And, Ambassador Sondland, we look forward to hearing  
4 your testimony today about your involvement in Ukraine policy  
5 and efforts to secure a White House meeting with President  
6 Zelensky, as well as the July 25 call between President Trump  
7 and Ukrainian President Zelensky, and the documentary record  
8 that has come to light about efforts to get the Ukrainians to  
9 announce publicly investigations into two areas President  
10 Trump asked President Zelensky to pursue: the Bidens and the  
11 conspiracy about Ukraine's purported interference in the 2016  
12 U.S. elections.

13 Before I turn to committee counsel to begin the  
14 deposition, and I know your counsel has some things to put on  
15 the record, I invite the ranking member to make any opening  
16 remarks.

17 MR. NUNES: Ambassador, welcome. Thank you for being  
18 here today. Before we begin, I'm going to yield to  
19 Mr. Jordan for our opening statement, but I just want to  
20 raise to the majority that both Foreign Affairs and Oversight  
21 were informed of these new meetings next week. I would just  
22 state that if we're going to continue this circus, I, at  
23 least, would like to know what time the circus begins. I  
24 don't know if that was done on purpose to the Intelligence  
25 Committee Republicans, but my colleagues from both Foreign

1       Affairs and Oversight were notified. So I hope in the  
2       future, that we learn at the same time that other colleagues  
3       know about the start times. And with that, I will yield to  
4       Mr. Jordan.

5               MR. JORDAN: Thank you. I thank the gentleman for  
6       yielding. Ambassador, thank you for being here today. Thank  
7       you for your service to our country. On September 24th,  
8       Speaker Pelosi unilaterally announced that the House was  
9       beginning a so-called impeachment inquiry. On October 2,  
10      Speaker Pelosi promised that this so-called inquiry --  
11      impeachment inquiry, would treat the President with fairness.

12             However, Speaker Pelosi, Chairman Schiff, and the  
13      Democrats are not living up to that basic promise. Instead,  
14      Democrats are conducting a rushed, closed-door, and  
15      unprecedented inquiry.

16             Democrats are ignoring 45 years of bipartisan  
17      procedures, procedures that were designed to provide elements  
18      of fundamental fairness and due process in past impeachment  
19      inquiries, and the majority and minority had coequal subpoena  
20      authority and the right to require a committee vote on  
21      subpoenas. The President's counsel had a right to attend all  
22      depositions and hearings, including those held in executive  
23      session. The President's counsel had the right to  
24      cross-examine witnesses, the right to propose witnesses. The  
25      President's counsel also had the right to present evidence,

1 object to the admission of evidence, and to review all  
2 evidence presented both favorable and unfavorable.

3 Speaker Pelosi and Chairman Schiff's so-company  
4 impeachment inquiry has none of these guarantees of  
5 fundamental fairness and fundamental due process. Most  
6 disappointing. Democrats are conducting this so-called  
7 impeachment inquiry behind closed doors. This seems to be  
8 nothing more than hiding this work from the American people.  
9 The 330 million people who are represented by Members of  
10 Congress don't get to see any of it.

11 If Democrats intend to undue the will of the American  
12 people, just a year before the next election, they should at  
13 least do so as transparently, and be willing to be  
14 accountable for their actions. With that, I yield back.

15 THE CHAIRMAN: I thank you, and I will yield to my  
16 counsel. I do want to point out that we are following all  
17 the deposition notice requirements, and indeed, the same  
18 requirements that the now minority observed when they were in  
19 the majority. Mr. Goldman.

20 MR. GOLDMAN: Thank you, Mr. Chairman. This is the  
21 deposition of Ambassador Gordon Sondland, conducted by the  
22 House Permanent Select Committee on Intelligence, pursuant to  
23 the impeachment inquiry announced by the Speaker of the House  
24 on September 24th.

25 Ambassador Sondland, could you please state your full

1 name and spell your last name for the record.

2 AMBASSADOR SONDLAND: Gordon David Sondland,  
3 S-O-N-D-L-A-N-D.

4 MR. GOLDMAN: Along with other proceedings in  
5 furtherance of this inquiry, this deposition is part of a  
6 joint investigation led by the Intelligence Committee in  
7 coordination with the Committees on Foreign Affairs and  
8 Oversight and Reform. In the room today are minority staff  
9 from the Oversight Committee. The majority staff are  
10 mourning together the loss of Chairman Cummings and will not  
11 be here today. In addition, there is majority staff and  
12 minority staff from both the Foreign Affairs Committee and  
13 the House Intelligence Committee.

14 This is a staff-led deposition, but members, of course,  
15 as has been the case all along, may ask questions during  
16 their allotted time. My name is Daniel Goldman, I'm the  
17 director of investigation for the HPSCI majority staff, and I  
18 want to thank you for coming in today for this deposition.

19 Let me briefly do some introductions. To my right is  
20 Daniel Noble, senior investigative counsel for the  
21 Intelligence Committee. Mr. Noble and I will be conducting  
22 most of the interview for the majority. Now I will let my  
23 counterparts from the minority introduce themselves.

24 MR. CASTOR: Good morning, Steve Castor with the  
25 Republican staff of the Oversight Committee.

1 MS. CASULLI: Good morning, Laura Casulli, deputy  
2 general counsel, minority, HPSCI.

3 MR. KOREN: Good morning, sir. Michael Koren, House  
4 Oversight Republican staff.

5 MR. GOLDMAN: This deposition will be conducted entirely  
6 at the unclassified level. However, the deposition is being  
7 conducted in HPSCI's secure spaces and in the presence of  
8 staff with appropriate security clearances. It is the  
9 committee's expectation that neither the questions asked of  
10 the witness nor the answers by the witness or witness'  
11 counsel, which does not have security clearance, will require  
12 discussion of any information that is currently, or at any  
13 point, could be properly classified under Executive Order  
14 13526.

15 Moreover, EO 13526 states that, quote: In no case shall  
16 information be classified and continue to be maintained as  
17 classified, or fail to be declassified, unquote, for the  
18 purpose of concealing any violations of law or preventing  
19 embarrassment of any person or entity. If any of our  
20 questions can only be answered with classified information,  
21 Ambassador Sondland, we'd ask that you inform us of that  
22 before you answer the question and we can adjust accordingly.

23 Today's deposition is not being taken in executive  
24 session, but because of the sensitive and confidential nature  
25 of some of the topics and materials that will be discussed,

1 as well as the House rules, access to the transcript of the  
2 deposition will be limited to the three committees in  
3 attendance. And under those House deposition rules, no  
4 Member of Congress nor any staff member can discuss the  
5 substance of the testimony that you provide today. You and  
6 your attorney will also have an opportunity to review the  
7 transcript.

8 Before we begin, I'd like to go over some of the ground  
9 rules for this deposition. We will be following the House  
10 regulations for depositions, and we have previously provided  
11 those regulations to your counsel. The deposition will  
12 proceed as follows: The majority will be given 1 hour to ask  
13 questions, and then the minority will be given 1 hour to ask  
14 questions. Thereafter, we will alternate back and forth  
15 between majority and minority in 45-minute rounds until  
16 questioning is complete. We will take periodic breaks, but  
17 if you need a break at any time, please let us know.

18 Under the House deposition rules, counsel for other  
19 persons or other government agencies may not attend. You are  
20 allowed to have an attorney present during this deposition,  
21 and I see that you have brought some. At this time, if  
22 counsel could please make their appearances for the record.

23 MR. LUSKIN: Good morning. I'm Robert Luskin from the  
24 law firm of Paul Hastings, with me is my partner Kwame  
25 Manley, and we are joined by Jim McDermott from the law firm

1 of Ball Janik, and we're here as counsel for Ambassador  
2 Sondland.

3 MR. GOLDMAN: Thank you. Ambassador Sondland, there is  
4 a stenographer taking down everything that is said here today  
5 in order to make a written record of the deposition. For  
6 that record to be complete, please wait until I finish or we  
7 finish all the questions that are asked of you, and we will  
8 do our very best to wait until you finish your answers before  
9 moving on to the next question.

10 It's important that you and staff and members not speak  
11 over each other. So please do wait until the question is  
12 finished. The stenographer cannot record nonverbal answers,  
13 such as shaking your head, or an uh-huh, so it's important  
14 that you answer each question with an audible verbal answer,  
15 particularly if it's a yes or no question.

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

21 You may only refuse to answer a question to preserve a  
22 privilege recognized by the Committee. If you refuse to  
23 answer a question on the basis of privilege, staff may either  
24 proceed with the deposition or seek a ruling from the  
25 chairman on any objection, in person or otherwise, during the

1 deposition at a time of the majority staff's choosing. If  
2 the chair overrules any such objection, you are required to  
3 answer the question.

4 And, finally, you are reminded that it is unlawful to  
5 deliberately provide false information to Members of Congress  
6 or staff. It is imperative that you not only answer our  
7 questions truthfully, but that you give full and complete  
8 answers to all questions asked of you. Omissions may also be  
9 considered as false statements. As this deposition is under  
10 oath, Ambassador Sondland, would you please stand right now  
11 and raise your right hand to be sworn.

12 Do you swear or affirm that the testimony you're about  
13 to give is the whole truth, and nothing but the truth.

14 AMBASSADOR SONDLAND: I do.

15 MR. GORDON: Let the record reflect that the witness has  
16 been sworn. And now, Ambassador Sondland, if you have any  
17 opening remarks, this is the time.

18 MR. LUSKIN: And, Mr. Goldman, with your permission, a  
19 couple of housekeeping matters. Last night, I received a  
20 letter from the Department of State, which I guess I would  
21 characterize as an admonitory letter directed towards  
22 Ambassador Sondland. I'd like to share a copy with the  
23 Committee and have it placed in the record.

24 But we'd also want to make clear that we do not  
25 understand that letter as asserting or directing that

1 Ambassador Sondland assert any privilege, and therefore, he  
2 intends to answer all of your questions today without  
3 reservation and without the assertion of any privilege.

4 The second point is that Ambassador Sondland is pleased  
5 to be here in response to your subpoena for his testimony,  
6 but the Committee also served a subpoena duces tecum on  
7 Ambassador Sondland directing him to produce documents. As  
8 we have discussed with staff, Ambassador Sondland believes  
9 that he is precluded by law from producing official records  
10 that are in his possession, all of which have been turned  
11 over to the Department of State, and therefore, he  
12 respectfully declines to produce those documents this  
13 morning.

14 But we also wish to emphasize that it's his belief, and  
15 ours, that the Committee should have access to all relevant  
16 documents, and he regrets that they have not been provided in  
17 advance of his testimony. Having those documents would lead  
18 to a more fulsome and accurate inquiry into the matters at  
19 hand. Indeed, Ambassador Sondland has not had access to all  
20 of the State Department records that would help him refresh  
21 his recollection in anticipation of this testimony.

22 And we are also aware of other documents that we think  
23 would corroborate his testimony in material respects. So it  
24 is with regret, and not out of any disrespect for the  
25 committee or any challenge to its legitimacy, that we must

1 decline to produce documents in response to that subpoena.  
2 And let me share the letter, which is addressed to the three  
3 chairmen this morning, if I may.

4 MR. GOLDMAN: Thank you, Mr. Luskin. We also regret  
5 that we do not have the documents. And one thing that I  
6 would just say to Mr. Sondland, before your opening  
7 statement. Because we don't have the documents that may be  
8 relevant to your testimony, you may find that some of our  
9 questions seem basic. But because we are in a factfinding  
10 effort here, we don't know what we don't know, so we may ask  
11 questions that seem basic. We'd still ask that you provide  
12 full answers to them.

13 AMBASSADOR SONDLAND: Understood.

14 THE CHAIRMAN: You're recognized for your opening  
15 statement.

16 AMBASSADOR SONDLAND: Thank you, Mr. Chairman. And  
17 thank you for the opportunity to provide this testimony  
18 today. I was truly disappointed that the State Department  
19 prevented me at the last minute from testifying earlier on  
20 October 8th, 2019. But your issuance of a subpoena has  
21 supported my appearance here today, and I'm pleased to  
22 provide the following testimony.

23 First, let me say that it is an honor to serve the  
24 people of the United States as their Ambassador to the  
25 European Union. The U.S. Mission to the EU is the direct

1 link between the United States and the 28-member EU  
2 countries, America's longest standing allies and one of the  
3 largest economic blocks in the world. A strong united and  
4 peaceful Europe helps to uphold the norms that maintain  
5 political stability, and promote economic prosperity around  
6 the world.

7 Second, I would like to thank my staff and the many  
8 dedicated public servants with whom I have the privilege to  
9 work every day. I have benefited immeasurably from their  
10 collective wisdom, experience, and hard work, and their  
11 patriotism serves as an example to us all.

12 Third, let me note that my goal today is to answer your  
13 questions directly and clearly to the best of my knowledge.  
14 I have not shared this opening statement in advance with  
15 either the White House or the State Department. These are my  
16 own words. It is important to emphasize at the outset that I  
17 have had limited time to review the relevant facts in order  
18 to prepare for my testimony. I will do my utmost to answer  
19 the committee's questions fully and truthfully, but the  
20 shortness of time is challenging.

21 And let me also say that I have good friends from both  
22 sides of the aisle, many of whom have reached out to me to  
23 provide support. As we go through this process, I understand  
24 that some people may have their own specific agendas. Some  
25 want me to say things to protect the President at all costs.

1 Some may want me to provide damning facts to support the  
2 other side. But none of that matters to me. I have no  
3 interest in pursuing higher office or taking political shots.  
4 Simply put, I am not here to push an agenda, I'm here to tell  
5 the truth.

6 I am a lifelong Republican. Like all of my political  
7 ambassadorial colleagues, I am an appointee of the President,  
8 and I serve at the pleasure of the President. I know that  
9 party affiliations are set aside when representing the United  
10 States. Having served on nonpartisan commissions by the  
11 appointment of three Democratic governors, and on the  
12 transition team for Oregon Governor Ted Kulongoski, another  
13 Democrat, I am well-accustomed to working across the aisle.  
14 For example, I worked briefly with former Vice President  
15 Biden's office in connection with the Vice President's  
16 nationwide Anti-Cancer Initiative, and I admire his long  
17 record of public service. I had bipartisan support for my  
18 ambassadorial nomination. And my successful business  
19 background and my results-oriented focus made me, in my view,  
20 well-suited to bring the fresh perspective to U.S. foreign  
21 policy that the President had sought.

22 As you know, I was confirmed by the Senate in a  
23 bipartisan voice vote as Ambassador to the EU on June 28th,  
24 2018, and I assumed that role in Brussels on July 9th, 2018.  
25 From my very first days as Ambassador, Ukraine has been a

1 part of my broader work pursuing U.S. national interests.  
2 Ukraine's political and economic development are critical to  
3 the long lasting stability of Europe. Moreover, the conflict  
4 in eastern Ukraine and Crimea, which began nearly 5 years  
5 ago, continues as one of the most significant security crises  
6 for Europe and the United States. As the U.S. Ambassador to  
7 the EU, I have always viewed my Ukraine work as central to  
8 advancing U.S.-EU foreign policy. Indeed, for decades, under  
9 both Republican and Democrat administrations, the United  
10 States has viewed Ukraine with strategic importance, in part  
11 to counter Russian aggression in Europe and to support  
12 Ukraine energy independence.

13 My involvement in issues concerning Ukraine, while a  
14 small part of my portfolio, was nevertheless central to my  
15 ambassadorial responsibilities. In this sense, Ukraine is  
16 similar to other non-EU countries, such as Venezuela, Iran,  
17 and Georgia, with respect to which my mission and I  
18 coordinate closely with our EU partners to promote policies  
19 that reflect our common values and interests.

20 I have always endeavored to keep my State Department and  
21 National Security Council colleagues informed of my actions  
22 and to seek their input. I understand that all of my actions  
23 involving Ukraine had the blessing of Secretary Pompeo, as my  
24 work was consistent with longstanding U.S. foreign policy  
25 objectives. Indeed, very recently, Secretary Pompeo sent me

1 a congratulatory note that I was doing great work, and he  
2 encouraged me to, quote, "keep banging away."

3 While I continue my work in Europe, here in Washington  
4 there continues to be inaccurate and unsourced speculation  
5 regarding my work in Ukraine. To be helpful as you frame  
6 your questions, let me share an outline of the facts.

7 First, as Ambassador to the EU, my Ukraine portfolio  
8 began on day one, from the very first briefing materials I  
9 received in the summer of 2018. Although it did not  
10 consistently occupy a great deal of my time, involvement in  
11 Ukraine matters was considered by the career professionals  
12 who prepared my briefing materials to be an important part of  
13 my portfolio.

14 On July 13th, 2018, just 4 days after assuming my post,  
15 I received a delegation from the Government of Ukraine at the  
16 U.S. Mission in Brussels. This meeting was sought by  
17 then-Ukraine Government, and like most meetings, was proposed  
18 and arranged by career EU Mission staff. Following those  
19 initial contacts, I attended numerous meetings in Brussels  
20 and other locations in Europe during the fall of 2018, to  
21 advance U.S. interests in Ukraine. These interests reflect a  
22 whole-of-government engagement, not just a narrow focus. We  
23 discussed economic development, energy independence, and  
24 security concerns regarding Russian aggression in Ukraine.  
25 From my position in Brussels, my goal has always been to

1 facilitate and expedite the integration of Ukraine into the  
2 broader western norms of Europe and the United States.

3 To be clear, my role has been to support my colleagues  
4 in the State Department for whom Ukraine issues are a  
5 full-time job and to lend my voice when helpful. These  
6 professionals included, first and foremost, the Head of  
7 Mission, which at the start of my service was Ambassador  
8 Marie Yovanovitch, and more recently, Charge d'Affaires  
9 William Taylor and their embassy staff.

10 I worked with Ambassador Yovanovitch personally during  
11 my first official visit to Ukraine in February of 2019, and I  
12 found her to be an excellent diplomat with a deep command of  
13 Ukrainian internal dynamics, the U.S.-Ukraine relationship  
14 and associated regional issues. She was a delight to work  
15 with during our visit to Odessa, Ukraine. I was never a part  
16 of any campaign to disparage or dislodge her, and I regretted  
17 her departure.

18 Similarly, in my time working with Ambassador Taylor, I  
19 have found him to be an insightful, strategic, and effective  
20 representative of U.S. interests. He cares deeply about the  
21 future of Ukraine and is a dedicated public servant. The  
22 Ukraine Mission worked hand-in-hand with Special Envoy Kurt  
23 Volker, another experienced diplomat, with a special remit to  
24 address the ongoing conflict in Eastern Ukraine and Crimea.  
25 Mr. Volker was an exemplary professional.

1           I viewed my role as adding value to the broader efforts  
2 of the Ukraine team through my engagements with high level  
3 leadership in Brussels and Washington. During my first  
4 official trip to Ukraine on February 26th, 2019, I traveled  
5 to Odessa with Special Envoy Kurt Volker, former EU Deputy  
6 Secretary General Jean Christophe-Belliard, a representative  
7 of the Romanian EU presidency, and many other officials.  
8 Joined by Ambassador Yovanovitch, U.S. Navy Commander Matthew  
9 Powell, and many others, we met with then-Ukraine President  
10 Poroshenko on the U.S. Navy ship Donald J. Cook. This visit  
11 demonstrated the U.S. military's commitment to Ukraine, and  
12 furthered our broader agenda of aligning with our EU partners  
13 to counterbalance Russian influence in the region. This  
14 visit followed on the heels of a congressional delegation to  
15 Brussels led by Speaker Pelosi. This delegation met with me  
16 and senior EU leadership.

17           In these meetings in Brussels and Odessa, as in nearly  
18 every meeting in which Ukraine issues were discussed,  
19 corruption and rule of law were central topics of  
20 conversation. Corruption poses challenges to the legitimacy  
21 and stability of government. Corruption is also an economic  
22 issue. Successive Ukrainian governments have sought to  
23 attract Western investors as a counterbalance to Russian  
24 interference and oligarch control of key Ukrainian companies.  
25 Western investment is fully in the strategic interest of the

1 United States and our EU partners. However, efforts to  
2 access private markets have been made extremely difficult by  
3 the longstanding corruption.

4 As one example, we frequently had conversations with  
5 Ukrainian leaders about transparency and corporate governance  
6 issues involving Naftogaz. In my experience, those issues  
7 have been the constant context in which both my team and our  
8 Ukraine counterparts have raised corruption problems for many  
9 years. We have received very positive feedback from the NSC  
10 regarding our joint efforts to address these challenges in  
11 Ukraine.

12 On April 24th, 2019, Volodymyr Zelensky was elected  
13 President of Ukraine, beating incumbent President Petro  
14 Poroshenko with nearly 73 percent of the vote. This was a  
15 momentous event in Ukraine, political history, and for the  
16 overall U.S.-Ukraine relationship.

17 On May 20th, 2019, given the significance of this  
18 election, I attended the inauguration of President Zelensky  
19 as part of the U.S. delegation led by U.S. Energy Secretary  
20 Rick Perry, along with Senator Ron Johnson, Special Envoy  
21 Volker, and Mr. Alex Vindman from the NSC. During this  
22 visit, we developed positive views of the new Ukraine  
23 President and his desire to promote a stronger relationship  
24 between Kyiv and Washington, to make reforms necessary to  
25 attract Western economic investment, and to address Ukraine's

1 well-known and longstanding corruption issues.

2 On May 23rd, 2019, 3 days after the Zelensky  
3 inauguration, we were in the -- we, in the U.S. delegation,  
4 briefed President Trump and key aides at the White House. We  
5 emphasized the strategic importance of Ukraine and the  
6 strengthening relationship with President Zelensky, a  
7 reformer who received a strong mandate from the Ukrainian  
8 people to fight corruption and pursue greater economic  
9 prosperity. We asked the White House to arrange a working  
10 phone call from President Trump and a working Oval Office  
11 visit.

12 However, President Trump was skeptical that Ukraine was  
13 serious about reforms and anti-corruption, and he directed  
14 those of us present at the meeting to talk to Mr. Giuliani,  
15 his personal attorney about his concerns.

16 It was apparent to all of us that the key to changing  
17 the President's mind on Ukraine was Mr. Giuliani. It is my  
18 understanding that Energy Secretary Perry and Special Envoy  
19 Volker took the lead on reaching out to Mr. Giuliani as the  
20 President had directed.

21 Indeed, Secretary Perry, Ambassador Volker, and I were  
22 disappointed by our May 23rd, 2019, White House debriefings.  
23 We strongly believe that a call and a White House meeting  
24 between Presidents Trump and Zelensky was important, and that  
25 these should be scheduled promptly and without preconditions.

1           We were also disappointed by the President's direction  
2           that we involve Mr. Giuliani. Our view was that the men and  
3           women of the State Department, not the President's personal  
4           lawyer, should take responsibility for all aspects of U.S.  
5           foreign policy towards Ukraine. However, based on the  
6           President's direction we were faced with a choice. We could  
7           abandon the goal of a White House meeting for President  
8           Zelensky, which we all believed was crucial to strengthening  
9           U.S.-Ukrainian ties and furthering long-held U.S. foreign  
10          policy goals in the region, or we could do as President Trump  
11          directed and talk to Mr. Giuliani to address the President's  
12          concerns. We chose the later path -- excuse me, we chose the  
13          latter path, which seemed to all of us, Secretary Perry,  
14          Ambassador Volker, and myself, to be the better alternative.  
15          But I did not understand until much later that Mr. Giuliani's  
16          agenda might have also included an effort to prompt the  
17          Ukrainians to investigate Vice President Biden or his son, or  
18          to involve Ukrainians directly or indirectly in the  
19          President's 2020 reelection campaign.

20          Following my return to Brussels, and continuing my focus  
21          on stronger U.S.-EU ties, my Mission hosted a U.S.  
22          Independence Day event on June 4th, 2019, 1 month early.  
23          Despite press reports, this event was planned months in  
24          advance, and involved approximately 700 guests from  
25          government, the diplomatic corps, the media, business, and

1 civil society. The night featured remarks by the Ambassador  
2 and High Representative of the European Union for Foreign  
3 Affairs. Following the main event, we hosted a smaller  
4 separate dinner party for about 30 people. President  
5 Zelensky and several other leaders of EU and non-EU member  
6 states attended the dinner, along with Secretary Perry,  
7 U.S. State Department Counselor Brechbuhl on behalf of  
8 Secretary Pompeo, and numerous other key U.S. and EU  
9 officials. Though long-planned in advance with the focus on  
10 improving Trans-Atlantic relations, we also viewed this event  
11 as an opportunity to present President Zelensky to various EU  
12 and U.S. officials and to build upon the enhanced government  
13 ties. The event was very well received, and contrary to some  
14 reporting, Bono did not attend or perform.

15 During a trip to Washington on July 10th, 2019, with the  
16 express, advance invitation of Ambassador Bolton, I joined  
17 White House meetings between representatives of Ukraine  
18 National Security and Defense, with U.S. NSC officials,  
19 including Ambassador Bolton, along with Secretary Perry, and  
20 Ambassador Volker. I understood following the meeting, as  
21 reflected in the summary of a phone call the next day between  
22 Secretary Perry and Ambassador Bolton, that there was a  
23 difference of opinion between Secretary Perry, Ambassador  
24 Volker, and myself, on the one hand, and the NSC on the  
25 other. We three favored promptly scheduling a call and

1 meeting between Presidents Trump and Zelensky; the NSC did  
2 not.

3 But if Ambassador Bolton, Dr. Hill, or others harbored  
4 any misgivings about the propriety of what we were doing,  
5 they never shared those misgivings with me, then or later.  
6 We had regular communications with the NSC about Ukraine,  
7 both before and after the July meeting. And neither  
8 Ambassador Bolton, Dr. Hill, or anyone else on the NSC staff  
9 ever expressed any concerns to me about our efforts, any  
10 complaints about coordination between State and the NSC, or  
11 most importantly, any concerns that we were acting  
12 improperly.

13 Furthermore, my boss, Secretary Pompeo, was very  
14 supportive of our Ukraine strategy. After a series of  
15 delays, on July 25, 2019, President Trump called President  
16 Zelensky to congratulate him on recently concluded Ukraine  
17 parliamentary elections, which, in Ukraine, are separate from  
18 the presidential elections. This was an important call, and  
19 I was pleased to hear that it occurred. But let me  
20 emphasize, I was not on that July 25th, 2019, call, and I did  
21 not see a transcript of that call until September 25th, 2019,  
22 when the White House publicly released it. None of the brief  
23 and general call summaries I received contained any mention  
24 of Burisma or former Vice President Biden, nor even suggested  
25 that President Trump had made any kind of request of

1 President Zelensky. I heard afterwards that the July 25th,  
2 2019, call went well in solidifying a relationship between  
3 the two leaders.

4 On July 26th, Special Envoy Volker and I, along with  
5 others, met with President Zelensky in Kyiv, Ukraine. This  
6 was a significant bilateral meeting involving large teams  
7 from the United States and Ukraine that had been planned by  
8 Special Envoy Volker's team weeks in advance. It was planned  
9 weeks in advance, and was not, in any way, tied to the  
10 July 25th, 2019, White House call.

11 I was invited to this meeting in early July. Indeed, as  
12 we planned the Kyiv meeting, we did not know when or even if  
13 the White House call would occur. During this July 26th  
14 meeting in Kyiv, we were able to promote further engagement,  
15 including discussions about a future Zelensky visit to the  
16 White House. I do recall a brief discussion with President  
17 Trump before my visit to Kyiv. The call was very short,  
18 nonsubstantive, and did not encompass any of the substance of  
19 the July 25, 2019 White House call with President Zelensky.

20 Finally, the White House and the NSC invited me to the  
21 United Nations for the first face-to-face meetings between  
22 Presidents Trump and Zelensky in New York City, which I  
23 attended on September 25, 2019. This was a positive meeting,  
24 and I'm pleased that the leaders were able to meet for the  
25 first time face-to-face.

1           Given the various misstatements in the press, I want to  
2           take this time to clarify several issues, including questions  
3           involving the Ukraine public statement, the involvement of  
4           former Mayor Giuliani, and other alleged issues. First, I  
5           knew that a public embrace of anti-corruption reforms by  
6           Ukraine was one of the preconditions for securing a White  
7           House meeting with President Zelensky. My view was, and has  
8           always been, that such Western reforms are consistent with  
9           U.S. support for rule of law in Ukraine, going back decades  
10          under both Republican and Democrat administrations. Nothing  
11          about that request raised any red flags for me, Ambassador  
12          Volker, or Ambassador Taylor.

13          Consequently, I supported the efforts of Ambassador  
14          Volker to encourage the Ukrainian Government to adopt the  
15          public statement setting out its reform priorities. My  
16          recollection is that the statement was written primarily by  
17          the Ukrainians, with Ambassador Volker's guidance, and I  
18          offered my assistance when asked. This was the, quote,  
19          "deliverable," closed quote, referenced in some of my  
20          messages. A deliverable public statement that President  
21          Trump wanted to see or hear before a White House meeting  
22          could occur. The fact that we were working on this public  
23          statement was no secret.

24          More broadly, such public statements are a common and  
25          necessary part of U.S. diplomacy. Requesting that parties

1 align their public messaging in advance of any important  
2 leadership meeting is a routine way to leverage the power of  
3 a face-to-face exchange.

4 Second, there has been much press speculation about my  
5 own interactions with former Mayor Rudy Giuliani. And this  
6 is important. To the best of my recollection, I met  
7 Mr. Giuliani in person only once, at a reception at which I  
8 briefly shook his hand in 2016, almost 2 years before I  
9 became an Ambassador. This was before I became Ambassador to  
10 the EU.

11 In contrast, during my time as Ambassador, I do not  
12 recall ever having met with Mr. Giuliani in person. And I  
13 only spoke with him a few times. Ambassador Volker  
14 introduced me to Mr. Giuliani electronically. My best  
15 recollection is that I spoke with Mr. Giuliani for the first  
16 time in early August of 2019, which was after the  
17 congratulatory phone call from President Trump on July 25th  
18 and after the bilateral meeting with President Zelensky on  
19 July 26th. My recollection is that Mr. Giuliani and I spoke  
20 no more than 2 or 3 times by phone for about a few minutes  
21 each time.

22 As I stated earlier, I understood from President Trump,  
23 at the May 23rd White House debriefing, that he wanted the  
24 inaugural delegation to talk with Mr. Giuliani concerning our  
25 efforts to arrange a White House meeting for President

1 Zelensky. Taking directions from the President, as I must, I  
2 spoke with Mr. Giuliani for that limited purpose. In these  
3 short conversations, Mr. Giuliani emphasized that the  
4 President wanted a public statement from President Zelensky  
5 committing Ukraine to look into anti-corruption issues.

6 Mr. Giuliani specifically mentioned the 2016 election,  
7 including the DNC server, and Burisma as two anticorruption  
8 investigatory topics of importance for the President. Let me  
9 be clear. Let me be clear: Mr. Giuliani does not work for  
10 me or for my Mission, and I do not know what official or  
11 unofficial role, if any, he has with the State Department.  
12 To my knowledge, he is one of the President's personal  
13 lawyers.

14 However, my understanding was that the President  
15 directed Mr. Giuliani's participation, and that Mr. Giuliani  
16 was expressing the concerns of the President, and that  
17 Mr. Giuliani had already spoken with Secretary Perry and  
18 Ambassador Volker. Ten weeks after the President, on  
19 May 23rd, directed the inaugural delegation to talk with  
20 Mr. Giuliani, I had my first phone conversations with him in  
21 early August of 2019. I listened to Mr. Giuliani's concerns.  
22 My goal was to keep the focus on Ukraine and the strengthened  
23 relationship with the United States.

24 As an aside, please know that I would have not  
25 recommended that Mr. Giuliani, or any private citizen for

1 that matter, be involved in these foreign policy matters.  
2 However, given the President's explicit direction, as well as  
3 the importance we attached to arranging a White House meeting  
4 between Presidents Trump and Zelensky, we agreed to do as  
5 President Trump directed.

6 Third, given many inaccurate press reports, let me be  
7 clear about the following: I do not recall that Mr. Giuliani  
8 discussed former Vice President Biden or his son, Hunter  
9 Biden, with me. Like many of you, I read the transcript of  
10 the Trump-Zelensky call for the first time when it was  
11 released publicly by the White House on September 25th, 2019.

12 Although Mr. Giuliani did mention the name Burisma in  
13 August of 2019, I understood that Burisma was one of many  
14 examples of Ukrainian companies run by oligarchs and lacking  
15 the type of corporate governance structures found in Western  
16 companies. I did not know until more recent press reports  
17 that Hunter Biden was on the board of Burisma. Again, I  
18 recall no discussions with any State Department or White  
19 House official about former Vice President Biden or his son.  
20 Nor do I recall taking part in any effort to encourage an  
21 investigation into the Bidens.

22 I worked hard to keep the National Security Council,  
23 including Ambassador Bolton and Dr. Hill, apprised of our  
24 Ukrainian efforts. In fact, sometime in June of 2019,  
25 Secretary Perry organized a conference call with Ambassador

1 Bolton, Ambassador Volker, myself, and others. We went over  
2 the entire Ukraine strategy with Ambassador Bolton, who  
3 agreed with the strategy and signed off on it. Indeed, over  
4 the spring and summer of 2019, I received nothing but cordial  
5 responses from Ambassador Bolton and Dr. Hill. Nothing was  
6 ever raised to me about any concerns regarding our Ukrainian  
7 policy.

8 While I have not seen Dr. Hill's testimony, I am  
9 surprised and disappointed by the media reports of her  
10 critical comments. To put it clearly, neither she nor  
11 Ambassador Bolton shared any critical comments with me, even  
12 after our July 10th, 2019 White House meeting. So I have to  
13 view her testimony, if the media reports are accurate, as the  
14 product of hindsight and in the context of the widely known  
15 tensions between the National Security Council on one hand,  
16 and the State Department on the other hand, which had  
17 ultimate responsibility for executing U.S. policy overseas.

18 Again, I took my direction from Secretary Pompeo and  
19 have had his consistent support in dealing with our Nation's  
20 most sensitive secrets, even to this very day.

21 Fifth, certainly media outlets have misinterpreted my  
22 text messages where I say, stop texting or call me. Any  
23 implications that I was trying to avoid making a record of  
24 our conversation is completely false. In my view, diplomacy  
25 is handled best through back-and-forth conversation. The

1 complexity of international relations cannot be adequately  
2 expressed in cryptic text messages. I simply prefer to talk  
3 rather than text. I do this all the time with family,  
4 friends, and former business associates, that is how I most  
5 effectively get things done. My text messages comments were  
6 an invitation to talk more, not to conceal the substance of  
7 our communications.

8 Sixth, to the best of my recollection. I do not recall  
9 any discussions with the White House on withholding U.S.  
10 security assistance from Ukraine in return for assistance  
11 with the President's 2020 reelection campaign. I recall that  
12 in late July 2019, Ambassadors Volker, Taylor, and I  
13 exchanged emails in which we all agreed that President  
14 Zelensky should have no involvement in 2020 U.S. presidential  
15 election politics.

16 At the same time, we believed strongly that U.S.  
17 security assistance should not be withheld. Acting Charge  
18 William Taylor raised concerns about the possibility that the  
19 Ukrainians could perceive a linkage between U.S. security  
20 assistance and the President's 2020 reelection campaign.  
21 Taking the issue seriously and given the many versions of  
22 speculation that have circulated about the security aid, I  
23 called President Trump directly. I asked the President, what  
24 do you want from Ukraine? The President responded, nothing.  
25 There is no quid pro. The President repeated, no quid pro.

1 No quid pro quo multiple times. This was a very short call.  
2 And I recall that the President was really in a bad mood.

3 I tried hard to address Ambassador Taylor's concerns  
4 because he is valuable and effective diplomat, and I took  
5 very seriously the issues he raised. I did not want  
6 Ambassador Taylor to leave his post and generate even more  
7 turnover in the Ukraine Mission. I further encouraged  
8 Ambassador Taylor to contact Secretary Pompeo, as I followed  
9 up as far as I could go. As you have seen in the press, my  
10 contemporaneous messages support this recollection.

11 Let me state clearly, inviting a foreign government to  
12 undertake investigations for the purpose of influencing an  
13 upcoming U.S. election would be wrong. Withholding foreign  
14 aid in order to pressure a foreign government to take such  
15 steps would be wrong. I did not and would not ever  
16 participate in such undertakings. In my opinion, security  
17 aid to Ukraine was in our vital national interest and should  
18 not have been delayed for any reason.

19 Simply put, my goal has always been to advance U.S.  
20 interest in securing a strong relationship with Ukraine. I  
21 continue to see our relationship with President Zelensky as  
22 having great importance to national security, and I continue  
23 to work to strengthen our ties, advance our mutual interests,  
24 and secure a stable prosperous Ukraine for future  
25 generations.

1 I will end my remarks the way I began. Ukraine is not a  
2 dirty word. Ukraine is a fragile democracy fighting against  
3 a brutal and unscrupulous Russian neighbor. A strong Ukraine  
4 helps us to uphold the norms that maintain stability and  
5 promote prosperity around the world. It remains an honor to  
6 serve to people of the United States as their Ambassador to  
7 the European Union. I look forward to going back to work  
8 tomorrow to advance the interests of the United States of  
9 America. Thank you.

10 THE CHAIRMAN: Thank you for your opening statement.  
11 Mr. Goldman, you're recognized to begin an hour of  
12 questioning.

13 MR. GOLDMAN: Thank you, Mr. Chairman.

14 EXAMINATION

15 BY MR. GOLDMAN:

16 Q Ambassador Sondland, you mentioned, throughout your  
17 opening statement, false or misleading press reports. Now,  
18 no one would say that Congress is a steel trap when it comes  
19 to information that may or may not be leaked, but it's very  
20 hard to leak testimony that has not yet been given.

21 So I'm curious as to where you think the numerous press  
22 reports about your upcoming testimony came from over the past  
23 week?

24 A I don't know.

25 Q You did not speak with the press at all?

1           A     I personally did not speak to the press.

2           Q     Did you speak to anyone else who you knew would be  
3 speaking to the press?

4           A     I spoke with my lawyers.

5           Q     I understand that, but how about anybody else?

6           A     No.

7           Q     How about from the date that you received the  
8 notice to come and testify before Congress. I want to ask  
9 you a few questions in terms of your preparation. Did you  
10 speak with President Trump at all about your testimony prior  
11 to coming here today?

12          A     I saw President Trump at a reception for Finnish  
13 President Niinisto. I ran into him in the cross hallway at  
14 the White House. I said, I've been asked to come in and  
15 testify. And there were a lot of people around. He said,  
16 good, go tell the truth. That was the extent of our  
17 conversation.

18          Q     How about Chief of Staff Mick Mulvaney?

19          A     No.

20          Q     Anyone else in the White House counsel's office?

21          A     I had a brief conversation with the White House  
22 counsel's office when the whistleblower's report came out  
23 mentioning my name, and the White House counsel's office  
24 reached me, I was in New York at the United Nation  
25 Trans-Atlantic dinner. I stepped out of the meeting to take

1 the call, and I believe we had a short, fairly  
2 nonsubstantive, 3-, 4-, 5-minute conversation. They wanted  
3 me to come in for an interview, and I declined until I spoke  
4 to my counsel, and I never did give that interview.

5 Q Do you know what date that dinner was?

6 A No, but I can --

7 Q It was in New York during the General Assembly?

8 A Yes.

9 Q Do you know if it was before the transcript of the  
10 call record had been released?

11 A I don't.

12 Q And how about before the whistleblower complaint  
13 was publicly released?

14 A I think the White House counsel, one of the White  
15 House counsel said it was about to be released, or it was  
16 imminent, and my name was in it.

17 Q Who --

18 A The real purpose of the call was they wanted me to  
19 come in and do an interview with them.

20 Q What was the purpose of the interview?

21 A I don't know. They asked for an interview, and I  
22 did not agree to an interview until I had spoken with  
23 counsel, my own counsel.

24 Q Who did you speak to at the White House counsel's  
25 office?

1           A     I believe it was Michael Purpura (ph).

2           Q     And did he tell you what the purpose of the  
3 interview was?

4           A     To go over my recollections and testimony.

5           Q     Okay. Did you discuss your testimony here today  
6 with Secretary Pompeo?

7           A     I did not.

8           Q     Ulrich Brechbuhl?

9           A     No.

10          Q     Anyone at the State Department's legal advisor's  
11 office?

12          A     No.

13          Q     How about Ambassador Volker?

14          A     I spoke with Ambassador Volker shortly after he  
15 resigned and wished him well, and I asked him one question.  
16 Have I ever met Rudy Giuliani? And he said, not with me  
17 present you haven't. And I said, thank you. That was the  
18 only conversation I had with him.

19          Q     Why did you ask him if he knew whether you had met  
20 someone?

21          A     Because that would have been the only context in  
22 which I would have met Mr. Giuliani would have been with him.

23          Q     It would have been with him?

24          A     Correct.

25          Q     You never would have tried to organize a meeting on

1 your own with Rudy Giuliani?

2 A No, we never had a meeting.

3 Q I understand that. But you would have never tried  
4 to organize a meeting with Rudy Giuliani without Kurt Volker?

5 A Let me see if I understand your question. Would I  
6 have had a meeting with Rudy Giuliani one-on-one?

7 Q Yes.

8 A It would have probably served no purpose, since  
9 Ambassador Volker and I were working together on this  
10 project, although he did have meetings with Rudy Giuliani  
11 without me.

12 Q And your testimony is that you never tried to  
13 organize a meeting with Rudy Giuliani directly with Mr.  
14 Giuliani?

15 A I think I may have texted Mr. Giuliani, and said,  
16 can we get together? And we missed, we never were able to  
17 organize anything. We never met.

18 Q Okay. Did you speak with Ambassador Taylor about  
19 your testimony?

20 A No.

21 Q How about Secretary Perry?

22 A I have spoken with Secretary Perry on several  
23 occasions relating to non-Ukraine business, and I did ask  
24 Secretary Perry to refresh my memory about a couple of  
25 meetings. Yes.

1           Q     And can you describe what meetings you asked him to  
2 refresh your memory about?

3           A     The meeting that was apparently described in the  
4 media by Dr. Hill where she said there was a bad meeting at  
5 the White House, or something to the effect that the meeting  
6 was abruptly terminated, and he said, I don't remember  
7 anything of the kind. I thought it was a great meeting and  
8 we all left happy.

9           Q     So in response media reports about Dr. Hill's  
10 testimony, you reached out to Secretary Perry to have a  
11 discussion?

12          A     I did.

13          Q     So when was that, yesterday?

14          A     I spoke with him yesterday, and I spoke with him  
15 about 3 or 4 days ago.

16          Q     What else did you discuss with him yesterday?

17          A     We have an upcoming conference. My real reason for  
18 talking to him was really about the conference on Sunday in  
19 Brussels.

20          Q     How about related to your testimony or potential  
21 testimony, what else did you discuss with him?

22          A     No, I only asked him if he recalled anything about  
23 that meeting being abruptly terminated or bad or any bad  
24 words, and he said nothing of the kind.

25          Q     Are you referring to the July 10th meeting in the

1 White House?

2 A Correct.

3 Q And did you think it was appropriate to call  
4 Secretary Perry, who's obviously another potential witness,  
5 the day before your testimony to, quote, "refresh your  
6 recollection," unquote?

7 A I didn't think it was inappropriate.

8 Q Do you understand that that may have the appearance  
9 of trying to line up your testimony with Secretary Perry?

10 A I wanted to refresh my memory.

11 Q Did you consult your lawyer before you called  
12 Secretary Perry?

13 A I did.

14 Q And without -- okay. And you told your lawyer  
15 before you called Secretary Perry that you were going to call  
16 him to refresh your recollection?

17 A I did.

18 Q And I won't ask you about those conversations since  
19 I understand that they are protected. Did you ask about any  
20 other media reports about Dr. Hill's testimony or Ambassador  
21 Volker's testimony to Secretary Perry?

22 A Not that I can recall.

23 Q So it was just that July 10th meeting that you were  
24 concerned about?

25 A I believe so, yeah.

1 Q Did you read The Wall Street Journal article  
2 yesterday about an extensive interview with Secretary Perry?

3 A I did.

4 Q Did that help refresh your recollection as to what  
5 occurred around May 23rd?

6 A It was consistent with my statement that I gave.  
7 It really was quite harmonized with my statement, and not  
8 because they were harmonized, but because that's what  
9 happened.

10 Q So you didn't need to refresh your recollection  
11 about the May 23rd meeting, just the July 10th meeting?

12 A Correct. Because Dr. Hill's testimony was so -- at  
13 least as it was reported, was so contrary to any recollection  
14 I had, I thought I must have slept through something and  
15 missed something. If someone said that a meeting was  
16 abruptly terminated and that angry words were used, when, in  
17 fact, we had a great meeting, we all tweeted about it  
18 afterwards, and that was that.

19 Q Was it a perfect meeting?

20 A I wouldn't call it a perfect meeting.

21 Q Are you aware --

22 A I got the joke. It took me a minute.

23 Q Are you aware of any efforts by Secretary Pompeo or  
24 others at the State Department to try to stop you from  
25 testifying here today?

1           A     I think they wanted to discourage my testimony, and  
2     I said, first of all, I wanted to testify when it was  
3     noncompulsory, and I wanted to get my story out and get it on  
4     the record. And they directed me not to appear, which is why  
5     I did not appear on the 8th. And once you issued the  
6     subpoena, again, they discouraged me from complying with the  
7     subpoena, but I decided to come in anyway.

8           Q     Did you develop an understanding as to why they  
9     were discouraging you from complying with the subpoena?

10          A     No clue because I didn't communicate with them, my  
11     counsel did.

12          Q     And how did -- did you have any conversations where  
13     anyone discouraged you from testifying?

14          A     All through counsel.

15          Q     All through counsel?

16          A     Correct.

17          Q     Did you have any conversations with anyone else  
18     prior to your testimony here today in order to refresh your  
19     recollection?

20          A     I don't recall any. I don't, other than just press  
21     reports and my own recollections.

22          Q     No one at the White House -- no one else at the  
23     White House?

24          A     Counsel has had conversations with the White House,  
25     I've had none.

1           Q     Were you relayed information from the White House  
2 through counsel, not saying what that is?

3           A     No. No. No. And I have not met with White House  
4 counsel either.

5           Q     Did you read an article published yesterday in The  
6 Washington Examiner which included extensive excerpts from  
7 Ambassador Volker's testimony?

8           A     I did not.

9           Q     One moment, please. You said you had another  
10 conversation with Secretary Perry 3 or 4 days ago. Was that  
11 before or after Dr. Hill's testimony?

12          A     I think it was before.

13          Q     And did you discuss anything with him related to  
14 the topics of your testimony here today?

15          A     I don't recall, because we talk a lot. We talk a  
16 lot about the lot of things. We're friends.

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1 [10:31 a.m.]

2 BY MR. GOLDMAN:

3 Q Okay. But -- so you don't recall whether you  
4 discussed your testimony here today?

5 A I don't recall, no, because I've had multiple  
6 conversations with him.

7 Q When I asked you whether you had discussed your  
8 testimony here today with Secretary Perry, you said 3 or 4  
9 days ago. So --

10 A Well, the Dr. Hill testimony is what I'm testifying  
11 to, the Dr. Hill piece. I don't recall when I talked to him  
12 before.

13 Q Okay. What else did you discuss with Secretary  
14 Perry about that July 10th meeting?

15 A It was very cursory. I basically repeated -- I  
16 asked him if he had seen the report. He said he hadn't. I  
17 said, there's a report out there that Dr. Hill said the  
18 meeting blew up and was abruptly terminated and that I had  
19 threatened the Ukrainians. And he said: Not any meeting I  
20 was in did that occur. And he was there, obviously, along  
21 with Ambassador Volker.

22 Q So, just so we understand, there have been a lot of  
23 media reports. What specific -- can you recount with as much  
24 specificity as possible, since he had not seen the media  
25 reports, what you relayed to him about what you had read in

1 the press?

2 A I related to him in a macro sense, bad meeting,  
3 blowup, quick termination, threatened Ukrainians. And,  
4 again, I had no recollection of that. That was what, 3, 4  
5 months ago. And I said, I recalled us all going out in the  
6 garden afterwards and all having our picture taken, along  
7 with Ambassador Bolton, and then everyone put out a friendly  
8 tweet about the meeting.

9 And they were so inconsistent, I said: What did I miss?  
10 And Ambassador -- Secretary Perry said: You missed nothing.  
11 That's what happened.

12 Q Now, you have said in the past that at some point  
13 the President, I think, gave you a special assignment related  
14 to Ukraine. What did you mean by that?

15 A I was spinning a little, to be candid.

16 THE CHAIRMAN: If I could, before we get into that.  
17 Before we move on from the conversation with Secretary Perry,  
18 in your conversation with Secretary Perry, did you or  
19 Secretary Perry bring up Burisma, as that was the subject of  
20 some of the press accounts of Dr. Hill's testimony?

21 AMBASSADOR SONDLAND: I don't believe we did. I don't  
22 recall talking about Burisma.

23 THE CHAIRMAN: Did you bring up any of the press  
24 coverage concerning the follow-on meeting in the Ward Room?

25 AMBASSADOR SONDLAND: Yes, I believe we did, because

1           there were two meetings.

2           THE CHAIRMAN: And what did you raise with Secretary  
3           Perry about the discussion of the follow-on meeting in the  
4           Ward Room on July 10th?

5           AMBASSADOR SONDLAND: I think we discussed the fact that  
6           it was a very short meeting. We agreed to disagree on  
7           whether a phone call should be made or not, and we all left.  
8           And that was the end of the conversation.

9           THE CHAIRMAN: Now, I want to make sure we're talking  
10          about the same conversation. So in your call, was it  
11          yesterday with Secretary Perry?

12          AMBASSADOR SONDLAND: Yes.

13          THE CHAIRMAN: In preparation for your testimony today,  
14          you discussed not only the meeting, the first meeting on July  
15          10th, but also the subsequent meeting in the Ward Room?

16          AMBASSADOR SONDLAND: They were really -- they were  
17          really one meeting that adjourned to another, because some  
18          people had to go and some people continued the discussion. I  
19          think that's what happened.

20          THE CHAIRMAN: As best you can tell us, what did you say  
21          to Secretary Perry, what did he say in response vis-a-vis  
22          that second meeting in the Ward Room?

23          AMBASSADOR SONDLAND: I think we both recalled that  
24          there were two meetings or one meeting that moved location,  
25          and I don't remember the rest of the conversation. I mean,

1 again, my goal in calling Secretary Perry was to find out if  
2 any of the things that I'd read in the media were -- if I had  
3 completely forgotten about bad meeting, bad words. And he  
4 said, no, he didn't remember.

5 THE CHAIRMAN: And you don't recall anything else, any  
6 of the particulars of your discussion with Secretary Perry  
7 about the Ward Room, only that you did discuss it?

8 AMBASSADOR SONDLAND: That we did discuss it and that it  
9 was also a good meeting. That's all I can recall,  
10 Congressman.

11 BY MR. GOLDMAN:

12 Q Going back to the special assignment, you said you  
13 were spinning. What do you mean by that?

14 A The Ukrainians were very concerned that they  
15 weren't getting full support. And one of the reasons that  
16 the three of us, Ambassador Volker, Secretary Perry, and  
17 myself, sort of took it upon ourselves, along with the  
18 blessing of Secretary Pompeo, to help support Ukraine during  
19 the ambassadorial transition and so on was in order to keep  
20 the Ukrainians happy and engaged with the U.S. They were  
21 getting very nervous.

22 So when I said that the President gave me the  
23 assignment, it was really the Secretary through the  
24 President, said that I could continue to work on the Ukraine  
25 matter. And Ambassador Bolton signed off on that sometime in

1 June of 2019.

2 Q When did you understand that you were supposed to  
3 take on a leadership role with Ukraine policy?

4 A I was not taking on a leadership role.

5 Q So what role --

6 A I was taking on a support role.

7 Q And who was to take on a leadership role?

8 A The Charge. He's the bilateral Ambassador. It's  
9 his full-time job. And then also Ambassador Volker, who's a  
10 Special Envoy to Ukraine.

11 Q There was a transition between Ambassador  
12 Yovanovitch and Charge Taylor, right?

13 A Correct.

14 Q Okay. So Ambassador Yovanovitch was ultimately  
15 recalled at the end of April. Do you recall that?

16 A Yes.

17 Q And left toward the middle of May. And when did  
18 Charge Taylor start?

19 A I think he started shortly thereafter. I don't  
20 recall the exact date. I wouldn't have been involved in that  
21 personnel issue.

22 Q Right. But there was no leadership in the embassy  
23 at the time of the May 20th Presidential inauguration in  
24 Ukraine, correct?

25 A I believe that is correct. I believe there was a

1 Charge there then.

2 Q So I guess I'm just trying to understand how you,  
3 along with Ambassador Volker and Secretary Perry, took on a  
4 prominent role in Ukraine policy?

5 A Well, I started with my trip in February to Odessa.  
6 The trip was pretty successful. The EU really liked it. The  
7 Ukrainians liked it. This was under President Poroshenko.  
8 And I kept that file active. I wanted to stay engaged with  
9 the Ukrainians through the election.

10 President Zelensky won. We were invited to the  
11 inauguration. I was asked to go in the delegation. So I  
12 kept engaged with Ukraine as part of a broader team. And we  
13 had people from the NSC involved. We had Volker, Taylor,  
14 Perry. A lot of people were involved.

15 Q So when you said on Ukrainian television that the  
16 President gave you a special assignment, that was not true.

17 A It wasn't untrue. Did the President call me  
18 specifically and say, "You are assigned to Ukraine"? No.  
19 Secretary Pompeo and Ambassador Bolton did. But I assumed  
20 that authority derives from the President.

21 Q What did Secretary Pompeo say to you?

22 A Secretary Pompeo said continue to work on Ukraine.

23 Q When?

24 A I don't remember the date.

25 Q Before or after the inauguration?

1           A     Continually. Keep working on Ukraine.

2           THE CHAIRMAN: If I could just follow up on that.

3           Did you ever have a conversation with another U.S.  
4     official, either in the National Security Council or the  
5     State Department, in which you were challenged on under what  
6     authority were you acting as in the special responsibility  
7     vis-a-vis Ukraine, in which you responded that on the  
8     President's authority?

9           AMBASSADOR SONDLAND: I don't recall a conversation like  
10    that, but I think that when we had our conference call with  
11    Ambassador Bolton in early June of 2019, we sort of laid out  
12    all of the things we were talking about doing vis-a-vis  
13    Ukraine until there was a permanent political-appointed  
14    Ambassador there. And Ambassador Bolton told the group on  
15    the phone he thought that was a good idea.

16          THE CHAIRMAN: So I just want to make sure I understand.  
17    Is it your testimony then that, separate and apart from the  
18    public statement you made that my colleague referenced about  
19    your responsibility for Ukraine, you never told a State  
20    Department official, national security official, or other  
21    government official that the President had given you a  
22    leadership role on Ukraine?

23          AMBASSADOR SONDLAND: I don't recall. I may have; I may  
24    not have. Again, I don't recall.

25          THE CHAIRMAN: Well, if you had said that, were you

1 telling the truth when you said that?

2 AMBASSADOR SONDLAND: I don't understand your question.

3 THE CHAIRMAN: Did you ever represent to someone that  
4 the President of the United States directly had put you in  
5 charge in any respect of Ukraine policy?

6 AMBASSADOR SONDLAND: The President of the United States  
7 can put people in charge directly or through his duly  
8 authorized subordinates, which in this case is Secretary  
9 Pompeo or Ambassador Bolton.

10 THE CHAIRMAN: But my question is, did you ever  
11 represent to another government official that the President,  
12 not the Secretary but the President, had directed that you  
13 play a leadership role in Ukraine?

14 AMBASSADOR SONDLAND: I don't remember that.

15 BY MR. GOLDMAN:

16 Q You said that Ambassador Bolton in June signed off  
17 on it.

18 A Correct.

19 Q What occurred? What do you recall about that?

20 A Well, this was Secretary Perry's call. He  
21 organized it. I participated, along with several others.  
22 And Secretary Perry, this was after the May White House  
23 meeting with President Trump where President Trump had  
24 directed that we speak with Mayor Giuliani, I think Secretary  
25 Perry just wanted to take stock of where we were and made a

1 call to Bolton, invited us all to join, and sort of reviewed  
2 and laid out what we were planning to do in terms of doing  
3 energy work, staying close to the administration in Ukraine,  
4 and various and sundry things.

5 And Ambassador Bolton essentially said: That sounds  
6 good to me, that sounds great. And I remember, you know,  
7 thinking this was a good call, everyone's on the same page.

8 Q But that sounds like what the policy issues were  
9 with Ukraine, a policy discussion, a substantive discussion  
10 about how to deal with Ukraine.

11 A Well, no, we were talking about who's on first,  
12 which persons are on first. And he agreed that the three of  
13 us should continue to be engaged.

14 Q And prior to that, had you had any discussions,  
15 either with Ambassador Bolton, anyone else on the National  
16 Security Council, about your role in Ukraine policy, given  
17 the fact that you were the EU Ambassador and Ukraine is not a  
18 part of the EU?

19 A Well, as I said in my statement, Ukraine is an  
20 important part of my portfolio, as determined by those who  
21 put all of my briefing materials together from the NSC, the  
22 desk, as well as the State Department.

23 In February, when I went to Odessa, Dr. Hill  
24 congratulated and praised me for my effort in helping support  
25 Ukraine. So I took that to mean the NSC was supportive along

1 the way.

2 Q Did you ever have any conversations with Chief of  
3 Staff Mick -- Acting Chief of Staff Mick Mulvaney about your  
4 involvement and engagement in Ukraine?

5 A No, other than there was a phone call that was  
6 originally scheduled, I believe, for earlier than when the  
7 actual call was placed. And there was a lot of  
8 back-and-forth about would the call go on, would the call not  
9 go on. And Mulvaney was on that stream of emails about  
10 whether the call would be placed or not.

11 But I don't believe I've ever even had a formal meeting  
12 with Chief Mulvaney. I've seen him in the White House. We  
13 say hello, we walk by and wave. But I've never -- I don't  
14 believe I've sat down with him for a formal meeting on any  
15 subject.

16 Q Did you ever speak to him on the phone?

17 A I may have once or twice. I don't believe it was  
18 about Ukraine.

19 Q Just generally, while we're talking about phone  
20 conversations, how frequently do you speak with President  
21 Trump?

22 A I think I've spoken with President Trump -- and  
23 this is a guess -- maybe five or six times since I've been an  
24 Ambassador. And one of those I recall was a Christmas, merry  
25 Christmas call, and it had zero substance. And I always

1 called him. He never called me.

2 Q Did you ever discuss your -- the nature of your  
3 role in Ukraine with Ambassador Taylor?

4 A Ambassador Taylor knew that we were involved,  
5 because when he came on board and we were introduced, someone  
6 had briefed him to tell him that Secretary Perry, Ambassador  
7 Volker, and myself were helping to support the Ukraine  
8 effort.

9 In two or three conversations, he was thrilled about  
10 that. He was really happy that he had such high-level  
11 support. I'm not saying myself, because he and I are  
12 essentially peers, but I'm saying a Cabinet member and the  
13 Special Envoy. And he mentioned that on those calls.

14 Q We discussed a minute ago Ambassador Yovanovitch's  
15 recall at the end of April. Did you have any knowledge or  
16 awareness of the possibility, likelihood, or fact of her  
17 recall before she was called back to Washington?

18 A I heard a lot of rumors that people were unhappy  
19 about her or with her, but beyond that, no.

20 Q What rumors did you hear?

21 A Just that stuff I read in the press and stuff that  
22 I heard around my mission and so on.

23 Q Did you speak to anybody at the State Department  
24 about her status prior to her recall?

25 A I don't recall ever having a conversation like

1 that.

2 Q Did you speak to her at all about the situation?

3 A I don't think so. No, I think -- I think the only  
4 conversations we had were when I was in Odessa and maybe a  
5 couple of phone conversations after that. I didn't work with  
6 her that much, but I found her to be very delightful to work  
7 with.

8 Q Did you -- do you recall that at the end of March  
9 there were some articles that came out that included some  
10 accusations related to her?

11 A That may have been the press I was referring to.

12 Q Do you know what press you might have read it in?

13 A I have no idea.

14 Q And you don't remember having a conversation with  
15 her after those allegations came out?

16 A I don't remember.

17 Q Do you remember giving her any advice on how to  
18 handle the situation?

19 A I don't. I don't.

20 Q You don't?

21 A No.

22 Q You don't remember suggesting that she issue a  
23 tweet in support of the President?

24 A No, I don't remember that.

25 Q So you said in your opening statement that at that

1       May 23rd meeting in the White House that the President  
2       directed you to speak to Rudy Giuliani about his concerns  
3       related to Ukraine.

4           A     He directed the delegation to speak.

5           Q     Prior to that, were you aware of Rudy Giuliani's  
6       interest in Ukraine matters?

7           A     Just what I had read for several years in the  
8       media. I don't know Mr. Giuliani, so whatever -- whatever I  
9       read in the media is what would have been my impressions.

10          Q     Okay, let's focus on that. You said several years.  
11       When -- dating back to when?

12          A     I don't know. I mean, things about Rudy Giuliani  
13       have been swirling around in the media forever. I don't know  
14       when it began or ended or --

15          Q     Okay. Well, just --

16                THE CHAIRMAN: If I could just interject. I'm sorry,  
17       Mr. Goldman. I just want to get further clarification.

18                Is it your recollection, Ambassador, that you never  
19       advised Ambassador Yovanovitch to go big, make a public  
20       statement of full-throated support of the President?

21                AMBASSADOR SONDLAND: I honestly don't recall. I  
22       honestly don't.

23                MR. GOLDMAN: Would it surprise you if someone else said  
24       that you did do that?

25                AMBASSADOR SONDLAND: Probably, yeah.

1 MR. GOLDMAN: Would it surprise you --

2 AMBASSADOR SONDLAND: I don't know that we had -- I'm  
3 trying to remember that we ever had a career conversation,  
4 because I wasn't really involved in her career. I've had  
5 career conversations with others. I don't recall having one  
6 with her.

7 THE CHAIRMAN: Do you think it would have been  
8 appropriate for an ambassador to voice personal political  
9 support for the President rather than advocate for the issues  
10 important to Ukraine?

11 AMBASSADOR SONDLAND: No, no, I think it's always more  
12 appropriate to advocate support for the country that you're  
13 assigned to, not for -- your political hat is off.

14 BY MR. GOLDMAN:

15 Q Did you ever have a discussion with the former  
16 Ukrainian President, Petro Poroshenko, about Ambassador  
17 Yovanovitch?

18 A I think we had a discussion in general with others  
19 there, and he wasn't high on her and he wasn't low on her.  
20 He was just sort of "eh."

21 Q And what did you say to him about her?

22 A I don't remember. I mean, it wasn't a remarkable  
23 conversation, as I recall.

24 Q Did you find it appropriate to have a discussion  
25 about a fellow State Department diplomat with a foreign

1 leader?

2 A Foreign leaders complain about their ambassadors  
3 all the time. That is nothing unusual. Whenever they don't  
4 get something that they want from the United States, they  
5 always blame the ambassador. I'm sure I've been blamed for  
6 many things as well.

7 Q Going back to Rudy Giuliani, and understanding that  
8 you had not had any conversations with him prior to May 23rd,  
9 and I believe it's your -- was your testimony today in your  
10 opening statement that you didn't reach out to him until  
11 August, what did you know about his public statements related  
12 to Ukraine in the earlier part of this year?

13 A I really didn't pay too much attention to his  
14 public statements about Ukraine. I was focused really on  
15 getting President Zelensky a phone call and a meeting.  
16 That's what I was focused on. That was the sum total of my  
17 effort, because I thought that would be beneficial to the  
18 United States.

19 Q When President Trump told you to -- you and the  
20 others, I understand, everyone at that meeting, and we'll get  
21 to that meeting in more detail -- but when he told you to  
22 discuss with Rudy Giuliani concerns about Ukraine, did you  
23 know at that point what he was referring to?

24 A He didn't even -- he wasn't even specific about  
25 what he wanted us to talk to Giuliani about. He just kept

1 saying: Talk to Rudy, talk to Rudy.

2 Q Right, I understand that, and I understand he  
3 wasn't specific. But when he said that, did you know what he  
4 was talking about?

5 A I didn't, other than he said: Ukraine is a  
6 problem.

7 [Majority Exhibit No. 3  
8 Was marked for identification.]

9 BY MR. GOLDMAN:

10 Q I'm going to introduce to you now what's marked as  
11 exhibit 3, which is a New York Times article from May 9th,  
12 2019. Why don't you take a close look at this and let me  
13 know if it looks familiar to you.

14 A [Reviewing.]

15 Q Is this article familiar to you?

16 A No.

17 Q You don't recall reading it around this time?

18 A No.

19 Q It says that -- just to quote a couple of passages,  
20 it says that: "Mr. Giuliani said he plans to travel to Kiev,  
21 the Ukrainian capital" -- and by the way, this is dated May  
22 9th.

23 A Right.

24 Q -- "in the coming days and wants to meet with the  
25 nation's president-elect to urge him to pursue inquiries that

1 allies of the White House contend could yield new information  
2 about two matters of intense interest to Mr. Trump. One is  
3 the origin of the special counsel's investigation into  
4 Russia's interference in the 2016 election. The other is the  
5 involvement of former Vice President Joseph R. Biden, Jr.'s  
6 son in a gas company owned by a Ukrainian oligarch."

7 Then below there's a quote from Mr. Giuliani which says:  
8 "We're not meddling in an election, we're meddling in an  
9 investigation, which we have a right to do."

10 He then continues and says: "And this isn't foreign  
11 policy -- I'm asking them to do an investigation that they're  
12 doing already and that other people are telling them to stop.  
13 And I'm going to give them reasons why they shouldn't stop it  
14 because the information will be very, very helpful to my  
15 client, and may turn out to be helpful to my government."

16 Do you know who he's referring to when he says "my  
17 client"?

18 A No idea.

19 Q You have no idea?

20 A I mean, I assume it's the President if he's the  
21 President's lawyer, but I have no idea.

22 Q You knew he was the President's lawyer?

23 A I haven't seen this article until you --

24 Q That's not what I asked. You knew he was the  
25 President's lawyer?

1           A     I knew he was the President's lawyer.

2           Q     On the next page, it says that: "He said his  
3     efforts in Ukraine have the full support of Mr. Trump. He  
4     declined to say specifically whether he had briefed him on  
5     the planned meeting with Mr. Zelensky, but added, quote, 'He  
6     basically knows what I'm doing, sure, as his lawyer,'"  
7     unquote.

8           So you were aware, of course, that Mr. Giuliani was Mr.  
9     Trump's personal lawyer, right?

10          A     Based on press reports, yes. The President has  
11     never told me: Mr. Giuliani is my lawyer.

12          Q     Okay.

13          A     Okay?

14          Q     Have you ever --

15          A     And Mr. Giuliani has never told me he was the  
16     President's lawyer directly.

17          Q     Right. But Mr. Giuliani has a habit of speaking a  
18     lot in the media --

19          A     Right.

20          Q     -- and saying repeatedly that he's the President's  
21     lawyer. You've seen -- even if you haven't had a direct  
22     conversation, you're aware that --

23          A     I'm generally aware that that's what he's been  
24     saying, correct.

25          Q     Okay. And so you didn't read this article, you

1       said. Is that right?

2           A     Correct.

3           Q     After Mr. Trump -- and were you aware of any other  
4       public statements that Mr. Giuliani had been saying about  
5       Ukraine --

6           A     No.

7           Q     -- in connection to any of these investigations?

8           A     No.

9           Q     So just so we're clear, Ukraine took on a  
10      significant part of your portfolio. Is that right?

11          A     No. As I said, I have 28 countries that I'm  
12      dealing with in the EU. I'm dealing with Venezuela. I'm  
13      dealing with Iran. I'm dealing with Georgia. Ukraine was a  
14      small piece of it. But I wanted to stay engaged with Ukraine  
15      because I thought it was important.

16          Q     All right. I won't characterize it. How would you  
17      characterize your role in Ukraine policy for the State  
18      Department?

19          A     As helpful support to those who are charged with  
20      dealing with it on a full-time basis.

21          Q     Okay. And as someone who's trying to be helpfully  
22      supportive, would you say that it's part of your role to  
23      understand what is going on with U.S. policy and the  
24      public -- in the public media about Ukraine?

25          A     Probably, but I can't read everything. I can't

1 read everything. I've got, as I said, I have 28 countries.

2 Q I think in your opening statement you said that  
3 Ukraine was central to your ambassadorial responsibilities,  
4 right?

5 A No, I think I said -- let me refer to my statement.

6 Q You can go to page 3. It's the fifth line from the  
7 bottom.

8 A "While a small part of my overall portfolio, it was  
9 nevertheless central to my ambassadorial responsibilities."  
10 Yeah.

11 Q And so, given that it's a central role for your  
12 ambassador responsibilities, you didn't think it was  
13 important to understand what the United States media was  
14 saying about Ukraine?

15 A As I said, my objective was to get President  
16 Zelensky a meeting at the White House. That was my  
17 objective.

18 Q That wasn't my question. My question was, did you  
19 think it was part of your central responsibilities over  
20 Ukraine to be aware of what press reports in the United  
21 States media were saying about Ukraine policy?

22 A I think it was more the job of the Charge or the  
23 Ambassador to Ukraine and the Special Envoy. You had two  
24 full-time people on Ukraine.

25 Q Okay. So what was -- so your only objective was to

1 get a meeting. You didn't care about what other people were  
2 saying?

3 A My objective was to get a meeting, because I  
4 thought that that would begin to solidify the relationship  
5 between Ukraine and the United States, which would then help  
6 me bring the EU to the table, because my number one  
7 responsibility is our relationship with the European Union.

8 Q All right. So let's assume that you didn't know  
9 anything about what Rudy Giuliani was saying before May 23rd,  
10 when you had the meeting at the White House. After President  
11 Trump suggested that you and Ambassador Volker and Secretary  
12 Perry speak to Rudy Giuliani about his concerns in Ukraine,  
13 did you do anything to figure out what those concerns were?

14 A No. I let the others work on it and I went back  
15 and worked on other things, because Volker and Perry were the  
16 ones who reached out to Giuliani.

17 Q Okay. That wasn't my question. My question is not  
18 whether you reached out to Mr. Giuliani. My question is  
19 whether you took it upon yourself in any way to figure out  
20 what Rudy Giuliani's concerns about Ukraine were.

21 A I got the information through Ambassador Volker,  
22 and he said that Mr. Giuliani was concerned about corruption,  
23 which we were also concerned about. So it didn't  
24 particularly raise any interesting flags with me. It was  
25 consistent with what our concern was.

1 Q So you didn't do a Google search for Rudy Giuliani  
2 Ukraine?

3 A No.

4 Q You didn't look at Rudy Giuliani's Twitter feed?

5 A No. I never followed Rudy Giuliani.

6 Q What's that?

7 A I never followed Rudy Giuliani.

8 Q Whether you followed him or not, you never looked  
9 to see what he was saying on Twitter?

10 A No.

11 Q You never looked at one of his numerous television  
12 appearances where he addressed Ukraine?

13 A I don't recall. I honestly don't recall. I  
14 wasn't -- we had our meeting. They went off to deal with  
15 Giuliani. I went back to doing my thing.

16 Q Okay. I understand you went back to doing your  
17 thing and I understand that you may not have been the point  
18 person with Mr. Giuliani, but it seems pretty incredible that  
19 given that the President directed you guys, the three of you,  
20 to address Mr. Giuliani's concerns, that you did nothing to  
21 figure out what those concerns are. Is that your testimony?

22 MR. LUSKIN: No, it's not his testimony.

23 BY MR. GOLDMAN:

24 Q Well, I'm asking the question. Is that accurate?

25 A Repeat your statement again.

1           Q     You testified that President Trump -- you testified  
2     in your opening statement that President Trump directed you  
3     and Secretary Perry and Ambassador Volker at the meeting in  
4     the White House on May 23rd to consult with -- I don't  
5     remember the exact language, we can find it -- but to consult  
6     with Mr. Rudy Giuliani about his concerns related to Ukraine.

7           A     That wasn't my testimony. My testimony was he  
8     said: Talk to Rudy.

9           Q     Let's find it.

10          THE CHAIRMAN: If I could follow up while counsel is  
11     looking for that reference, I just want to make sure that I  
12     understand the testimony. You've said that Secretary Pompeo  
13     gave you this responsibility for Ukraine, not the President  
14     but Secretary Pompeo, correct?

15          AMBASSADOR SONDLAND: Correct. And Ambassador Bolton.

16          THE CHAIRMAN: And you said that the President asked you  
17     to make sure that you satisfied Mr. Giuliani's concerns about  
18     Ukraine, or to reach out to Giuliani in the context of your  
19     work with Ukraine, or a call or meeting between the two  
20     Presidents.

21          AMBASSADOR SONDLAND: No. What the President said was  
22     the President was railing about Ukraine in the meeting at the  
23     White House, and he was going on and on and on about his  
24     dissatisfaction with Ukraine. He didn't even want to deal  
25     with it anymore. And he basically waved and said: Go talk

1 to Rudy, he knows all about Ukraine.

2 THE CHAIRMAN: Okay. So the President directs you to  
3 talk to Rudy Giuliani. And you have this responsibility of  
4 Ukraine. The President directs you to talk to Rudy Giuliani.  
5 And it's your testimony here today that you never looked at  
6 any of his TV appearances, you never read any of the  
7 articles, you never saw any of the media that Rudy Giuliani  
8 did in which Rudy Giuliani talked about his interest and the  
9 President's interest in an investigation into the Bidens and  
10 this energy company that Joe Biden's son worked for. You  
11 never saw any of that?

12 AMBASSADOR SONDLAND: Not then. Very much later, but  
13 not then.

14 THE CHAIRMAN: So it's your testimony, I think, from  
15 your opening statement and what you said just now, that up  
16 until the moment you read the call record in September you  
17 were completely oblivious to Rudy Giuliani's interest in  
18 Burisma because it involved the Bidens?

19 AMBASSADOR SONDLAND: I became aware of his interest in  
20 Burisma sometime in the intervening period, but I never made  
21 the connection between Burisma and the Bidens until the very  
22 end. That is my testimony. I heard the word "Burisma," but  
23 I didn't understand that Biden and Burisma were connected.

24 THE CHAIRMAN: You just thought that Mr. Giuliani or the  
25 President were interested in Burisma because they were

1 interested in a particular energy company having nothing to  
2 do with the Bidens?

3 AMBASSADOR SONDLAND: Well, Naftogaz was also mentioned,  
4 and that was another company that was mentioned.

5 MR. GOLDMAN: Sorry, who mentioned Naftogaz?

6 AMBASSADOR SONDLAND: I think that Naftogaz has been on  
7 the table since I started working on Ukraine. People are  
8 always talking about the problems with Naftogaz.

9 THE CHAIRMAN: Well, but Mr. Giuliani was talking about  
10 Burisma and the Bidens. And it's your testimony today you  
11 had no idea of any Biden connection to Burisma, it came as a  
12 complete revelation when you read the call record in  
13 September?

14 AMBASSADOR SONDLAND: I don't recall when I finally --  
15 when the light finally went on that Burisma and the Bidens  
16 were connected, but certainly not early on at all. I can't  
17 tell you the day that finally I said, oh, Burisma equals  
18 Biden. I have no idea when that was.

19 THE CHAIRMAN: But I think you suggested in your opening  
20 statement that you didn't know until you read the call  
21 record, and it was an epiphany that the President wasn't  
22 simply interested in this energy company -- which, by the  
23 way, he doesn't mention in the call record -- but he was  
24 really interested in an investigation involving the Bidens.

25 AMBASSADOR SONDLAND: No, I think I said that I didn't

1 know what was in the call until I saw the call record. I had  
2 no idea that he had brought up the Bidens in the call until I  
3 saw the call report.

4 THE CHAIRMAN: But I think you were also suggesting that  
5 until you read that call record -- and correct me if I'm  
6 wrong -- until you read that call record, you never put two  
7 and two together that actually Burisma involved the Bidens,  
8 correct?

9 AMBASSADOR SONDLAND: I don't recall when I finally put  
10 it together. I don't recall what the date was or the place  
11 was or the time was. I don't recall.

12 THE CHAIRMAN: But when you were interacting with the  
13 Ukrainians and seeking an investigation involving Burisma,  
14 did you know then that the real interest was the Bidens?

15 AMBASSADOR SONDLAND: I was seeking a press statement so  
16 that we could get the meeting for Zelensky to the White  
17 House. That's all I was seeking. I wasn't seeking any  
18 investigation.

19 THE CHAIRMAN: And my question is, at the time you were  
20 seeking that, did you know of the connection between the  
21 Bidens and Burisma?

22 AMBASSADOR SONDLAND: No. Because I would not -- I  
23 would not endorse investigating the Bidens. I would not  
24 endorse investigating --

25 THE CHAIRMAN: So you completely missed all the Giuliani

1 media appearances and all the public debate about the  
2 President's interest and Giuliani's interest in the Bidens,  
3 you missed all of that?

4 AMBASSADOR SONDLAND: Yeah. It wasn't of concern to me.

5 MR. GOLDMAN: At some point you did make the connection,  
6 though, right?

7 AMBASSADOR SONDLAND: Yeah.

8 MR. GOLDMAN: And now, in retrospect, you understand  
9 that that's what Rudy Giuliani was advocating for?

10 AMBASSADOR SONDLAND: Yeah, I do.

11 THE CHAIRMAN: Can I ask you this then. Had you known  
12 at the time that the interest in an investigation involving  
13 Burisma was really an interest in investigating the Bidens,  
14 would you have pressed the Ukrainians to do that  
15 investigation?

16 AMBASSADOR SONDLAND: No.

17 THE CHAIRMAN: Your answer was no?

18 AMBASSADOR SONDLAND: No.

19 [Majority Exhibit No. 4  
20 Was marked for identification.]

21 BY MR. GOLDMAN:

22 Q I just want to enter for the record exhibit 4,  
23 which is some tweets. These are some tweets from Rudy  
24 Giuliani. There's one on March 22nd where Rudy Giuliani says  
25 that should pay attention to somebody for an analysis of some

1 real collusion between Hillary, Kerry, and Biden people  
2 colluding with Ukrainian operatives to make money and affect  
3 2016 election.

4 April 23rd, quote: "Now Ukraine is investigating  
5 Hillary campaign and DNC conspiracy with foreign operatives  
6 including Ukrainian and others to affect 2016 election."

7 May 2nd, quote: "Biden conflicts are too apparent to be  
8 ignored and should be investigated quickly and  
9 expeditiously."

10 May 10th, quote: "Explain to me why Biden shouldn't be  
11 investigated if his son got millions from a Russian loving  
12 crook Ukrainian oligarch while he was VP and point man in  
13 Ukraine." It goes on.

14 Are you aware of any evidence that Ukraine was involved  
15 in any way in the 2016 election?

16 A I have no independent basis to know that, no.

17 Q What did President Trump, other than directing you  
18 three to speak to Mr. Giuliani about his, Mr. Giuliani's,  
19 concerns related to Ukraine, what else did President Trump  
20 say at that May 23rd Oval Office meeting about Ukraine?

21 A He sort of went on and on and on about how Ukraine  
22 is a disaster and they're bad people. And we were actually  
23 quite discouraged with the meeting, because we were quite  
24 excited about the new President, the new administration, the  
25 new team, and we were excited to share our findings with him,

1 and he didn't want to hear about it. And he sort of cut the  
2 meeting short.

3 Q Did he mention anything about Ukraine's involvement  
4 in the 2016 election?

5 A I think he said: They tried to take me down. He  
6 kept saying that over and over.

7 Q In connection to the 2016 election?

8 A Probably, yeah.

9 Q That was what your understanding was?

10 A That was my understanding, yeah.

11 Q What was the upshot from that meeting other than  
12 him telling you to go speak to Giuliani?

13 A I think, as my statement said, it was sort of a bad  
14 meeting, inconclusive. We didn't get a clear signal from him  
15 that he would invite Zelensky to the White House, that he  
16 would call Zelensky. It was just talk to Rudy and I'm busy.  
17 And, you know, we had come all the way to brief him about it  
18 and it was sort of disappointing.

19 Q So I think you said in your opening statement that  
20 you understood that in order to arrange this meeting with the  
21 White House you had to somehow satisfy Mr. Giuliani's  
22 concerns. Was that your takeaway?

23 A That was the takeaway, yeah.

24 Q And so did -- you said you weren't the point person  
25 with Mr. Giuliani, but did Secretary Perry or Ambassador

1 Volker reach out to Mr. Giuliani after that meeting?

2 A I believe they did. I believe Secretary Perry was  
3 the first one, because he knew him well.

4 Q How long after that meeting, do you know?

5 A I don't know.

6 Q Did you get a summary of what they discussed?

7 A I just knew in general that they were talking, but,  
8 again, I was preoccupied with other matters. I sort of  
9 flitted in and flitted out of the Ukraine file as the need,  
10 you know, arose.

11 Q Did you read Secretary Perry's summary in The Wall  
12 Street Journal yesterday?

13 A Yeah, I did, I think. Yeah.

14 Q And was he -- in that article, he said that Mr.  
15 Giuliani specifically mentioned three concerns, that he  
16 blames Ukraine for something related to the -- I think he  
17 meant the Steele dossier; he said Ukraine had Hillary  
18 Clinton's email server; and made up evidence -- and Ukraine  
19 made up evidence to use against Paul Manafort.

20 A I saw that in the article.

21 Q You saw that in the article. Did that refresh your  
22 recollection as to what Secretary Perry relayed to you about  
23 his conversation with Rudy Giuliani?

24 A I believe that the best of my recollection is that,  
25 through Ambassador Volker or through Perry -- I don't

1 remember where I got the information -- was that Rudy had  
2 some bad issues with Ukraine, and until Rudy was satisfied  
3 the President wasn't going to change his mind.

4 Q Did he explain to you what those concerns were  
5 related to Ukraine?

6 A Probably the things in the article. I don't recall  
7 exactly. There were so many conversations going on by so  
8 many people at the time, it was unbelievable.

9 Q Okay. But, Ambassador Sondland, this is not a  
10 trivial matter. You said that you were directed -- you said  
11 you wanted a White House meeting with President Zelensky,  
12 correct?

13 A Correct.

14 Q Because you supported President Zelensky?

15 A Correct.

16 Q And when you broached that topic with the  
17 President, he said that, effectively, in order to get that,  
18 you need to assuage Rudy Giuliani's concerns.

19 So Secretary Perry spoke to Rudy Giuliani?

20 A Yes.

21 Q Is that a yes?

22 A Oh, I'm sorry. Yes. Thank you.

23 Q So Secretary Perry spoke to Rudy Giuliani about his  
24 concerns, right?

25 A Yes.

1           Q     And you then had a conversation with Secretary  
2 Perry about his conversation with Rudy Giuliani about Rudy  
3 Giuliani's concerns, correct?

4           A     Well, when I say there were a lot of conversations,  
5 there were conversations going on between Secretary Perry and  
6 Ambassador Volker, between Ambassador Volker and me, between  
7 me and Secretary Perry, and sometimes the three of us. And  
8 they were handling the initial outreach and issues with  
9 Giuliani.

10          Q     I totally understand that. What I'm trying to  
11 understand is what information came back to you from either  
12 Ambassador Volker or Secretary Perry about Mr. Giuliani's  
13 concerns?

14          A     That he was concerned about corruption.

15          Q     That he was concerned broadly about corruption?

16          A     Broadly about corruption. Never heard anything but  
17 the word "corruption" initially.

18          Q     From Secretary Perry?

19          A     From one of them. I don't recall who.

20          Q     Okay.

21          A     Because, again, I haven't spoken to Giuliani until  
22 August of some time.

23          Q     So you're then --

24          A     So I'm getting it second- or thirdhand.

25          Q     I understand that.

1           A     Yeah.

2           Q     We're just trying to figure out what and when you  
3 understood about Rudy Giuliani's concerns which the President  
4 directed you to address.

5                 So it would seem to me -- and correct me if I'm wrong --  
6 that if the President of the United States directs you to do  
7 something in order to get something that you want to get done  
8 for policy reasons, that you might want to figure out what  
9 those concerns are. And so I'm trying to understand to what  
10 extent you learned what those concerns are?

11          A     The "you" is the collective you. It's the three of  
12 us.

13          Q     I understand that. You're the one testifying here  
14 today, so we are asking what your understanding is.

15          A     I wasn't on first in that conversation.

16          Q     That's not the question. I'm not saying that you  
17 got it directly from Rudy Giuliani. I'm asking you whether  
18 you understood from either Secretary Perry or Ambassador  
19 Volker what the concerns that the President directed you to  
20 address of Mr. Giuliani were, what those concerns were.

21          A     I told you, corruption. That's all I heard.

22          Q     That's all you heard?

23          A     That's all I heard.

24          Q     So when Secretary Perry describes these --

25          MR. LUSKIN: Excuse me.

1 [Discussion off the record.]

2 AMBASSADOR SONDLAND: I'm sorry, go ahead.

3 BY MR. GOLDMAN:

4 Q So when Secretary Perry describes these three  
5 things to The Wall Street Journal, you're saying that he did  
6 not relay with any specificity to you, one of the three  
7 people that the President asked to look into this?

8 A My counsel has clarified. I didn't understand your  
9 question.

10 It started with corruption. Then it was Burisma and  
11 2016 election. And then at some point in the continuum, late  
12 in the game, I connected Burisma with Biden.

13 Q Okay. So when did you connect -- when did you  
14 learn about Burisma and 2016?

15 A I believe that was somewhere in the middle. In  
16 other words, well after the May 23rd meeting, but sometime  
17 probably in July-August, where it start -- they kept putting  
18 more conditions on this meeting, and that's when I began to  
19 learn it.

20 Q All right. Right. I guess the question is, who is  
21 "they" that put these conditions on --

22 A It must have been Giuliani, because I wasn't  
23 talking to the President about it. So I was hearing this all  
24 from Volker and Perry and Perry's chief of staff, who was  
25 heavily involved in this whole --

1 Q And who's Perry's chief of staff?

2 A Brian McCormack.

3 Q And did you ever have conversations with Mick  
4 Mulvaney about this meeting?

5 A I don't believe I did.

6 Q All right. After that May 23rd meeting, did the  
7 President ultimately send a letter to President Zelensky?

8 A Yeah. That was the funny part, is that he was  
9 railing about the problems with Ukraine in our meeting, but I  
10 think shortly after that he sent essentially an unconditional  
11 invitation to President Zelensky to come visit him at the  
12 White House, subject only to scheduling.

13 Q Did you have any role in drafting that letter?

14 A None. I got a copy of it after it was sent. I was  
15 pleased to see it, though.

16 Q And you didn't have any discussions with anyone  
17 about pushing for that letter?

18 A I wanted the letter to be sent, but I didn't  
19 negotiate it. I just said, let's get a letter out.

20 Q Who did you say that to?

21 A I don't remember.

22 Q Someone at the White House?

23 A Probably Volker or Perry.

24 Q Do you know someone named Kash Patel?

25 A Who?

1 Q Kash Patel.

2 A I don't recall the name.

3 THE CHAIRMAN: Can I just for clarification. So you had  
4 no hand in drafting, editing the invitation to the Ukraine  
5 President for a visit?

6 AMBASSADOR SONDLAND: Not to the best of my  
7 recollection, no.

8 THE CHAIRMAN: Made no proposed changes to that in any  
9 way?

10 AMBASSADOR SONDLAND: No, I don't recall that. I recall  
11 seeing it after it had already gone out for the first time.

12 BY MR. GOLDMAN:

13 Q Was a draft of that letter presented to the  
14 President at the May 23rd meeting?

15 A I didn't present it. I don't know if anyone else  
16 did.

17 Q I didn't ask --

18 A I don't know.

19 Q You don't remember --

20 A I don't remember.

21 Q -- a letter being discussed?

22 A I don't remember, no. I do remember, once the  
23 letter came out, then it was -- everyone was fervently trying  
24 to negotiate a date, which we never were able to nail down.  
25 I don't know if it was sent by mail or how it was delivered.

1           Q     Do you recall having a conference call around June  
2     28th with Ambassador Volker, Ambassador Taylor, and Secretary  
3     Perry, and after you spoke to them you may have patched in  
4     President Zelensky?

5           A     I'm not saying it didn't occur. I don't remember  
6     the call, though.

7           Q     You wouldn't remember having a conversation with  
8     President Zelensky?

9           A     I've had several conversations with him, and I  
10    speak with a lot of foreign leaders from a lot of countries.  
11    It wasn't something that I can remember.

12          Q     So you don't remember that you -- whether you  
13    encouraged President Zelensky to initiate any investigations  
14    in order to get the White House meeting on that conference  
15    call?

16          A     I think the only discussion that I had in  
17    negotiating a public statement was to get a Burisma, 2016 --  
18    this was the language that was being proposed by Giuliani.

19          Q     This is in August, right?

20          A     I think so. Again, I don't remember, because there  
21    were so many things flying around, but when they kept  
22    adding -- the initial draft of a press release had no  
23    conditions. It just said corruption, per se.

24          Q     But we're not talking about August, right? And at  
25    that point, you were discussing some sort of statement that

1 President Zelensky would issue?

2 A That he would issue, and then it got shelved. It  
3 never happened.

4 Q Okay. And Mr. Giuliani was involved in the  
5 drafting of that statement?

6 A I think Mr. Giuliani was the one giving the input  
7 as to what the President wanted in the statement.

8 Q And what did Mr. Giuliani add that the President  
9 wanted?

10 A He wanted Burisma and 2016 election mentioned in  
11 the statement. And I don't believe the Ukrainians were  
12 prepared to do that.

13 MR. GOLDMAN: I believe our time is up, so we'll yield  
14 to the minority.

15 MR. CASTOR: I'm going to make an exhibit of the May  
16 29th letter.

17 THE CHAIRMAN: Would you like a short break before?  
18 Yes, why don't we take a 5- or 10-minute break.

19 [Recess.]

20 THE CHAIRMAN: All right. Let's go back on the record.  
21 One hour to the minority.

22 [Minority Exhibit No. 5  
23 Was marked for identification.]

24 MR. CASTOR: I'm going to mark exhibit 5. It's the  
25 letter May 29th from the President.

1 Do you guys need a copy?

2 MR. GOLDMAN: No, we have copies.

3 BY MR. CASTOR:

4 Q Before I get into this letter, there was some  
5 frustration about whether you had seen that New York Times  
6 article. I mean, there's a lot of media nowadays. You know,  
7 have you seen every article, every story that references Rudy  
8 Giuliani since you began your post?

9 A No. I mean, I have so many cables and other things  
10 to read, I just don't have time.

11 Q And you're not watching TV, U.S. TV at night when  
12 you're in Brussels?

13 A Sometimes.

14 Q Okay. So have you seen Rudy Giuliani on -- you  
15 know, discuss these issues on TV?

16 A I watch HBO.

17 Q Okay.

18 Did you see the John Solomon Hill article at the end of  
19 March where Giuliani was -- where Lutsenko and so forth was  
20 discussed?

21 A I think someone forwarded it to me, but I don't  
22 remember the contents.

23 Q This May 29th letter, could you walk us through  
24 what happened between the May 23rd meeting with the President  
25 and then how we got to this letter, to the extent you've got

1 personal knowledge?

2 A The letter was a little confounding to me, because  
3 it was completely inconsistent with the President's attitude  
4 at the May 23rd meeting, and then all of a sudden this letter  
5 comes out.

6 Q So you didn't have a role in drafting or editing  
7 it?

8 A I don't remember having any role other than wanting  
9 the letter to happen. But, actually, I remember getting the  
10 letter as it was forwarded to me on the White -- on the State  
11 Department email.

12 Q Was there a draft at the May 23rd meeting that was  
13 shown to the President?

14 A We never had any paperwork that I remember at the  
15 May 23rd meeting. It was just an oral meeting. Yeah.

16 Q So you don't remember the President looking at a  
17 draft letter?

18 A Not in front of me.

19 Q Or giving feedback about a draft letter?

20 A No, no. He didn't seem to want to do anything with  
21 Ukraine at the May 23rd meeting.

22 Q Okay. The penultimate paragraph, the last sentence  
23 talks about a White House meeting.

24 A Right.

25 Q So when you saw this letter, you were --

1           A     I was happy. We have a meeting.

2           Q     Did you have any conversations with any of the  
3 relevant players on the staff level about how this letter  
4 came to be?

5           A     No. All I did was I think tried to get my team at  
6 the mission -- and I don't remember who I would have  
7 tasked -- to start working on getting the meeting scheduled.

8           Q     And stepping back to the May 23rd meeting, how did  
9 that come to get scheduled?

10          A     I think that either Rick Perry or I reached out to  
11 someone at the NSC saying: Doesn't the President want a  
12 briefing about the inauguration? And I think -- I think it  
13 was Perry, if I recall correctly, that got it nailed down.

14          Q     Through NSC?

15          A     Probably. They do most of the scheduling. Yeah.

16          Q     And you were invited to participate?

17          A     I was -- yeah, the whole delegation was, although I  
18 don't think Mr. Vindman joined us in the meeting.

19          Q     Why not?

20          A     I don't know. He wasn't in the room.

21          Q     Okay. Who was in the room, to the best of your  
22 recollection?

23          A     Volker, Perry, myself, Ron Johnson. And then I  
24 don't recall if it was Bolton, Mulvaney. There were several  
25 people coming and going. The delegation was seated in front

1 of the President's desk, and people were sitting behind us on  
2 the couch and people kept coming in and out. So I don't  
3 remember who all was --

4 Q It might be good if you just walk us through from  
5 beginning to end what you do remember from that meeting, what  
6 time of the day it was, how long it lasted, just whatever you  
7 can remember.

8 A I mean, all I remember was we were all really  
9 excited about how optimistic we were about the future of  
10 Ukraine after having met with Zelensky and some of his team  
11 in Kyiv. And we wanted to share that excitement with the  
12 President, and he didn't want to hear about it. So I was  
13 pretty frustrated. I was kind of pissed, actually.

14 Q What time of the day was the meeting?

15 A I don't remember. I don't know.

16 Q And how long did it last?

17 A Pretty short. Fifteen minutes, 20 minutes maybe.

18 Q Who from the NSC was there?

19 A Bolton might have been there. I just don't  
20 remember. I know Vindman wasn't there, because I asked  
21 where's Vindman, because I had seen him in the White House.  
22 But somebody said he's not coming to the meeting. I don't  
23 know why.

24 Q Was Vindman cut out of Ukraine policy at any point  
25 in time or do you think he may have just had a conflict?

1           A     I have no idea. I have no idea.

2           Q     Your total communications with the President  
3 involving these issues have been limited, correct?

4           A     Very.

5           Q     So we had the May 23rd meeting. We had the  
6 September 9th telephone call. Have there been other --

7           A     I think I talked to him just before I left for Kyiv  
8 on the 20 -- when was the Kyiv meeting, on the 25th or 6th --

9           Q     26th.

10          A     -- of May? I mean of --

11          Q     July.

12          A     -- July.

13          Q     Right.

14          A     I think I called him and said: I'm headed to Kyiv  
15 to meet with President Zelensky and Ambassador Volker. Is  
16 there anything you want me to share? And he just -- he  
17 didn't want to discuss it. No, go. I don't why you're  
18 going.

19                You know, he was -- he'd just been down on Ukraine. It  
20 was like a nonsubstantive call.

21          Q     Okay. So on the July 25th call, he didn't ask you  
22 to talk about Burisma --

23          A     No.

24          Q     -- 2016 --

25          A     No.

1 Q -- the Bidens, anything?

2 A No. Really a short call.

3 Q Okay. So we have the -- that's three meetings or  
4 calls you can remember directly with the President on these  
5 issues?

6 A I think that's right. I think that's right.

7 Q At the May 23rd meeting, when the President said go  
8 talk to -- what did he say, go talk to Rudy or --

9 A He didn't even say go talk. He just said: Talk to  
10 Rudy. It was sort of like I don't want to talk about this.

11 Q So did you take that as -- I mean, it's been  
12 described variously as an order or an instruction. Was he  
13 giving an order or an instruction or was he just trying to --

14 A My impression was that if we never called Rudy and  
15 just left it alone that nothing would happen with Ukraine, in  
16 terms of all of the things we wanted to have happen. So I  
17 didn't take it as an order as much as an indication that if  
18 he was going to have his mind changed, that was the path.  
19 That's how I interpreted talk to Rudy.

20 Q Okay. And during that meeting, the President never  
21 mentioned any of these controversial topics, such as opening  
22 investigations?

23 A He mentioned that they tried to take me down, and  
24 he mentioned the 2016 election. That's the only thing he  
25 mentioned, yeah.

1           Q     Okay. And he didn't mention that he had an  
2     interest, a personal interest in Ukraine opening  
3     investigations?

4           A     At the meeting, no, I don't believe he did. I  
5     don't recall him mentioning that he wanted something done.  
6     He didn't want to talk about it at all.

7           Q     And at that point in time did you have any  
8     knowledge that that's what Rudy Giuliani was pushing for?

9           A     No, because -- you mean during the meeting?

10          Q     During the meeting. Well, you know, subsequent,  
11     when the President said go talk to Rudy Giuliani, did you  
12     know at that point in time, from Ambassador Volker or some  
13     other people, that Rudy Giuliani was pushing investigations,  
14     allegedly?

15          A     Not -- as of the time of the meeting, no, I didn't.  
16     I don't remember. I don't remember that. All I remember was  
17     being incredibly frustrated that we couldn't have a dialogue  
18     with the President about our findings.

19          Q     Did you know if Mr. Giuliani had an agenda at that  
20     point?

21          A     I didn't.

22          Q     So go talk to Rudy, you didn't know what you were  
23     going to hear at that point?

24          A     Correct.

25          Q     When did you first get an inkling of what Mr.

1       Giuliani was interested in?

2           A     You know, this whole thing was sort of a continuum,  
3       starting at the May 23rd meeting, ending up at the end of the  
4       line when the transcript of the call came out. And as I said  
5       to counsel, it started as talk to Rudy, then others talk to  
6       Rudy. Corruption was mentioned.

7           Then, as time went on -- and, again, I can't nail down  
8       the dates -- then let's get the Ukrainians to give a  
9       statement about corruption. And then, no, corruption isn't  
10      enough, we need to talk about the 2016 election and the  
11      Burisma investigations.

12          And it was always described to me as ongoing  
13      investigations that had been stopped by the previous  
14      administration and they wanted them started up again. That's  
15      how it was always described.

16          And then finally at some point I made the Biden-Burisma  
17      connection, and then the transcript was released. So I can't  
18      tell you on that continuum when, what dates, but that's kind  
19      of what happened.

20          Q     Okay. Do you know if anybody on the U.S. side of  
21      things had communications with the Ukrainians about opening a  
22      meritless investigation for political purposes?

23          A     I don't recall ever hearing that, no.

24

25

1 [11:46 a.m.]

2 BY MR. CASTOR:

3 Q Okay. So to the extent U.S. officials were  
4 communicating with Ukrainian officials, like who would that  
5 have been?

6 A It would have been the Charge. It would have been  
7 Ambassador Volker. It would have been Mr. Giuliani, I think  
8 had some direct communication.

9 Q Well, he wasn't a U.S. official.

10 A Okay. So you're not -- okay. And then I was  
11 involved during the negotiations of the press statement.

12 Q Okay. So you never had communications with  
13 Ukrainian officials about opening any investigations?

14 A No. My communications with Ukrainian officials had  
15 to do with the press statement.

16 Q Okay.

17 A Had to do with the language of the press statement.

18 Q Okay. And to your knowledge, did Ambassador Volker  
19 have any communications about opening actual investigations?

20 A I don't -- I don't recall ever hearing about him  
21 say that.

22 Q So he never related that to you?

23 A No, not to me that, I remember.

24 Q So what Mr. Volker's involvement in this similar to  
25 yours in that it was zeroed in on a statement?

1           A     Well, first of all, his involvement was -- this is  
2     with 100 percent of his portfolio. He was responsible for  
3     Ukraine along with the Ambassador to Ukraine. So he was  
4     working on Ukraine, I assume, 5 days a week, 8, 10 hours a  
5     day. So I don't know what he was doing day in and day out on  
6     Ukraine. I was again popping in and out trying to help when  
7     I could.

8           Q     Okay. In your discussions with Mr. Volker, did you  
9     know if he had a belief that Mr. Giuliani was amplifying a  
10    negative narrative, that he believed Mr. Giuliani's views  
11    were inaccurate?

12          A     Yeah, I don't understand that question. What do  
13    you mean by that?

14          Q     In your communications with Mr. Volker --

15          A     Right.

16          Q     -- did he communicate to you --

17          A     Yes.

18          Q     -- that he did not believe Giuliani's views of  
19    these issues was legitimate?

20          A     I think -- I can speculate here.

21          Q     Okay.

22          A     I think he was frustrated by any impediment to  
23    getting the meeting for Zelensky, particularly since the  
24    President had essentially unconditionally invited Zelensky to  
25    come to the White House in that -- in this invitation,

1 subject only to scheduling, so why are we talking about other  
2 -- putting more ornaments on the tree. That's my  
3 speculation.

4 Q Was Ambassador Volker enthusiastic about  
5 communicating with Mr. Giuliani?

6 A I don't think so.

7 Q Okay. So Mr. Giuliani's involvement here was a  
8 negative. Is that fair to say?

9 A Well, I think I've said in my statement that we  
10 would have all preferred to have the State Department handle  
11 this whole matter and not involve people outside of the State  
12 Department, because you don't know what they're doing.

13 Q But did you ever commiserate with Ambassador  
14 Volker, we've got to talk to Rudy?

15 A I may have.

16 Q And do you know if he related something similar to,  
17 we have to talk to Rudy?

18 A I think that was the -- I think that was the  
19 general impression of anyone who had to deal with Mayor  
20 Giuliani on this matter because it's not consistent with the  
21 way business is normally done.

22 Q Okay. So nobody was enthusiastic about partnering  
23 with Rudy Giuliani on this issue?

24 A Not that I can recall.

25 Q Okay. And to the extent Mr. Giuliani was pushing

1 some sort of investigation into Ukraine, yourself, Ambassador  
2 Volker, and other U.S. officials were not party to that?

3 A Sounds right.

4 Q You were looking towards a statement?

5 A We just wanted a statement to get the meeting.

6 Q And the statement was something along the lines to  
7 demonstrate that the Ukrainians were trying to turn the  
8 corner on corruption.

9 A Correct.

10 Q And that wasn't good enough at first and apparently  
11 it had to involve the Burisma and the further detail of  
12 Burisma in 2016.

13 A Correct.

14 Q In your discussions with the Ukrainians did you get  
15 a sense that they felt -- in your own personal knowledge --  
16 did you get a sense that they felt that they would actually  
17 going to be opening up any investigations or were they simply  
18 just trying to get you a statement?

19 A I would be speculating. They didn't seem offended  
20 by the ask, but I think they wanted their meeting at the  
21 White House.

22 Q Okay. And the idea that Ukraine has some struggles  
23 with corruption is not a novel concept, right?

24 A No. As I said in my statement, that was raised by  
25 the Ukrainians to me 4 days after I became an ambassador in

1 mid-'18, that they have a -- they said: We have a corruption  
2 problem.

3 Q And President Zelensky was elected overwhelmingly  
4 and he campaigned on cleaning things up, right?

5 A That was one of his, as I understand it, one of his  
6 campaign platforms.

7 Q And U.S. officials were encouraged by that. Is  
8 that correct?

9 A I certainly was.

10 Q And Ambassador Volker was?

11 A Yes.

12 Q And Secretary Perry was?

13 A I believe he was.

14 Q And Ambassador Taylor?

15 A I don't think I ever discussed it with Ambassador  
16 Taylor.

17 Q Okay.

18 A But I would imagine he would have been. I'm  
19 speculating.

20 Q But in your communications with Ambassador Taylor,  
21 did he seem to you that he was pro-Zelensky, that he was  
22 encouraged by his election and --

23 A Yeah, he seemed to like Zelensky, and he sent me a  
24 photo of he and Zelensky together standing on a balcony at a  
25 meeting together and they seemed to be having a nice

1 conversation.

2 Q And is Zelensky's interest in cleaning things up  
3 genuine, to your knowledge?

4 A That was our impression when we met with him right  
5 after the inauguration.

6 Q And one of the problems in the Ukraine of course is  
7 the oligarchs have a lot of power, they have a lot of  
8 government perks that were provided to them either -- under  
9 suspicious circumstances. Is that not correct?

10 A That's my understanding.

11 Q And the owner of Burisma is a former, you know,  
12 ecology minister. And are you familiar with the allegations  
13 that he gave himself some licenses?

14 A I just am generally aware that Burisma's considered  
15 a potentially corrupt company. I don't know the specifics.

16 Q And you're aware that it has been under  
17 investigation at various points for corruption?

18 A That's what I understood.

19 Q And the president -- the president of Burisma, this  
20 Zlochevsky fellow, is -- has been under investigation?

21 A I don't know that person, but I'll take your word  
22 for it.

23 Q Okay. And so when the discussion turned to Burisma  
24 as an example of corruption, that didn't surprise you or that  
25 didn't catch you off guard?

1           A     No. It was a new element added. It was another  
2     obstacle to getting the meeting I wanted. But it didn't  
3     surprise me.

4           Q     Did you know of any other companies that were  
5     considered corrupt or needed to be part of the --

6           A     As I mentioned in my earlier testimony, Naftogaz  
7     comes up at every conversation.

8           Q     Okay. So Burisma and Naftogaz, they were two  
9     representative samples of corruption in Ukraine?

10          A     Corruption and lack of transparency.

11          Q     Okay.

12          A     Yeah.

13          Q     When the Biden element was introduced, what was  
14     your understanding of -- what exactly did people want Ukraine  
15     to investigate the Bidens for?

16          A     I don't know.

17          Q     Okay.

18          A     I honestly don't know.

19          Q     And I say the Bidens, but were they referring  
20     mostly to Hunter Biden or don't you know?

21          A     I didn't even know who Hunter Biden was until I  
22     started reading about him in the media. I knew of Beau Biden  
23     because of his, you know, untimely passing. But I didn't --  
24     I really -- you know, I'm not a follower of the Biden family  
25     other than I had worked with the Vice President at one point,

1 his office, on a project.

2 THE CHAIRMAN: If I could just for clarification, are  
3 you asking what the Ukrainians wanted the Bidens investigated  
4 for or what the President and Giuliani wanted the Bidens  
5 investigated for?

6 MR. CASTOR: I'm just asking the witness.

7 THE CHAIRMAN: I know, but what's your question? Are  
8 you asking --

9 MR. CASTOR: If the witness doesn't understand a  
10 question he can ask me or the witness' counsel can ask me.

11 THE CHAIRMAN: Could we have the question read back?

12 [The reporter read back the record as requested.]

13 THE CHAIRMAN: I just want to make sure the witness  
14 understood who was referred to by the people.

15 AMBASSADOR SONDLAND: I did not understand that. Can  
16 you clarify the question?

17 BY MR. CASTOR:

18 Q The Giuliani element?

19 A Can you restate the whole question, please?

20 Q When you first learned that there was a component  
21 involving the Bidens --

22 A Yes.

23 Q -- and that some element led by or simply Rudy  
24 Giuliani, did you have an understanding of what exactly  
25 Giuliani was pushing in relation to the Bidens?

1 A No, I did not.

2 Q And did you ever come to understand what that was?

3 A Only very recently.

4 Q And even recently, what is your understanding of  
5 exactly what Rudy Giuliani was advocating for?

6 A Not coming from Giuliani, but coming from media  
7 reports, now that it's all out, something about Hunter Biden  
8 being paid exorbitant board fees for service on a board.

9 Q Okay.

10 A That was my understanding.

11 Q And that's the sum total of the allegations, as you  
12 understand them, regarding the Bidens?

13 A Based on what I've read in the press, yeah.

14 Q Did you know whether the Vice President Biden  
15 during his tenure had involvement with Ukraine policy?

16 A Again, I learned recently that he apparently was  
17 asked to or had asked that a special prosecutor be dismissed.  
18 Again, that revelation came out --

19 Q Okay.

20 A -- literally in the last --

21 Q So during his tenure as Vice President he took a  
22 number of trips to Ukraine. Did you know that?

23 A I did.

24 Q Okay. And he took an interest in Ukraine policy.  
25 And you learned that just recently?

1           A     I just learned that recently and I learned that  
2 Hunter Biden had traveled with him on Air Force Two.

3           Q     Okay. Closing out the May 23rd meeting, you don't  
4 really know how it was scheduled. You said that you thought  
5 that the National Security Council staff likely put it  
6 together.

7           A     [Nonverbal response.]

8           MR. GOLDMAN: Sorry, you have to say yes or no.

9           AMBASSADOR SONDLAND: Oh, I'm sorry. Correct, I don't  
10 know how exactly how it was scheduled.

11           BY MR. CASTOR:

12           Q     How did you get invited to the meeting?

13           A     Well, the purpose of the meeting was to have the  
14 delegation brief the President about their trip. And I was  
15 on the delegation.

16           Q     Okay.

17           A     Yeah.

18           Q     So, like, who invited you? Was it somebody in  
19 the --

20           A     I probably just got an email saying the meeting is  
21 scheduled -- they don't issue engraved invitations, they just  
22 send an email.

23           Q     And have you told us, to the best of your memory,  
24 everything about that meeting?

25           A     To the best of my memory. It was a disappointing

1 meeting.

2 Q And then the May 29th letter comes and you can't --  
3 you have no idea what happened in the intervening days?

4 A No, because it was inconsistent with the meeting.

5 Q Okay. And you never learned what happened in those  
6 intervening days?

7 A Well, we had been pushing for a letter and the  
8 letter came out. And I don't know if it was our pushing, if  
9 it was the meeting, if the President reconsidered, I have no  
10 idea.

11 Q But you never had any -- you didn't call Dr. Hill  
12 or Lieutenant Colonel Vindman or --

13 A I don't recall any communication before the letter  
14 came out.

15 Q Okay. You were just happy to see it.

16 A I was happy to see it.

17 Q Your September 9th telephone call with the  
18 President --

19 A Yes.

20 Q -- there were some text exchanges that have been  
21 produced. And you reference in your statement that you  
22 decided to telephone the President. Is that correct?

23 A I did.

24 Q Okay. Could you tell us everything you can  
25 remember about that?

1           A     I remember getting a fairly shocking text from  
2     Ambassador Taylor where he had alleged in his text that aid  
3     was being withheld from Ukraine in return for a political --  
4     I'm trying to remember how he phrased it -- for political  
5     purposes. And --

6           Q     Let me stop you right there.

7           MR. LUSKIN: Let him finish his answer.

8           AMBASSADOR SONDLAND: I'm finished with my answer.

9           BY MR. CASTOR:

10          Q     Okay. Because there's been a discussion about this  
11     White House meeting and whether there had to be a statement.  
12     But to your knowledge was there any discussion that aid would  
13     be withheld?

14          A     I never heard about aid being withheld until it had  
15     actually been withheld and someone notified me: By the way,  
16     the aid has been withheld.

17          Q     Okay. But, to the best of your knowledge, do you  
18     know about any preconditions on the aid?

19          A     No.

20          Q     Okay.

21          A     I don't.

22          Q     So it was U.S. policy to provide financial  
23     assistance to Ukraine and also lethal defensive weaponry,  
24     right?

25          A     Correct.

1 Q And that was a stepped up commitment by the United  
2 States --

3 A Correct.

4 Q -- to help Ukraine?

5 A Correct.

6 Q And you're not aware of any -- any allegation --  
7 I'm sorry, you're not aware of any fact that that aid was  
8 held up for any reason, such as investigations?

9 A I was aware that the aid was held up once it had  
10 been held up, that someone -- I either received an email  
11 or --

12 Q But you don't know --

13 A You don't know why.

14 MR. MANLEY: Let him finish his answer.

15 MR. LUSKIN: Let him answer, please.

16 AMBASSADOR SONDLAND: I don't know why.

17 BY MR. CASTOR:

18 Q Okay. So when you telephoned the President, tell  
19 us what happened.

20 A Well, from the time that the aid was held up  
21 until I telephoned the President there were a lot of rumors  
22 swirling around as to why the aid had been held up, including  
23 they wanted a review, they wanted Europe to do more. There  
24 were all kinds of rumors.

25 And I know in my few previous conversations with the

1 President he's not big on small talk so I would have one shot  
2 to ask him. And rather than asking him, "Are you doing X  
3 because of X or because of Y or because of Z?" I asked him  
4 one open-ended question: What do you want from Ukraine?

5 And as I recall, he was in a very bad mood. It was a  
6 very quick conversation. He said: I want nothing. I want  
7 no quid pro quo. I want Zelensky to do the right thing.

8 And I said: What does that mean?

9 And he said: I want him to do what he ran on.

10 And that was the end of the conversation. I wouldn't  
11 say he hung up me, but it was almost like he hung up on me.

12 Q Okay. And then you resumed your communication with  
13 Ambassador Taylor?

14 A Yeah. I had gotten as far as I could. I had asked  
15 the boss what he wanted. He wouldn't tell me, other than: I  
16 want nothing. And I sent the note back to Ambassador Taylor  
17 once I reached him and suggested that he call Secretary  
18 Pompeo.

19 Q So the President didn't tell you what to write in a  
20 text?

21 A The President didn't know I was sending a text,  
22 because he didn't know that the question came from Ambassador  
23 Taylor.

24 Q Okay. When you sent the text back to Ambassador  
25 Taylor, how did he -- did he respond?

1           A     When I said, you should call Secretary Pompeo or  
2 his assistant, he said: I agree. And then I didn't follow  
3 up --

4           Q     Did you ever close the loop with Ambassador Taylor?

5           A     I don't recall.

6           Q     Okay. Did --

7           A     I believe the aid was released shortly thereafter.  
8 I'm not sure it was necessary.

9           When was the text sent, what date?

10          Q     September 9th.

11          MR. LUSKIN: September.

12          MR. CASTOR: September.

13          AMBASSADOR SONDLAND: September 9th.

14          And I think the aid was released a day or two after.

15          BY MR. CASTOR:

16          Q     The 11th.

17          A     Yeah.

18          Q     Let me be clear, you've never closed the loop with  
19 Ambassador Taylor, like, "I called the President and this is  
20 what he said"?

21          A     We've had conversations, but I think my text spoke  
22 for itself.

23          Q     Okay.

24          A     And I don't know that he ever followed up with the  
25 Secretary or not. I have no idea.

1           Q     Your text speaks for itself, but your recounting of  
2     the conversation is pretty definitive.

3           A     That's what I remember.

4           Q     Right. And so -- but you didn't relate the  
5     conversation with the President to Ambassador Taylor at any  
6     point?

7           A     I don't believe I did, no.

8           Q     Okay. I want to step back to the July 10th meeting  
9     with Ambassador Bolton.

10          A     Uh-huh.

11          Q     How was that scheduled?

12          A     I think the Ukrainians through the mission in -- or  
13     through the embassy in Kyiv, set up the meeting through the  
14     Ambassador, through Taylor, would have been the normal -- you  
15     know, that they're coming to the U.S. and they want a White  
16     House meeting. I'm speculating. And it would have been set  
17     up that way.

18                 And then once we would have been notified, somehow I  
19     would have been notified by my staff that there was a meeting  
20     going on, and I think the -- I think the idea was Secretary  
21     Perry again took the lead and said: It might be a good idea  
22     for all of us to sit in for continuity since we've been  
23     talking to them. And we were all included. We got a -- I  
24     think we got a note from Ambassador Bolton's assistant saying  
25     you're all included in the meeting and we met.

1 Q Do you remember who was in the meeting?

2 A Myself, Perry, Volker, I think Yermak. I think  
3 Prystaiko was there, the Foreign Minister, and I think  
4 Danylyuk was there, the National Security Adviser.

5 Q Any other U.S. folks?

6 A There may have been others taking notes. I don't  
7 -- I don't recall.

8 Q Lieutenant Colonel Vindman, was he there?

9 A Was he there? He wasn't in the delegation meeting.  
10 He might have been there. I don't know. I don't remember.

11 Q How about Dr. Hill?

12 A I believe she was there.

13 Q And what do you remember from that meeting?

14 A You know, it wasn't really my meeting to run. I  
15 sat and listened. And I had a -- some kind of a briefing  
16 prior to it and there were a number of subjects being  
17 covered, energy, potential White House meeting, all kinds of  
18 things. And Ambassador Bolton pretty much ran the meeting.

19 Q Do you remember how long the meeting lasted?

20 A I want to say 30 minutes, my guess.

21 Q And do you remember saying anything during the  
22 meeting?

23 A I may have chimed in on a point or two, but I  
24 remember it being a very friendly meeting.

25 Q Okay. Did you bring up the prospect of

1 investigations that Ukrainians need to conduct?

2 A Not to the best of my knowledge.

3 Q Do you remember how the meeting ended?

4 A I think his time was up, Ambassador Bolton's time  
5 was up. And then I think we moved to -- we moved the meeting  
6 downstairs without Ambassador Bolton.

7 Q Where did you move the meeting to?

8 A I believe it was in the Ward Room at the White  
9 House.

10 Q Do you know who reserved that room?

11 A No.

12 Q Not you?

13 A No. I have no ability to reserve the Ward Room.

14 Q Okay. And who was in the followup meeting?

15 A I think Dr. Hill, Perry, Volker, myself, Vindman.  
16 I don't recall who else.

17 Q So you leave the Ambassador's office --

18 A I think we went out and took a big picture and then  
19 went down to the Ward Room.

20 Q Okay. And was Dr. Hill with you the entire time?

21 A I don't know if she was -- she wasn't in the  
22 picture, so maybe she left and came back. I don't remember.

23 Q Okay. Did Dr. Hill say anything at the Ward Room  
24 component of this meeting?

25 A I think we were talking back and forth about, you

1 know, should there be a call prior to the parliamentary  
2 elections or not. And there was a difference of opinion  
3 between Brian McCormack, Secretary Perry, Volker, myself,  
4 Vindman, and Fiona. Everyone sort of had a different take on  
5 it. And it was sort of a, you know, typical discussion where  
6 not everyone is in 100 percent agreement. We were sort of  
7 going back and forth.

8 Q Okay. What were the two positions, to either do  
9 the call before or after the parliamentary --

10 A Well, I think were three positions. One was do it  
11 before, one was do it after, and the third was don't do it at  
12 all, there's no reason for one. And I don't remember whose  
13 position that was. It might have been Vindman's.

14 Q Don't do the call?

15 A Don't do the call, there's nothing to talk about.

16 Q Do you remember Dr. Hill's position?

17 A I don't. She might have been the -- she might have  
18 been on the don't do the call, but I don't remember.

19 Q Okay. Do you remember if Dr. Hill was in favor of  
20 the 7/10 meeting?

21 A The 7/10 meeting, I believe, had already been  
22 scheduled. I don't know if she was in favor of it or not.

23 Q Okay.

24 A The only action I think our group took was to make  
25 sure that we were included.

1 Q Did you ever have any heated discussions with Dr.  
2 Hill?

3 A No, not that I remember. Never had -- I don't ever  
4 remember having a heated discussion with Dr. Hill.

5 Q Okay. And how often did you talk to her?

6 A You know, maybe once or twice a month. I remember  
7 we were in Jackson Hole, Wyoming, and I had texted her, and  
8 she coincidentally happened to be there. We met for coffee.  
9 I think her family was there and my wife and I, had a nice  
10 drink or coffee or something. And she sent me a nice note  
11 about Ukraine in February when we went to the Odessa thing,  
12 that that was great and it worked really well and thanks for  
13 helping. Our relationship has always been very cordial.

14 Q So she never expressed dismay about the scheduling  
15 of the 7/10 meeting?

16 A Not to me, that I recall.

17 Q And she never expressed to you dismay about how the  
18 meeting -- what occurred in the meeting in Ambassador  
19 Bolton's office?

20 A Not to -- not to my recollection.

21 Q And when you decamped to the Ward Room she didn't  
22 express any dismay about what was discussed?

23 A No. It was a typical policy discussion where  
24 people disagree on policy.

25 Q Was she in the Ward Room meeting the whole time or

1 did she leave early?

2 A I don't -- I don't remember.

3 Q Okay.

4 A It wasn't even -- it wasn't even like a sit-down  
5 meeting. We were all standing up. We were just looking for  
6 a place to talk.

7 Q Okay. And do you remember how long that lasted?

8 A A few minutes.

9 Q Okay. So much shorter than --

10 A 10, 10 minutes maybe, 15 minutes. It wasn't a --  
11 it wasn't a long meeting.

12 Q Okay. So you never even sat down?

13 A I don't think so.

14 Q So the folks that were in the Ward Room was the  
15 same bunch that was in Ambassador Bolton's office minus  
16 Ambassador --

17 A I don't believe the Ukrainians were there.

18 Q Oh, they were not? Okay.

19 A I don't think so. I'm trying to remember.

20 Q Okay.

21 A I don't recall --

22 Q Okay.

23 A -- if the Ukrainians were there --

24 Q Okay.

25 A -- or if a couple of them came. You know, we

1        were -- we were sort of on the move. It wasn't a formally  
2        set meeting that I remember. It was sort of like let's find  
3        a place to talk --

4            Q     Okay.

5            A     -- once Bolton had had to leave.

6            Q     Okay. And Dr. Hill never, even after that meeting,  
7        never expressed any discomfort or dismay?

8            A     No. I communicated with her on another subject a  
9        week or 2 later and it was just great. I mean, again, I've  
10       never had an unpleasant conversation with her that I can  
11       remember, of any kind.

12           Q     How frequently did you speak with Lieutenant  
13       Colonel Vindman?

14           A     Really only about the Odessa -- I'm sorry, about  
15       the inaugural trip, because he was on the delegation. And  
16       then I think a few times thereafter. And then he sort of  
17       dropped away.

18           Q     Okay. So he never expressed any dismay about any  
19       of these?

20           A     No, not that I remember. Again, I don't remember  
21       anybody being upset, dismayed, alarmed, concerned at any  
22       point in this whole -- in this whole process about -- about  
23       the July 10th meeting.

24           Q     Okay. The next key event is the telephone call on  
25       July 25th.

1           A     Correct.

2           Q     Do you remember anything about how that call was  
3     scheduled?

4           A     No. I remember it was the NSC -- and this was what  
5     was so funny about it, the NSC had originally scheduled,  
6     after I read all of this stuff in the press about how they  
7     were alarmed and didn't want to call -- didn't want to have a  
8     call, they had actually scheduled a call for July 20th.

9           And there was a whole -- there was a whole string from  
10    the scheduling office at the NSC that the call was set and  
11    they were going to do a test call. And then somehow at the  
12    last minute someone on that stream said no call on the 20th,  
13    it's too close to the election.

14          And we were disappointed because I think Volker or  
15    someone had communicated to the Ukrainians that there would  
16    be a call on the 20th, and I think they were getting Zelensky  
17    ready for it, and he was having to drive in to a phone. I  
18    don't remember all the details, but our credibility was  
19    sinking quickly because the call got pulled down at the last  
20    minute, and then the call never really occurred, I believe,  
21    until the 25th, so 5 days later.

22          Q     So first the call was scheduled before the  
23    election?

24          A     Yes.

25          Q     Then the call was scheduled after the election?

1           A     Correct.

2           Q     But you had no role in scheduling the call or  
3     advocating to --

4           A     I had a role in -- I was constantly pushing folks  
5     at the White House, probably Vindman, probably Hill, probably  
6     others, let's get a call.

7           Q     But did they respond to you, like, okay we'll do it  
8     --

9           A     We're working on it. It was always the same, we're  
10    working on it.

11          Q     Okay. Did you get a readout from the call?

12          A     No. What I got was I got a summary from one of my  
13    staff I think a day or two later, and the summary was very  
14    sort of innocuous. It was, you know, had a good call, talked  
15    about closer relations. That was it. I never got a  
16    transcript until it was released.

17          Q     Did you hear Ambassador Volker or Ambassador Taylor  
18    or anybody else talk about the call?

19          A     No.

20          Q     They didn't give you any --

21          A     No one said the call was anything but, quote, "a  
22    good call." That was it.

23          Q     Okay. So you didn't know anything else other than  
24    that?

25          A     No. I was happy to hear they had a good call.

1 Q Did you hear from the Ukrainians, because you meet  
2 the very next day? Did you hear from them about the call?

3 A I think they were -- everyone was happy about the  
4 call.

5 Q Okay. And that was the extent of your  
6 information --

7 A Correct.

8 Q -- even after the end of the very next day, your  
9 meetings with the Ukrainians?

10 A Correct. Everyone said it was a good call.

11 Q Did you have any discussions with Ambassador Volker  
12 during your trip about the call? Did he give you any  
13 additional information?

14 A I don't know that Ambassador Volker was on the  
15 call.

16 Q Okay. Okay. But did he get a readout from  
17 anybody?

18 A I think he got the same -- I'm speculating -- he  
19 got the same summary that I did.

20 Q Okay. When did you first realize that there might  
21 be some controversy with regard to the call?

22 A When the transcript was released.

23 Q Okay. And you were surprised?

24 A Quite.

25 Q And could you tell us how you learned that the

1 transcript was coming? Did you get an advanced copy?

2 A I don't think I did get an advanced copy. I think  
3 I saw it when everyone saw it for the first time.

4 Q Prior to the transcript release, I think the news  
5 of the complaint had surfaced. Do you remember when you  
6 first heard that somebody had raised a complaint?

7 A I believe that was when, as I testified earlier,  
8 when someone from the White House called and said: Your name  
9 is mentioned in the complaint.

10 Q Okay.

11 A Along with Ambassador Volker.

12 Q Okay.

13 A So that would have been just before the complaint  
14 was made public.

15 Q Okay. When did you first read the transcript?

16 A Of the call?

17 Q Of the call. Yeah.

18 A Probably when it became public.

19 Q Okay. So you just read it on the internet like  
20 everybody else?

21 A I think so. I think -- or maybe someone on my  
22 staff stuck it on my desk. I don't know.

23 Q Okay. But you were in New York at the time, right?

24 A Yeah. So my control officer might have put it in  
25 my folder. I don't remember. I remember reading it pretty

1 much contemporaneously with everyone else.

2 Q Okay. And what was your reaction to the  
3 transcript?

4 A Well, it wasn't consistent with what, you know, I  
5 had understood the ask was.

6 Q Were you surprised that 2016 was mentioned or --

7 A Not 2016, because, as I said, during this continuum  
8 2016 and Burisma had been mentioned. As I recall the  
9 transcript, it specifically mentioned the Bidens, and I had  
10 never heard the Bidens mentioned specifically until, you know  
11 -- and obviously it had occurred long before because that  
12 call was made on July 25th.

13 Q And did you realize there was going to be a lot of  
14 questions about that part of the transcript?

15 A Yeah, because before the transcript was even out,  
16 you know, all of the press was making a big hullabaloo about  
17 it.

18 Q Okay. And did you speak with anybody such as  
19 Ambassador Volker or any other people?

20 A I don't -- I don't remember. I mean it -- no, I  
21 don't remember if I did or didn't.

22 Q Okay. So you hear the news reports, and then you  
23 get a copy of it, and then the White House calls you, and  
24 that's pretty much the sum total of the --

25 A I think so, yeah.

1 Q Okay.

2 A They wanted me to come in and I said: I need to  
3 talk to my counsel.

4 Q Okay.

5 A And I never came in.

6 Q The President's deep-rooted view, skeptical view of  
7 Ukraine and their anti-corruption system, what do you, to the  
8 extent you know, what was the basis for his -- basis for his  
9 views?

10 A You mean aside from his, you know, comment about  
11 they tried to take me down?

12 Q Yes.

13 A Just a general?

14 Q Yes.

15 A I think generally he was frustrated that they would  
16 always promise things and never deliver. That's one of the  
17 reasons he was so adamant about seeing something put out by  
18 President Zelensky either in the form of a press release or  
19 an interview on network television or something where  
20 President Zelensky would publicly commit to whatever he was  
21 going to commit to. I think that was my understanding from  
22 Volker as dictated by Giuliani. He wanted somebody to go on  
23 the record.

24 Q The President was an advocate for the U.S. military  
25 aid and additional aid. Is that correct?

1           A     I don't know.

2           Q     Okay. Did you ever have any discussions with  
3 National Security Council staff about the 7/18 hold? On July  
4 18th, that's when the aid was held up.

5           A     I don't believe I talked to the NSC staff. I  
6 believe I was told by Ambassador Taylor through a text that  
7 there was a hold. He had participated in a SVTC and he had  
8 found out about a hold. And that was frustrating to me  
9 because it just put another obstacle in the way of getting a  
10 meeting.

11          Q     What facts or what firsthand accounts can you  
12 provide about the aid holdup?

13          A     None.

14          Q     Okay.

15          A     Other than I was aware of it, I didn't know why I  
16 kept getting different answers from different people.

17          Q     Okay.

18          A     There was never any clear -- any clear articulation  
19 by anyone of, is there even a hold, is it a review, is it an  
20 audit, is it the Europeans? I could never get a straight  
21 answer out of anyone.

22          Q     So you never tried to contact OMB or National  
23 Security Council to find out more?

24          A     I think I -- I think I made a couple of calls. I  
25 may have asked a couple of my folks in the mission. And I

1 just -- it just kept getting to be a dead end. I just could  
2 not get a straight answer.

3 Q So you didn't lobby anybody to lift the aid, you  
4 were just trying to find out had what was going on?

5 A Yeah, I was trying to find out what was going on.  
6 And I think there was an email that went around saying we  
7 can't, you know, cut off aid under any circumstances. And I  
8 think I had added to it, I agree, you know, because I thought  
9 it was -- it was not a good idea for any reason to cut that  
10 aid off.

11 Q So you were not an actor in that set of facts?

12 A If I was, it was unwitting. I don't remember  
13 having any role whatsoever in that.

14 MR. CASTOR: Mr. Jordan, we've got about 15 minutes  
15 left. Does it make sense to?

16 Mr. Nunes.

17 MR. NUNES: Thank you, Ambassador.

18 I just want to go back to something Mr. Castor referred  
19 to about the skepticism the President has with Ukraine. I  
20 don't know how closely you followed what this committee went  
21 through in the last 3 years, but also the Mueller  
22 investigation, special counsel. A lot of it was centered on  
23 a product called the Steele dossier. You've heard of that, I  
24 assume.

25 AMBASSADOR SONDLAND: I have.

1           MR. NUNES: Were you aware that the origins of the  
2           Steele dossier were from Ukraine, many of the origins in the  
3           original Steele dossier were from Ukraine, the politicians  
4           within Ukraine?

5           THE CHAIRMAN: I would just posit that this the ranking  
6           member's view. We cannot accept that as an actual or factual  
7           representation. So if you're asking --

8           MR. NUNES: I don't want to get into a tit for tat with  
9           you, but what's factual? The Steele dossier didn't origin --  
10          parts of it didn't originate in Ukraine?

11          THE CHAIRMAN: You can certainly ask the witness whether  
12          he's aware of any allegations.

13          MR. NUNES: I'll ask the witness whatever I'd like to  
14          ask the witness.

15          THE CHAIRMAN: Yes. And the witness will not assume  
16          that the predicate of my colleague's question is an accurate  
17          recitation of the fact.

18          MR. MEADOWS: But, Mr. Chairman, with all due respect,  
19          you lead the witness all the time, all the time, Mr.  
20          Chairman. Come on. It is our hour, let him ask the  
21          questions.

22          THE CHAIRMAN: I understand that. I want to make sure  
23          the witness understands, though, that --

24          MR. MEADOWS: Would you mind if we clarified your  
25          questions when it's your hour?

1 THE CHAIRMAN: When you're chairing a committee, should  
2 that day ever come, you're more than welcome to do so.

3 MR. MEADOWS: To my knowledge, this is an equal 1 hour  
4 versus 1 hour.

5 THE CHAIRMAN: Yes, it is.

6 MR. MEADOWS: And to my knowledge, you may be a  
7 chairman, but this is not a committee hearing. It's a  
8 deposition.

9 THE CHAIRMAN: I thank you for your input,  
10 Representative Meadows.

11 And you may continue, you may respond, Mr. Sondland, if  
12 you wish, to the question.

13 MR. NUNES: So let me just restate the question for you.  
14 The Democrats disagree that the Steele dossier, I'm assuming,  
15 has anything to do with Ukraine or originations in Ukraine.  
16 However, in the Steele dossier itself it does source  
17 information from Ukraine. Were you aware of that,  
18 Ambassador?

19 AMBASSADOR SONDLAND: Only recently, based on media  
20 reports.

21 MR. NUNES: Okay. So you can under -- let me ask you  
22 another thing. Are you aware of who paid for the dossier?

23 AMBASSADOR SONDLAND: I'm not.

24 MR. NUNES: Would it surprise you to learn that the  
25 Clinton campaign and the Democrat National Committee paid for

1 the dossier?

2 AMBASSADOR SONDLAND: I don't know anything about it.

3 MR. NUNES: And the dossier was -- was gleaned from  
4 foreign sources. It was from a former MI6 spy that was paid  
5 by -- through a contractor to get information, dirt,  
6 opposition research, what have you, from Ukrainians and  
7 Russians and others.

8 AMBASSADOR SONDLAND: I don't -- I don't know anything  
9 about that, Congressman. I'm sorry.

10 MR. NUNES: So this -- the dossier, you do remember it  
11 was fed, I think you would recall this, it was fed to the  
12 FBI?

13 AMBASSADOR SONDLAND: Again, I haven't been following  
14 the Steele dossier, I mean other than just generally knowing  
15 about its existence.

16 MR. NUNES: Sure. But you know that it led to Special  
17 Counsel Bob Mueller and it went on for --

18 AMBASSADOR SONDLAND: I assume that was one of the --

19 MR. NUNES: -- for a year and a half.

20 So the point of this is, is that when the President says  
21 take -- they tried to take me down, there were politicians  
22 that were quoted as spreading this dirt onto the Trump  
23 campaign. Could that be what the President was referring to  
24 when he said they tried to take me down?

25 AMBASSADOR SONDLAND: I don't know what he meant. He

1 kept repeating it, though, they tried to take me down, they  
2 tried to take me down. He was not a fan of Ukraine, per se.

3 MR. NUNES: And you can understand why, from his  
4 perspective, if --

5 AMBASSADOR SONDLAND: I understand what you're saying.

6 MR. NUNES: I'm sure he read the Steele dossier many,  
7 many times.

8 That's all I have, Mr. Castor.

9 MR. JORDAN: Ambassador, tell me what you thought of  
10 President Zelensky.

11 AMBASSADOR SONDLAND: Well, one of the --

12 MR. JORDAN: And now as the leader of Ukraine.

13 AMBASSADOR SONDLAND: One of the reasons I was pushing  
14 so hard for the meeting after the inauguration, I thought  
15 that he and President Trump would get along very well. He's  
16 very articulate, he's funny, he's charming, and he's pretty  
17 smart, and he's got a lot of energy. And I thought the two  
18 gentlemen would have good chemistry together and that good  
19 things would happen between the U.S. and Ukraine.

20 MR. JORDAN: You thought they'd hit it off.

21 AMBASSADOR SONDLAND: I did.

22 MR. JORDAN: And your focus -- and you weren't the only  
23 one. We've heard testimony. It's in her opening statement,  
24 Ambassador -- former Ambassador to Ukraine, she thought the  
25 same thing. Ambassador Volker thought that. It seemed like

1 everyone thought you get these two guys together, they're  
2 going to hit it off. And that was your focus. Is that  
3 accurate? Is that fair?

4 AMBASSADOR SONDLAND: Yes, it is.

5 MR. JORDAN: And the Ukrainian people thought this guy  
6 was the real deal.

7 AMBASSADOR SONDLAND: Yeah, I think he won by a fairly  
8 healthy margin.

9 MR. JORDAN: 73 percent. I don't know if anyone in the  
10 room's won with that margin.

11 So your whole goal was to get these two together and  
12 that was your focus. And you thought, if you could, that was  
13 good for the country, good for our country and good for  
14 theirs.

15 AMBASSADOR SONDLAND: Correct.

16 MR. JORDAN: Okay.

17 The gentleman from New York.

18 MR. ZELDIN: Mr. Ambassador, earlier referenced  
19 Ambassador Taylor, and later you were answering questions  
20 with regards to your effort to find out why there was a hold  
21 on aid. Did Ambassador Taylor ever mention to you a --  
22 anything about a quid pro quo prior to that text that you  
23 responded to?

24 AMBASSADOR SONDLAND: To which text do you refer?

25 MR. ZELDIN: Do you recall receiving a text from

1 Ambassador Taylor suggesting that there was a linkage between  
2 U.S. aid to Ukraine and opening an investigation into the  
3 Bidens?

4 AMBASSADOR SONDLAND: I don't know that that's what the  
5 text said. I recall --

6 MR. ZELDIN: What do you recall?

7 AMBASSADOR SONDLAND: I recall there was some kind of a  
8 text that aid was connected to some political agenda of the  
9 President's. That's what Ambassador Taylor articulated and  
10 that's what prompted my phone call to President Trump to ask  
11 him what he wanted.

12 MR. ZELDIN: And in your conversation with President  
13 Trump he was -- he was clear to you that there was no quid  
14 pro quo, correct?

15 AMBASSADOR SONDLAND: Again, I didn't -- I didn't frame  
16 the question about the aid and the link. I did not frame the  
17 question that way. I asked the question open ended: What do  
18 you want?

19 MR. ZELDIN: But the President was clear about in his  
20 response to you, what was he clear --

21 AMBASSADOR SONDLAND: He said: I want nothing. I don't  
22 want to give them anything and I don't want anything from  
23 them. I want Zelensky to do the right thing. That's what he  
24 -- and he kept repeating no quid pro quo over and over again.

25 MR. ZELDIN: And then you told Ambassador Taylor that?

1           AMBASSADOR SONDLAND: Then I sent him the text that  
2           said: No quid pro quo. Please call the Secretary if you  
3           have any further concerns.

4           MR. ZELDIN: Do you know what source of information  
5           prompted Ambassador Taylor to send you that text?

6           AMBASSADOR SONDLAND: I don't. I was quite shocked when  
7           I got it, though.

8           MR. ZELDIN: You're not -- are you aware at all of any  
9           firsthand knowledge Ambassador Taylor had to inform him of  
10          what led him to send that text?

11          AMBASSADOR SONDLAND: I don't know where he got it and I  
12          don't recall him telling me how he heard it. I just got the  
13          text.

14          MR. ZELDIN: Is it possible that he -- are you familiar  
15          with a Politico story that came out around that time?

16          AMBASSADOR SONDLAND: No.

17          MR. ZELDIN: Then you had a conversation with Ambassador  
18          Taylor?

19          AMBASSADOR SONDLAND: After I sent my text back to him?  
20          I don't believe I did. I think I testified earlier that I  
21          sent the text, I suggested he call the Secretary. He said he  
22          agreed. I don't know if he ever called the Secretary  
23          because, as I said, the hold was lifted within a day or two  
24          after that text.

25          MR. ZELDIN: At no time -- at no time you received any

1 information that there was a linkage between a hold on aid  
2 and opening an investigation into the Bidens?

3 AMBASSADOR SONDLAND: You mean prior to his text?

4 MR. ZELDIN: At any time, I'm asking you.

5 AMBASSADOR SONDLAND: I don't recall.

6 MR. ZELDIN: You don't have -- at no time did you  
7 receive any information that there was a linkage between a  
8 hold on aid to Ukraine and opening an investigation into the  
9 Bidens?

10 AMBASSADOR SONDLAND: I recall hearing multiple reasons  
11 why the aid was being held from various people. I never  
12 heard that it was being held specifically to investigate the  
13 Bidens. I never heard the word "Biden" mentioned with aid.

14 MR. ZELDIN: And you're not aware of Ambassador Taylor  
15 ever receiving any firsthand information that would back up  
16 that allegation either?

17 AMBASSADOR SONDLAND: I can't testify to what Ambassador  
18 Taylor received. I don't know.

19 MR. ZELDIN: You're just -- you're not aware.

20 AMBASSADOR SONDLAND: I'm not aware.

21 MR. ZELDIN: And if I understand correctly, President  
22 Trump did in fact meet with President Zelensky at the U.N.  
23 General Assembly, correct?

24 AMBASSADOR SONDLAND: That's correct.

25 MR. ZELDIN: And you were present at that meeting?

1           AMBASSADOR SONDLAND: I was, along with many others.

2           MR. ZELDIN: And has President Trump and President  
3           Zelensky hit it off in their engagements where you have been  
4           present?

5           AMBASSADOR SONDLAND: I think that was the only  
6           engagement where they were together that I was present.

7           MR. ZELDIN: So the meeting -- a meeting between  
8           President Trump and President Zelensky did in fact take place  
9           in September?

10          AMBASSADOR SONDLAND: Correct.

11          MR. MCCAUL: Thank you.

12          Thank you, Ambassador, for being here today. I'm  
13          ranking member on the Foreign Affairs Committee.

14          I just had a couple of questions about the freeze on the  
15          foreign assistance. You stated you learned about that  
16          through Bill Taylor. Is that correct?

17          AMBASSADOR SONDLAND: Correct.

18          MR. MCCAUL: What about Ambassador Volker?

19          AMBASSADOR SONDLAND: I'm sure we discussed it as well  
20          once I -- I think I first learned it from Taylor where he had  
21          participated in some SVTC video conference and he was told  
22          that there was a hold put on. He didn't know why. And then  
23          we probably talked about it. But again, I'm speculating. I  
24          don't remember exactly.

25          MR. MCCAUL: And then what was your response to that?

1           AMBASSADOR SONDLAND: I didn't think much of it when it  
2 was initially put on other than I was just frustrated because  
3 it was one more obstacle to my meeting that I was trying to  
4 get scheduled.

5           MR. MCCAUL: Right. Did you have any conversations with  
6 President Zelensky about that?

7           AMBASSADOR SONDLAND: I don't remember discussing that  
8 with President Zelensky.

9           MR. MCCAUL: Do you know if President Zelensky had any  
10 knowledge about that?

11          AMBASSADOR SONDLAND: I don't. I don't know if he did  
12 or didn't.

13          MR. MCCAUL: Would it surprise you that Ambassador  
14 Volker testified that he had no knowledge about that freeze  
15 on the foreign assistance?

16          AMBASSADOR SONDLAND: I don't know if he got the same  
17 text from Ambassador Taylor that I did, which was the text  
18 after the SVTC. I can't remember if that was a group text or  
19 just directly to me.

20          MR. MCCAUL: Right. And so from all testimony we've  
21 heard, including yours today, President Zelensky had no idea  
22 about the hold on this foreign --

23          AMBASSADOR SONDLAND: I don't know when he became aware  
24 of the hold.

25          MR. MCCAUL: Right.

1           AMBASSADOR SONDLAND: I don't know when he --

2           MR. MCCAUL: And that's probably why you said there was  
3 no quid pro quo. How could there be if he didn't -- if the  
4 other -- the person who had received that for which,  
5 translated from Latin, would be -- had no knowledge --

6           AMBASSADOR SONDLAND: Right.

7           MR. MCCAUL: -- about the foreign assistance, correct?

8           AMBASSADOR SONDLAND: Can you restate your question?  
9 I'm sorry.

10          MR. MCCAUL: In other words, that's probably why you  
11 said there was no quid pro quo, because if the person that  
12 would be receiving something had no knowledge that the  
13 foreign assistance is being held up.

14          AMBASSADOR SONDLAND: I would assume that by September,  
15 just before the hold was lifted, when I was getting this  
16 alarming text from Ambassador Taylor, that at that point I  
17 would assume that Zelensky would have known that there was a  
18 hold. I don't know that he knew about the hold when the hold  
19 was put on.

20          MR. MCCAUL: Right. But he -- to your knowledge, you  
21 had no conversation with him about this.

22          AMBASSADOR SONDLAND: I don't recall any conversation  
23 about this.

24          MR. MCCAUL: And your speculation is he may have learned  
25 later, correct? But that's speculation.

1           AMBASSADOR SONDLAND: Yeah, it's totally speculation.

2           MR. MCCAUL: And that would have been certainly after  
3 the July 25th phone call.

4           AMBASSADOR SONDLAND: I'm speculating.

5           MR. MCCAUL: And that's all speculation.

6           AMBASSADOR SONDLAND: All speculation.

7           MR. MCCAUL: Okay. I yield back.

8           Let me ask you one more thing. So you're an ambassador.  
9 Just real quickly. Don't you have a legal obligation to  
10 certify anti-corruption before foreign assistance is given to  
11 a foreign country?

12          AMBASSADOR SONDLAND: But I'm not the ambassador to  
13 Ukraine.

14          MR. MCCAUL: Correct. But isn't that the practice of  
15 the State Department?

16          AMBASSADOR SONDLAND: I am not aware. I'm not a  
17 bilateral ambassador. I wouldn't make those certifications  
18 with respect to the European Union.

19          MR. MCCAUL: Well, I guess it wouldn't surprise you that  
20 that is the policy and obligation under the appropriation  
21 that was --

22          AMBASSADOR SONDLAND: I don't have any -- I don't have  
23 any knowledge of that.

24          MR. MCCAUL: There is a legal requirement.

25          Yes, thank you.

1           AMBASSADOR SONDLAND: I don't have any knowledge.

2           THE CHAIRMAN: The time of the minority has expired.

3           Why don't we take a 30 minutes break for lunch, and

4 we'll resume, let's say, at 1:10 p.m.

5           Counsel has asked for 45 minutes, so let's resume

6 then -- what would that be? Let's resume at 1:20.

7           [Recess.]

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1 [1:25 p.m.]

2 THE CHAIRMAN: All right. Should we go back on the  
3 record? Okay. Back on the record. Ambassador Sondland,  
4 during our lunch break Chief of Staff Mulvaney gave a rather  
5 remarkable press conference. Did you have an opportunity to  
6 watch it?

7 AMBASSADOR SONDLAND: No, I did not see it. I haven't  
8 been receiving any news.

9 THE CHAIRMAN: Well, we're getting a transcript of it  
10 and we may make reference to it later when we do. But I want  
11 to go back to something you said in your opening statement.  
12 You said withholding foreign aid in order to pressure a  
13 foreign government to take such steps -- well, let me begin  
14 the paragraph on page 17.

15 Let me state clearly, you said, "inviting a foreign  
16 government to undertake investigations for the purpose of  
17 influencing an upcoming U.S. election would be wrong.  
18 Withholding foreign aid in order to pressure foreign  
19 government to take such steps would be wrong. I did not and  
20 would not ever participate in such undertakings. In my  
21 opinion, security aid to Ukraine was in our vital national  
22 interest and should not have been delayed for any reason."  
23 You stand by that testimony?

24 AMBASSADOR SONDLAND: I do.

25 THE CHAIRMAN: During Mr. Mulvaney's press conference,

1 he acknowledged, for the first time, that the military aid  
2 was being withheld, at least in part, over a desire to get  
3 Ukraine to investigate the DNC. I take it you were not aware  
4 of that?

5 MR. CASTOR: Do you have a copy of the transcript, Mr.  
6 Chairman, to pass around?

7 THE CHAIRMAN: We don't have the transcript, but we hope  
8 to have one soon. So we'll have exact language, but it was  
9 words to that effect. I take it that --

10 MR. JORDAN: We'd like to see that before you proceed.

11 THE CHAIRMAN: Well, I would like to see that as well.  
12 But my question, Ambassador Sondland, is if the Chief of  
13 Staff Mulvaney acknowledged that military aid was being  
14 withheld in any part to secure Ukraine's investigation of the  
15 DNC, I take it that's not something that you were aware of  
16 until now?

17 MR. ZELDIN: Mr. Chair, what exactly did Mick Mulvaney  
18 say?

19 THE CHAIRMAN: Counsel, I'm not going to entertain any  
20 other interruptions.

21 MR. ZELDIN: You're asking the question, Mr. Ambassador.

22 AMBASSADOR SONDLAND: I heard the question.

23 THE CHAIRMAN: Okay. Please respond to the question.

24 MR. ZELDIN: I don't know if the witness would like to  
25 read the transcript.

1 THE CHAIRMAN: Mr. Zeldin, no further interruptions,  
2 please. The witness is instructed to answer the question.

3 AMBASSADOR SONDLAND: I'm sorry, Chairman, would you  
4 repeat the question one more time?

5 THE CHAIRMAN: If the Chief of Staff acknowledged today  
6 that the military aid was being withheld in part over desire  
7 to get Ukraine to investigate the DNC, do I understand your  
8 testimony that this would be the first you would be learning  
9 of that?

10 AMBASSADOR SONDLAND: Well, that's speculative. You're  
11 saying if he said that, would it be the first time I have  
12 learned about it?

13 THE CHAIRMAN: Yes.

14 AMBASSADOR SONDLAND: Yes, it is.

15 THE CHAIRMAN: And would you ever have countenance, the  
16 withholding of aid, to secure Ukraine's commitment to  
17 investigate the DNC?

18 AMBASSADOR SONDLAND: I believe I testified, or my  
19 statement indicates, I would not have withheld aid for any  
20 reason.

21 THE CHAIRMAN: And you, in particular, wouldn't withhold  
22 aid to secure help in a U.S. election, correct?

23 AMBASSADOR SONDLAND: For any reason.

24 THE CHAIRMAN: Well, I'm asking about this particular  
25 reason. Would you ever countenance withholding aid from

1 Ukraine to secure an investigation of the DNC that might be  
2 in the President's interest in the 2016 election -- in the  
3 2020 election?

4 AMBASSADOR SONDLAND: I would not.

5 MR. ZELDIN: Mr. Chair, this entire line of questioning,  
6 why don't you just wait for the transcript?

7 THE CHAIRMAN: Mr. Zeldin -- Mr. Zeldin, you're not  
8 recognized.

9 MR. MEADOWS: But, Mr. Chairman, you clarified on the  
10 other, and let's make sure we clarify it. You said 2020  
11 election. That's not necessarily accurate.

12 THE CHAIRMAN: Mr. --

13 MR. MEADOWS: You've characterized it in a way that is  
14 not necessarily consistent with what I just heard.

15 THE CHAIRMAN: Mr. Meadows, I think the witness  
16 understood my question.

17 MR. MEADOWS: Well, he didn't understand the 2020 part  
18 that you added in at the last part. He made a comment that  
19 he wasn't aware of it.

20 THE CHAIRMAN: I appreciate your representing what the  
21 witness understood or not, but the witness can speak for  
22 himself. Let me move on to another question, Ambassador.

23 I think you said in answer to my colleague's questions  
24 that you really wanted the President of the United States to  
25 meet with the President of Ukraine and thought it was the

1 interest of both countries. Is that right?

2 AMBASSADOR SONDLAND: Correct.

3 THE CHAIRMAN: But it became clear to you in your  
4 conversation with the President that that meeting wasn't  
5 going to take place unless the President's lawyer's interests  
6 or concerns were met. Is that right?

7 AMBASSADOR SONDLAND: When the President suggested that  
8 we speak to Mayor Giuliani, that was, I believe, on May 23rd,  
9 and only a few days later, he did, in fact, issue an  
10 unconditional invitation. So at that point, we thought  
11 whatever the logjam was, it had been broken.

12 THE CHAIRMAN: Well, I think you testified earlier,  
13 didn't you, Mr. Sondland, that when the President told you to  
14 talk to Mr. Giuliani, you understood that unless the  
15 President's lawyer's interests were satisfied, there was  
16 going to be no meeting?

17 AMBASSADOR SONDLAND: But then the invitation was  
18 issued.

19 THE CHAIRMAN: We'll get to one thing at a time. Before  
20 the invitation was extended, you understood from the  
21 President that unless Mr. Giuliani's interests or concerns  
22 were met there was going to be no meeting. Isn't that  
23 correct?

24 AMBASSADOR SONDLAND: I understood that walking out of  
25 the door on the 23rd.

1           THE CHAIRMAN: Now, one of the other things that -- and  
2 we should have a transcript, I hope soon, Mr. Mulvaney  
3 expressed during the conference just now, was that letter  
4 invitation was a courtesy, and that scheduling may or may not  
5 allow it, but they extend that courtesy of a kind of an open  
6 generic invitation to many world leaders. Do you disagree  
7 with that?

8           AMBASSADOR SONDLAND: I wasn't aware of that.

9           THE CHAIRMAN: You weren't aware that the Chief of Staff  
10 of the President took a different view of how committed the  
11 President was in that letter to an actual meeting?

12          AMBASSADOR SONDLAND: I'm sorry. Repeat the question  
13 again, please.

14          THE CHAIRMAN: The question is, Mr. Mulvaney just  
15 expressed that the letter invitation was essentially a  
16 courtesy, and the same courtesy that is extended to other  
17 world leaders, it wasn't a binding commitment to a meeting.

18          AMBASSADOR SONDLAND: Well, when I saw the letter I took  
19 it seriously. But then we never got a meeting scheduled and  
20 we kept working on trying to get a meeting scheduled and  
21 could never get it nailed down.

22          THE CHAIRMAN: You testified also that the President  
23 expressed a concern to you that the Ukrainians would promise  
24 but not deliver, and that the President wanted Ukrainians on  
25 the record. Is that right?

1           AMBASSADOR SONDLAND: I did. Yes.

2           THE CHAIRMAN: And in this context, the "promise but not  
3 deliver," and on the record, that involved getting a  
4 commitment from Ukraine to conduct these investigations that  
5 the President and his lawyer wanted? Is that correct?

6           AMBASSADOR SONDLAND: I believe that what Mayor Giuliani  
7 passed on, or I believe what I heard from Ambassador Volker,  
8 likely coming from Mayor Giuliani, because the President  
9 never made that statement directly to me or to anyone, to the  
10 best of my knowledge, was that whatever the Ukrainians were  
11 going to promise in any context, he wanted it public.

12          THE CHAIRMAN: You also mentioned that in going through  
13 the chronology with the minority counsel, that over time, you  
14 learned more and more about what the President and his lawyer  
15 truly wanted from Ukraine. And there was an evolution from  
16 generic interest in fighting corruption to an interest in  
17 Burisma, to finally the realization that what they were  
18 interested in was investigation of the Bidens. Is that a  
19 fair summary?

20          AMBASSADOR SONDLAND: Yes.

21          THE CHAIRMAN: And I think you suggested that you  
22 learned about the connection to the Bidens, that the interest  
23 in Burisma wasn't generic. In fact, it was because of the  
24 Bidens, at some point before the telephone call transcript  
25 was released. Is that accurate?

1           AMBASSADOR SONDLAND: I don't recall exactly when I  
2 learned that. I don't know the date.

3           THE CHAIRMAN: Well, let me ask you this: Do you recall  
4 how you learned that the President and his lawyer's interest  
5 in Burisma was not a generic interest in the company or in  
6 corruption, but was, in fact, an interest in the Bidens. Do  
7 you remember how you learned that?

8           AMBASSADOR SONDLAND: I don't recall what made the light  
9 go on during that continuum, no.

10          THE CHAIRMAN: Well, when the light did go on, because  
11 you've said that you didn't think that meetings or other  
12 government action should be conditioned on helping a  
13 political campaign, when the light did go on, did you take  
14 any steps to say, Hey, we have to stop this conditioning of  
15 this meeting because this is not appropriate?

16          AMBASSADOR SONDLAND: I believe when the light went on,  
17 the phone call had already occurred, and meetings were being  
18 discussed, but, again, never scheduled. So it became  
19 irrelevant.

20          THE CHAIRMAN: And you can't tell us how the light came  
21 on? That is, how you came to learn that Burisma was really  
22 the Bidens?

23          AMBASSADOR SONDLAND: I can't. I don't recall.

24          THE CHAIRMAN: Mr. Goldman.

25          MR. GOLDMAN: Thank you.

1 BY MR. GOLDMAN:

2 Q You understood that -- you said you were happy to  
3 see that May 29th letter of invitation, right?

4 A Yes.

5 Q And how many countries are in the EU?

6 A 28, soon to be 27.

7 Q And you've seen these types of invitations to the  
8 White House without specific dates related to other  
9 countries, too, right?

10 A No, those letters would go to the bilateral  
11 ambassadors of those countries, not to me.

12 Q So you don't even see them?

13 A No.

14 Q But you did see them for Ukraine?

15 A Yes, because someone sent it to me because they  
16 knew I was helping on the file.

17 Q Okay. Because it was a central part of your  
18 ambassadorship, right?

19 A Because I was helping on the file.

20 Q Those are your words, central part of your  
21 ambassadorship, not mine. That's what you said in your  
22 opening statement. Are you staying that's not the case now?

23 MR. LUSKIN: We've gone over this ground. We read that  
24 portion --

25 MR. GOLDMAN: Mr. Luskin, I didn't expect a dispute

1 about this, it was in his opening statement. I just want to  
2 understand if it's now not a part of his -- the central part  
3 of his ambassadorship.

4 AMBASSADOR SONDLAND: I stand by my previous testimony.

5 BY MR. GOLDMAN:

6 Q Okay. You hosted an Independence Day celebration  
7 in Brussels on June 4th of this year. Is that right?

8 A I did.

9 Q And Secretary Perry came?

10 A Yes.

11 Q Ulrich Brechbuhl came?

12 A Correct.

13 Q Was Secretary Pompeo there?

14 A He was not.

15 Q But President Zelensky came as well, right?

16 A President Zelensky came.

17 Q Did you personally invite President Zelensky?

18 A I invited a number of leaders.

19 Q Including President Zelensky?

20 A Including President Zelensky.

21 Q And did you have any substantive conversations with  
22 President Zelensky at that gathering?

23 A I think it was all social. There were several  
24 people at the dinner. It was a very casual social evening.  
25 It wasn't designed to do business, it was designed for people

1 to get to know one another.

2 Q Did he mention the White House meeting to you?

3 A I don't recall him mentioning that. I don't -- I  
4 didn't even sit next to him, he sat across the table from me  
5 and it was a big table.

6 Q So you didn't speak to him one-on-one at all?

7 A I spoke to him, but I don't recall talking about  
8 the White House meeting there.

9 Q By that point you knew that President Zelensky  
10 desperately wanted a White House meeting, right?

11 A Oh, I think President Zelensky wanted a White House  
12 meeting from the day he was inaugurated.

13 Q Right. Because that's a very important sign for  
14 legitimacy in Ukraine. Is that right?

15 A Every country that I encounter wants a White House  
16 meeting.

17 Q Particularly, if you're sort of a new leader, it  
18 helps to cement your legitimacy to have a White House  
19 meeting, right?

20 A Among other things, yes.

21 Q And you know from your engagement in Ukraine that  
22 Ukraine is very dependent on the United States, right?

23 A They are.

24 Q And we discussed a little bit the security  
25 assistance that the United States provides, that's part of

1 it. Is that right?

2 A I think they're dependent on us for a number of  
3 things.

4 Q Such as what?

5 A Well, first of all, moral support. That's the most  
6 important. Clearly, some defense issues, some security  
7 issues, Western capital. All kind of things.

8 Q Now, we're going to sort of try to move through the  
9 summer months to the best of your recollection. And, you  
10 know, just to be very clear, Ambassador Sondland, you have  
11 made it very clear today that your -- at least to us as we  
12 perceive it -- that your objective was to promote Ukraine --  
13 democracy in Ukraine, and the Zelensky presidency, which you  
14 thought was a very positive step for the country. And I  
15 think we all recognize and appreciate that. And, obviously,  
16 you've been caught up in some events that are the subject of  
17 this investigation, but I don't think anyone doubts your good  
18 faith desire to help Ukraine.

19 What we're trying to understand is the factual  
20 development, the evolution of what happened really from that  
21 May 23rd meeting, you know, up until today. So, you know, to  
22 the best of your ability, we appreciate anything that you can  
23 remember.

24 Did you have any conversations with Secretary Perry in  
25 Brussels around that Independence Day celebration related to

1 Ukraine?

2 A I don't recall any. And, counsel, the dinner was  
3 really a social dinner. The subject of the dinner was not  
4 Ukraine and was not President Zelensky. The Prime Minister  
5 of Romania was there. The President of Poland was there.  
6 Jay Leno was there. Mr. Kushner was there. There were a lot  
7 of celebrities, guests, and it was a very sort of  
8 light-hearted evening. It was not a business dinner.

9 Q Did President Zelensky, as a comedian, get along  
10 well with Jay Leno?

11 A He was honored to meet him. Apparently, Jay Leno  
12 was his hero.

13 Q So fully understanding that this was not the  
14 purpose of the meeting, I'm just wondering if you had any  
15 conversations with Secretary Perry what would have been, I  
16 guess, 2 weeks after the White House meeting where you  
17 were -- you and Secretary Perry and Ambassador Volker, were  
18 given more responsibility over Ukraine. Do you recall?

19 A I don't, because again, I probably -- I don't  
20 believe I sat next to Secretary Perry at the dinner. I may  
21 have said hello, chatted. Everyone was making small talk.  
22 The biggest thing, frankly, that came out of the meeting from  
23 a business standpoint was that the President of Poland and  
24 President Zelensky seemed to really hit it off, and they  
25 began working on some Poland-Ukraine issues together, which I

1 was very pleased that that happened.

2 Q And just to be clear, you know, we're trying to  
3 stay on message here, or on focus. We understand there's a  
4 lot of other things that go into Ukraine policy. So when we  
5 try to narrow down the focus, the point is not at all to say  
6 that this is the only thing you were talking about, and we  
7 understand you had a wide-ranging portfolio.

8 So without necessarily putting a date on it, do you  
9 remember whether you had a conversation -- the conversation  
10 that you referenced with Secretary Perry about his  
11 conversation with Rudy Giuliani after that May 23rd meeting.  
12 Do you remember if that was before or after that May 29th  
13 letter?

14 A All I can recall, Counsel, is that when the three  
15 of us agreed that we needed to somehow contact Mr. Giuliani  
16 in order to move the process forward, that Secretary Perry  
17 volunteered to make the first outreach, because he was the  
18 most familiar with Rudy. I think when he ran for -- when  
19 Rudy ran for President --

20 Q Sorry to interrupt you. Do you remember when that  
21 was?

22 A I don't. I know that I think we all agreed that he  
23 would make the outreach. And then he and Volker, as I  
24 testified before lunch, kind of took it from there.

25 [Majority Exhibit No. 6



1 three of us would assist Ambassador Taylor on Ukraine and be  
2 there to support as the, you know, relationship was moving  
3 forward, I think Giuliani was mentioned. I can't remember  
4 exactly that, you know, the President had wanted us to  
5 somehow involve Giuliani in the discussions.

6 Again, I'm speculating Bolton might have said, you know,  
7 whatever, he wasn't a fan of involving other people. As I  
8 testified, I wasn't either. And the end result of the call  
9 was, we all felt, and I assume this includes Ambassador  
10 Bolton as well, we all felt very comfortable with the  
11 strategy moving forward, that we would all help on Ukraine,  
12 to be defined.

13 Q Did you and Ambassador Volker and Secretary Perry  
14 ever develop a nickname for the three of you?

15 A I think you're referring to the three amigos.

16 Q Yeah, who coined that?

17 A I think we were all in Kyiv together, and someone  
18 walked up to us, and said, you look like the three amigos, we  
19 were all standing together, and I think that's where it came  
20 from.

21 Q You kind of liked that nickname, right?

22 A I don't --

23 MR. LUSKIN: We've all heard worse.

24 THE CHAIRMAN: I can attest to that.

25 BY MR. GOLDMAN:

1           Q     So on -- was there any discussion of a White House  
2 meeting on that conference call that you recall with  
3 Ambassador Bolton?

4           A     That would have been on July -- June 10th. I think  
5 the notion of a White House meeting was probably raised every  
6 time we had a conversation with anybody about Ukraine,  
7 because we were, you know, this was after this supposed  
8 boilerplate invitation was issued, as you kind of described  
9 it. And, again, I took it as a serious invitation, you  
10 described it as sort of a boilerplate invitation. We were  
11 trying to get a meeting scheduled, back to my original  
12 testimony, which I thought was important, for the two  
13 Presidents to meet.

14          Q     And I didn't characterize it, and I think -- but  
15 you would agree that there was no date on that invitation?

16          A     No, but that's, I would assume, typical when, you  
17 know, you don't -- you have to coordinate a date.

18          Q     Right.

19          A     Two busy people.

20          Q     And you had said you were surprised to see that  
21 letter coming out of that May 23rd meeting?

22          A     I was surprised given the conversation on May 23rd.  
23 Yes.

24          Q     Right. Understood. Now, did you, in the middle of  
25 June, have a Ukraine coordination meeting in Secretary

1 Perry's office in Washington?

2 A We might have. I've been to Secretary Perry's  
3 office on a number of occasions for a number of matters  
4 related to Ukraine and unrelated to Ukraine because we work  
5 very closely on European energy together.

6 Q Uh-huh. And you don't remember anything about that  
7 meeting?

8 A I don't. I would have to see some stuff to refresh  
9 my memory.

10 Q Now, at this point had you -- so let's say we're  
11 now in mid-June. Are you aware of what Rudy Giuliani's views  
12 on Ukraine are at this point?

13 A I'm only aware of what I hear through Volker,  
14 primarily, because I'm not talking to Giuliani.

15 Q Did you, after the May 23rd meeting, did you pay a  
16 little bit more attention to any public statements that Rudy  
17 Giuliani might have made?

18 A No, I have not been following Mr. Giuliani in the  
19 press. I know you were excoriating me about that earlier,  
20 but I'm not.

21 Q If you go to page 5 of Exhibit 3, the tweets.

22 MR. LUSKIN: We don't have those exhibits up here.

23 MR. GOLDMAN: The tweets? If you don't have it, we can  
24 get it. Oh, here. All right.

25 MR. LUSKIN: Which page?

1           MR. GOLDMAN: Page 5. It's a tweet on June 21st of this  
2 year by Rudy Giuliani where -- I'll just read it for the  
3 record. He says: New Pres of Ukraine still silent on  
4 investigation of Ukrainian interference in 2016 election, and  
5 alleged Biden bribery of President -- Pres Poroshenko. Time  
6 for leadership and investigate both if you want to purge how  
7 Ukraine was abused by Hillary and Obama people.

8           So this is one example of Rudy Giuliani speaking out.  
9 Were you aware of these views by this time?

10          A     No.

11          Q     So, again, not to belabor the point, but this is  
12 now after you were directed by President Trump to assume some  
13 leadership with Volker and Perry for Ukraine policy, and to  
14 consult with Rudy Giuliani. Is that right?

15          A     That's not right. If it were up to President  
16 Trump, we would have all walked out of there and done nothing  
17 on Ukraine. He wasn't interested in Ukraine. He said, talk  
18 to Rudy. And as I testified earlier, first, Secretary Perry  
19 I believe, reached out to Giuliani, and secondly, Volker then  
20 took it from there.

21          Q     In your opening statement, you said, on the bottom  
22 of page 7, that "President Trump directed those of us present  
23 at the meeting to talk to Mr. Giuliani, his personal  
24 attorney, about his concerns. It was apparent to all of us  
25 that the key to changing the President's mind on Ukraine was

1 Mr. Giuliani." Is that -- that was your testimony earlier  
2 today. Do you stand by that?

3 A Hold on just a second. I stand by that statement.

4 Q Okay. And you did -- given what you testified  
5 earlier today, you did want to change the President's mind  
6 about Ukraine, right?

7 A We wanted the President to meet with President  
8 Zelensky.

9 Q Right. And so, well, you just said the key to  
10 changing the President's mind on Ukraine. So when you say  
11 "changing the President's mind on Ukraine," I take it what  
12 you're saying is you wanted him to be open to President  
13 Zelensky, and to agree to meet with him. Is that right?

14 A That's right.

15 Q Okay. And the key to that meeting, as you  
16 testified, is Mr. Giuliani?

17 A That's correct.

18 Q But you didn't make any extra efforts to figure out  
19 what Mr. Giuliani's concerns, as referenced by the President  
20 in the May 23rd meeting, might have been?

21 MR. LUSKIN: That's not his testimony.

22 MR. GOLDMAN: I'm asking a question.

23 AMBASSADOR SONDLAND: My testimony was that Ambassador  
24 Volker and Secretary Perry took the lead with Mr. Giuliani.

25 BY MR. GOLDMAN:

1           Q     Understood.  But did you make any efforts to  
2     ascertain what Mr. Giuliani's concerns were after this  
3     May 23rd meeting?

4           A     I don't recall making any efforts.  I can't say for  
5     100 percent certain, but I don't recall that I did anything  
6     other than wait for Perry and Volker to get back.

7           Q     How frequently in the weeks after that meeting did  
8     you speak with -- let's just do it one at a time, Ambassador  
9     Volker about Mr. Giuliani?

10          A     I don't remember.

11          Q     Did you speak to him at all about Mr. Giuliani in  
12     the month of June?

13          A     I think he generally kept me informed that he was  
14     trying to get to the bottom of what Mr. Giuliani wanted, and  
15     I never heard anything definitive until later.

16          Q     When later?

17          A     I don't remember the day.  I told you it was sort  
18     of a continuum.

19          Q     We'll try to pin a time on it as we refresh your  
20     recollection.  And is that similar to the conversations you  
21     had with Secretary Perry?

22          A     I think I was spending more of my time with  
23     Secretary Perry on unrelated -- matters unrelated to Ukraine.

24          Q     Secretary Perry was focused on some of the energy  
25     considerations in Ukraine, right?

1           A    He was focused on energy considerations all over  
2 Europe, yeah.

3           Q    And that's a very significant issue in Ukraine,  
4 energy --

5           A    It is.

6           Q    -- right?

7           A    Yes.

8           Q    And so Naftogaz, for example, is the state-run  
9 energy company, correct?

10          A    Yes.

11          Q    So that was a focus of Secretary Perry's, right?

12          A    One of many.

13          Q    But you never heard Rudy Giuliani express any  
14 concerns about Naftogaz, did you?

15               MR. LUSKIN: Are you talking about in the period of  
16 June?

17               MR. GOLDMAN: I'm talking about at all.

18               AMBASSADOR SONDLAND: I don't recall.

19               BY MR. GOLDMAN:

20           Q    So if you can turn to page 36 -- if we have that  
21 one, yes, we do -- of the text messages. So if you look at  
22 6/26/19 at 3:48 p.m., Ambassador Taylor writes -- and this is  
23 a group that, at the top, you see that you created a group,  
24 Gordon and Bill.

25           A    Uh-huh.

1           Q     But this is Kurt Volker's text messages. So it's  
2 you, Volker and Bill Taylor. Is that right?

3           A     Must be, yeah.

4           Q     Okay. So Bill Taylor writes: Gordon, you might  
5 not have seen the message from George Kent on the high side  
6 that tells us that senior levels at the White House said that  
7 that the visit is not happening any time soon. Very  
8 discouraging. Any chance you can turn this around? If not,  
9 I don't think a senior call with the Ukrainians on Friday, as  
10 your staff is suggesting, makes sense. Your thoughts.

11           A     And then two lines on down, you write back: This is  
12 Vindman, and is being fixed. Do you recall -- this is  
13 June 26th, what you meant by or what you did after receiving  
14 this in order to fix it?

15           A     I don't recall exactly, but I do recall that  
16 Lieutenant Colonel Vindman was against a call per se. He was  
17 never specific about why. And I'm speculating, I might have  
18 called Dr. Hill, I might have called the State Department and  
19 asked for someone to look into the matter, but I don't  
20 remember exactly.

21           Q     Okay. And if you go to 42 at the top, you just  
22 say: "Please call. Urgent. Thanks." This is a text  
23 exchange with Kurt Volker. This is around a possible  
24 conference call that you had with Ambassador Volker,  
25 Ambassador Taylor, and Secretary Perry, that I asked you

1 about earlier. Do you recall that conference call, again,  
2 where you --

3 MR. LUSKIN: Around the --

4 MR. GOLDMAN: Around the time, yeah. Sorry.

5 AMBASSADOR SONDLAND: Oh, you mean the one with  
6 Ambassador Bolton?

7 BY MR. GOLDMAN:

8 Q No, this is later in the month.

9 A This is -- oh, I'm sorry, that's July 10th. Okay.

10 Q No, it's at the top. It's June 28.

11 A Oh, June 28th.

12 Q I'm trying to refresh your recollection as to  
13 whether or not you remember anything more about a conference  
14 call that you might have had with the Ambassador Volker,  
15 Ambassador Taylor, and Secretary Perry on June 28th?

16 A I don't. I do not recall.

17 Q And whether you would have patched in President  
18 Zelensky?

19 A I might have, but I don't -- again, I don't  
20 remember the contents of that call.

21 Q Are you aware of a Ukraine-related conference in  
22 Toronto at the beginning of July?

23 A Is that the one that Ambassador Volker attended? I  
24 think he attended something in Toronto.

25 Q Do you know if George Kent attended?

1           A     I don't. I don't know.

2           Q     Did you have any conversations -- do you know  
3 whether Ambassador Volker met with President Zelensky there?

4           A     I believe he reported back that they had a meeting,  
5 yes.

6           Q     What did he report back to you?

7           A     I think he reported that it was a good meeting.

8           Q     Did you speak to him before that?

9           A     Well, I spoke to him before he went to Toronto at  
10 some point, I don't know when.

11          Q     Did you know when he intended to speak to President  
12 Zelensky about?

13          A     I think they were just going to get together and  
14 keep the relationship going.

15          Q     Well, you said at every meeting you discussed the  
16 White House visit?

17          A     Always.

18          Q     Right.

19          A     I'm sure they talked about that, too, because the  
20 Ukrainians would bring it up.

21          Q     And did you know by this point whether or not there  
22 was any discussion with the Ukrainians, whether it's  
23 President Zelensky or his senior officials, about any  
24 conditions for a White House meeting by the early July?

25          A     Early July. So let's see -- so I'm looking here at

1 the texts.

2 Q So they are a little out of order because --

3 A This is now when Giuliani and Yermak met in Madrid.

4 Q No, no. Don't look at the texts because it's not  
5 related -- I didn't ask you to look at the text. I'm just  
6 asking about this July 2nd or 3rd meeting in Toronto between  
7 Volker and Zelensky, and whether you, by that point, whether  
8 you recall having any conversations with Ambassador Volker,  
9 or others, but specifically Ambassador Volker, about any  
10 conditions for the White House meeting?

11 A Well, at some point, and again, I don't remember  
12 the timeframe. At some point this press statement was a  
13 condition of the White House meeting.

14 Q Right. That was in August, and we'll get to that.  
15 But I'm just trying to understand the time line, because you  
16 have said that you remember, at some point, the  
17 investigations became linked to the White House meeting. Is  
18 that correct?

19 A The press statement, yeah, the press statement was  
20 linked to the White House meeting. And the press  
21 statement included -- the most laden press statement was the  
22 one that mentioned the 2016 and the Burisma investigations  
23 continuum.

24 Q Okay.

25 A You know, but there were many versions of it.

1           Q     And other than the press statement, you don't  
2     remember whether -- is it your testimony here today that  
3     prior to the press statement, and I want to be very clear  
4     about this.

5           A     Okay.

6           Q     That prior to the press statement you had no  
7     awareness that the White House visit was conditioned at all  
8     on whether or not Ukraine pursued any investigations?

9           A     I don't recall that at all. Again, I viewed an  
10    unconditional invitation, so I thought we were done. We  
11    couldn't get a meeting scheduled. Then the press statement,  
12    which was an innocuous press statement that said, pursuing  
13    corruption. Then the press statement began to have ornaments  
14    hung on it. That was the continuum as I recall it.

15          Q     All right. Let's keep going through the texts. Go  
16    back to page 36.

17          A     Which page? I'm sorry.

18          Q     Page 36. If you look near the bottom, starting  
19    with 7/7 at 2:15.

20          A     7/7. Okay.

21          Q     Sorry, the 2:34.

22          A     Yeah.

23          Q     Ambassador Volker writes: "Gordon, maybe we can  
24    talk E. Mulvaney on Monday by phone, Kurt." Do you know what  
25    that was in relation to?

1           A     I'm speculating it might have been trying to get  
2     Mulvaney to help with the meeting.

3           Q     Which meeting?

4           A     The Zelensky White House meeting.

5           Q     Okay. And what did you recall speaking?

6           A     Or a call. I mean, again, I don't remember exactly  
7     what -- I think we were, you know, we were trying to push at  
8     every possible place we could push to get this done, because  
9     we were losing credibility with the Ukrainians.

10          Q     I understand, and it's clear --

11          A     After the invitation came out, because they took it  
12     seriously.

13          Q     Right. And now we're 6 weeks later --

14          A     Yes.

15          Q     And there's been no date set.

16          A     No. There hadn't even been a phone call. The  
17     phone call never occurred until July 25th.

18          Q     And explain the importance of the phone call at  
19     this point?

20          A     With every country that I deal with, every country  
21     with which I deal, direct calls from the President of the  
22     United States to the leader of the country and Oval visits  
23     are always valued, especially with, as you described it, a  
24     new fledgling President, who just got elected, wants to  
25     establish legitimacy. So having President Trump call him,

1 even if it was for no purpose other than to say hello, was  
2 valued. But then they go to the press, they say, I just  
3 spoke to the President of the United States, and it gives  
4 them legitimacy. And the Oval is the sine qua non.

5 Q Right. And so whether it was on this date or  
6 otherwise, obviously, you reference a conversation with  
7 Mulvaney. Did you have a conversation with Mr. Mulvaney  
8 about a White House visit for President Zelensky?

9 A I don't recall. All I can tell you is Mulvaney was  
10 almost impossible to get a hold of. He rarely responded to  
11 emails and almost never returned phone calls.

12 Q So why would Ambassador Volker be asking you to  
13 talk about Mulvaney?

14 A Because he figured I'd have a better chance of  
15 getting him than he would.

16 Q You don't have a recollection of --

17 A We may have connected. I don't recall.

18 Q You don't recall?

19 A I don't recall.

20 Q And you don't recall the substance of any  
21 conversation with Mr. Mulvaney that you may have had about a  
22 White House visit?

23 A I don't know the date, but I'm sure at some point,  
24 I had a phone conversation, or I may have run into  
25 Mr. Mulvaney in the White House, having been there for

1 another reason, and asking, you know, why don't we have the  
2 meeting yet? Why don't we have the phone call? And I don't  
3 think I got a definitive answer, other than, we're working on  
4 it.

5 Q He didn't tell you at any point that the President  
6 needs these investigations in order to have a White House  
7 visit?

8 A That was never linked. That was only specifically  
9 brought into the press statement for a brief period of time  
10 through Mr. Giuliani when we were negotiating a press  
11 statement.

12 Q So if another witness were to testify that you  
13 relayed the substance of a conversation that you had with  
14 Mr. Mulvaney, where you indicated that you had an agreement  
15 on a White House visit as long as you got an investigation in  
16 early July, are you saying that that witness would not be  
17 telling the truth?

18 A That I do not recall at all.

19 Q And if there was a memorialization of that witness'  
20 perspective and corroborates their testimony, are you saying  
21 that that testimony would be inaccurate?

22 A I'm saying I don't have any recollection about an  
23 investigation. The only thing that I have testified to is  
24 that the two items were to be mentioned in the press  
25 statement at one point during the press statement

1 negotiations, which were conducted between Volker, Giuliani,  
2 and, as I said, I gave input.

3 Q Can you go to page 37, please. Let me go to  
4 July 21st at 1:45 a.m. And I'll read it, Bill Taylor writes:  
5 "Gordon, one thing Kurt and I talked about yesterday was  
6 Sasha Danylyuk's point that President Zelensky is sensitive  
7 about Ukraine being taken seriously, not merely as an  
8 instrument in Washington domestic reelection politics." And  
9 you respond. "Absolutely, but we need to get to conversation  
10 started and the relationship built irrespective of the  
11 pretext. I am worried about the alternative."

12 Now, let me ask you something. What do you think  
13 President Zelensky's sensitivity about being an instrument in  
14 Washington domestic reelection politics, as relayed to you on  
15 July 21st, references?

16 A Well, I think President Zelensky, as a general  
17 prospect, did not want to get involved in U.S. election  
18 politics, which makes sense.

19 Q Of course. What do you think he's referencing?

20 A I don't know what he's referencing.

21 Q You have no idea, as you sit here, what he might be  
22 referencing?

23 A When I said irrespective of the pretext, I wanted  
24 to keep the conversation going because at this point, we had  
25 already almost lost all credibility with the Ukrainians.

1           Q     Right. And isn't the pretext the investigations  
2 that the President wanted?

3           A     I think the pretext was the -- it was never the  
4 investigations, I heard it was the press statement. I've  
5 always said this was about a press statement.

6           Q     I understand what you've said, Ambassador Sondland.  
7 And I don't know whether you reviewed these text messages  
8 before or not, but your testimony today that the press  
9 statement was the first that you heard about the  
10 investigation is entirely inconsistent with the text messages  
11 that you were on. So why I'm showing you these text messages  
12 is that it may refresh your recollection that you actually  
13 did have conversations about this before the press statement.  
14 And I will ask you once again, what could President Zelensky  
15 possibly mean when he references Washington domestic  
16 reelection politics?

17          A     I can't speculate what Bill Taylor was doing. I  
18 wanted to keep the conversation going.

19          MR. LUSKIN: Can we have a minute?

20          MR. GOLDMAN: Yeah.

21          AMBASSADOR SONDLAND: So repeat your question again,  
22 please.

23                 BY MR. GOLDMAN:

24          Q     Let me take a step back. You said you've been  
25 focused on the press statement, and ultimately, what

1 Mr. Giuliani wanted in that press statement was a specific  
2 mention of the investigations into Burisma and the 2016  
3 elections. Is that right?

4 A That's what I understood through Volker because,  
5 remember, I hadn't met Giuliani at this point.

6 Q Right, and we'll get to that. But you understand  
7 that the press statement was something tangible, but what --  
8 the substance that they wanted were these investigations?

9 A What I understood was that breaking the logjam with  
10 getting the President to finally approve a White House visit  
11 was a public utterance by Zelensky, either through the press  
12 statement or through an interview or some other public means,  
13 that he was going to pursue transparency, corruption, and so  
14 on. It was later that the Burisma and the 2016 were added,  
15 by, apparently, Mr. Giuliani.

16 Q To the press statement itself?

17 A To the press statement itself.

18 Q Okay. So we can agree, you will agree, I think,  
19 that Mr. Giuliani -- the condition -- by the time of the  
20 press statement discussion, the condition for a White House  
21 meeting was a press statement that included the initiation of  
22 these investigations?

23 A That was, I believe, the most -- if I may use the  
24 world "egregious," version of the press statement, which was  
25 then never delivered.

1           Q     I understand it wasn't delivered. But that  
2 addition was provided by Mr. Giuliani?

3           A     It must have been because that's the only source it  
4 could have come from.

5           MR. LUSKIN: Just for clarification, I think what he's  
6 trying to say is the press statement was iterative, and that  
7 he doesn't recall at what point during that interview process  
8 the specific references to investigations, including Burisma  
9 and 2016, were added to the --

10          MR. GOLDMAN: We'll get to that. We'll get to that.

11          BY MR. GOLDMAN:

12          Q     But my last question, because our time is up, is  
13 did you or did you not know before the discussion about this  
14 press statement whether Mr. Giuliani, as the representative  
15 of the President, per the President's instructions,  
16 conditioned a White House meeting on investigations related  
17 to domestic reelection politics?

18          A     That was Mr. Taylor's characterization. My only  
19 recollection is that the White House visit was conditioned on  
20 the press statement involving the 2016 and Burisma. That was  
21 the only condition.

22          MR. GOLDMAN: I think our time is up. We'll yield to  
23 the minority.

24          BY MR. CASTOR:

25          Q     And there's a difference between a press statement

1 and actual investigations, correct?

2 A Thank you. That's what I'm -- the point I'm trying  
3 to make, not very eloquently.

4 Q So if anybody was trying to get the Ukrainians to  
5 make this statement, that's different from getting the  
6 Ukrainians to make this statement and initiate an  
7 investigation. Is that correct?

8 A That would be my assumption, yes. They are two  
9 different things.

10 Q Were any other vehicles for this anti-corruption,  
11 you know, the priority they had on anti-corruption discussed,  
12 other than a statement? Excuse me.

13 A Explain your question.

14 Q Like was there another way to do this? Could they  
15 have maybe given an interview?

16 A Yes, exactly. One of the other alternatives, I  
17 believe suggested by Mr. Giuliani through either Ambassador  
18 Volker or Secretary Perry, was just go on TV and say what  
19 you're going to do.

20 Q Okay. And from Giuliani or Volker, did you hear at  
21 any point in time that they really wanted an investigations  
22 or they just wanted the statement so they could move forward  
23 with the White House meeting?

24 A I really don't know.

25 Q Okay.

1           A     I was told shortly after the inauguration by  
2 someone in Zelensky's team is that he was going to open up  
3 all of the things that were shut down under Poroshenko, and  
4 as the person put it, let the light shine in or something to  
5 that effect.

6           Q     He had issues with Lutsenko, who is the prosecutor  
7 general, correct?

8           A     Who had issues with Lutsenko?

9           Q     The new President, Zelensky.

10          A     I believe he considered him part of Poroshenko's  
11 team. Right. Yes.

12          Q     And so opening up many of the matters that Lutsenko  
13 had been looking into, that was far broader than just these  
14 two narrow issues, correct?

15          A     I'm speculating, but I think that's true.

16          Q     In July 26th, when you were meeting with President  
17 Zelensky, did the topic of aid come up and the delay or the  
18 hold on the aid?

19          A     I don't believe it did. I don't recall that. That  
20 would have been a pretty touchy subject, and I don't remember  
21 that being brought up.

22          Q     And to the best of your knowledge, when did  
23 Ukrainians realize that the aid was being held up?

24          A     I don't know. But as I understood it from  
25 Ambassador Volker, or Ambassador Taylor, it was quite a while

1 between when the aid was instructed to be held up, and when  
2 the Ukrainians actually discovered it had been held up.

3 Q Okay. And at some point, it became a news story,  
4 do you remember that?

5 A At some point.

6 Q Okay. So I'm going to make as exhibit -- are we up  
7 to 6? Seven. Lucky number 7. Do you guys have it? Do you  
8 want it?

9 A Okay.

10 [Minority Exhibit No. 7  
11 was marked for identification.]

12 BY MR. CASTOR:

13 Q I should probably put a sticker on it.

14 A This was on August 29th?

15 Q This is on August 28th, a Politico story with the  
16 headline: Trump holds up Ukraine military aid meant to  
17 confront Russia. Do you know if the holdup in the aid was  
18 reported prior to this?

19 A I don't know when I learned about it. I didn't see  
20 this article until just now.

21 Q Do you know if -- did Volker communicate to you at  
22 some point that the Ukrainians learned about --

23 A I think the first time I heard that the aid was  
24 being held up was when Taylor, I believe, sent a text saying  
25 he had heard that aid was going to be held up. And I don't

1 recall the date of that text.

2 Q I think it's in a text pack, a text package, which  
3 is exhibit 6. I think it's the last page, if I'm correct.

4 A Okay.

5 Q So on September 8th at 12:37 p.m. Taylor -- do you  
6 need more time to read it or are you with me?

7 A I'm sorry. Go ahead.

8 Q Are you with me on --

9 A What is it that you want me to read?

10 Q I'm referring you to these texts.

11 A What page are they on?

12 Q Fifty-three. The last page of the pack, I think I  
13 said.

14 A Okay. These are September.

15 Q Right.

16 A Okay. Got it. Okay.

17 Q Okay. So at 12:37 p.m. Bill Taylor texted: The  
18 nightmare is they give the interview and don't get the  
19 security assistance. The Russians love it. And then, you  
20 know, you request that they initiate, you know, a call. And  
21 then Bill Taylor says at 12:31, the message to the  
22 Ukrainians, and of course, the Russians, we send with the  
23 decision on security assistance is key, with the hold we  
24 already shaken their faith in us.

25 MR. LUSKIN: Where is the already shaken the faith --

1 MR. CASTOR: 12:31.

2 AMBASSADOR SONDLAND: Got it. Got it. Okay.

3 MR. GOLDMAN: Sorry, what page are you on?

4 MR. CASTOR: The last page of the pack, 53.

5 AMBASSADOR SONDLAND: Okay. Got it.

6 BY MR. CASTOR:

7 Q Okay. And then Bill Taylor says, counting on you  
8 to be right about this.

9 A Got it. Right.

10 Q Is this the time when Ambassador Taylor becomes  
11 zeroed in on the question?

12 A I mean, I believe what this --

13 MR. LUSKIN: Wait, can you clarify what question you're  
14 talking about here.

15 MR. CASTOR: The hold in the aid.

16 AMBASSADOR SONDLAND: The hold in the aid. Yeah, I  
17 mean, I think we knew that the aid was held up earlier than  
18 that, sometime in July.

19 BY MR. CASTOR:

20 Q You knew the aid was held up?

21 A Right.

22 Q The Ambassador knew the aid was held up, but at  
23 some point the Ukrainians became aware that the aid was held  
24 up?

25 A Right.

1           Q     And then Ambassador Taylor became aware, and I  
2 think he communicated that, as I understand. At some point  
3 the Ambassador communicated --

4           A     I think the Ambassador communicated that the aid  
5 was held up in July, but he didn't know why.

6           Q     Correct. But at some point, the Ambassador learned  
7 the Ukrainians learned.

8           A     I see. Okay.

9           MR. GOLDMAN: Is that a question? Sorry.

10          MR. CASTOR: What's that?

11          MR. GOLDMAN: Is that a question?

12          MR. CASTOR: This is the backdrop of what we're  
13 discussing here.

14          MR. GOLDMAN: Well, do you know that? You just made a  
15 statement and he said okay.

16          BY MR. CASTOR:

17          Q     Well, we started this out by saying, when you met  
18 on July 26th with President Zelensky, the aid had been on  
19 hold for a couple week by that point in time. You testified,  
20 correct me if I'm wrong, that it didn't appear that the  
21 Ukrainians knew the aid was being held at that point,  
22 correct?

23          A     I wasn't aware that they knew.

24          Q     Okay. And then I asked you, when did they become  
25 aware to the best of your knowledge, and I think you said

1 that Ambassador Taylor notified you?

2 A Ambassador Taylor notified me. I don't know if the  
3 Ukrainians were aware of it at that point.

4 Q Oh, okay. My question is, when did you learn that  
5 the Ukrainians learned? Is that fair? I mean, is that --

6 A No, that's --

7 Q Sorry.

8 A I understand the question. The question is when  
9 did I learn that the Ukrainians learned?

10 Q Yes.

11 A I don't recall exactly when I learned that the  
12 Ukrainians learned.

13 Q I think we can all agree by the time there was a  
14 Politico report --

15 A Everyone --

16 Q -- everyone would have known?

17 A Yeah.

18 Q Getting back to Taylor's concerns on the 9th, which  
19 you know, he references in the interview. Do you know what  
20 interview he was referencing?

21 A I think this was the press statement had now  
22 morphed into some kind of an interview that President  
23 Zelensky would give to a TV station.

24 Q Okay.

25 A And that that would replace the press statement.

1 Q Okay. And do you know where that interview would  
2 have occurred?

3 A I don't.

4 Q Or on what network?

5 A I don't know, but something President Trump would  
6 obviously see.

7 Q Okay.

8 A FOX. On Tucker.

9 MR. BITAR: I want to make sure the reporters got all  
10 that.

11 MR. MCDERMOTT: Let the record reflect there's lots of  
12 laughing in the room.

13 MR. CASTOR: But not by Mr. Castor.

14 BY MR. CASTOR:

15 Q The 12:34 a.m. text.

16 A Yes.

17 Q Where Taylor says: Counting on you to be right  
18 about this interview, Gordon?

19 A Yes.

20 Q Do you remember, had you been -- had you been  
21 advocating to the Ambassador like, look, we'll go from the  
22 statement to the interview and we'll be all good?

23 A I think what that refers to, and I'm trying to  
24 recall as best I can, that someone had to move first before  
25 the other moved. So the question was, would the White House

1 invitation be forthcoming before the interview or after the  
2 interview? And I think what I was saying there was, give the  
3 interview, and I'm sure the White House will then respond  
4 with an invitation. And I think what Ambassador Taylor was  
5 saying was, are you sure? And I'm saying, no, I'm not sure.  
6 I just assume.

7 Q Okay.

8 A I don't know if I'm right.

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1 [2:25 p.m.]

2 BY MR. CASTOR:

3 Q And then Taylor at 12:47 --

4 A 12:47.

5 Q -- says: "I think it's crazy to withhold security  
6 assistance for help with a political campaign."

7 So just a couple texts ago it was a discussion of the  
8 interview.

9 A That was the alarming text.

10 Q Okay. And so is that why you -- did you feel that  
11 maybe there was a disconnect?

12 A No. That is -- that is the first time that I  
13 speculated that now this aid was actually being held up in  
14 order to do this political thing, and that's when I called  
15 President Trump and got the answer I got.

16 Q And you got the definitive answer from him that he  
17 didn't want anything?

18 A I got what he told me, yes.

19 Q He wanted nothing, I think is --

20 A I want nothing.

21 Q Okay. And then it seems to me, and maybe I missed  
22 this, but it seems to me then there isn't a clear next  
23 communication with you and the Ambassador. You send this  
24 relatively long text and it sort of sounds like it's  
25 well-thought-out. Did that end it?

1           A     Well -- no. What ended it was I said: I suggest  
2 you call the Secretary --

3           Q     Right.

4           A     -- because this is your portfolio. Call the  
5 Secretary. And he said: I agree. And I never heard  
6 anything further.

7           Q     Do you know if he called the Secretary?

8           A     I don't.

9           Q     And then it became moot, because the aid was  
10 lifted?

11          A     Correct.

12          Q     Okay. Subsequent to that difficult period, did you  
13 ever have any communications with the Ambassador about what  
14 happened there?

15          A     I -- my best recollection is that once the aid hold  
16 was lifted we were out of the woods and we were back to  
17 what's it going to take to get the White House meeting.

18          Q     Okay. Between the 9th and all this news breaking,  
19 which happened around the 22nd or 23rd of September, did you  
20 have any further discussions with the Ambassador about a  
21 statement or a news interview?

22          A     I think -- I believe -- and, again, best of my  
23 recollection, was that was when the meeting morphed into the  
24 United Nations meeting.

25          Q     Okay.

1           A     So I was disappointed, because I thought the White  
2     House meeting would have been far more impactful and  
3     important for President Zelensky, but the decision was made  
4     above my pay grade to do this at the United Nations sometime  
5     in late September.

6           Q     Okay. And that took the place of the White House  
7     meeting?

8           A     Well, there still has -- as you recall, the two  
9     Presidents joked at that meeting: You invited me to the  
10    White House, I still don't have a date. This was President  
11    Zelensky saying to President Trump.

12          Q     Right.

13          A     Which was in the media. The press was in the room  
14    at the time. President Trump said, I'm working on it, and  
15    smiled, was the end of that. There still hasn't been an Oval  
16    meeting, to the best of my knowledge.

17          Q     Right. I think we would know.

18          A     Have you had, since this story broke, have you had any  
19    communications with Ambassador Taylor about this topic?

20          A     I don't recall talking to Ambassador Taylor after  
21    the -- I got the phone call from the White House about the  
22    whistleblower complaint. I'm not -- I won't swear to it, but  
23    I don't believe I've had any communications with him.

24          Q     I want to turn to the text pack again, the Bates  
25    number 37, and refer you to July 21st at 1:45 a.m.

1 Bill Taylor writes: "Gordon, one thing Kurt and I  
2 talked about yesterday was Danylyuk's point Zelensky is  
3 sensitive about Ukraine being taken seriously, not merely as  
4 an instrument in Washington politics."

5 And then your response is what I want to ask you about,  
6 7/21 at 4:45 a.m.: "Absolutely. But we need to get the  
7 conversation started and the relationship built, irrespective  
8 of pretext."

9 A Uh-huh.

10 Q "I'm worried about the alternative."

11 Could you just tell us what you meant by pretext?

12 A Well, the pretext being the agreed-upon interview  
13 or the agreed-upon press statement. We just need to get by  
14 it so that the two can meet, because, again, it was back to  
15 once they meet, all of this will be fixed.

16 Q Okay.

17 A So let's not argue over the form of what the  
18 condition is as long as it's -- you know, the press statement  
19 or the interview, let's just get it done so they can meet.  
20 That was my point.

21 Q Okay. And then you said: "I'm worried about the  
22 alternative."

23 A The alternative is no engagement and lack of  
24 credibility with the Ukrainians, because now it's 2 months  
25 past when the invitation. Again, they took that invitation

1 very seriously. Even though we may throw those around like  
2 candy, they didn't read it as that. They read a personal  
3 letter from the President of the United States saying: I'm  
4 inviting you to the White House, let's set a date. And the  
5 call hadn't even occurred yet. So --

6 Q Then Taylor says: "So the call tomorrow can be a  
7 positive step."

8 A That, I believe, was when the call was set for the  
9 20th, which was then taken down.

10 Q Okay. I see. Okay.

11 Among the U.S. officials communicating with the Ukraine  
12 on a regular basis, whether that be yourself or Ambassador  
13 Volker or Secretary Perry, Ambassador Taylor, who on these  
14 issues was doing most of the talking for the United States?

15 A Taylor, number one, and then Volker, number two.

16 Q On these issues, about the statement and the White  
17 House meeting?

18 A I assume that all of the -- and I think this was  
19 Ambassador Volker's habit, that whenever he communicated with  
20 the Ukrainians he did it in coordination with Ambassador  
21 Taylor, since he's the ambassador on the ground.

22 Q Do you think the Ukrainians trusted Ambassador  
23 Volker?

24 A I believe they did.

25 Q And he had developed a rapport with some of them.

1 such as Yermak?

2 A Yes, I think they liked him.

3 Q And he was doing an effective job?

4 A From my perspective, he was.

5 Q And he's someone that's acted with integrity, as  
6 far as you know?

7 A Yes.

8 Q Both personal and professional?

9 A Yes.

10 Q And you have acted with integrity, both personal  
11 and professional, with these matters?

12 A I have.

13 Q And in the best interests of the United States?

14 A I have.

15 Q And to the extent that non-U.S. Government actors  
16 such as Mr. Giuliani inserted themselves into this, you've  
17 tried to do your best to push for the best outcome for the  
18 United States?

19 A Correct, which I thought was a meeting between the  
20 Presidents.

21 Q And Mr. Volker was doing the same thing?

22 A Correct.

23 Q And Ambassador Taylor was doing the same thing?

24 A Yes.

25 Q Do you know if Ambassador Taylor ever tried to talk

1 to the Secretary about getting Giuliani out of this mix?

2 A I don't know.

3 Q Okay. Did you ever ask the Ambassador or did  
4 Ambassador --

5 A I didn't. The only time I suggested that  
6 Mr. Taylor talk to the Secretary was in my text to him.

7 Q Because Rudy Giuliani has a good rapport with the  
8 President, but so does the Secretary.

9 A Correct.

10 Q And so going to the Secretary about this, was that  
11 ever considered an alternative? Maybe the Secretary should  
12 talk to the President and say, "Let us handle this"?

13 A It would have been an alternative. I don't know if  
14 it ever occurred.

15 Q Okay. It never --

16 A I don't know if it ever occurred.

17 Q How frequently did you talk with -- or do you talk  
18 with the Secretary?

19 A I communicate with him fairly regularly, either  
20 through Lisa Kenna or directly.

21 Q Okay. And by fairly regularly, is that weekly or  
22 monthly?

23 A Probably weekly.

24 Q Okay. And he's usually responsive to your --

25 A Either directly or through Lisa, yeah.

1 Q Okay. And Ambassador Taylor has a pretty good  
2 ability --

3 A I don't know. He certainly could get through to  
4 the Secretary if he needed to, but I don't know what their --

5 Q In the wake of Ambassador Yovanovitch being called  
6 home, were you a part of the discussion about having  
7 Ambassador Taylor go out to be the Charge?

8 A I didn't know Ambassador Taylor until he was there.

9 Q Okay. So you were not part of the discussion of --

10 A Not that I remember.

11 Q What can you tell us about the -- when you first  
12 learned that there was an effort afoot to remove Ambassador  
13 Yovanovitch or recall her early?

14 A What's the question? When did I learn it?

15 Q Yeah, when did you learn that there was a movement  
16 to oust her?

17 A I don't remember. I just remember that there were  
18 a lot of rumors swirling around in my mission that she was  
19 being given a hard time and --

20 Q Okay.

21 A Yeah.

22 Q Was that after March of 2019 or before?

23 A Well, it was probably -- the first time I really  
24 met Ambassador Yovanovitch was when I went to Odessa, which  
25 would have been in February of '19. So it probably was after

1       that.

2           Q     Okay.  And before the removal of or the recall of  
3       the Ambassador, did anyone consult you, given your role with  
4       Ukraine?

5           A     No.

6           Q     Do you know if anyone consulted Ambassador Volker?

7           A     I don't know.

8           Q     Did you have any communication with Ambassador  
9       Volker about Ambassador Yovanovitch's situation?

10          A     I think Ambassador Volker anecdotally said he's  
11       very supportive of Ambassador Yovanovitch and, you know,  
12       liked her.

13          Q     Okay.  So he was disappointed, too, as far as you  
14       know, that she was recalled?

15          A     I mean, if -- he never expressed disappointment to  
16       me, but if he said he liked her and was supportive of her, I  
17       assume he would have been disappointed.

18          Q     Okay.  I think you testified this morning about a  
19       conversation -- did you have any conversations with  
20       Ambassador Yovanovitch while she was going through this, the  
21       period between March and her recall, which was about --

22          A     You know, counsel mentioned that I did.  I don't  
23       recall it.  I could have, but I don't remember it.  I seem to  
24       be the one people call when they have career problems.  I  
25       don't know why.

1 Q Did Ambassador --

2 A I do a lot of counseling with a lot of people, both  
3 in the public and private sector, about their careers.

4 Q Okay. Did Ambassador Yovanovitch lean on you for  
5 career counseling?

6 A We may have -- I don't remember. I honestly don't  
7 remember the conversation. I'm not denying it occurred. I  
8 just don't remember.

9 Q Okay. So to the best of your recollection, you  
10 never --

11 A It wasn't, you know, a momentous enough  
12 conversation that I would have remembered it.

13 Q Okay. You never encouraged her, to the best of  
14 your recollection, to tweet or something to that effect,  
15 support of the President?

16 A Again, I don't -- would I swear 100 percent I  
17 didn't, no, but I don't -- I just don't remember it.

18 Q That's all we're asking you, is your best  
19 recollection as you sit here today.

20 A Yeah, I don't -- I don't -- I don't remember it. I  
21 think I was writing reviews for all my employees at the time,  
22 so I was a little preoccupied.

23 Q Turning back to the question of whether any  
24 Ukrainian official ever told you about the suggestion that  
25 they need to investigate Biden, did that ever occur?

1           A     No. I believe, again, to the best of my  
2           recollection, I go back to the only thing that I recall was  
3           the press statement or a live interview of some kind. And,  
4           as you described it earlier, if the implication was an  
5           investigation, that that would actually happen, I wasn't  
6           aware of that. I was aware that Giuliani apparently wanted  
7           Burisma and 2016 mentioned in one of those formats. That's  
8           what I remember.

9           Q     I'd like to go through what you can remember of  
10          your communications with Giuliani.

11          A     Okay.

12          Q     You said the first one occurred in August?

13          A     Yeah. I believe I was introduced to him  
14          electronically by Ambassador Volker around the very beginning  
15          of August, August 1st or 2nd or something like that.

16          Q     And you raised the prospect of potentially getting  
17          together, but that never occurred?

18          A     Yeah. I think Ambassador Volker, you know,  
19          introduced us like, this is Gordon Sondland, our Ambassador  
20          to the EU, he's helping me on Ukraine, something to that  
21          effect. And Giuliani texted back: Great, would love to meet  
22          some time. And I think I threw out a couple of dates that I  
23          was in Washington or -- we just never connected. I think we  
24          tried once or twice to meet personally, and it never  
25          happened.

1 Q Did you ever talk on the phone?

2 A Yes. I think I participated in one or two  
3 conference calls with Volker and Giuliani, and then I think I  
4 may have had one or two direct calls with him, and that was  
5 it.

6 Q And do you remember the dates of those calls?

7 A Well, they would have been likely in August.

8 Q Okay. So potential of five?

9 A Something like that.

10 Q Five calls?

11 A Something like that.

12 Q Okay. And do you recall the specifics of any of  
13 the calls?

14 A All I can recall is the gist of every call was what  
15 was going to go in the press statement.

16 Q Okay.

17 A It was solely relating to negotiating the press  
18 statement, where, you know, Volker had taken the lead on it,  
19 and then I poked my nose into it to see if I could broker  
20 some kind of a compromise so we could get moving on the White  
21 House visit.

22 Q And do you recall what words Rudy Giuliani used on  
23 those calls?

24 A Again, he kept repeating Burisma and 2016 election.  
25 He never mentioned Biden to me on any call that I was on.

1 Q Okay. If at all possible, I'd like to break down  
2 each of the calls to the extent you can remember them. Is  
3 that something you can do, or do they all mush together?

4 A They all mush together, because they were like  
5 Groundhog Day. They were the same subject matter in each  
6 call.

7 Q Okay. And did these calls last a long time or were  
8 they short?

9 A A couple of minutes.

10 Q All of them?

11 A Yeah. Well, maybe -- I don't know about the  
12 conference calls, but the individual calls were a couple of  
13 minutes at the most.

14 Q Okay. And who was leading the discussion?

15 A Volker.

16 Q Okay. And maybe just describe what you can of any  
17 parts of these calls that you can remember.

18 A I think Volker was trying to get to the bottom of  
19 what was it that the President wanted to see from the  
20 Ukrainians in order to get the White House visit scheduled.  
21 And I think Giuliani kept saying it needs to be some kind of  
22 a public utterance.

23 I do recall that after he met with Yermak, apparently,  
24 in Madrid, he was far more sanguine about Ukraine than prior  
25 to that meeting. Volker reported back to me that Giuliani

1 was happy with that meeting. But I don't know what they  
2 talked about.

3 Q When was the meeting with Yermak in Madrid? Was it  
4 the beginning of August?

5 A I don't know. I'd have to look it up.

6 MR. NOBLE: Steve, I believe that was August 2nd.

7 BY MR. CASTOR:

8 Q Beginning of August, 2nd of August?

9 A In Madrid?

10 Q Yes.

11 A Yeah.

12 Q Okay. And did you get a readout from that meeting?  
13 Was anybody with Giuliani?

14 A I don't know. All I do know is that Volker  
15 reported back that Rudy and Yermak had a great meeting and it  
16 looks like things are turning around.

17 Q Okay.

18 A That's what I heard.

19 Q Okay. So then these calls that you describe, the  
20 four or five, happened subsequent to that meeting?

21 A Yeah, because I don't -- I didn't meet Giuliani  
22 until at least August 1, maybe August 2 or 3, by text. By  
23 text.

24 Q By text and then telephone?

25 A Right.

1           Q     And I know I asked you this before and I'll ask it  
2     again. Do you remember any words that Rudy Giuliani said  
3     other than Burisma and 2016? Did he use the name Bidens?

4           A     I never heard Biden.

5           Q     Okay. You never heard Rudy Giuliani mention the  
6     word "Biden"?

7           A     I never heard him mention Biden. I'm not saying he  
8     didn't use it. I never heard him say it.

9           Q     Okay. So in the -- you used the word "evolution,"  
10    I think, of this story.

11          A     Continuum, yeah.

12          Q     Continuum. In the early part of August, the Bidens  
13    hadn't entered the timeline yet, in your mind?

14          A     I don't think so. I don't think the Bidens had  
15    entered the timeline while we were negotiating the press  
16    statement.

17          Q     Okay.

18          A     Which was in the middle of August, I believe.

19          Q     Okay. Did Volker ever tell you about meetings he  
20    had with Giuliani?

21          A     He might have, again, in a very sort of good  
22    meeting, Rudy's happy, Rudy's unhappy. Nothing definitive.  
23    Again, I was focused on the White House meeting. That's all  
24    I cared about at that point.

25          Q     Right.

1           A     I had one mission, and that was my mission.

2           Q     Okay. Did you ever hear Volker talk about  
3     investigating the Bidens?

4           A     Never, that I can recall.

5           Q     In these four or five conversations with Giuliani  
6     was there ever a resolution or was it sort of always touching  
7     base, Burisma, 2016, and then --

8           A     We just could never get a press statement agreed  
9     to, and then the whole idea got dropped.

10          Q     Okay. And do you remember when in the month of  
11     August?

12          A     Probably mid- to late August would be my guess.

13          Q     And was that the last time you spoke with Mr.  
14     Giuliani?

15          A     I believe so.

16          Q     Senator Johnson attended the Zelensky inauguration.

17          A     I'm sorry?

18          Q     Senator Ron Johnson --

19          A     Yes.

20          Q     -- attended the Zelensky inauguration. Was that  
21     the first time you had met the Senator?

22          A     No, I think I met him during my confirmation.

23          Q     Okay. After your confirmation but before the  
24     inauguration, did you have any particular relationship with  
25     him or --

1           A     We might have gotten together. I can't remember if  
2 he was on one of the codels in Brussels or I may have seen  
3 him on the Hill. He was very friendly and helpful during my  
4 confirmation, so I stayed in touch.

5           Q     Did you ever have a discussion with Senator Johnson  
6 about any of these issues, such as investigating --

7           A     Well, I --

8           Q     -- Burisma or 2016?

9           A     Yeah, I noticed in the media he had come out and  
10 said that he and I had a conversation on the phone about it.  
11 And he had said that I told him -- this is the media report,  
12 and I haven't discussed this with him since that media report  
13 -- that I had said there was a quid pro quo.

14           A     And I don't remember telling him that, because I'm not  
15 sure I knew that at that point. I think what I might have  
16 done is I might have been speculating -- I hope there's no, I  
17 hope this isn't being held up for nefarious reasons.

18           A     I think we were having sort of a freeform discussion  
19 about what was going on, because he was very frustrated that  
20 Zelensky still hadn't been to the White House. I was  
21 referring to my conversation with Senator Johnson on the  
22 phone. I believe it was the end of August sometime.

23           Q     Okay.

24           [Discussion off the record.]

25           AMBASSADOR SONDLAND: Oh, yes, thank you.

1           The quid pro quo referring to the aid, not a press  
2 statement.

3           BY MR. CASTOR:

4           Q     And you had never thought there was a precondition  
5 to the aid. Is that correct?

6           A     Never, no. I mean, I was dismayed when it was held  
7 up, but I didn't know why.

8           Q     So to the extent there were any preconditions to  
9 anything, it was perhaps with the White House meeting, but  
10 not the aid?

11          A     I wasn't aware of it or I wasn't -- I don't recall  
12 being aware of it.

13          Q     So your conversation with Senator Johnson was at  
14 the end of August, you think?

15          A     I believe it was the end of August. And then I  
16 believe he told me he was going to be calling the President  
17 to find out why things weren't moving forward.

18          Q     And did you talk to him as a followup after he did  
19 that?

20          A     I don't think I did, no.

21          Q     Are you familiar with the Wall Street Journal story  
22 that came out Friday, October 4th, where Senator Johnson  
23 raised this issue?

24          A     Yeah. I think that's what flagged it for me.  
25 Someone brought it to my attention.

1 Q And did you ever do anything about that article,  
2 such as call the reporter or --

3 A No.

4 Q -- call Senator Johnson, or did you just --

5 A There's so many stories out there about what I  
6 allegedly did or didn't do. I can't chase every newspaper.  
7 I mean, this has been a very bad experience for me.

8 Q Fair enough.

9 Did you put out a statement yourself?

10 A No. I -- you know, there were implications that I  
11 was cooking all of this up with Rudy Giuliani throughout the  
12 year when I only met him for the first time in August. I  
13 don't know how I could cook something up with someone I had  
14 never met.

15 Q Have you talked to Senator Johnson since?

16 A I have not. But our relationship was always very  
17 cordial and friendly.

18 Q Okay. So you think Senator Johnson just misspoke?

19 A I don't know. I'm not accusing him of misspeaking.  
20 I'm saying I don't know what basis I would have had to assert  
21 on that date that there was aid being held up in return for a  
22 White House meeting. I don't know why I would know that at  
23 that point. I don't recall having been told that by then.

24 Q So you hadn't -- did you ever, in the course of  
25 this, ever make a statement to the effect of, you know, we're

1 cutting a big check to the Ukraine, you know, what should we  
2 get for this?

3 A That's not something I would have said. I don't  
4 remember that at all.

5 Q Okay. So you've never made a statement relating  
6 the aid to conditions that the Ukraine ought to comply with?

7 A I don't remember that, no.

8 Q But if someone suggested that you made that  
9 statement, that would be out of your own character, you're  
10 saying?

11 A Yes.

12 Q Okay. Have you had any communications with  
13 President Zelensky since September 25th?

14 A The last time I spoke to him was in person.

15 Q In New York?

16 A In New York, when he was with the President of the  
17 United States.

18 Q How about any other Ukrainian official?

19 A I think I may have chatted with Mr. Yermak right  
20 after that meeting, at the meeting after Zelensky left, and I  
21 think that was about the end of it.

22 Q Okay. So you haven't had any further  
23 communications with Ukrainians?

24 A I think Mr. Yermak reached out to me by text, and I  
25 don't think I responded.

1 Q Okay. Do you remember what he said to you?

2 A Hello, how are you? Something like that.

3 Q Okay. And why didn't you respond?

4 A I just didn't want to respond once the matter had  
5 become contentious.

6 Q Okay. Contentious with Yermak or contentious here?

7 A No, no, contentious with the White House. Because  
8 remember, I got the call from the White House about the  
9 whistleblower report at the United Nations. So it was all  
10 within a day or two of that meeting with Zelensky. So then I  
11 got the call from the White House saying: Your name is in a  
12 whistleblower -- and I just said, I'm not going to engage any  
13 further.

14 Q Do you still have a role in Ukraine policy?

15 A At this very second, no, but I would like to  
16 continue it, because I think it's critical.

17 Q Okay. So is it fair to say since the September  
18 25th and subsequent events, you've pushed the pause button  
19 for yourself on your involvement?

20 A For myself, because, first of all, I've been  
21 consumed with preparing for these depositions and dealing  
22 with all of this other stuff.

23 Q Zelensky is reportedly close with an oligarch with  
24 the name of --

25 A Kolomoisky.

1           Q     Kolomoisky.  What do you know about his  
2     relationship with him?

3           A     I only know of Mr. Kolomoisky anecdotally, and the  
4     rap on him is that he's a bad guy and that I think I heard he  
5     had helped Zelensky at some point during his business career  
6     or with his campaign, but Zelensky was trying to distance  
7     himself from Kolomoisky because he knew that that was the  
8     best pathway forward for the country.  That's what I had  
9     heard anecdotally.

10          Q     Okay.  In your discussion with State Department  
11     officials, National Security Council officials, did anyone  
12     raise concerns that we have to evaluate whether Zelensky will  
13     be himself caught up with some of these oligarchs that are --  
14     you know, have corrupt reputations?

15          A     Yeah.  I mean, to stay in an unclassified answer, I  
16     think there's always concern about any leader of any country  
17     where there are oligarchs.

18          Q     Okay.  We are certainly in an unclassified setting  
19     and we don't want you to go into a classified setting.

20          MR. LUSKIN:  I just was a little concerned that --

21          MR. CASTOR:  Absolutely.

22          MR. LUSKIN:  -- the way you framed the question might  
23     implicate his sharing information that shouldn't be shared in  
24     this setting.

25          MR. CASTOR:  Thank you.

1 BY MR. CASTOR:

2 Q With the draft statement that Yermak and Ambassador  
3 Volker were kicking around, do you know if Giuliani ever  
4 inserted himself into that communication where he was talking  
5 directly to Yermak about it?

6 A I don't know if he was talking to Yermak about it,  
7 but I assume that Volker was getting his guidance from  
8 Giuliani, because Giuliani was the one that had to be  
9 satisfied.

10 Q Did Volker ever tell you his feelings on the  
11 statement before he drafted that one-liner at the end?

12 A I mean, the only conversation I have had with  
13 Volker -- I can't tell you when or where -- was that there  
14 shouldn't be any preconditions, that, you know, we were  
15 having to negotiate this statement or interview to get a  
16 meeting that should have occurred without any preconditions.

17 Q That was your view?

18 A I think that was Volker's view, Taylor's. I think  
19 it was everyone's view.

20 Q So that was your view, too?

21 A My view.

22 Q And Ambassador Taylor's and Volker's?

23 A Correct.

24 Q And so we're going through this exercise with  
25 Yermak and kicking around a possible statement or a TV

1 interview solely because of the Giuliani involvement?

2 A Apparently so.

3 Q Other than the May 23rd meeting with the President  
4 where he said talk to Giuliani, have you ever heard the  
5 President refer to go talk to Giuliani?

6 A Not to me.

7 Q Okay. So that's the only time in your firsthand  
8 knowledge that the President referred people to Giuliani on  
9 this issue?

10 A That's, the best of my recollection, was the only  
11 time.

12 Q And do you know if the President referred Volker  
13 outside of your presence --

14 A I don't know.

15 Q -- to Giuliani? Was he speaking with the  
16 President, do you know?

17 A I don't believe he's ever met alone with the  
18 President.

19 Q Okay. Did any State Department officials ever  
20 express their concern to you about Ambassador Yovanovitch's  
21 recall?

22 A I think there are a couple of people in my mission  
23 in Brussels who knew her well, had served with her in some  
24 capacity, and had heard that she was in jeopardy or something  
25 to that effect, and were very disappointed and expressed, you

1 know, she's a great person and she doesn't deserve this,  
2 something to that effect. I don't remember who it was. It  
3 could have been my DCM, but I don't remember.

4 Q Anybody back in Washington?

5 A Not that I can recall.

6 Q Were you aware that after the call transcript came  
7 out September 25th that there was an effort inside the State  
8 Department to put out a statement of support for Yovanovitch?

9 A Let me see if I get that straight. You said after  
10 the transcript of the President's call with Zelensky was  
11 released there was an effort to do what?

12 Q Inside the State Department there were some career  
13 Foreign Service folks --

14 A Oh.

15 Q -- that were advocating the Secretary put a  
16 statement of support out.

17 A I didn't know. I think I read that in the  
18 newspaper, but I wouldn't have gotten that, because I'm not a  
19 career --

20 Q Okay.

21 A -- I'm not a career Foreign Service officer.

22 Q Okay. So you weren't aware of any initiative  
23 inside the State Department to do something to signal that --

24 A I vaguely recall reading it in the paper or seeing  
25 it somewhere, but no one sent me anything internally.

1 Q Okay. Did the State Department do anything to  
2 signal support of Ambassador Yovanovitch?

3 A Not to the best of my knowledge.

4 Q So they didn't have an internal email or they  
5 didn't have a --

6 A They may have. Again, I wasn't privy to it.

7 Q Okay.

8 A I didn't see it. If you're telling me it's on my  
9 email, I didn't read it. I don't remember that.

10 MR. CASTOR: I'm sorry, my time is expired.

11 Mr. Goldman.

12 MR. GOLDMAN: Let's take a 5-minute break.

13 AMBASSADOR SONDLAND: Thank you.

14 [Recess.]

15 THE CHAIRMAN: Okay, let's go back on the record. The  
16 time is with the majority.

17 Mr. Noble, you are recognized.

18 MR. NOBLE: Thank you, Chairman.

19 BY MR. NOBLE:

20 Q Ambassador Sondland, I want to direct your  
21 attention to the end of August. And my colleague Mr. Castor  
22 was asking you about the Politico article that came out  
23 around August 28th which made public the freeze that the  
24 administration had put in place on the Ukrainian security  
25 assistance. Do you recall that?

1           A     Yes, I recall him describing it.

2           Q     Around that time, I believe you testified that you  
3     and Ambassador Volker and the Ukrainians had dropped the idea  
4     of doing a statement announcing the investigations that Rudy  
5     Giuliani wanted, specifically Burisma and 2016. Is that  
6     right?

7           A     Yeah, I believe the Ukrainians didn't want to go  
8     forward.

9           Q     But you were still discussing the possibility of  
10    President Zelensky doing a public interview, possibly with a  
11    news outlet, in which he would announce those investigations?

12          A     I think the Ukrainians mentioned to Volker that  
13    they were planning to do one and that they might incorporate  
14    some of those things in that interview.

15          Q     Okay. So at the time when the freeze became public  
16    on August 28th and Ukraine presumably learned about that  
17    freeze, they knew that the Americans were still pushing for  
18    an announcement of these investigations. Is that right?

19          A     I don't know when the Ukrainians found out. I  
20    mean, I don't know when they would have made the connection.  
21    They might have learned before. They might have learned  
22    after the Politico article. I have no idea.

23          Q     Well, on August 28th it became public in the  
24    Politico article, correct?

25          A     Yeah. I see this Politico article, yeah.

1           Q     Okay. And then I believe in Mr. Volker's text  
2 messages, on August 29th Andrey Yermak actually sends the  
3 Politico article to Mr. Volker and asks to speak with him.

4           A     Was that a text I was on?

5           Q     I don't know if that was a text that you were on.

6           A     Okay.

7           Q     But did you have any conversations with the  
8 Ukrainians or with Mr. Volker, Ambassador Volker, about the  
9 fact that this freeze had been put in place around this time?

10          A     I don't recall having any. I'm not saying it  
11 didn't occur, but I don't recall having any. I think Volker  
12 was handling those conversations.

13          Q     So I'll direct your attention to -- let's go to  
14 page 20 of the text messages, and it's near the bottom on  
15 August 29th, 2019, at 3:06 a.m.

16          A     3:06?

17          Q     Yeah. In the line above it, Andrey Yermak says,  
18 "need to talk to you," and then he sends a link to the  
19 Politico article from August 28th --

20          A     Yeah.

21          Q     -- to Ambassador Volker. So presumably at that  
22 point the Ukrainians knew about the freeze, correct?

23          A     Apparently.

24          Q     Did you have any conversations with Ambassador  
25 Volker about that at that time?

1           A     I don't remember when I was brought in on the  
2     conversations relating to the freeze, you know, until close  
3     to, I believe, the Johnson conversation, the conversation  
4     with Senator Johnson. I don't know exactly what day.

5           Q     That was August 30th, correct?

6           A     Yeah, I think so.

7           Q     So -- but you learned about the freeze on July  
8     18th, when Bill Taylor texted you about the SVTC announcing  
9     the freeze?

10          A     Right.

11          Q     Okay. So between July 18th and August 28th, did  
12     you have any -- you never had any conversations with the  
13     Ukrainians about the fact that the aid was frozen?

14          A     I don't recall having conversations with the  
15     Ukrainians. What I recall was trying to chase down the  
16     reason for the freeze, and I could never get a straight  
17     answer and I sort of gave up.

18          Q     But you don't recall any conversations with the  
19     Ukrainians about the freeze?

20          A     I won't swear to it, but I don't recall, I honestly  
21     don't.

22          Q     So let's go to page 39 of the text messages. And I  
23     want to use the text messages, because I think they might be  
24     useful in helping refresh your recollection --

25          A     Okay.

1 Q -- and kind of locking down certain dates.

2 Do you see up here at the top. This is a conversation  
3 between Bill Taylor and Kurt Volker. On August 30th, 2019,  
4 at 12:14, Bill Taylor says: "Trip canceled."

5 And then Volker says: "Hope VPOTUS keeps the bilat" --

6 A Right.

7 Q -- "and tees up White House visit."

8 And then Volker says: "And hope Gordon and Perry still  
9 going."

10 And you respond: "I am going. Pompeo is speaking to  
11 POTUS today to see if he can go."

12 Is that the meeting in Warsaw for the World War II  
13 commemoration?

14 A Yeah. This is refreshing my memory. Yes, correct,  
15 it is.

16 Q Okay. Do you know why President Trump did not  
17 attend the Warsaw commemoration?

18 A The reason that I had heard was the hurricane. He  
19 wanted to stay behind to oversee the hurricane issues.

20 Q President Trump was scheduled to meet with  
21 President Zelensky at that Warsaw meeting, right?

22 A I believe so, yes.

23 Q And did you attend?

24 A I did.

25 Q And who else was there?

1           A     A lot of people.

2           Q     I mean, for -- with any meetings with President  
3     Zelensky during that --

4           A     Huge bilat with Vice President Pence and a whole  
5     cast of people.

6           Q     Were you present for any conversations between  
7     President Pence and President -- Vice President Pence and  
8     President Zelensky?

9           A     Only the one in the big bilat. I don't believe  
10    there was any pull-aside or any private conversation other  
11    than the big bilateral meeting.

12          Q     Okay. Do you recall any discussions around that  
13    time about the link between the White House visit and the  
14    push for a public announcement by the Ukrainians of the  
15    investigations Giuliani wanted?

16          A     I don't. I was focused more during that trip on a  
17    meeting that Pompeo and I had scheduled with the big four  
18    leaders of -- the new leaders of the EU. And when Pompeo  
19    couldn't go to Warsaw, I was worried that I had already set  
20    those meetings up for him and I to meet with the four new  
21    leaders.

22          So I wound up going with Vice President Pence. I sat in  
23    on the bilat. And then I came back to Brussels, I believe,  
24    and Pompeo came just for the meetings with the big four from  
25    Washington to Brussels.

1 Q And Senator Johnson, was he part of the U.S.  
2 delegation to Warsaw?

3 A I don't think so, no.

4 Q So it was around this time, though, it was reported  
5 that you had the conversation with Senator Johnson in which  
6 he, at least, claimed that you told him there was a quid pro  
7 quo.

8 A Well, that was his recollection, that wasn't mine,  
9 because I don't know that I would have known that then.

10 Q Do you recall the circumstances under which you  
11 spoke with Senator Johnson around this time, though?

12 A I think he reached out to me and said: Can we  
13 talk? And I called him, and he told me he was talking to the  
14 President the next day. And I think we were just having sort  
15 of a freeform conversation as to what was going on with  
16 Ukraine. He seemed to have a continuing interest in the same  
17 issues that I did. After we left Ukraine, you know, the  
18 Ukraine inauguration, he'd stayed in touch.

19 Q Do you recall whether you and Senator Johnson  
20 discussed the freeze on Ukrainian assistance?

21 A On that August 30th call?

22 Q Yes.

23 A We probably did.

24 Q Do you recall what he said to you and you said to  
25 him about it?

1           A     No, other than I do remember he said that he was  
2 going to call the President to see if he could get to the  
3 bottom of it.

4           Q     So it's been reported that he said that when, at  
5 least, you allegedly linked the assistance with the  
6 announcement by the Ukrainians of these investigations that  
7 the President and Rudy Giuliani wanted, Senator Johnson said  
8 he winced and his reaction was: Oh, God, I don't want to see  
9 those two things combined.

10           Do you have any reason to doubt that that was Senator  
11 Johnson's reaction to your phone call?

12           A     I don't recall -- I don't recall the call going  
13 that way, because, again, I was trying to think of why would  
14 I have the basis to know that they were linked at that point.  
15 I'm not sure I did have the basis to know that.

16           I think we were both pipe dreaming or speculating as to  
17 why the aid still hadn't been released, because I think  
18 Senator Johnson was a strong advocate of having the aid  
19 released immediately, without any further ado.

20           Q     Okay. So that conversation with Senator Johnson  
21 was August 30th. I want to direct your attention to page 39  
22 again of your text messages.

23           A     Okay.

24           Q     And let's go to September 1st. And the very --  
25 September 1st at 12:08 p.m., Bill Taylor writes: "Are we now

1 saying that security assistance and White House meeting are  
2 conditioned on investigations?"

3 You're on this chain, aren't you?

4 A Yes.

5 Q Does that refresh your recollection, that around  
6 this time you're aware of a possible linkage between the  
7 security assistance and the White House meeting being  
8 conditioned on the investigations that Rudy Giuliani and the  
9 President wanted the Ukrainians to announce?

10 A I think that was the beginning of when that  
11 allegation began to be made, because, again, I said, call me.  
12 I didn't want to do this by text. I wanted to have a  
13 conversation.

14 Q Did you not want to do it by text because there  
15 would then be a written record of your discussion about the  
16 quid pro quo?

17 A No. I already said that in my opening statement.  
18 I do that all the time.

19 Q Does this refresh your recollection, though, that  
20 at least around this time, you and Ambassador Volker and  
21 Ambassador Taylor were discussing at least the possibility of  
22 a linkage between the White House meeting and the assistance  
23 and the investigations that the Ukrainians were supposed to  
24 announce?

25 A I don't know that we were discussing it. I think

1       that it really came to the fore when I got the text from  
2       Ambassador Taylor a few days later.

3             Q     Well, it was over a week later, correct?

4             A     Or a week later.

5             Q     So you said earlier in your testimony that you were  
6       shocked when you got the later text messages from Ambassador  
7       Taylor where he linked the security assistance and the  
8       investigations, but you were aware at least for over a week  
9       that, at least from Ambassador Taylor's perspective, this is  
10      exactly what was going on.

11            A     Well, as I testified earlier, every time I would  
12      ask various people, whether it was at the State Department or  
13      elsewhere, what's going on, no one could give me a straight  
14      answer. I mean, I heard it has to do with the fact that  
15      Europe isn't putting up their share, it has to do with the  
16      fact that they think there's an audit that needs to be done.  
17      I heard all kinds of reasons why.

18            I never got -- until Taylor sent me that text saying, I  
19      hope this isn't what's going on, when I made the phone call  
20      to the President, that's when the red light really went on  
21      for me.

22            Q     Okay. Well, back here on September 1st, though,  
23      when Bill Taylor said: "Are we now saying security  
24      assistance and White House meeting are conditioned on  
25      investigations?"

1           You said: "Call me."

2           Did you guys have a phone call?

3           A     We probably did.

4           Q     Do you recall what was discussed during that phone  
5 call?

6           A     I mean, if I had had a conversation the previous  
7 day -- I'm speculating now -- if I had had a conversation the  
8 previous day with Senator Johnson and we discussed the same  
9 issue, I might have continued that conversation: I hope this  
10 isn't going on.

11           Again, I'm speculating, because I don't really recall  
12 exactly.

13           And then, like you said, a week went by, and then all of  
14 a sudden I get this panicked text from Ambassador Taylor, and  
15 that's when I did my thing.

16           Should I have done something earlier? Maybe. I didn't.

17           Q     I'm not asking you that. But around that time,  
18 though, this week, September 1st to September 9th, did you  
19 have your own concerns that there might be a linkage between  
20 the security assistance and the White House meeting? Which I  
21 believe you said there already, in your mind, was a linkage  
22 between getting a White House meeting in exchange for a  
23 Ukrainian announcement on the investigation.

24           A     No, in exchange for the press statement.

25           Q     For the press statement?

1           A     For the press statement.

2           Q     But the press statement was about the  
3 investigations, correct?

4           A     Well, all I can do is repeat to you what I heard  
5 through Ambassador Volker from Giuliani. That's the only  
6 source this would have come from, because the President never  
7 discussed it with any of us.

8           Q     And we're going to go through some of those text  
9 messages about the drafting of the statement and the  
10 evolution later on.

11           A     But right now my question is, did you personally have  
12 concerns that there were these -- that the aid was being held  
13 up, the White House meeting was being withheld, until the  
14 Ukrainians did something that Giuliani and the President  
15 wanted, specifically to announce these investigations?

16           A     As I said earlier, the continuum --

17           Q     Grew?

18           A     -- grew and culminated in the text from Ambassador  
19 Taylor on I think it was the 9th of September.

20           Q     Okay. And then in response to that, there was like  
21 a 5-hour gap between when you wrote back to Ambassador  
22 Taylor. We can turn to the last page. It's page 53.

23           A     And so Ambassador Taylor sends you this text message at,  
24 at least marked here, 12:47 a.m.: "As I said on the phone, I  
25 think it's crazy to withhold security assistance for help

1 with a political campaign."

2 That suggests that either you and he had had a telephone  
3 conversation about the linkage. Do you recall that telephone  
4 conversation?

5 A Either he and I had one or he and Volker had one.  
6 He had one with somebody, because he was, you know, clearly  
7 coming to that conclusion.

8 Q Do you recall if you had a telephone conversation  
9 --

10 A I don't recall.

11 Q -- with him?

12 A I don't recall.

13 Q Okay. So -- and then you said in response to that,  
14 you telephoned President Trump. Is that right?

15 A That is correct.

16 Q Okay. During that telephone conversation with  
17 President Trump, you didn't ask the President directly if  
18 there was a quid pro quo, correct?

19 A No. As I testified, I asked the question open  
20 ended, what do you want from Ukraine?

21 Q President Trump was the first person to use the  
22 word "quid pro quo," correct?

23 A That is correct.

24 Q And I believe you testified that President Trump  
25 said he didn't want anything from Ukraine. Is that correct?

1           A     That's what he said.

2           Q     Okay. But that wasn't true, correct?

3           A     I'm just telling you what he said.

4           Q     But you knew that wasn't true?

5           A     What I had heard were multiple rumors about what he  
6 did or didn't want. That's why I wanted to ask the question  
7 the way I did.

8           Q     Well, you heard that from Rudy Giuliani, that the  
9 President wanted Ukraine to announce investigations into 2016  
10 and Burisma, right? We've been over this a number of times.

11          A     I heard that from Rudy Giuliani. I never heard it  
12 from the President. I am assuming Rudy Giuliani heard it  
13 from the President, but I don't know that. So I asked the  
14 President: What do you want?

15          Q     And you assumed that, because Rudy Giuliani has  
16 been going around saying, I'm working for the President, I'm  
17 his personal lawyer, I'm doing this on behalf of the  
18 President of the United States, correct?

19          A     That's why I went to the principal.

20          Q     Okay. Fair enough. But I believe -- so President  
21 Trump said during that call: I don't want anything from  
22 Ukraine. But you also know that isn't true, because you've  
23 now read the July 25th call readout, correct, where President  
24 Trump specifically asks President Zelensky for, quote, "a  
25 favor." Is that right?

1           A     Yes, but President Trump changes his mind on what  
2 he wants on a daily basis. I have no idea what he wanted on  
3 the day I called him. That's why I asked him the question.

4           Q     Okay. But on July 25th, at least, President Trump  
5 said: I want a favor, and specifically I want you to look  
6 into the Bidens and I want you to look into 2016 election  
7 interference, correct?

8           AMBASSADOR SONDLAND: Hold on just a second.

9           [Discussion off the record.]

10          AMBASSADOR SONDLAND: Yeah. Counsel, I didn't know what  
11 the President had discussed with President Zelensky, because  
12 I never saw the transcript of the call. I testified to that.

13          BY MR. NOBLE:

14          Q     Right. But you learned it, I believe, September  
15 25th, when the call record was released by the White House at  
16 that point?

17          A     In September, right.

18          Q     As you sit here today, you know what President  
19 Trump --

20          A     Today I --

21          Q     -- said to President Zelensky.

22          A     Today I know.

23          Q     Right.

24          A     Today I know. I didn't know then.

25          Q     And today you know that President Trump asked

1 President Zelensky for a favor.

2 A Correct.

3 Q Specifically, to look into the Bidens and to look  
4 into 2016 election interference.

5 A That is correct. I do know that today.

6 Q And that's what Rudy Giuliani had essentially been  
7 pushing the Ukrainians to include in either a public  
8 statement or a media appearance by President Zelensky?

9 A He may or may not have, but not to me.

10 Q He used the word "Burisma" instead of --

11 A He always used the word "Burisma" and he always  
12 used the word "2016 election." Those are the only two things  
13 I heard from him.

14 THE CHAIRMAN: Ambassador, I want to ask a further  
15 question about the conversation you had with the President,  
16 where I think you've testified you asked him what he wanted  
17 and on his own he repeatedly brought up no quid pro quo, no  
18 quid pro quo. Is that right?

19 AMBASSADOR SONDLAND: That's correct.

20 THE CHAIRMAN: You have been not quoted in the paper in  
21 the last 24 to 48 hours, but it has been represented by  
22 multiple press outlets that you have told people that when  
23 the President told you no quid pro quo, you didn't know  
24 whether he was telling you the truth. Is that accurate?

25 AMBASSADOR SONDLAND: My goal in asking the question,

1 Congressman, was to respond to Ambassador Taylor.

2 THE CHAIRMAN: No, I understand that. But my question  
3 is, it has been represented in the newspaper by someone who  
4 purportedly has information from you that when the President  
5 told you, no quid pro quo, no quid pro quo, that you couldn't  
6 verify that what he was telling you was the truth. Is that  
7 correct?

8 AMBASSADOR SONDLAND: All I could verify is that's what  
9 he said. I don't know if it was the truth or it wasn't the  
10 truth. That's what he told me.

11 THE CHAIRMAN: Thank you.

12 BY MR. NOBLE:

13 Q So, Ambassador Sondland, we're skipping around a  
14 little bit, but I want to go back to the July 10th White  
15 House meeting, and I just want to make sure we understand  
16 your testimony.

17 Is it your recollection that you didn't say anything  
18 during the first part of the meeting to the effect that you  
19 had an agreement with Mick Mulvaney that if the Ukrainians  
20 committed to the investigations that Trump and Giuliani  
21 wanted then Zelensky would get a White House meeting?

22 A I don't recall ever having a conversation with  
23 Mr. Mulvaney about that. I honestly don't. I've had very,  
24 very few conversations with Mr. Mulvaney. I wanted to have  
25 more, but he was never available.

1           Q     But it's your testimony that you didn't say  
2 anything close to that --

3           A     I don't remember --

4           Q     -- during the meeting?

5           A     I don't remember saying that. I don't remember  
6 saying a lot in the main meeting in Ambassador Bolton's  
7 office. There were a lot of people there, and it wasn't my  
8 meeting to preside over.

9           Q     Did you ever have any conversations with Rick  
10 Blair -- I'm sorry, Rob Blair, Mr. Mulvaney's deputy?

11          A     Yes, a couple, very innocuous, I believe.

12          Q     Anything relating to Ukraine or a White House  
13 meeting for President Zelensky?

14          A     I may have said when I saw him: We're working on a  
15 White House meeting with President Zelensky, do you have any  
16 updates? Because he was involved in scheduling, and I don't  
17 recall getting any definitive, again, it was we're working on  
18 it sort of answer. I'm trying to remember. I don't remember  
19 I had a meeting with him or anything like that.

20          Q     In those conversations with Mr. Blair, did the  
21 subject matter of these investigations ever come up?

22          A     Not that I recall.

23          THE CHAIRMAN: Just to follow up, in the July 10th  
24 meeting -- and there were two meetings, one main meeting and  
25 then a followup meeting in the Ward Room.

1           In the first meeting, is it your testimony you have no  
2           recollection of saying words to the effect that: No, we have  
3           an agreement for a White House meeting as long as Ukraine  
4           does the investigations, we already have a meeting, we  
5           already have an agreement on the meeting. You have no  
6           recollection of saying any words to that effect?

7           AMBASSADOR SONDLAND: I don't recall it.

8           THE CHAIRMAN: And do you have any recollection of  
9           making a similar point in the follow-on meeting in the Ward  
10          Room?

11          AMBASSADOR SONDLAND: No. Again, I don't recall that.  
12          In the Ward Room, we were talking about a phone call, I  
13          think, that still hadn't been made.

14          THE CHAIRMAN: So you don't have any recollection of in  
15          either meeting raising the issue of the desire for Ukraine to  
16          commit to these investigations?

17          AMBASSADOR SONDLAND: In that timeframe, and I think  
18          that was even before the press statement, because I don't  
19          think the investigation issue began to arise until after the  
20          press statement was shelved, as I recall.

21          THE CHAIRMAN: So you don't have any recollection in  
22          either of those meetings on July 10th raising the issue of  
23          Ukraine conducting an investigation or ever mentioning the  
24          word "Burisma"?

25          AMBASSADOR SONDLAND: I don't remember that, no. I

1 don't remember that.

2 BY MR. NOBLE:

3 Q Ambassador Sondland, in the Ward meeting do you  
4 remember ever mentioning the word "Burisma"?

5 A I can't say that the word "Burisma" wasn't  
6 mentioned. I don't know if I mentioned it or if Ambassador  
7 Volker did or if Mr. Vindman -- I have no idea.

8 Q So the word "Burisma" may have come up in the Ward  
9 Room?

10 A It may have.

11 Q And can you walk us through who was present during  
12 the Ward Room meeting?

13 A All I can remember is Mr. McCormack, Dr. Hill,  
14 myself, Vindman, Perry. I think Volker was there, too. I  
15 don't recall if the Ukrainians were there. I can't remember.  
16 And we asked them to wait or if we brought them in, I  
17 honestly can't remember.

18 Q Was Ambassador Volker's assistant Katherine Croft  
19 present? Do you recall that?

20 A I don't recall. I don't recall.

21 Q You don't recall.

22 What about any assistant of Secretary Perry?

23 A That would have been Brian McCormack --

24 Q Brian McCormack.

25 A -- who was his chief of staff.

1           Q     Okay. And he would be the only aide to Secretary  
2 Perry that was present in the Ward Room?

3           A     Well, there were other aides, but I don't know if  
4 they were in the Ward Room or standing outside the door. As  
5 I said, it wasn't a formal meeting. It was sort of a stand  
6 in the room and talk kind of thing.

7           Q     Okay. So I'd like to turn to page 37 of the text  
8 messages. And to set the scene, this is around July 19th.

9           Were you aware around that date that Ambassador Volker  
10 had introduced Rudy Giuliani to Andrey Yermak?

11          A     I believe I was. Is that the meeting in Madrid?

12          Q     No, I believe that came later. But were you aware  
13 that -- did you have any conversations with Ambassador Volker  
14 about his plans to introduce Andrey Yermak to Rudy Giuliani  
15 around mid-July?

16          A     I thought that the first introduction was when  
17 Giuliani and Yermak met in Madrid. That was my recollection,  
18 unless you have something to refresh my memory.

19          Q     Okay. So on page 37, I want to direct your  
20 attention to July 19th.

21          A     Yes.

22          Q     And do you see, it's at 11:31 a.m., you say:  
23 "Talked to White House. This is moving but post election."  
24 And then Ambassador Taylor says: "If we can get a  
25 congratulatory call postelection, that could begin to

1 establish the relationship."

2 A Yeah. I mean, this call for the 20th, I believe,  
3 was scheduled like a week before that. I thought we had  
4 finally won and gotten this call done. And then, as I  
5 recall, the call got pulled down at the last minute, because  
6 someone didn't want the call to occur before the  
7 parliamentary elections.

8 Q And this ended up being the July 25th call,  
9 correct?

10 A Ultimately, yes.

11 Q Ultimately?

12 A Yeah.

13 Q Do you recall who you spoke to at the White House  
14 about scheduling the call, here where you say "talked to  
15 White House"?

16 A Let's see. It could have been Emma Doyle, the  
17 deputy chief of staff. It could have been -- I don't know.  
18 It could have been Morgan. I don't know. Someone.

19 And I think the -- I think the NSC was involved in the  
20 scheduling. We had gotten an email, I think, because when  
21 they do these calls they put it through an NSC scheduling  
22 protocol and then there's 50 people on the email.

23 And it was all set for the 20th. And I think they had  
24 gotten Zelensky ready for the 20th. And then somebody blew  
25 it up at the last minute.

1           Q     Okay. And then later on, on July 19th, at 6:50  
2 p.m., you write: "It looks like POTUS call tomorrow. I  
3 spike" -- I think you met spoke -- "directly to Zelensky and  
4 gave him a full briefing. He's got it."

5           A     Yeah.

6           Q     Do you recall that conversation with President  
7 Zelensky?

8           A     Vaguely.

9           Q     Okay. Tell us what you remember about it.

10          A     It was a short call. I think I said: It looks  
11 like your call is finally on, and I think it's important that  
12 you, you know, give President Trump -- he wanted this -- some  
13 kind of a statement about corruption.

14          I think this was when we were at the general statement  
15 about corruption. I don't know that the Burisma/2016 issue  
16 had entered the conversation. I can't recall. But I think I  
17 said, you know: You guys will get along great.

18          And, you know, it was just sort of a "I'm handing it off  
19 to you now, we finally got this done." And he was very happy  
20 and said: Great, we'll have a good call tomorrow. And then,  
21 as I said, it got pulled down and never happened. And I  
22 never -- I don't think I spoke to him since after, you know,  
23 he had the 25th call.

24          Q     At 7:01 p.m. here Kurt Volker writes: "Good. Had  
25 breakfast with Rudy this morning."

1           A     Right.

2           Q     "Teeing up call with Yermak Monday."

3                 Does that refresh your recollection about when  
4 Ambassador Volker introduced Giuliani to Andrey Yermak?

5           A     "Had breakfast" -- he said he had breakfast with  
6 Giuliani without -- it doesn't say he had breakfast with  
7 Yermak, right?

8           Q     But then it says: "Teeing up call with Yermak  
9 Monday."

10          A     Yeah. I think this was the call that he mentioned  
11 where he was going to introduce Yermak and Giuliani so that  
12 they could meet independently.

13          Q     Okay. And then he writes: "Must have helped.  
14 Most important is for Zelensky to say that he will help  
15 investigation and address any specific personnel issues if  
16 there are any."

17                 So here Ambassador Volker is not just talking about  
18 general corruption, but he's talking about some particular  
19 investigation. Do you know what he was referring to here?

20          A     I don't.

21

22

23

24

25

1 [3:38 p.m.]

2 BY MR. NOBLE:

3 Q Do you know what specific personnel issues he was  
4 referring to?

5 A Yeah, this had to do with someone in Zelensky's  
6 cabinet who was apparently close to Kolomoisky that Volker  
7 was concerned about and others were concerned about. They  
8 knew this person and didn't think that it would be easy for  
9 Zelensky to distance himself from Kolomoisky with this person  
10 as a senior role in the Zelensky administration, so I think  
11 they were talking about that. I remember that conversation.

12 Q Do you recall whether the investigation that Volker  
13 was referring to was either Burisma or 2016?

14 A I -- I don't.

15 Q But then down on July 21st, 2019 -- and Mr. Goldman  
16 asked you about this earlier -- you see at 1:45 a.m. Bill  
17 Taylor writes, "Gordon, one thing talked about yesterday was  
18 Sasha Danylyuk's point" --

19 A Danylyuk.

20 Q "Danylyuk's point that Zelensky is sensitive about  
21 Ukraine being taken seriously, not merely as an instrument in  
22 Washington domestic reelection politics."

23 A Right.

24 Q Does this refresh your recollection that at least  
25 around mid-July you and Ambassador Volker were talking with

1 the Ukrainians about particular investigations that Giuliani  
2 and President Trump wanted Ukraine to pursue?

3 A I don't recall that I had any conversations. I  
4 mean Taylor may have. And I think that when this went from  
5 corruption to other things, I think the Ukrainians just  
6 didn't want to get involved in our election politics under  
7 any circumstances at that point.

8 Q And by making a statement about pursuing particular  
9 investigations that would be of political help to President  
10 Trump, they would be interfering with our domestic politics?

11 A I think they wanted to stay as far away from our  
12 domestic politics as they could. That was my impression.

13 Q And Ambassador Taylor seems to be relating that  
14 concern to you and Ambassador Volker?

15 A I mean he's on the front lines and he's talking to  
16 them multiple times a day. I mean, his level of contact with  
17 the Ukrainians and mine -- mine is a fraction of his.

18 Q So if we wanted to know what the Ukrainians were  
19 thinking and feeling and their concerns about what was being  
20 asked of them, Ambassador Taylor would be a good source for  
21 them?

22 A I would imagine.

23 Q Let's turn to page 42. At 4:27, July 22nd, near  
24 the top?

25 A Uh-huh.

1           Q     Volker writes "orchestrated a great phone call with  
2 Rudy and Yermak they are going to get together when Rudy goes  
3 to Madrid in a couple of weeks. In the meantime, Rudy is now  
4 advocating for phone calls. I have called in Fiona's  
5 replacement and will call Bolton, if needed. But I can tell  
6 Bolton and you can tell Mick that Rudy agrees on a call, if  
7 that helps." You replied, "I talked to Tim Morrison, Fiona's  
8 replacement, he is pushing but feel free as well."

9           So during this time, did you or Ambassador Volker to  
10 your knowledge speak with Andrey Yermak in order to give him  
11 and idea of what it was that Giuliani wanted the Ukrainians  
12 to do?

13          A     I don't remember having any conversations with  
14 Yermak about it, but I do remember that when I talked to  
15 Morrison, there seemed to be a sea change in the NSC's  
16 position on the call. Dr. Hill was, I think, less excited  
17 about doing the call, and Mr. Morrison, I think, was more  
18 supportive of doing the call. That's what I remember from  
19 this exchange.

20          Q     And you see where Volker wrote "Rudy is now  
21 advocating for the phone call?"

22          A     Yeah. That was after he met with Yermak?

23          Q     I believe so, but you tell us.

24          A     Yeah.

25          Q     Or after he spoke to him on the phone?

1           A     All I remember is once he and Yermak made contact,  
2     whether it was the meeting or the phone call, whatever they  
3     discussed, Rudy was happier about Ukraine than he was prior  
4     to having spoken with Yermak. And I have no idea what they  
5     talked about.

6           Q     So -- and then, I'm sorry to skip around, but in  
7     order to do this chronologically, the text is out a little  
8     out of order. If we go back to page 37, and on July 24th,  
9     it's going to be near the bottom. Do you see at the very end  
10    you wrote, "Call me, just spoke to Danylyuk, I have clarity."

11          A     Let's see --

12          Q     It's the last line.

13          A     Oh, yeah, yeah, yeah.

14          Q     Do you recall that conversation with Danylyuk and  
15    whey you -- what you had clarity about?

16          A     Hang on just a second.

17          MR. LUSKIN: It will take him a minute to read through  
18    the thread.

19          MR. NOBLE: Sure.

20          AMBASSADOR SONDLAND: The only thing I can remember is  
21    maybe it was the logistics of the call. We thought we had  
22    the call nailed down after it was taken down. And then I  
23    might have spoken to Danylyuk about how that was going to  
24    happen. I don't -- I don't remember exactly.

25          BY MR. NOBLE:

1           Q    Okay. So around this time you were involved in  
2   trying to help arrange what turned out to be the July 25th  
3   call?

4           A    I was trying to do whatever I could to use whatever  
5   influence I had at NSC and the White House to keep people  
6   focused on making the call and getting the meeting. That's  
7   what I was trying to do.

8           Q    Okay. Let's go back to page 42. Now we're going  
9   to be July 25th, the day of the phone call.

10          A    Yep.

11          Q    You see the first entry July 25th at 7:54, it looks  
12   like you tried to called Ambassador Volker and then you wrote  
13   him, "call as soon as possible."

14          A    Yep.

15          Q    Do you recall what you were trying to reach  
16   Ambassador Volker about?

17          A    I don't know was that -- was this on the 25th?  
18   Yeah, I don't know if that might have been the day I made the  
19   call to President Trump when I was on my way to Kyiv and  
20   again, it was a -- kind of a nothing call. He didn't  
21   really -- he wasn't really interested in -- and then I found  
22   out he had made the call later that day. I don't even think  
23   he told me he was making the call. Maybe he didn't know that  
24   it had been scheduled.

25          Q    In advance of the call between President Trump and

1 President Zelensky were you and Ambassador Volker trying to,  
2 so to speak, prime the Ukrainians and President Zelensky as  
3 to what to expect and how to respond to the President's  
4 request during the phone call?

5 A Well, again, the only request I think we had heard  
6 at that point that I recall was that they wanted a strong  
7 public statement about anticorruption. That's what I had  
8 recalled knowing. And if we would have primed him, it would  
9 have been to that -- to that degree.

10 Q So if you turn to page 19, and we're still on July  
11 25th, this is at 8:36, I believe.

12 A Yep.

13 Q Do see that? Ambassador Volker, and this is east  
14 coast time, and I believe the phone call with President Trump  
15 was at 9:00 a.m.?

16 A Uh-huh.

17 Q Is that right? So a little before, less than a  
18 half hour before President Trump and President Zelensky  
19 speak, Volker writes "good lunch, thanks. Heard from White  
20 House. Assuming President Z convinces Trump he will  
21 investigate slash 'get to the bottom of what happened' in  
22 2016. We will nail down date for a visit to Washington.  
23 Good luck, see you tomorrow, Kurt." So he's writing that to  
24 Andrey Yermak, Correct?

25 A Uh-huh.

1 THE CHAIRMAN: Is that a yes or no?

2 MR. NOBLE: Is that a yes?

3 AMBASSADOR SONDLAND: Yes. I'm sorry. Yes.

4 BY MR. NOBLE:

5 Q Is Kurt Volker telling Andrey Yermak that President  
6 Zelensky just needs to talk about corruption, or is he  
7 telling him that President Zelensky needs to commit to  
8 investigating the things that President Trump wanted him to  
9 investigate?

10 A I don't know. Am I -- is this one of my texts?  
11 I'm not on this text, am I?

12 Q No. I'm just asking -- well, let me ask it like  
13 this. Does this refresh your recollection that around the  
14 time right before the July 25th call you and Ambassador  
15 Volker were priming President Zelensky and Andrey Yermak that  
16 President Trump was going to be asking President Zelensky to  
17 investigate the two things that he and Rudy Giuliani had been  
18 pushing, 2016 and Burisma?

19 A I don't know that the Burisma in 2016 came up then.  
20 And the call I think by President Trump was made when I was  
21 in the air. I think I was on my way to Kyiv.

22 Q But doesn't this suggest that at least Ambassador  
23 Volker was aware that President Trump was going to ask  
24 President Zelensky to commit to investigating 2016? I mean,  
25 this text message is in advance of the July 25th call.

1 Correct?

2 A It appears to say that, but again, I wasn't -- I  
3 don't recall that.

4 Q So is it your testimony you had no knowledge that  
5 Kurt Volker was priming President Zelensky and Andrey Yermak  
6 to expect President Trump to make these requests and that in  
7 order to get the White House meeting, President Zelensky  
8 would have to, quote, convince Trump he will investigate/get  
9 to the bottom of what happened in 2016?

10 A I don't recall it happening that early. I thought  
11 it happened in August when we were negotiating the press  
12 statement.

13 Q But now that you see this, it seems pretty obvious  
14 that Volker, at least, was telling Andrey Yermak what  
15 President Zelensky was going to have it do to get a White  
16 House meeting, correct?

17 A Well, he says get to the bottom of what happened.  
18 I don't know whether that means an investigation, or -- I  
19 don't know what it means.

20 Q Well, get to the bottom, isn't that another way of  
21 saying look into, which are the words that President Trump  
22 used?

23 A Where did President Trump use the words look into?

24 Q In the July 25th call, at least according to the  
25 call readout.

1 A Oh, you mean the transcript of the call?

2 Q Yes.

3 A Yeah, I -- if that's what he said, that's what he  
4 said.

5 Q And in this text message itself it says Trump wants  
6 Zelensky to investigate. Doesn't it?

7 A It appears to, it says what it says. Yeah.

8 Q So is it your testimony that this wasn't a message  
9 that you'd relayed to Ambassador Volker to tell Andrey  
10 Yermak?

11 A No.

12 Q You never told Ambassador Volker that he needed to  
13 tell Andrey Yermak that to relay this message to President  
14 Zelensky?

15 A I don't believe so. I think -- I think Volker was  
16 talking to Mr. Giuliani. I don't remember telling Volker  
17 anything like that. Not -- again, not that soon. I don't  
18 think that happened.

19 MR. MEADOWS: What page are you on? What page are you  
20 on?

21 MR. NOBLE: Page 19.

22 MR. MEADOWS: So he's on these text messages, is that  
23 what you are you are what saying, because I can't find that.

24 MR. NOBLE: No. These there text messages between Andrey  
25 Yermak and Kurt Volker. I'm just asking about his

1           conversations with Kurt Volker around at that time.

2           MR. MEADOWS: Okay. But he wasn't party to the text  
3           message. Okay.

4           AMBASSADOR SONDLAND: Yeah, I wasn't on -- this wasn't a  
5           group, this was just Volker and Yermak, right?

6           Yeah, maybe they started talking about the 2016 issue  
7           back then, I don't know. I don't recall it coming up that  
8           early, as I said.

9           THE CHAIRMAN: If I can clarify. The text messages  
10          indicate that Volker was in communication with Yermak, and  
11          that he needed to be prepared for a conversation with the  
12          President about investigating, or looking into 2016, correct?  
13          Is that what the text message indicates?

14          AMBASSADOR SONDLAND: What it appears to indicate.

15          THE CHAIRMAN: Is it your testimony that you were out of  
16          the loop when it came to Volker communicating that with  
17          Andrey Yermak?

18          AMBASSADOR SONDLAND: I don't recall whether I was in or  
19          out. I just don't remember this. As I said, I spoke with  
20          President Trump before I got on the plane, I believe, to Kyiv  
21          and it was a nothing call. I said we're headed to Kyiv to go  
22          see Zelensky and he was like, no, great, whatever. That was  
23          sort of the end of the call. We never discussed anything  
24          substantive.

25          BY MR. NOBLE:

1           Q     So is it your testimony that you never asked Kurt  
2 Volker to pass a message to Andrey Yermak around this time?

3           A     I don't remember that.

4           Q     Okay. Let's turn to page 42, this is the same day,  
5 a half an hour after the call.

6           A     Okay.

7           Q     So if you go to page 42, we're looking at July 25,  
8 2019?

9           A     Okay.

10          Q     At 9:35 a.m.

11          A     Uh-huh.

12          Q     After you had tried to call Ambassador Volker, and  
13 then after the call between President Trump and President  
14 Zelensky, he writes you back, "Hi Gordon, got your message,  
15 had a great lunch with Yermak and then passed your message to  
16 him. He will see you tomorrow, think everything in place."  
17 Does that refresh your recollection that you'd asked  
18 Ambassador Volker to pass a message to Andrey Yermak in  
19 advance of the call with President Trump?

20          A     No, because I don't know where I would have gotten  
21 that message. I never got that from President Trump. That's  
22 the only place I could have gotten it from, because I wasn't  
23 talking to Giuliani.

24          Q     Were you talking to other people in the White  
25 House?

1           A     No, not that I recall. And I think Yermak and I  
2     were getting together for lunch or something that next day  
3     for a drink because we were -- I think we were going to meet  
4     the President, President Zelensky the next day as well.

5           Q     On July 26th you gave an interview to --

6           MR. LUSKIN: Just a moment, please.

7           THE CHAIRMAN: Please go ahead.

8           [Discussion off the record.]

9           MR. NOBLE: Is there something you want to clarify?

10          AMBASSADOR SONDLAND: Well, only that I'm not denying  
11     these texts occurred between Yermak and Volker. I don't  
12     recall passing that message along. That would have been out  
13     of -- out of context, or out of order. Because the first  
14     time I recall hearing about 2016 and Burisma was during the  
15     negotiations of the press statement. Again, unless there's  
16     some text that I've completely have forgotten about, that's  
17     when I first remember getting into those issues. It was  
18     always just about corruption prior to that. It kept -- it  
19     kept getting more insidious as timeline went on, and back in  
20     July, it was all about just corruption.

21          MR. NOBLE: Okay. I think my time is up.

22          BY MR. CASTOR:

23          Q     Any idea what the message was there that Volker  
24     conveyed to Yermak?

25          A     I have no idea. No, I don't. I know that I was

1 planning to see Yermak at the Zelensky bilateral the next  
2 day.

3 Q Right.

4 A So, I don't know.

5 Q Do you remember --

6 A Does it indicate that Volker was talking to the  
7 White House?

8 Q Just flipping back to the --

9 A Yeah, I mean, I don't know. Everyone was talking  
10 to everyone. That was the problem.

11 Q So seeing these messages between you and Volker,  
12 the second half of the message doesn't refresh your  
13 recollection about what?

14 A Yeah, my only recollection is that the only thing  
15 that we were coaching Zelensky on, or someone was coaching  
16 Zelensky on was to tell President Trump he would be  
17 vigorously working on corruption issues at that point.  
18 That's the only thing I can recall.

19 Q Before you came in today, you said you collect all  
20 your text messages and you produced them to the State  
21 Department?

22 A Correct.

23 Q Did you review them?

24 A Some of them, yeah.

25 Q Okay. So when these texts are ready, are these

1 texts that you had recently reexamined?

2 A I looked at -- there were a lot of texts. I looked  
3 at some of them.

4 Q Okay. But not all of them?

5 A No. As I said, one of the problems with my  
6 involvement in this is I kept dropping in, dropping out. I  
7 was just trying to help get these meetings set up, and I was  
8 doing a lot of other thing unrelated to Ukraine at the same  
9 time.

10 Yeah, again, I'm not denying that the issue was raised.  
11 I just don't remember it. I honestly don't.

12 Q Okay.

13 A The 2016 issue.

14 Q Okay.

15 A I mean if everyone is saying it was raised in all  
16 these multiple texts then it probably was raised. I just  
17 don't remember the conversation because none of it seemed  
18 remarkable to me.

19 Q Okay. Did you ever have a conversation with Yermak  
20 about 2016?

21 A I don't remember. I honestly don't. There were so  
22 many conversations with Yermak, and Danylyuk, and Prystaiko  
23 and the others, I don't remember.

24 Q You were talking to them separate from Volker?

25 A No, no. We were all talk together when we were in

1 Kyiv.

2 Q Okay. But were you testing or having telephone  
3 calls?

4 A I think I was having some directly and some with  
5 Volker and some group, everything. But again, that may have  
6 occurred, there may have been a conversation about 2016, I  
7 don't -- I honestly don't remember.

8 Q Flipping back to page 19, 7/25, 8:36 a.m. text?

9 A Uh-huh.

10 Q This Volker to Yermak again.

11 A Okay.

12 Q I want to be clear, you're not on this. He says,  
13 just heard from White House. Do you have any idea where  
14 Ambassador Volker was getting that?

15 A I don't.

16 Q Who he was talking to?

17 A I don't.

18 Q You were in constant communication with him during  
19 that time, is it possible to -- who were the possibilities  
20 that he's talking to?

21 VOICE: I'm sorry, I don't understand who he is at this  
22 point.

23 MR. CASTOR: Volker, Ambassador Volker. We're trying to  
24 decipher --

25 AMBASSADOR SONDLAND: It could have been the NSC, I

1 don't -- I don't know.

2 BY MR. CASTOR:

3 Q Was he talking to anybody else at the White House?

4 A I don't know.

5 Q I don't know that in these discussions we've --

6 A I don't know who --

7 Q Established that Volker was --

8 A The problem was no one owned this file. Everyone  
9 had a little hand in it. You know, the NSC, the White House  
10 staff, everybody was involved in, you know, everyone was  
11 pushing for these meetings and the phone calls.

12 Q Okay.

13 A And I don't know who was talking to whom. All I  
14 can tell is what I was doing or what I can remember I was  
15 doing, which was trying to get the meeting. In this case, I  
16 think I was trying to get the phone call.

17 Q We're going to make sure our members get a chance  
18 to ask you some questions and so I want to --

19 MR. MEADOWS: So Ambassador, this is Mark Meadows. I  
20 want thank you for your service. Thank you, obviously, for  
21 your candor. My colleagues opposite have been consistently  
22 trying to lead you down a path to suggest that you knew that  
23 President Trump was asking to investigate the Bidens based on  
24 knowledge that you have now. But based on knowledge that you  
25 had when you met on the 26th with President Zelensky, did

1 investigating the Bidens come up at all during that meeting?

2 AMBASSADOR SONDLAND: Not to the best of my  
3 recollection.

4 MR. MEADOWS: Not to the best of your recollection. Did  
5 investigating the Bidens come up in your conversations on the  
6 26th with Ambassador Volker?

7 AMBASSADOR SONDLAND: Again, not to the best of my  
8 recollection.

9 MR. MEADOWS: So as we look at this, this whole context  
10 of where we are, and I'm just trying to make sure that  
11 somewhere between the questions that get added to a little  
12 bit on the end of it that they are going to try to use to say  
13 something that I have not heard you say today. I want to  
14 make sure we're just getting this very clear. When you met  
15 with President Zelensky, did he indicate that the phone call  
16 that he had with the President of the United States, Donald  
17 J. Trump, was a positive phone call and he presented in  
18 positive terms to you?

19 AMBASSADOR SONDLAND: That's all I heard was we had a  
20 great call.

21 MR. MEADOWS: And you and Ambassador Volker were not  
22 sent over there as a condition of a bad phone call. You were  
23 already planning to be there and this meeting you had with  
24 President Zelensky on July 26th of this year was -- was  
25 already in the works, and you were already on your way there,

1 or you were there when the phone call happened. Is that  
2 correct?

3 AMBASSADOR SONDLAND: Well, first of all, I was invited  
4 to join Ambassador Volker in his bilateral meeting in early  
5 July. So the meeting was schedule for the week of, I  
6 believe, the 22nd of July. There wasn't even a date nailed  
7 out yet and I was invited sometime around the 8th, 9th, 10th,  
8 12th of July.

9 MR. MEADOWS: So the early part of July you were invited  
10 to participate in a meeting that was going to be held with  
11 then president I guess the inauguration had happened so it  
12 would have been President Zelensky at that point.

13 AMBASSADOR SONDLAND: Correct, sometime during the week  
14 of July 27th.

15 MR. MEADOWS: And that happened long before the phone  
16 call actually of July 25th, that was already in the planning  
17 stages and you had been invited. Is that correct?

18 AMBASSADOR SONDLAND: That's correct.

19 MR. MEADOWS: And so when you start to look at this  
20 chronological step of a phone call and what happened, all the  
21 asking you about aid and everything else in hindsight, at  
22 that particular time, the aid being held up was certainly, it  
23 did not cross your mind -- is this correct, that it did not  
24 cross your mind, that the aid was being held up because of an  
25 investigation into the Bidens?

1           AMBASSADOR SONDLAND: Not at that time.

2           MR. MEADOWS: Okay. And so I -- I also -- there's a  
3 whole lot of back and forth between text messages and what  
4 was included. Some of these text messages that you've been  
5 asked to opine on just, in the previous hour, were actually  
6 text messages that you were not a part of. Is that correct?

7           AMBASSADOR SONDLAND: That's correct.

8           MR. MEADOWS: And so it was actually text messages  
9 between Ambassador Volker, who's already testified here for  
10 over 10 hours and given very clear indication of what he  
11 thought. So they are asking you to opine on what Ambassador  
12 Volker might have meant on text messages that you were not a  
13 party to. Is that correct?

14          AMBASSADOR SONDLAND: Appears to be correct.

15          MR. MEADOWS: So I guess where I'm going with all of  
16 this is that there continues to be this leading  
17 question-and-answer process to suggest that you somehow knew  
18 that there was this quid pro quo that had happened in the  
19 early parts of May and June of 2019. Were you aware of any  
20 quid pro quo for aid or anything else that early in May or  
21 June?

22          AMBASSADOR SONDLAND: I -- the only thing I was aware of  
23 that was that there was to be some kind of acknowledgment of  
24 corruption investigation at that point, I believe.

25          MR. MEADOWS: And does the Ukraine have a history of

1 corruption?

2 AMBASSADOR SONDLAND: Yes, they do.

3 MR. MEADOWS: Have there been prosecutors, multiple  
4 prosecutors who were going to clear up corruption in the  
5 Ukraine who never cleared up the corruption in Ukraine?

6 AMBASSADOR SONDLAND: That's what I understand.

7 MR. MEADOWS: All right. Is that a concern, not just to  
8 the United States, is that a concern to the European Union as  
9 well?

10 AMBASSADOR SONDLAND: Yeah it is a huge concern to them.  
11 That's one of reasons they are not all in.

12 MR. MEADOWS: And so, that's one of the reasons why, I  
13 guess, they send money for pillows and we send money for  
14 military defense systems. Is that correct?

15 AMBASSADOR SONDLAND: I don't know why they send their  
16 money.

17 MR. MEADOWS: All right. Do you know if they contribute  
18 to a large part to the defense of Ukraine?

19 AMBASSADOR SONDLAND: Apparently not enough to suit  
20 President Trump.

21 MR. MEADOWS: All right. How about enough to actually  
22 appease Ambassador Sondland. Do you think that they are  
23 doing their fair share, the EU?

24 AMBASSADOR SONDLAND: Well, in my discussions with the  
25 EU, they would like to do more. They would like to see some

1 things cleaned up before they contribute more has been my  
2 impression.

3 MR. MEADOWS: So, you mean the EU has an quid pro quo in  
4 terms of their foreign aid to the Ukraine?

5 AMBASSADOR SONDLAND: I don't know if it is a quid pro  
6 quo. I think it is one of their conditions.

7 MR. MEADOWS: So they have a condition to giving  
8 additional foreign aid. So you're saying -- this is  
9 groundbreaking -- so you're saying that someone other than --

10 AMBASSADOR SONDLAND: I walked right into that one.

11 MR. MEADOWS: -- other than Donald J. Trump is concerned  
12 with corruption, and they might withhold foreign aid based on  
13 that. Is that correct, Ambassador? I can tell by your smile  
14 it's a yes, is that correct. Are we correct?

15 AMBASSADOR SONDLAND: This is like My Cousin Vinny.

16 MR. MEADOWS: Yeah. There are two positive track tire  
17 marks here it looks like.

18 AMBASSADOR SONDLAND: To answer your question,  
19 Representative, the Ukrainians -- the Europeans are always  
20 very careful about when they contribute money to anything and  
21 they always have a list of requirements, some of which are a  
22 mile long.

23 MR. MEADOWS: So in your diplomatic speak, is that a  
24 yes?

25 AMBASSADOR SONDLAND: Yes.

1 MR. MEADOWS: Thank you. I yield back.

2 MR. ZELDIN: And President Zelensky, Ambassador, won his  
3 election based on an anticorruption campaign primarily,  
4 correct?

5 AMBASSADOR SONDLAND: Among other things, yes.

6 MR. ZELDIN: What was the anticorruption aspect of  
7 President Zelensky's campaign?

8 AMBASSADOR SONDLAND: I think a general commitment to  
9 transparency to having less influence by the oligarchs,  
10 potentially buying the oligarchs out, or kicking the  
11 oligarchs out of some of the key industries in Ukraine,  
12 getting boards of directors that had well-recognized  
13 international figures on them that would be appealing to the  
14 Wall Street and London investment banks, and a whole host of  
15 things like that.

16 MR. ZELDIN: And what were some of the corruption  
17 problems plaguing President Poroshenko?

18 AMBASSADOR SONDLAND: The opposite of what I just said.  
19 Cronies on the boards, too many oligarchs involved in taking  
20 bribes and kickbacks and all kinds of bad stuff.

21 MR. ZELDIN: And this corruption within Ukraine  
22 government was something that you were concerned about?

23 AMBASSADOR SONDLAND: Well, I was concerned about it  
24 from the standpoint that, again, my goal was two things: was  
25 to get the Europeans aligned with us, because it was one of

1 the few things where we had very little daylight between us  
2 on -- we have a lot of issues with the EU, but Ukraine wasn't  
3 one of them. And the second was to get President Zelensky  
4 and President Trump together because I figured that they  
5 would hit it off, and that the United States and all the  
6 interagency, once they saw the two presidents meet, all the  
7 interagency nerve endings would start to grow together and  
8 we'd have a real solid partnership. The whole idea here is  
9 to counter Russia. Russia is the problem. Russia is what  
10 needs it be countered. And the more we bear-hug Ukraine, the  
11 less influence Russia has. So that was my strategic  
12 objective and part of my portfolio?

13 MR. ZELDIN: And Ambassador Volker was very concerned  
14 about corruption in Ukraine?

15 AMBASSADOR SONDLAND: Ambassador Volker? Yes.

16 MR. ZELDIN: Did you get any readouts of the July 25th  
17 call at all from the Ukrainian Government?

18 AMBASSADOR SONDLAND: I think the only readouts I  
19 remember seeing were the ones from my team, which were very  
20 innocuous, and did not represent what was actually said on  
21 the call that I found out once the transcript was a released.

22 MR. ZELDIN: Was there any reference to a hold on aid or  
23 a quid pro quo in those readouts?

24 AMBASSADOR SONDLAND: Not in the readouts I saw.

25 MR. ZELDIN: You met with President Zelensky on July

1 26th?

2 AMBASSADOR SONDLAND: Correct.

3 MR. ZELDIN: Did President Zelensky make any reference  
4 in the July 26th meeting to hold on aid or a quid pro quo?

5 AMBASSADOR SONDLAND: Not that I remember.

6 MR. ZELDIN: Tell us about Ambassador Volker. You  
7 worked closely with him? Was it a positive experience  
8 working --

9 AMBASSADOR SONDLAND: Yeah, I had a great relationship  
10 with him he's a very smart guy, he's clearly very well-liked  
11 by all the Ukrainians, the old administration, the new  
12 administration. He really understands the country and he was  
13 a tremendous assets I think to the United States.

14 MR. ZELDIN: And he was professional at all times as far  
15 as you know from your interactions with him?

16 AMBASSADOR SONDLAND: All times when I was with him.

17 MR. ZELDIN: And candid and honest, is that part of your  
18 assessment, too?

19 AMBASSADOR SONDLAND: Yeah, he's one of those people I  
20 would hand my wallet to. That's how I describe him.

21 MR. ROY: I want to clarify one thing you referenced a  
22 couple of times today. You repeatedly testified that at the  
23 outset, going back to May, going back to conversations that  
24 you've been referencing, that your perspective on the -- the  
25 only thing that you were aware of, I should say, regarding

1 any asks, right, out of Ukrainians, or any connection to  
2 foreign aid or anything else is you specifically said  
3 corruption, that that was the early outset. And you've  
4 referenced a continuum. And I'm trying to understand your  
5 perspective of continuum.

6 AMBASSADOR SONDLAND: I don't believe I ever referenced  
7 in May that he there was any tie to aid. I wasn't even aware  
8 of the aid I don't think back then.

9 MR. ROY: Right. But from the very beginning, right,  
10 you talked about this very specifically, you've referenced  
11 only -- you've only referenced corruption, right? And you  
12 haven't referenced anything beyond that. What I'm trying to  
13 understand is your perspective of the continuum.

14 AMBASSADOR SONDLAND: The continuum was, first of all,  
15 an unconditional phone call and an unconditional invitation  
16 to the White House, and then I believe the next part of the  
17 continuum was some kind of a commitment to investigate  
18 corruption generally. And then the next part of the  
19 continuum was talking about the Burisma and the 2016  
20 election, which as I recall, was heavily discussed during the  
21 negotiation of the short-lived press statement, which only  
22 lasted a few days, and then it died. And then at the end of  
23 that continuum I became aware that there might be a link  
24 between the White House visit and aid to the Ukraine that was  
25 being held up when I couldn't get a straight answer as to why

1 the aid was being held up, both Senator Johnson and  
2 Ambassador Taylor raised the possibility that there might be  
3 a link. And then the aid was released, and then this whole  
4 thing blew up. That's the best I can recall the sort of  
5 progression.

6 MR. ROY: Going back to my colleague from North  
7 Carolina's questions, to be clear you have said that with  
8 respect to conditions that a public embrace by the Ukraines  
9 of their anticorruption activities, was a fine precondition  
10 from the standpoint of your perspective?

11 AMBASSADOR SONDLAND: Absolutely.

12 MR. ROY: And so to his point about conditions often  
13 being placed on aid, that's not troubling to you at all?

14 AMBASSADOR SONDLAND: Not at all.

15 MR. ROY: And at any point in any of these --

16 AMBASSADOR SONDLAND: Did you say aid or did you say the  
17 White House meeting?

18 MR. ROY: I said aid.

19 AMBASSADOR SONDLAND: I'm sorry. I missed that. I  
20 didn't think there should be any preconditions on aid. And  
21 the reason I didn't think there should be any preconditions  
22 on aid was I thought it would send the absolute wrong message  
23 to the Russians if we held up aid for any reason.

24 MR. ROY: But that's a policy choice.

25 AMBASSADOR SONDLAND: Correct.

1 MR. ROY: Right?

2 AMBASSADOR SONDLAND: Correct.

3 MR. ROY: But from the standpoint of putting  
4 preconditions on a White House meeting or putting  
5 preconditions on aid, that might be a policy choice. But in  
6 respect to terms of attaching any kinds of conditions to aid  
7 that's not an unusual thing to occur, right?

8 AMBASSADOR SONDLAND: That's correct. And so you're  
9 correct, my distinction was I didn't agree with the policy of  
10 holding up the aid for any reason whereas others may have  
11 said yes, we should condition the aid on corruption.

12 MR. ROY: And you testified there were debates about --

13 AMBASSADOR SONDLAND: Exactly.

14 MR. ROY: -- what the policy choices should be?

15 AMBASSADOR SONDLAND: Exactly.

16 MR. ROY: Thanks. That's all.

17 MR. ZELDIN: Ambassador, it is U.S. law to, when  
18 providing aid to Ukraine to be assessing the anticorruption  
19 efforts that are correct?

20 AMBASSADOR SONDLAND: I don't know what the law is  
21 relating to aid. I'm not an expert on preconditions for aid?

22 MR. ZELDIN: But I think that's an important point  
23 before declaring that there should be no conditionality on  
24 aid related to corruption; it's important to know what the  
25 United States law is as it relates to aid to Ukraine and as

1 it relates to corruption.

2 AMBASSADOR SONDLAND: My -- my response, Congressman,  
3 was strategic, not legal.

4 MR. ZELDIN: We are concerned about the legal as well.  
5 Now you're the U.S. Ambassador to the EU, So you have  
6 interaction with a number of countries all across the  
7 European continent. I imagine you're engaging with countries  
8 on a whole host of issues all day, right, your portfolio's  
9 enormous.

10 AMBASSADOR SONDLAND: That's correct.

11 MR. ZELDIN: Okay. And as far as conducting U.S.  
12 diplomacy, whether it is aid or other discussions, you  
13 probably have asks into countries all across the entire  
14 continent, correct?

15 AMBASSADOR SONDLAND: True.

16 MR. ZELDIN: Can you give us an idea of your portfolio  
17 as it relates to your priorities of getting other countries  
18 to do things that are important to the United States?

19 AMBASSADOR SONDLAND: Well, my portfolio as I said  
20 encompasses 28, currently 28 EU countries, unless something  
21 happened in the last few hours with the U.K. And it involves  
22 trade, it involves security, it involves energy independence.  
23 It involves their actions in various other parts of the  
24 world, Iran, Venezuela, et cetera, et cetera. I'm not sure  
25 what your question --

1           MR. ZELDIN: As far as you doing your job interacting  
2 and the United States State Department interacting with  
3 foreign countries, we identify priorities that are important  
4 to the United States and try to get other countries to make  
5 decisions to adopt their policies and behaviors to our asks  
6 to the extent possible, correct?

7           AMBASSADOR SONDLAND: That is correct and I have a long  
8 list of those asks.

9           MR. ZELDIN: And you have seen foreign aid get leveraged  
10 in countries all around the world for different reasons,  
11 correct?

12          AMBASSADOR SONDLAND: That is correct.

13          MR. ZELDIN: For example, Congress recently passed, and  
14 the President signed into law legislation called the Taylor  
15 Force Act. I don't know, have you heard of that?

16          AMBASSADOR SONDLAND: I have not.

17          MR. ZELDIN: So where there is a policy -- would it be  
18 appropriate where the American taxpayer would not want their  
19 tax dollars to go to the Palestinian authority if they are  
20 financially rewarding terror, that would be an appropriate  
21 prioritization of how to leverage our tax dollars, correct?

22          AMBASSADOR SONDLAND: Appears to be, yes.

23          MR. ZELDIN: Now, as far as Fiona Hill, did you and the  
24 NSC -- did you sense that they felt threatened at all, that  
25 you were, say, stepping on their turf by having a passion for

1 Ukraine?

2 AMBASSADOR SONDLAND: Well, they testified earlier, my  
3 first sort of extracurricular trip to Ukraine I met regularly  
4 with the Ukrainians in Brussels, and I don't even know that  
5 the NSC was involved in those meetings, they normally  
6 wouldn't be. But my first trip to Ukraine, which was to  
7 Odessa in February, I believe, of 2019, I mentioned to  
8 Dr. Hill that I was going with Ambassador Volker and  
9 Secretary Reeker, and she sent back a very laudatory note  
10 saying, I'm glad you're supporting Ukraine and this is great,  
11 or something to go that effect.

12 MR. ZELDIN: At any point did Dr. Hill ever push back on  
13 it your interest in Ukraine?

14 AMBASSADOR SONDLAND: Not to me. Not to anyone that  
15 contacted me and said the NSC is not happy with your  
16 involvement in Ukraine. I've never heard that.

17 MR. CASTOR: I will mark as exhibit 8 the whistleblower  
18 complaint.

19 [Minority Exhibit No. 8  
20 Was marked for identification.]

21 BY MR. CASTOR:

22 Q The whistleblower complaint was released publicly I  
23 think on the day after the call transcript was released?

24 A Uh-huh.

25 Q Did anyone talk to you about the whistleblower

1 complaint before it was released?

2 A I believe I testified that I heard from the White  
3 House counsel's office that my name -- they were giving me a  
4 heads-up a few hours before it was released. Yes.

5 Q Anybody else? Anybody at the National Security  
6 Council?

7 A I don't recall that, no.

8 Q In that time period?

9 A I don't recall.

10 Q Did anyone give you an advanced copy of the  
11 complaint?

12 A I don't think so.

13 Q When you saw your name was mentioned, I think it's  
14 on page 4, and then again on page 7, what was your reaction?

15 A I was pretty upset.

16 Q And why?

17 A Because it almost implies I was doing something  
18 wrong when I was doing my job.

19 Q On page 4 of the complaint under the ongoing  
20 concerns Roman III, the last sentence of that first paragraph  
21 there beginning with the word based on multiple readouts of  
22 these meetings recounted to me by various U.S. officials,  
23 Ambassadors Volker and Sondland reportedly provided advice to  
24 Ukrainian leadership about how to navigate the demands that  
25 President Trump had made of Mr. Zelensky. Does that have any

1 basis in fact?

2 A I didn't know that the President had made any  
3 demands.

4 Q Okay.

5 A I wasn't aware of any demands that he had made of  
6 Mr. Zelensky until I saw the --

7 Q Okay. So this statement as it relates to you is  
8 just not true. Is that true?

9 A Well, I think to be fair to the whistleblower, I  
10 was involved in the file. I'm not sure what he's really  
11 trying to say here. This sentence confounds me because I'm  
12 not quite sure what he's trying to say.

13 Q So you're not sure about what the demands were?

14 A No.

15 Q And you're also not sure about how you were helping  
16 the navigate -- helping the Ukrainians navigate the demands?

17 A Well, other than as I testified we tried to  
18 negotiate a press statement, the whole group?

19 Q Right.

20 A If that's navigating the demands, then I guess  
21 that's navigating the demands. And I think I also testified  
22 that I was trying to -- we're all trying to prep President  
23 Zelensky for the request that corruption be investigated.

24 Q On the July 26th meeting in Kyiv with Ambassador  
25 Volker, did this come up, the press statement and so forth?

1           A     I don't think so. I don't remember that.

2           Q     Okay. So at least at that meeting the day after  
3 the call there was no discussion that you can recall --

4           A     No, not that I remember, and again, I saw a readout  
5 of the call, and the call was benign until I saw the  
6 transcript.

7           Q     Okay. So it at that point, you didn't know about  
8 demands, and so it is not fair to say you were helping the  
9 Ukrainians navigate the demands?

10          A     I don't know. I was involved in the file, and if  
11 being involved in the file means my name in the whistleblower  
12 complaint then I guess I have to accept that.

13          Q     Flipping back to page 7. The first bullet the  
14 State Department officials, including Ambassadors Volker and  
15 Sondland had spoken to Mr. Giuliani in attempt to contain the  
16 damage.

17          A     Is there a question?

18          Q     I just wanted to make sure you read?

19          A     Yes, I'm following.

20          Q     I'm ready to ask my question now. The last hour,  
21 you walked me through all four or five conversations you had  
22 with Mr. Giuliani. Any of those conversations possibly --  
23 could they possibly be characterized as you and Ambassador  
24 Volker trying to contain the damage to U.S. national  
25 security?

1           A     Not the direct conversations I had with  
2     Mr. Giuliani, because, again, they just -- they were really  
3     applying to the press statement.

4           Q     Right.

5           A     I didn't think this the press statement constituted  
6     damage to national security.

7           Q     Okay. So nothing that you did on a call to Rudy  
8     Giuliani could fairly be characterized as containing the  
9     damage?

10          A     I think it's an exaggeration.

11          Q     The second bullet, Ambassadors Volker and Sondland  
12     during this time period, meet with members of the Ukrainian  
13     administration, and in addition to discussing policy matters  
14     helped Ukrainian leaders understand and respond to the  
15     differing messages they were receiving from official U.S.  
16     channels on the one hand, and Mr. Giuliani on the other.

17          A     Well, the problem is, I don't know what official --  
18     I don't know what they were receiving from Mr. Giuliani --

19          Q     Okay.

20          A     -- because I don't know what direct conversations  
21     he was having.

22          Q     So that also is a statement that can't be true,  
23     because you didn't know what Giuliani was doing at that point  
24     in time?

25          A     All I know, with respect to Mr. Giuliani, is what

1 he told me and what I heard directly through hearsay and from  
2 Ambassador Volker.

3 Q But during this time period, the statement that  
4 Ambassadors Volker and Sondland sought the help of Ukrainian  
5 leaders understand and respond to the differing messages they  
6 were receiving from official U.S. channels on the one hand  
7 and Mr. Giuliani on the other can't be true if you don't know  
8 what Giuliani was telling them?

9 A I think a fairer thing was we were trying to  
10 assuage the Ukrainians, and as time kept going on and there  
11 were no meetings or phone calls after they had been promised.  
12 I that's probably -- we were stroking the Ukrainians a little  
13 bit in order to keep them from sort of bailing on us. I  
14 didn't want them going in the Russia direction. That was my  
15 big concern.

16 Q But you couldn't possibly be doing what is alleged  
17 right here because you didn't know what message Giuliani was  
18 sending to them?

19 A Yeah, I mean, if anything, we probably more played  
20 the role of a mediator just to try and keep things cool,  
21 while the time was going on and, you know, the meetings  
22 weren't happening. So I don't know if I would have written  
23 it exactly this way, but we're trying to help.

24 Q Okay. The next sentence during the same timeframe  
25 multiple U.S. officials told me that Ukraine leadership was

1 led to believe that a meeting or phone call between the  
2 President and President Zelensky would depend on whether  
3 Zelensky showed a willingness to play ball on the issues that  
4 had been publicly aired by Mr. Lutsenko and Mr. Giuliani.  
5 Does that strike you as something you're familiar with?

6 A That -- are you saying that the call that Mr. -- or  
7 President Trump and President Zelensky ultimately had on the  
8 25th?

9 Q Well, during the same timeframe, multiple U.S.  
10 officials told me Ukrainian leadership is led to believe that  
11 a meeting or phone call between President Trump and President  
12 Zelensky would depend on whether Zelensky showed a  
13 willingness to play ball on the issues that had been publicly  
14 aired by Lutsenko and Mr. Giuliani.

15 A Well, that appears not to be true because the phone  
16 call happened without any precondition. The phone call  
17 happened on the 25th and I don't believe anything was agreed  
18 upon by the Ukrainians by the time the phone call happened.

19 Q Did you ever hear a U.S. official use the term  
20 "play ball"?

21 A I've never heard that expression from anyone.

22 Q Because it is in quotes?

23 A I don't recall ever hearing that.

24 Q Okay. I want to go back to the recall of  
25 Ambassador Yovanovitch. Can you tell me when you first

1 learned that her post was in jeopardy?

2 A I can't, I don't recall. As I said, I met with her  
3 when I was in Odessa, she joined us on the meetings with  
4 Poroshenko and others, and we may have had some calls after  
5 that, but I don't remember.

6 Q Did anyone consult with you prior to her removal?

7 A I don't -- I don't believe so.

8 Q So nobody at the White House asked for your  
9 opinion?

10 A I don't think so.

11 Q Nobody?

12 A I probably would have remembered that, but I don't  
13 remember that.

14 Q Anyone on the 7th floor of the State Department?

15 A No, I don't think so.

16 Q So nobody asked for your views on whether she was  
17 doing an effective job at that time?

18 A I mean I don't recall giving my views to anyone.  
19 As I said, I had a perfectly good experience with her. My  
20 limited experience that I had with her.

21 Q So had someone asked you, you would have --

22 A I can't imagine I would have said anything, but she  
23 seems great.

24 Q Were you surprised when she was recalled?

25 A A little bit. Especially after I heard from a lot

1 of people in the Mission that she was going good ambassador  
2 they had, as I said earlier, they had served with her.

3 Q Did anybody seek your input on the next ambassador?

4 A I don't think so, no. I don't think I ever heard  
5 of Taylor until he was in place.

6 Q Okay. There is an allegation, simply an  
7 allegation, I'm not endorsing it. Perhaps the Ambassador at  
8 one time or another was disparaging the President, and I  
9 think one Member of Congress wrote a letter about that, and  
10 State Department officials have been disappointed about that  
11 allegation. Did you ever hear the Ambassador disparage the  
12 President?

13 A Not in my presence.

14 Q Did you ever hear anybody in the National Security  
15 Council disparage the President?

16 A Yeah, Dr. Hill.

17 Q Okay. Could you help me understand that?

18 A Well, when Dr. Hill, left her post to leave the  
19 government, I happened to drop by her office to say good-bye  
20 to her. I knew she was leaving, I think, in a few days or a  
21 week. I was at the White House for some other unrelated  
22 reason and I dropped up and we sat and had coffee. And she  
23 was pretty upset about her role in the administration, about  
24 her superiors, about the President. She was sort of shaking.  
25 She was pretty mad.

1 Q She was mad?

2 A Yeah.

3 Q Is that the first time you saw her mad?

4 A First time I've seen her like that, yeah.

5 Q Did how long did you speak with her?

6 A 15, 20 minutes.

7 Q She wasn't mad at you?

8 A No, no, she gave me a big hug and said stay in  
9 touch, she was going, I think, to Brookings or something  
10 after.

11 Q And what did she relate to you?

12 A She was just upset about everything having to do  
13 the Trump administration. She was upset at the President,  
14 she was upset with Ambassador Bolton, she was upset at a lot  
15 of things.

16 Q What specifically did she say about the President?

17 A Just that the whole, you know, operation was just  
18 not well run, or something to that effect. I mean, she was  
19 kind of -- it was very unusual. I mean I've never seen her  
20 like that. She's usually pretty calm, collected,  
21 straightforward, but she was pretty emotional.

22 Q Was this a coffee you had with her, just you and  
23 her?

24 A Yeah.

25 MR. JORDAN: Excuse, Ambassador. When was this meeting

1 with Dr. Hill?

2 AMBASSADOR SONDLAND: I it was a few days -- I don't  
3 know what her departure date was, but I think she mentioned  
4 she was on her way out in next few days.

5 MR. JORDAN: What month?

6 AMBASSADOR SONDLAND: You have tell me her departure  
7 date, and then I can tell you.

8 MR. CASTOR: Her last day was he 19th, July 19th.

9 AMBASSADOR SONDLAND: So it probably was sometime  
10 between, I don't know, 15, 14, 13, something like that.

11 MR. JORDAN: After the July 10th meeting.

12 AMBASSADOR SONDLAND: Yeah, I think it would have been  
13 after the July 10th meeting, because that's 9 days before she  
14 left. It would have been before the July 10th meeting and  
15 her departure.

16 BY MR. CASTOR:

17 Q And what were her issues with Ambassador Bolton?

18 A I think she was just generally upset at the way the  
19 NSC was being run, and communication, and disorder, and just  
20 she was sort of railing.

21 Q She was railing against President Trump?

22 A Yes.

23 Q Railing against Ambassador Bolton?

24 A Yes.

25 Q Dissatisfied with her role?

1           A     I don't know that she said that.

2           Q     What else did she say? What can you tell us?

3           A     I was -- I sat and listened. I was trying to be a  
4     little bit of a shoulder, and we had coffee. And I wished  
5     her well. As I said, gave her a hug, and I don't believe  
6     I've spoken to her since.

7           Q     Did she mention why he was leaving specifically?

8           A     She just said she'd had enough. She wanted to go  
9     back to academia.

10          Q     Were you surprised by this?

11          A     A little bit, yeah, because as I said, I've never  
12     seen her that emotional.

13          Q     Did she tell you who would be taking over for her?

14          A     I think she did tell me that Mr. Morrison was  
15     taking her place.

16          Q     How has your relationship being with Mr. Morrison?

17          A     Type, very straightforward.

18          Q     Is he your primary contact it is NSC right now?

19          A     Yeah. Although I got to meet Director -- or  
20     Ambassador O'Brien, I chatted with him a little bit, but  
21     generally, Bolton was not as accessible as O'Brien appears to  
22     be. So it would be Morrison and O'Brien.

23          Q     Uh-huh.

24          A     My two primary.

25          Q     Do you still talk with Lieutenant Colonel Vindman?

1           A     I don't think I have spoken with him in quite some  
2     time.

3           Q     Okay. But not because of any falling out, it is  
4     just haven't --

5           A     Haven't had any reason to.

6           Q     An occasion to?

7           A     Yeah.

8           Q     You traveled where Lieutenant Colonel Vindman to  
9     President Zelensky's inauguration. Is that correct?

10          A     I don't know that we traveled together, but he was  
11     there, he was part of the delegation.

12          Q     And anything notable about that travel, did you  
13     have dinner with him or share any meals?

14          A     I think we included him in every part of the event,  
15     or most of the parts of the event. It was really Secretary  
16     Perry was the leader of the delegation, it was up to him to  
17     decide who was doing what.

18          Q     Did you ever heard Lieutenant Colonel Vindman  
19     criticize the President?

20          A     Not to me.

21          Q     Have you ever heard anyone relate to you that  
22     Lieutenant Colonel Vindman has criticized the President?

23          A     I don't -- I don't recall that, no.

24          MR. CASTOR: We're almost -- our time is almost up, I  
25     want to make sure if there are any members on our side that

1 have a couple of questions?

2 MR. ZELDIN: Ambassador, was there any one else at the  
3 NSC who was critical of the President?

4 AMBASSADOR SONDLAND: No, not that I recall. This was  
5 as I said it wasn't an exit interview because she didn't work  
6 for me, it was a drop-by to say good-bye, and that was the  
7 only time I heard someone being critical.

8 MR. ZELDIN: How was relationship with Bill Taylor?

9 AMBASSADOR SONDLAND: I haven't spoken to him with  
10 whistleblower. But prior to that, it was great. In other  
11 words, he -- several times was happy that Secretary Perry,  
12 myself, and Ambassador Volker were helping support him  
13 because as he, to put in his words, he liked the high  
14 visibility support which helped his mission.

15 MR. ZELDIN: Why haven't you spoken to Bill Taylor after  
16 the whistleblower complaint?

17 AMBASSADOR SONDLAND: I haven't really spoken to anyone  
18 on the Ukraine file at the advice of counsel.

19 MR. JORDAN: In your meeting with Dr. Hill shortly  
20 before she left the White House, did you discuss -- did  
21 Lieutenant Colonel Vindman come up in any of that discussion  
22 with Dr. Hill?

23 AMBASSADOR SONDLAND: I don't think so.

24 MR. JORDAN: Okay.

25 MR. ROY: Just a quick question, is it in the national

1 security interest of the United States that we instill  
2 confidence with respect to our relationship with other  
3 countries, right?

4 AMBASSADOR SONDLAND: Exactly.

5 MR. ROY: And with respect to Secretary Perry, at any  
6 point in any of her engagement with him and the various trips  
7 and conversations repeatedly, you said you talked to him a  
8 lot, friends, was there anything that -- was his primary  
9 focus our status with Ukraine, improving that status  
10 vis-a-vis Russia, and making sure that our national security  
11 interests were being promoted with respect to natural gas,  
12 coal, economic interests, as well as pushing back on Russia,  
13 was that had the primary motivating factor behind your  
14 observation of what Secretary Perry was doing?

15 AMBASSADOR SONDLAND: Yes. My impression of the  
16 Ukrainians they were very impressed to have a cabinet level  
17 member to take such a strong interest in the country.

18  
19  
20  
21  
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24  
25

1 [4:38 p.m.]

2 MR. ROY: And would you characterize our current  
3 relationship with Ukraine as improved based on these  
4 engagements in trying to move the ball forward with respect  
5 to coal and natural gas, our presence vis-a-vis Russia  
6 because of those engagements?

7 AMBASSADOR SONDLAND: Well, again, with 20/20 hindsight,  
8 now that I am privy to all of the different things that were  
9 going on that I wasn't at the time, I thought that with  
10 respect to my activities, first, my engagement with the  
11 Poroshenko team in Brussels, then ultimately culminating in a  
12 joint U.S.-EU visit to Odessa in February, attending the  
13 inauguration, inviting President Zelensky to Brussels to meet  
14 with other European leaders, which, as I mentioned, resulted  
15 in him getting to know the President of Poland and a couple  
16 of other leaders, that they've now had some productive -- I  
17 thought we were on a roll with Ukraine until all of this blew  
18 up. I was very pleased with where we were going.

19 MR. ROY: So all of those engagements all along in that  
20 process that you are part of with Governor Perry -- sorry --  
21 Secretary Perry -- you can take the guy out of Texas, but you  
22 know -- with Governor Perry was moving the ball forward with  
23 respect to our policy objectives and what we were trying to  
24 do to strengthen our position vis-a-vis Ukraine?

25 AMBASSADOR SONDLAND: Again, at the time, yes.

1 MR. ROY: Thanks.

2 THE CHAIRMAN: The time of the minority has expired.

3 Would you like to take a 5- or 10-minute break?

4 AMBASSADOR SONDLAND: That would be nice.

5 THE CHAIRMAN: Okay.

6 AMBASSADOR SONDLAND: Thank you.

7 THE CHAIRMAN: Let's shoot for resuming at 4:50, if we  
8 could.

9 AMBASSADOR SONDLAND: That'd be great.

10 THE CHAIRMAN: Okay.

11 [Recess.]

12 THE CHAIRMAN: All right. Shall we get started again?  
13 Let's go back on the record.

14 And I want to recognize Debbie Wasserman Schultz.

15 MS. WASSERMAN SCHULTZ: Thank you, Mr. Chairman.

16 Ambassador, it's good to see you again.

17 AMBASSADOR SONDLAND: Nice to see you.

18 MS. WASSERMAN SCHULTZ: I am both a member of the  
19 Oversight Committee as well as the Appropriations Committee,  
20 and so my questions are appropriations-focused.

21 AMBASSADOR SONDLAND: Okay.

22 MS. WASSERMAN SCHULTZ: You testified today -- I've been  
23 here most of the day -- that you don't believe that  
24 preconditions for aid were appropriate, correct?

25 AMBASSADOR SONDLAND: As a policy matter, I agree with

1 that, with respect to Ukraine --

2 MS. WASSERMAN SCHULTZ: Right.

3 AMBASSADOR SONDLAND: -- at this point, at this moment.

4 MS. WASSERMAN SCHULTZ: Yes. Yes, with respect to  
5 Ukraine at this moment.

6 And, generally, you know, given that you have a budget,  
7 you and your staff are aware that the Appropriations  
8 Committee does, as Mr. Zeldin referenced, the Appropriations  
9 Committee, other committees, attach conditions to aid that we  
10 provide, correct?

11 AMBASSADOR SONDLAND: Correct.

12 MS. WASSERMAN SCHULTZ: And you're in the habit of  
13 following those instructions, correct?

14 AMBASSADOR SONDLAND: Correct.

15 MS. WASSERMAN SCHULTZ: Okay. And you testified today  
16 that you were initially unaware of the conditions that were  
17 put on Ukraine by the President and the directions from  
18 Mr. Giuliani?

19 AMBASSADOR SONDLAND: Correct.

20 MS. WASSERMAN SCHULTZ: Okay. What about the  
21 congressional conditions?

22 AMBASSADOR SONDLAND: I wasn't aware of the  
23 congressional conditions, because that aid would've gone  
24 directly from the respective agencies to Ukraine. It would  
25 not have passed through my hand or I don't even think the

1       bilateral hand.

2               MS. WASSERMAN SCHULTZ: Right. And you were unaware  
3       even though you did testify today that Ukraine was a central  
4       component of your portfolio.

5               AMBASSADOR SONDLAND: The meaning of my testimony,  
6       Congresswoman, was that the situation between Russia and  
7       Ukraine was very fragile at the time. We had the  
8       ambassadorial change. We had the election in Ukraine. It  
9       was very touchy. And in the scheme of the U.S. budget, a  
10      quarter of a billion dollars, while that's a lot of money, is  
11      not a lot of money.

12              MS. WASSERMAN SCHULTZ: Sure. I'm on the Appropriations  
13      Committee.

14              AMBASSADOR SONDLAND: And you know that better than  
15      anyone.

16              MS. WASSERMAN SCHULTZ: Yeah.

17              AMBASSADOR SONDLAND: I thought that, at that very  
18      moment in time, having any delay whatsoever, once I found out  
19      that there was a hold -- and I didn't know what the purpose  
20      of the hold was -- that any delay would send the wrong signal  
21      to Russia. That was my concern.

22              MS. WASSERMAN SCHULTZ: But the delay that was occurring  
23      was not as prescribed by law. It was occurring because the  
24      President, through Mr. Giuliani, appears to have indicated  
25      that unless there were investigations against the Bidens or

1 the company --

2 AMBASSADOR SONDLAND: I didn't know why.

3 MS. WASSERMAN SCHULTZ: Right.

4 However, you were or you were not aware of the  
5 Appropriations Act requiring that the Pentagon certify that  
6 when Ukraine -- when they deemed Ukraine meeting the  
7 requirements of reducing corruption, that those funds would  
8 be released? Were you aware during any of this period of  
9 time of those requirements?

10 AMBASSADOR SONDLAND: Not aware.

11 MS. WASSERMAN SCHULTZ: Okay. So, at no time, even  
12 though this was a central component of your portfolio, did it  
13 come up in any conversations that the law actually required  
14 that the Pentagon certify that Ukraine had taken steps to  
15 reduce corruption.

16 AMBASSADOR SONDLAND: As I indicated, my objective was  
17 to simply secure a meeting for President Zelensky. I was not  
18 involved --

19 MS. WASSERMAN SCHULTZ: But that was not my question.  
20 My question is, during any of these conversations during this  
21 period of time, did it ever come up that Congress actually  
22 had required that the Pentagon certify that Ukraine had  
23 reduced corruption and then that aid could be released?

24 AMBASSADOR SONDLAND: I don't recall that ever coming  
25 up.

1 MS. WASSERMAN SCHULTZ: Okay.

2 So, as you said, you didn't believe that non-lawful  
3 preconditions would be required. Would it be your testimony  
4 today that complying with the law and then the funds being  
5 released is important?

6 AMBASSADOR SONDLAND: I think complying with the law is  
7 always important.

8 MS. WASSERMAN SCHULTZ: Okay. Well, are you aware that  
9 on May 23rd, the same day as the meeting that you talked  
10 about with the President after you attended the inauguration,  
11 the Pentagon did certify that Ukraine had taken steps, the  
12 steps necessary as required by the Appropriations Act, to  
13 reduce corruption and that the funds should be released?

14 AMBASSADOR SONDLAND: I wasn't aware.

15 MS. WASSERMAN SCHULTZ: Okay. So, then, wouldn't you  
16 agree that, given that that occurred and that the Pentagon  
17 indicated that they had complied and corruption had been  
18 appropriately reduced, that those funds should've been  
19 released?

20 AMBASSADOR SONDLAND: I'm not familiar, Congresswoman,  
21 with all of the conditions, whether it was simply that  
22 certification or there were other conditions necessary. I  
23 don't know enough about --

24 MS. WASSERMAN SCHULTZ: No, but --

25 AMBASSADOR SONDLAND: -- the vagaries of funds

1 released --

2 MS. WASSERMAN SCHULTZ: Well, the Pentagon did. Because  
3 the Pentagon wrote a letter that I have here in my hand that  
4 specifically said, Ukraine is in compliance with this public  
5 law, and the funds, as a result, you know, should be  
6 released. And they had certified that their release was  
7 appropriate.

8 AMBASSADOR SONDLAND: Let me answer your question this  
9 way. If all lawful conditions had been met for funds  
10 release, then the funds should've been released.

11 MS. WASSERMAN SCHULTZ: Right. Okay. So then it would  
12 not have been appropriate for conditions unrelated to the law  
13 to be attached further.

14 AMBASSADOR SONDLAND: If the law required the funds to  
15 be released, they should've been released.

16 MS. WASSERMAN SCHULTZ: Okay. Thank you.

17 AMBASSADOR SONDLAND: Yeah.

18 THE CHAIRMAN: I just have a couple followup questions  
19 before I hand it back to Mr. Goldman.

20 My colleagues on the minority asked you questions along  
21 the lines of, don't other countries, doesn't Europe attach  
22 conditions and sometimes those conditions involve fighting  
23 corruption, and I think you said that, yes, those kinds of  
24 conditions are imposed. Is that right?

25 AMBASSADOR SONDLAND: That's right.

1 THE CHAIRMAN: But you would distinguish between  
2 conditions to fight corruption and a condition imposed to get  
3 Ukraine to investigate a political rival for help in a  
4 reelection campaign. You can distinguish between those two  
5 things, right?

6 AMBASSADOR SONDLAND: I can.

7 THE CHAIRMAN: The one is appropriate; the one, very  
8 much not appropriate. Am I right?

9 AMBASSADOR SONDLAND: That's correct.

10 THE CHAIRMAN: And you never heard Europe, for example,  
11 express its desire to have a condition on its aid to Ukraine  
12 that Ukraine investigate the Bidens or the 2016 election in a  
13 way that would help Donald Trump. I assume Europe never  
14 expressed that view to you.

15 AMBASSADOR SONDLAND: Never heard that from Europe.

16 THE CHAIRMAN: I want to ask you a couple followups on  
17 the questions about the whistleblower complaint. You were  
18 asked whether it was fair for the whistleblower to suggest  
19 that you or others had to navigate the demands that were  
20 imposed for a call or a meeting with President Trump.

21 There were demands, weren't there, that an investigation  
22 take place of 2016 or Burisma? Ultimately those were  
23 demands, were they not?

24 AMBASSADOR SONDLAND: Ultimately, yes.

25 THE CHAIRMAN: And it's fair to say that you had to

1 navigate those demands, you had to accommodate what the  
2 President and his lawyer wanted, if you were going to set up  
3 this meeting you thought very important?

4 AMBASSADOR SONDLAND: I think that's fair.

5 THE CHAIRMAN: My colleague also took issue with the  
6 whistleblower characterization of differing messages.

7 You would agree that Rudy Giuliani was meeting and  
8 talking to Ukrainians, would you not?

9 AMBASSADOR SONDLAND: Yes.

10 THE CHAIRMAN: And you did not have full visibility into  
11 what he was telling the Ukrainians, did you?

12 AMBASSADOR SONDLAND: I did not.

13 THE CHAIRMAN: Did you have a concern that what we might  
14 be telling the Ukrainians was not perfectly consistent with  
15 what you and Ambassador Volker or others might be telling the  
16 Ukrainians?

17 AMBASSADOR SONDLAND: Yes, and that's why in my  
18 statement I said we would've preferred to let the State  
19 Department handle the relationship.

20 THE CHAIRMAN: And, indeed, having a back channel or a  
21 second channel through the President's lawyer could cause  
22 damage if that message was inconsistent with State Department  
23 policy.

24 AMBASSADOR SONDLAND: It could.

25 THE CHAIRMAN: And so part of your role was to try to

1 contain whatever damage that second channel might cause? Is  
2 that fair to say?

3 AMBASSADOR SONDLAND: Well, "containing the damage"  
4 implies that we would let the damage occur and then somehow  
5 try to fix it. I mean, our goal was never to have damage in  
6 the first place.

7 THE CHAIRMAN: But I think you said, Ambassador, that  
8 over time things got more and more insidious. I think those  
9 were your words. It started out with no condition, and then  
10 there was a condition for investigation into the corruption,  
11 and then there was a condition of an investigation into 2016  
12 and Burisma, and then on the call itself it became clear the  
13 condition was investigation of 2016 and the Bidens. I think  
14 you described that as becoming more and more insidious,  
15 correct?

16 AMBASSADOR SONDLAND: That's correct.

17 THE CHAIRMAN: And isn't it also fair to say that  
18 because there were added conditions to this meeting that  
19 Ukraine desperately wanted and that you wanted to make  
20 happen, that that meeting wasn't going to happen unless  
21 Ukraine played ball in meeting the demands of the President  
22 and Mr. Giuliani? Isn't that a fair use of that colloquial  
23 expression?

24 AMBASSADOR SONDLAND: Well, that expression came up in  
25 previous testimony, and I'd never heard the term "play ball."

1 THE CHAIRMAN: But you understand what that means,  
2 right?

3 AMBASSADOR SONDLAND: If you mean that those conditions  
4 would have to be complied with prior to getting a meeting,  
5 that was my understanding.

6 THE CHAIRMAN: Thank you.

7 Mr. Goldman.

8 MR. GOLDMAN: Thank you.

9 BY MR. GOLDMAN:

10 Q You testified in the last round that, since the  
11 whistleblower complaint was released, or the transcript of  
12 the call record was released, you haven't spoken to anyone on  
13 the Ukraine file at the advice of counsel. Is that right?

14 A Except, I believe, with, as I recall, just  
15 Secretary Perry. I think I testified to that earlier.

16 Q Okay. But Secretary Perry was one of the three  
17 amigos, no?

18 A Correct.

19 Q So he was on the Ukrainian file?

20 A And then I did -- I also testified I think I called  
21 Ambassador Volker to thank him for his service when he  
22 resigned.

23 Q Right.

24 You also -- I believe you said that you got a general  
25 read-out from someone on your staff of the July 25th call?

1           A     Correct.

2           Q     Okay. Did you get any read-out from the Ukrainian  
3 side of that call?

4           A     I don't remember seeing a Ukrainian read-out. If  
5 someone sent me one, I didn't internalize it.

6           Q     How about a verbal read-out?

7           A     The only verbal read-out, Mr. Goldman, was, "It was  
8 a great call." I mean, no one thought the call was  
9 remarkable other than the fact that, A, it had finally  
10 happened after multiple attempts, and, B, that the  
11 President's -- whatever their conversation was seemed to be a  
12 pleasant conversation.

13          Q     And you had an hour-long meeting with Mr. Zelensky  
14 the day after the call, right?

15          A     Right.

16          Q     And this was a significant achievement, to get the  
17 call at this point, correct?

18          A     Correct.

19          Q     And as part of your duties and responsibilities,  
20 you generally memorialized what occurred at meetings with  
21 high-level leaders, right?

22          A     I always have note-takers. And, as I said, this  
23 was Ambassador Volker's meeting that he invited me to.

24          Q     Right. So you had a note-taker there for this  
25 meeting?

1           A     I didn't have one. I assume Ambassador Volker had  
2     one.

3           Q     So you did not have a note-taker.

4           A     I did not have a note-taker.

5           Q     Do you know whether anyone from the United States  
6     delegation there for this meeting was taking notes?

7           A     I assume someone was taking notes. There were  
8     quite a few people at the meeting.

9           Q     And someone from the State Department?

10          A     Probably.

11          Q     Okay. And those notes would be transmitted back to  
12     Washington in some way?

13          A     If they were taken by the Kyiv Embassy, they  
14     would've been put into some cable form and sent back, yeah.

15          Q     Okay. So, presumably, there is some  
16     memorialization of that meeting within the State Department  
17     records, right?

18          A     I believe that's correct.

19          Q     Okay.

20                 You also said in your opening statement that there are  
21     documents that the committee doesn't have that you think  
22     would corroborate your testimony here today. Is that right?

23          A     I believe so.

24          Q     Can you describe, generally speaking, what those  
25     documents would include?

1 A Texts, emails, et cetera.

2 Q Any memos that --

3 A No. I think they were all electronic.

4 Q All electronic?

5 A Yeah.

6 Q On your personal phone?

7 A I use a dual-SIM phone for both personal and  
8 business.

9 Q Okay.

10 Do you recall that you gave an interview on Ukrainian  
11 television the day after the call on July 25th?

12 A Uh-huh, I do.

13 Q Do you recall that you said that there were, quote,  
14 "certain things that the Ukrainians have to do, there are  
15 preconditions to anything," when describing the potential  
16 White House meeting?

17 A If I said that in the interview, yeah, I'm sure  
18 that's true.

19 Q What did you mean by that?

20 A At the time, I probably meant, you know, getting  
21 the schedule straight, getting the commitment. I think that  
22 was when we were still, on the corruption continuum, on the  
23 plain -- on the vanilla corruption part of the continuum.

24 I didn't want to imply, I believe, to the interviewer  
25 that the meeting was going to occur, you know, the next day.

1 I didn't want to not have credibility with the Ukrainian  
2 media. So I wanted to, sort of, thread the needle of looking  
3 like we were being very supportive of Ukraine, things were  
4 moving forward, but there still had to be some things to be  
5 done before the meeting could occur.

6 Q Right.

7 And just to be clear, the text message between Kurt  
8 Volker and Andrey Yermak where Volker specifically identifies  
9 the message that President Zelensky needs to give to Donald  
10 Trump, that does not refresh your recollection on -- which  
11 was the day before this interview -- that does not refresh  
12 your recollection as to what the state of play was as to what  
13 the conditions were for the White House --

14 A No. As I said, I think that part of the time we  
15 were still in the corruption -- vanilla corruption part of  
16 the continuum, as I recall.

17 Q Okay.

18 We talked a lot about the statement, so let's get to  
19 that. I want to turn your attention to page 4 of the text  
20 messages, which is exhibit 3.

21 A Okay.

22 Q And at the very bottom of that page, on August 9th  
23 at 11:27, you write to Rudy Giuliani: "Hi Mr Mayor! Had a  
24 good chat with Yermak last night" -- oh, I'm sorry. This is  
25 Kurt Volker writing this.

1           A     Okay.

2           Q     So you are -- but you are on the -- you were on  
3     this -- well, let me ask you this. Do you see the number  
4     ██████████ there?

5           A     That's my number.

6           Q     Okay, that's your number. So you're on this chain,  
7     right?

8           A     Yes.

9           Q     And Kurt Volker writes, "Hi Mr Mayor! Had a good  
10    chat with Yermak last night. He was pleased with your phone  
11    call. Mentioned Z making a statement. Can we all get on the  
12    phone to make sure I advise Z correctly as to what he should  
13    be saying? Want to make sure we get this done right.  
14    Thanks!"

15           A     And then you respond, "Good idea Kurt. I am on Pacific  
16    time." Do you see that?

17           A     I do.

18           Q     And then a little bit below it, you organize for  
19    State Ops to organize the phone call.

20           A     Do you remember having this conference call on  
21    August 9th with Kurt Volker and Rudy Giuliani?

22           A     Vaguely. This is one of the calls I think I  
23    described in my previous testimony with Rudy. I think this  
24    was one of the conference calls.

25           Q     Right. And this is specifically referencing a

1 statement, correct?

2 A Right.

3 Q And, clearly, Yermak was aware, Yermak being a  
4 senior advisor to President Zelensky, was aware of the desire  
5 for a statement based on this text. Do you agree with that?

6 A I do.

7 Q Okay. So what do you recall about that  
8 conversation?

9 A Again, without knowing exactly where we were on  
10 the, as I want to call it, the continuum, this might have  
11 been beginning to morph into the press statement where the  
12 Burisma/2016 election may have been introduced by Rudy.

13 I don't remember which call that was on, but, at some  
14 point, as I testified earlier, it went from a generic  
15 corruption requirement to a more specific requirement. And  
16 it could've been on this call; it could've been on a  
17 subsequent recall. I don't recall.

18 Q Okay.

19 If you can go to page 42, on August 9th, 5:35 p.m. --  
20 and this is a text chain between you and Kurt Volker -- you  
21 say, "Morrison ready to get dates as soon as Yermak  
22 confirms."

23 Is that Tim Morrison, the NSC senior director?

24 A Yes.

25 Q Okay.

1           And then Kurt Volker responds, "Excellent!! How did you  
2           sway him? :)" You respond, "Not sure I did. I think potus  
3           really wants the deliverable." Volker responds, "But does he  
4           know that?" And you respond, "Yep."

5           What is the deliverable?

6           A     The deliverable, I believe, was the press  
7           statement.

8           Q     And here you're specifically referencing the  
9           President, who wants the press statement.

10          A     That was my surmise, again, based on what I had  
11          heard through Volker from Giuliani.

12          Q     Right. So you still were under the impression, in  
13          part based on the May 23rd meeting, that what Rudy Giuliani  
14          wanted related to Ukraine is what the President wanted  
15          related to Ukraine.

16          A     That's the only logical connection I could make.

17          Q     And then when Volker says, "But does he know that,"  
18          and you say, "Yep," who's "he"?

19          A     I think he was referring to Morrison.

20          Q     Okay.

21          Now, later -- and then a little bit lower, at 5:51, you  
22          say, "To avoid misunderstandings, might be helpful to ask  
23          Andrey for a draft statement (embargoed) so that we can see  
24          exactly what they propose to cover. Even though Ze" --  
25          that's Zelensky, right?

1           A     Right.

2           Q     -- "does a live presser they can still summarize in  
3     a brief statement. Thoughts?" And Kurt Volker says,  
4     "Agree!"

5           So do you know what happened? Did Volker recommend that  
6     the Ukrainians send a draft statement to you?

7           A     As I recall -- this is refreshing my memory, and,  
8     as I recall, this is when I believe there was talk about  
9     having a live interview or a live broadcast. And what I was  
10    concerned about was that Zelensky would say whatever he would  
11    say on live television and it still wouldn't be good enough  
12    for Rudy, slash, the President, and then we would be having  
13    to go back and tell Zelensky, sorry, not good enough, and  
14    that would be extremely embarrassing.

15          So I had suggested, why don't you give us a summary of  
16    what you're planning to say so that it can be run by Mayor  
17    Giuliani first to nail down what it is exactly that the  
18    President was asking or Giuliani was asking versus what  
19    Zelensky was intending to say? I didn't want there to be a  
20    false press statement made live that was inadequate in some  
21    way. And I was, again, just trying to protect our reputation  
22    with the Ukrainians.

23          Q     Okay.

24          And then on August 10th at 1:23 p.m., you write, "I  
25    briefed Ulrich. All good."

1           Who's Ulrich?

2           A     That's Ulrich Brechbuhl, who is the counselor to  
3 the Secretary.

4           Q     And do you recall briefing him on this?

5           A     I may have walked him through where we were.

6           Q     About the statement?

7           A     Probably.

8           Q     And what was his response?

9           A     Based on my text, his response was probably,  
10 "Fine." If he had had an adverse reaction to what was going  
11 on, he would've said something to me and I probably would've  
12 communicated it back. So, again, I'm speculating that I  
13 briefed him and everything was copacetic.

14          Q     Okay. Do you know if he consulted with Secretary  
15 Pompeo on this?

16          A     His habit is to, you know, consult with Secretary  
17 Pompeo frequently. I mean, that's why he's the counselor.

18          Q     Do you recall receiving specific authorization from  
19 Secretary Pompeo to go forward with arranging the statement  
20 with Rudy Giuliani?

21          A     Well, we never got the final statement. There was  
22 nothing --

23          Q     I know, but --

24          A     There was nothing to ask Secretary Pompeo until we  
25 were ready to go.

1 Q Well, you felt the need to brief Ulrich Brechbuhl.

2 A I talk to Ulrich all the time, just to keep him in  
3 the loop.

4 Q Okay. And so you don't know whether or not --

5 A No.

6 Q -- Secretary Pompeo was aware of this or not?

7 A I wasn't going to take anything back to the  
8 higher-ups until we had a tentative commitment from the  
9 Ukrainians, again, so I wasn't wasting anyone's time.

10 Q And you knew you needed a commitment that satisfied  
11 Rudy Giuliani's desires, right?

12 A I knew I needed a commitment that, yes, that Rudy  
13 Giuliani would represent that then there would be a meeting.

14 Q Okay.

15 But the next text is a little bit later on August 10th,  
16 where Volker writes, "This came in from Andrey." Is that  
17 Andrey Yermak?

18 A Presumably.

19 Q And then he says, quote, "Hi Kurt. Please let me  
20 know when you can talk. I think it's possible to make this  
21 declaration and mention all these things. Which we discussed  
22 yesterday. But it will be logic to do after we receive a  
23 confirmation of date. We inform about date of visit and  
24 about our expectations and our guarantees for future visit.  
25 Let's discuss it."

1           What's going on here?

2           A     I think this was the back-and-forth between the  
3           Ukrainians and Volker.  What comes first, the chicken or the  
4           egg?

5           Q     Uh-huh.  Meaning, they wanted to get a date for the  
6           White House before they made an announcement about these  
7           investigations?  Is that correct?

8           A     Presumably that's what was going on.

9           Q     Did you subsequently have another conversation with  
10          Andrey Yermak?

11          A     Well, I had many conversations, but I don't know if  
12          we had any about this.

13          Q     Well, I mean, you see that it says -- oh, I guess  
14          this might be with Kurt Volker.

15          A     Yeah.  No, but if your question was, after whatever  
16          the date was, did I have any other conversations with Yermak,  
17          I think the answer would be yes.

18          Q     Okay.

19          So, at the very bottom, on the 11th, Volker says, "Hi  
20          Gordon -- ready in 10 min?"  You say, "Yes."  Volker says,  
21          "He needs another 15 min.  So 10:15."

22          Do you think that's a reference to Yermak?

23          A     I don't know.

24          Q     You don't remember speaking to Yermak directly at  
25          this time?

1           A     I don't. I think, again, Kurt was handling the  
2 back-and-forth on the press statement, and I kept the State  
3 Department informed through Ulrich Brechbuhl as to what was  
4 going on so that everyone was on the same page.

5           Q     And then if I can go back to page 5 with you --

6           A     Yeah, I was trying to navigate. Where are you, I'm  
7 sorry?

8           Q     Page 5.

9           A     Page 5? Oh.

10          Q     Yeah, the group text with Mr. Giuliani and Kurt  
11 Volker. On August 11th at 10:28, Ambassador Volker writes,  
12 "Hi Rudy -- we have heard bCk" -- I assume that's "back" --  
13 "from Andrey again -- they are writing the statement now and  
14 will send to us. Can you talk for 5 min before noon today?"

15          So do you know if you ever had another conversation with  
16 Mr. Giuliani about this?

17          A     I think we had at least two conference calls, and  
18 this may have been the second one or the first one. But,  
19 again, this was when we were in the process of going back and  
20 forth on the wording of the statement.

21          Q     And describe in those conference calls what Rudy  
22 Giuliani -- what requirements he had for the press statement.

23          A     This was when, in mid-August? Yeah, mid-August.  
24 This was when we were in the Burisma/2016 election part of  
25 the continuum.

1 Q Uh-huh. So he didn't say, we need to have a  
2 statement that says that Ukraine must continue their  
3 anti-corruption efforts, right?

4 A I believe it then morphed -- when we started to  
5 work on the statement, it morphed from the vanilla corruption  
6 into the Burisma/2016 portion.

7 Q Okay.

8 Now, if we go to page 43 -- wait 1 second. Sorry, 23.

9 A Twenty-three?

10 Q Yeah.

11 So, at the bottom, the very last text -- this is a group  
12 text with you and Andrey Yermak and Kurt Volker -- Volker  
13 writes, "Special attention should be paid to the problem of  
14 interference in the political processes of the United States,  
15 especially with the alleged involvement of some Ukrainian  
16 politicians. I want to declare that this is unacceptable.  
17 We intend to initiate and complete a transparent and unbiased  
18 investigation of all available facts and episodes, including  
19 those involving Burisma and the 2016 U.S. elections, which in  
20 turn will prevent the recurrence of this problem in the  
21 future."

22 Is this the revised proposed statement with Rudy  
23 Giuliani's input?

24 A It might've been. I don't know if that language  
25 came from Giuliani or it came from Volker or if it came from

1 the Ukrainians. I really don't know.

2 Q Was this approved language by Giuliani?

3 A I don't know.

4 Q You don't know?

5 A I don't know if it was approved or it was draft or  
6 what.

7 Q But -- and so you don't know if this was  
8 sufficient -- if the Ukrainians released this statement --

9 A I don't know if it was sufficient.

10 Q You don't know if it was sufficient.

11 A No, I don't.

12 Q But is this consistent with what Rudy Giuliani had  
13 indicated he wanted in the statement?

14 A Yes.

15 Q Okay.

16 And so, to the extent that you were involved, in your  
17 role, in advocating for a White House meeting and whether and  
18 to whatever extent that a condition of that White House  
19 meeting was some sort of investigation, is it accurate that  
20 whatever that investigation was that the President needed was  
21 described or proscribed by Rudy Giuliani?

22 A All the communication flowed through Rudy Giuliani,  
23 and I can only speculate that the President was instructing  
24 his personal lawyer accordingly. I don't know. I don't know  
25 if this was coming out of Rudy Giuliani irrespective of the

1 President, because I wasn't involved in those conversations.

2 Q But when you describe this continuum --

3 A Yes.

4 Q -- as to, you know, whatever the condition is for  
5 the White House meeting and it evolves over time, whatever  
6 the evolution of it was was dictated by Rudy Giuliani.

7 A Correct. Either directly or through Volker or  
8 Perry or others.

9 Q Okay.

10 Now, you said the statement was never issued by the  
11 Ukrainians, correct?

12 A I believe the idea was shelved.

13 Q Do you know why?

14 A I don't.

15 Q Do you know who determined that it was shelved?

16 A I don't know that we ever got to a point where  
17 everyone was in agreement.

18 Q Okay.

19 Now, around this time period, in mid-August, do you  
20 recall an unofficial meeting with a Member of the House of  
21 Representatives at the Brussels airport?

22 A Refresh my memory.

23 Q Did you meet with anyone, any members of the  
24 Intelligence Committee, without staff at the Brussels airport  
25 on or about August 16th?

1           A     I may have. I don't know. You mean in the lounge?

2           Q     Yeah, in the lounge.

3           A     Yeah. Who I did meet with?

4           Q     I mean, you tell me. Do you remember?

5           A     I don't remember. I meet with a lot of people as  
6 I'm coming and going.

7           Q     Do you remember meeting with Representative Nunes  
8 at that time?

9           A     I saw Representative Nunes in Brussels when he had  
10 a meeting there. I think we -- I think I saw him and we had  
11 coffee or something. But that wasn't at the airport; I think  
12 that was in the city.

13          Q     Okay. Just the two of you?

14          A     Yeah, I think it was just the two of us.

15          Q     Did you discuss Ukraine at all in any way?

16          A     No, I think it was just a, you know,  
17 shoot-the-breeze sort of conversation, as I recall it. Just  
18 sort of a friendly, he's in town kind of thing.

19          Q     You don't recall Ukraine coming up at all?

20          A     I don't remember Ukraine coming up.

21          Q     Okay.

22                 You've obviously discussed and described some of the  
23 conversations you had with Senator Johnson about Ukraine.  
24 Are there any other Congressmen or Senators that you remember  
25 discussing Ukraine issues with?

1           A     Not that I recall.  Senator Johnson, because he was  
2     on the delegation.

3           Q     And no one else?

4           A     Not that I can remember.

5           Q     How about staff members from any committees in the  
6     House of Representatives?

7           A     I mean, one of the problems with my memory is that  
8     if I wasn't in Washington I'm most often in Brussels.  Unless  
9     they were in Brussels and they were coming through in a codel  
10    and asked me about it specifically, I don't know that I  
11    sought anyone out to speak to them about Ukraine.

12          Q     Uh-huh.  And did you have any conversations with  
13    any of the minority staff before your testimony here today?

14          A     Not to the best of my knowledge, no.

15          Q     No?

16          A     No.

17          Q     Did your attorney?

18          MR. LUSKIN:  I spoke with Mr. Castor.  We did not share  
19    Ambassador Sondland's statement --

20          MR. GOLDMAN:  You want to repeat that?

21          MR. LUSKIN:  We did not discuss the substance of his  
22    testimony, and we did not share Ambassador Sondland's  
23    statement with him in advance.

24          MR. GOLDMAN:  All right.

25          THE CHAIRMAN:  At this point, let me recognize the

1 members for questions.

2 Mr. Himes, do you have some questions?

3 Mr. Heck?

4 MR. HECK: Thank you very much.

5 Mr. Ambassador, just to nail down a couple foundational  
6 facts, you were confirmed by the Senate on June 28th of last  
7 year in a presumably unanimous voice vote?

8 AMBASSADOR SONDLAND: Correct.

9 MR. HECK: And a short 12 days later, you were packed up  
10 and had moved to Brussels?

11 AMBASSADOR SONDLAND: Yeah. I was confirmed quickly  
12 because that was the NATO summit and I had to be Europe for  
13 the NATO summit.

14 MR. HECK: Where were you living prior to that?

15 AMBASSADOR SONDLAND: Seattle, Washington.

16 MR. HECK: Is that your legal residence?

17 AMBASSADOR SONDLAND: It is.

18 MR. HECK: Do you have a driver's license?

19 AMBASSADOR SONDLAND: I do.

20 MR. HECK: What State issued it?

21 AMBASSADOR SONDLAND: Washington.

22 MR. HECK: Are you registered to vote?

23 AMBASSADOR SONDLAND: I am.

24 MR. HECK: In which State?

25 AMBASSADOR SONDLAND: Washington.

1 MR. HECK: Thank you, sir. That's all I have.

2 THE CHAIRMAN: Representative Rouda.

3 MR. ROUDA: Thank you, Chairman.

4 Thank you, Ambassador, for being here.

5 I know it's tough to remember all these conversations  
6 and texts and the essence of it over many, many months. And,  
7 you know, I can't even remember what I had for lunch  
8 yesterday, and I know you had a tough time remembering your  
9 conversation with Secretary Perry yesterday.

10 So I really want to focus on the continuum. And when  
11 President Zelensky came into office and won the election, he  
12 won based on a platform of fighting back against corruption,  
13 right?

14 AMBASSADOR SONDLAND: Correct.

15 MR. ROUDA: And I think the diplomatic consensus, your  
16 consensus with your fellow leaders, Volker, Dr. Hill,  
17 Yovanovitch, Bolton, everyone felt this was a good change to  
18 address corruption in Ukraine.

19 AMBASSADOR SONDLAND: That's right.

20 MR. ROUDA: And that this was better than the previous  
21 President, the previous President who many believed was very  
22 corrupt, including the people who voted in Ukraine.

23 AMBASSADOR SONDLAND: Correct.

24 MR. ROUDA: So, in that continuum, as you talked about,  
25 where it moved from corruption to Burisma, what was so

1 special about Burisma? I mean, when that name came up, what  
2 was your reaction? Why Burisma?

3 AMBASSADOR SONDLAND: I don't know. In hindsight, I  
4 should've asked more questions about Burisma. But it was  
5 something that was important, apparently, to Mr. Giuliani and  
6 to the President. And, again, my focus was on getting the  
7 meeting and getting the phone call.

8 MR. ROUDA: But corruption has been rampant in Ukraine  
9 for decades. And if a new President is coming in who's, we  
10 hope, better positioned to address corruption, why is it  
11 moved to a single company and not multiple companies with a  
12 long history of corruption?

13 AMBASSADOR SONDLAND: First of all, I agree with you, I  
14 think there should not have been any preconditions to the  
15 meeting. I think the meeting should've just taken place  
16 shortly after the inauguration.

17 MR. ROUDA: But were you curious as to why this name of  
18 one company came up?

19 AMBASSADOR SONDLAND: Well, as I said, also Naftogaz  
20 came up, and there was a general consensus or list of  
21 apparently a bunch of investigations relating to corruption  
22 that had been suspended under the previous President that  
23 President Zelensky, I believe, in his platform had said, I'm  
24 going to restart all of these investigations. And I don't  
25 even know what they related to.

1           MR. ROUDA: But I guess the part I'm struggling with is,  
2 you're a really smart guy. You've been incredibly  
3 successful, so successful, you're able to give a million  
4 dollars to the inauguration for Trump. And you're in this  
5 diplomatic position where it's really important that you  
6 understand all of the information so that you can put the  
7 best foot forward for our country in the relations with not  
8 just Ukraine but all the countries in your portfolio. You  
9 want to make sure that you don't step into anything  
10 accidentally that would reflect poorly on the country.

11           So, again, I'm just kind of curious, why aren't you  
12 curious to know more about Burisma?

13           A     Yeah, I mean, this was -- without sounding like I'm  
14 passing the buck, this was primarily Ambassador Taylor and  
15 Ambassador Volker's file. And in terms of this issue, I was  
16 there to lend support. I'm not, you know, shirking my  
17 responsibility, but it did not rise to the point, until the  
18 meeting never occurred, that I began to get more and more  
19 suspicious about what was going on.

20           MR. ROUDA: So you didn't ask anybody, hey, why Burisma?

21           AMBASSADOR SONDLAND: I did not.

22           MR. ROUDA: Okay. Did you ask anybody about, why the  
23 2016 election, what about the server, what's that all about?

24           AMBASSADOR SONDLAND: Well, that -- President Trump,  
25 when he brought it up, you know, "They tried to take me

1 down," I assumed it had something to do with that.

2 MR. ROUDA: So with Zelensky coming into the Presidency  
3 and his administration, the hope is that corruption is going  
4 to go down. How long did President Trump freeze the aid to  
5 Ukraine in 2018?

6 AMBASSADOR SONDLAND: I'm not aware.

7 MR. ROUDA: You're not aware?

8 AMBASSADOR SONDLAND: Are you saying in 2019 or 2018?

9 MR. ROUDA: I'm saying 2018.

10 AMBASSADOR SONDLAND: I'm not aware.

11 MR. ROUDA: Did he freeze the aid?

12 AMBASSADOR SONDLAND: I don't know.

13 MR. ROUDA: You don't know.

14 AMBASSADOR SONDLAND: I don't know.

15 MR. ROUDA: But you were --

16 AMBASSADOR SONDLAND: I only became Ambassador in middle  
17 of 2018. I wasn't --

18 MR. ROUDA: Right.

19 AMBASSADOR SONDLAND: Yeah.

20 MR. ROUDA: So you think if he did freeze the aid you  
21 would've known about it?

22 AMBASSADOR SONDLAND: No.

23 MR. ROUDA: You represent 29 countries in your  
24 portfolio. How many of those countries receive aid from the  
25 United States?

1           AMBASSADOR SONDLAND: Again, the aid flows through the  
2 bilateral ambassador, not through the EU. So I wouldn't know  
3 whether a country is getting aid or not getting aid.

4           MR. ROUDA: But you knew Ukraine was getting aid.

5           AMBASSADOR SONDLAND: I did not know Ukraine was getting  
6 aid until this all came up in 2019 and I heard that there was  
7 a freeze on the aid and it was in the context of another  
8 obstacle to getting the meeting.

9           MR. ROUDA: So, to the best of your knowledge, President  
10 Trump, in 2018, when, arguably, Ukraine is under a more  
11 corrupt administration, no aid was withheld from Ukraine  
12 under President Trump's administration?

13          AMBASSADOR SONDLAND: If you say so, Congressman. I  
14 don't --

15          MR. ROUDA: Okay. And you're not aware of any aid being  
16 withheld to the other 28 countries in your portfolio under  
17 President Trump in 2018 or 2019. You're not aware of it.

18          AMBASSADOR SONDLAND: I haven't received any complaints.

19          MR. ROUDA: Okay.

20                 And I know it's really tough to recall all this stuff,  
21 you know, these conversations. Some of them have taken place  
22 in the past. But I am kind of curious, because when you  
23 recalled your conversation with Ambassador Yovanovitch, you  
24 were very specific. A lot of detail there about how  
25 emotional she was, how mad she was, how she was railing on

1 Trump and Bolton.

2 Why do you think you had such greater recollection on  
3 your conversation with her? I'm sorry. Hill. Sorry. Hill.

4 AMBASSADOR SONDLAND: That was Dr. Hill.

5 MR. ROUDA: Dr. Hill. My apologies.

6 AMBASSADOR SONDLAND: Only because it stuck out to me  
7 because it was so unusual. That was not her usual  
8 deportment.

9 MR. ROUDA: Even though many of the things we've talked  
10 about today are highly unusual, that one seemed to really  
11 resonate?

12 AMBASSADOR SONDLAND: It resonated with me because I've  
13 never seen anyone so upset.

14 MR. ROUDA: Okay.

15 The last thing I want to ask you: My understanding is  
16 Secretary Perry resigned.

17 AMBASSADOR SONDLAND: I didn't know that. I haven't had  
18 any -- I haven't had any phone access.

19 MR. ROUDA: Don't hold me to it. The reports may not be  
20 correct, but -- so you weren't aware of that? That's a --

21 AMBASSADOR SONDLAND: No.

22 MR. ROUDA: -- surprise to you?

23 AMBASSADOR SONDLAND: Absolutely.

24 MR. ROUDA: Okay. Thank you.

25 AMBASSADOR SONDLAND: In fact, we are scheduled to meet

1 on Sunday in Brussels for an energy conference. So, all news  
2 to me.

3 MR. ROUDA: Thank you, Mr. Chairman. I yield back.

4 THE CHAIRMAN: Mr. Krishnamoorthi.

5 MR. KRISHNAMOORTHY: Mr. Sondland, on April 21st,  
6 President Zelensky was elected President of Ukraine, and  
7 around that time Donald Trump made a phone call to him,  
8 congratulating him, right?

9 AMBASSADOR SONDLAND: I believe that's true.

10 MR. KRISHNAMOORTHY: And were you a part of that phone  
11 call?

12 AMBASSADOR SONDLAND: I was not.

13 MR. KRISHNAMOORTHY: Were you briefed before or after  
14 that phone call about the contents of the call?

15 AMBASSADOR SONDLAND: I was not.

16 MR. KRISHNAMOORTHY: I wanted to ask you about Ukraine.  
17 Do you have any interests in Ukraine?

18 AMBASSADOR SONDLAND: None.

19 MR. KRISHNAMOORTHY: No business interests?

20 AMBASSADOR SONDLAND: None whatsoever.

21 MR. KRISHNAMOORTHY: When you said in your statement, on  
22 page 8 of your statement, you did not understand until much  
23 later that Mr. Giuliani's agenda might have also included an  
24 effort to prompt the Ukrainians to investigate Vice President  
25 Biden or his son or to involve Ukrainians directly or

1 indirectly in the President's 2020 reelection campaign, why  
2 did you -- why do you think that either of those activities  
3 are problematic?

4 AMBASSADOR SONDLAND: Because I believe I testified that  
5 it would be improper to do that.

6 MR. KRISHNAMOORTHY: And illegal, right?

7 AMBASSADOR SONDLAND: I'm not a lawyer, but I assume so.

8 MR. KRISHNAMOORTHY: Sir, one last question, which is:  
9 Do you believe that, with regard to Burisma, that the effort  
10 by Giuliani to investigate Burisma, now that we know that it  
11 was actually intended to go after Mr. Biden's son Hunter, was  
12 ever a proper inquiry?

13 AMBASSADOR SONDLAND: I mean, I think I testified to  
14 that at the beginning, that it would not be proper.

15 MR. KRISHNAMOORTHY: And illegal, correct?

16 AMBASSADOR SONDLAND: Again, I'm not a lawyer. I don't  
17 know the law exactly. It doesn't sound good.

18 MR. KRISHNAMOORTHY: Thank you.

19 AMBASSADOR SONDLAND: You're welcome.

20 THE CHAIRMAN: I don't remember the order in which  
21 people came in. Who would like to be recognized next? I'll  
22 leave it to either one of you.

23 MR. ESPAILLAT: Ambassador, I want to go along the same  
24 line of questioning. I mean, obviously, the acknowledgement  
25 of corruption seems to be a prominent issue.

1           First, in your testimony, for example on page 6, you  
2 say, "Corruption poses challenges to the legitimacy and  
3 stability of government. Corruption is also an economic  
4 issue."

5           Then on page 7, you again state that "to make reforms  
6 necessary to attract Western economic investment and to  
7 address the Ukraine's well-known longstanding corruption  
8 issues."

9           Again on page 7, you refer to President Zelensky as "a  
10 reformer who received a strong mandate from the Ukrainian  
11 people to fight corruption and pursue greater economic  
12 prosperity."

13           So corruption seems to be an important issue, as you've  
14 highlighted in your testimony today, in your statement. And,  
15 furthermore, it seems to be of greater importance when the  
16 names of Burisma and the 2016 election continuously pop up,  
17 as you've stated in your statement and in your testimony  
18 today.

19           How many folks do you have working for you? What's your  
20 team like? How many people do you have working for you?

21           AMBASSADOR SONDLAND: About 150.

22           MR. ESPAILLAT: You have 150 people working for you. At  
23 any time when you heard the word "Burisma," as it was  
24 connected to corruption, did you ever instruct any of your  
25 150 staffers to research the company?

1           AMBASSADOR SONDLAND: No, I did not. Again, Ambassador  
2 Taylor and Ambassador Volker were, sort of, on the front  
3 lines of this.

4           MR. ESPAILLAT: Did anybody google the word "Burisma,"  
5 yourself or a staffer?

6           AMBASSADOR SONDLAND: I didn't do it. I don't know  
7 about anyone else.

8           MR. ESPAILLAT: So none of your 150 staffers, nor  
9 yourself, after being deliberately concerned about corruption  
10 in the Ukraine and hearing consistently the name "Burisma"  
11 come up, not one of your staffers, 150 of them, nor yourself,  
12 ever researched the company or googled the company or find  
13 out who was on its board of directors? Is that accurate?

14          AMBASSADOR SONDLAND: That's correct.

15          MR. ESPAILLAT: Okay. Now --

16          THE CHAIRMAN: I'm sorry. Our time has expired, but  
17 we'll be happy to come back to you in the next round.

18          Mr. Castor.

19          BY MR. CASTOR:

20          Q     Going back to exhibit No. 8, the whistleblower  
21 complaint, exhibit 8 --

22          A     Exhibit 8?

23          Q     Exhibit 8.

24          A     Okay.

25          Q     Page 4. I just want to clarify that the last

1 sentence of the first paragraph under Roman III -- this is  
2 the sentence we reviewed before with "navigate" and  
3 "demands." "Based on multiple readouts of these meetings" --  
4 and "these meetings" refer to the meetings on July 26th?

5 A Yes.

6 Q -- "Ambassadors Volker and Sondland reportedly  
7 provided advice to the Ukrainian leadership about how to  
8 'navigate' the demands that the President had made."

9 But on July 26th, you were not aware the President had  
10 any demands. Is that correct?

11 A Well, I think we were aware at that point that the  
12 President wanted -- I think this was still in the vanilla  
13 corruption part of the continuum. Because, again, we didn't  
14 get a transcript of the actual call until, I think,  
15 September.

16 Q Right.

17 A So this whole notion of investigating the Bidens I  
18 don't believe would've come up in that meeting because we  
19 weren't aware of it.

20 Q Okay. So, during that meeting, I mean, if I  
21 understand your testimony, the statement didn't come up  
22 and --

23 A I don't remember it coming up.

24 Q Okay.

25 A Didn't flag it for me.

1           Q     And then just flipping back to page 7, the first  
2     bullet point: "that State Department officials, including  
3     [yourself and] Ambassador Volker, had spoken with  
4     Mr. Giuliani in an attempt to 'contain the damage.'"

5           I mean, none of your communications with Mr. Giuliani  
6     were trying to contain any damage, because you didn't know  
7     any damage had occurred. Is that correct?

8           A     Well, as I said, my conversations -- because  
9     they're lumping Volker and me together -- my conversations  
10    with Giuliani really centered around negotiating this press  
11    statement.

12          Q     Okay.

13          A     If you want to call that containing the damage, I  
14    guess you could, but I don't see it as that.

15          Q     Yeah. I don't understand how that could be  
16    containing the damage.

17          The next sentence: "During this same timeframe,  
18    multiple U.S. officials told me that the Ukrainian leadership  
19    was led to believe that a meeting or phone call between the  
20    President and President Zelensky would depend on whether  
21    Zelensky showed willingness to 'play ball.'"

22          Now, as far as you know, the July call was scheduled  
23    without any preconditions, right?

24          A     Ultimately, yes.

25          Q     The company Burisma has been the subject of a

1 number of investigations in Ukraine over the years. You're  
2 aware of that, right?

3 A I am now.

4 Q And to the extent Ukrainians are investigating  
5 other Ukrainians for wrongdoing in the company of Burisma,  
6 that would be perfectly acceptable, correct?

7 A Presumably.

8 Q Okay. Now, you're aware that Hunter Biden was  
9 asked to serve on the board of Burisma, correct?

10 A Based on press accounts, yes.

11 Q Yeah. Do you know whether Mr. Biden has any  
12 corporate governance experience?

13 A I don't.

14 Q Okay. And, you know, is it conceivable that  
15 Ukrainians could have decided to place Mr. Biden on the board  
16 because they wanted to curry favor with the U.S.?

17 A Conceivable.

18 Q Okay. And if they did and if the decision to place  
19 him on the board was improper and the Ukrainians found  
20 evidence of that, wouldn't it be fair that they would  
21 investigate that?

22 A Are you asking for my opinion?

23 Q Well, it's just, if there was wrongdoing associated  
24 with placing Hunter Biden on the board, wouldn't that be  
25 something worth investigating?

1           A     Seems to be.

2           Q     Okay.

3           I'm going to ask you a very odd fact that came up in  
4 another interview. I just want to get your reaction to it.  
5 Have you ever encouraged Romanians to show up at the White  
6 House without an appointment?

7           A     No.

8           Q     Okay. If someone were to suggest that, would you  
9 have any idea what the basis for that was?

10          A     Well, one of the things that I wound up doing was  
11 helping bilateral ambassadors -- what do you call it? --  
12 advocate for meetings of their country's leaders. So,  
13 occasionally, I would get a phone call from a bilateral  
14 ambassador and say, "Our President would like to meet with  
15 President Trump. I've had a request in for months. Could  
16 you help? Could you help push?"

17          Q     Now, when you --

18          A     So that's the context in which I would join with my  
19 bilateral colleague and call someone at the White House and  
20 say, I think this is very important that we get the President  
21 of fill-in-the-blank EU country in to see President Trump.

22          But have I ever said, you just show up at the White  
23 House without an appointment?

24          Q     Yes.

25          A     No. No.

1 Q And by bilateral ambassador, you mean the  
2 U.S. ambassador?

3 A The U.S. ambassador to the particular country.

4 Q Like another State Department employee.

5 A Correct.

6 Q Okay.

7 And you can't just show up to the White House and get  
8 in, right?

9 A Correct.

10 Q You've got to have a meeting. And before the  
11 meeting, you've got to do certain things, correct?

12 A That's right.

13 Q Okay.

14 Did anyone in the National Security Council ever express  
15 concern to you that you were using an unsecure mobile device  
16 in your discussions with other international leaders?

17 A Never.

18 Q President Zelensky's inauguration was scheduled  
19 relatively quickly. Is that fair to say?

20 A I think that's right.

21 Q A matter of days, even?

22 A Yeah, I think the date was sort of floating, and  
23 they nailed it down somehow.

24 Q And the U.S. delegation, in advance of the trip,  
25 was in flux?

1           A     Correct.

2           Q     And at one point, it's been related to us, that  
3 Vice President Pence was considering going? Is that  
4 something you --

5           A     I had heard that, yes.

6           Q     Okay. And then, as it turned out, he was unable to  
7 go. Do you know why?

8           A     I don't.

9           Q     Do you know if his decision not to attend was  
10 related to any of the things we've been discussing today,  
11 such as the Burisma matter, the 2016 --

12          A     I don't know why he didn't go.

13          Q     Okay. So there's no reason -- you have no evidence  
14 to suggest that Vice President Pence's participation in the  
15 inaugural was withheld from Ukraine as an admonishment for  
16 not playing ball or something of that sort?

17          A     I don't remember anything to that effect.

18          Q     Okay.

19          MR. CASTOR: Mr. Zeldin.

20          MR. ZELDIN: I'm picking up where my colleague was just  
21 asking you some additional questions about Burisma. Do you  
22 know why Burisma and -- do you know whose Zlochevsky is?

23          AMBASSADOR SONDLAND: Who?

24          MR. ZELDIN: Zlochevsky.

25          AMBASSADOR SONDLAND: No.

1 MR. ZELDIN: Do you know why -- so Zlochevsky was an  
2 oligarch with ownership stake in Burisma. Do you know why  
3 Burisma and Zlochevsky were under investigation for  
4 corruption in the Ukraine?

5 AMBASSADOR SONDLAND: I do not.

6 MR. ZELDIN: But you are aware that Hunter Biden was  
7 hired for a paid position on the board of directors?

8 AMBASSADOR SONDLAND: Again, based on press accounts,  
9 recent press accounts, yes.

10 MR. ZELDIN: Those press accounts, did they indicate  
11 that Hunter Biden was getting paid at least \$50,000 per  
12 month?

13 AMBASSADOR SONDLAND: I recall a figure close to that,  
14 yeah.

15 MR. ZELDIN: Did any of those press accounts indicate  
16 that he had no energy experience or Ukraine experience?

17 AMBASSADOR SONDLAND: Yes.

18 MR. ZELDIN: Are you aware that Vice President Joe Biden  
19 went to Ukraine in 2016 and successfully got the prosecutor  
20 general, the state prosecutor, fired?

21 AMBASSADOR SONDLAND: Again, based on press accounts.

22 MR. ZELDIN: The name of that state prosecutor, Viktor  
23 Shokin.

24 Are you aware, based on those press accounts, that the  
25 Vice President threatened Ukraine with the loss of \$1 billion

1           if they didn't immediately fire that state prosecutor?  
2  
3  
4  
5  
6  
7  
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1 [5:50 p.m.]

2 AMBASSADOR SONDLAND: Again, based on recent press  
3 accounts, yes.

4 MR. ZELDIN: Is it fair that there's a lot about  
5 Burisma, Zlochevsky, Hunter Biden and Joe Biden that you  
6 don't know about?

7 AMBASSADOR SONDLAND: Correct.

8 MR. ZELDIN: Do you have a problem with the Vice  
9 President's son being paid \$50,000 a month in Ukraine?

10 THE CHAIRMAN: We're getting very far afield if we're  
11 asking the Ambassador's opinion on what someone should be  
12 paid to serve on a board.

13 MR. ZELDIN: But you have asked for his opinion on a lot  
14 of things related to this, and I'm going to --

15 THE CHAIRMAN: You know, I don't think I have. The  
16 Ambassador can venture an opinion on this, but --

17 MR. ZELDIN: Well, he has been asked many questions  
18 about his assessment of whether it was right or wrong. So we  
19 are going to get into just what basis of information he  
20 has --

21 THE CHAIRMAN: We're talking about diplomatic efforts  
22 and shadow foreign policy, but I'll let the witness answer.  
23 It just seems an odd opinion question to be asking of this  
24 witness.

25 AMBASSADOR SONDLAND: I have no opinion.

1           MR. ZELDIN: Do you believe that it would be appropriate  
2           for the son of the Vice President to be paid \$50,000 a month  
3           from an entity in one of the countries in your portfolio, run  
4           by an oligarch under corruption, and that person is -- has no  
5           energy experience or no Ukraine experience? You don't have  
6           any opinion? You have no problem with that?

7           AMBASSADOR SONDLAND: Congressman, I can't speculate as  
8           to why they hired him or what they paid him. That wouldn't  
9           be right on my part to speculate.

10          MR. ZELDIN: Do you believe that there would be any  
11          conflict of interest for the Vice President to be having  
12          the -- let me backtrack a moment.

13          Are you aware that Viktor Shokin, that state prosecutor,  
14          had an open investigation into Burisma and Zlochevsky at the  
15          time that he made that threat?

16          AMBASSADOR SONDLAND: Only through recent press  
17          accounts.

18          MR. ZELDIN: And do you have any -- do you see any issue  
19          with the Vice President issuing that threat if his son is  
20          being paid \$50,000 a month from that entity?

21          THE CHAIRMAN: If I could just state for the record, I  
22          think the evidence we've received thus far indicated there  
23          was no open investigation. You can posit an allegation, but  
24          that's not been the --

25          MR. MEADOWS: Mr. Chairman, with all due respect, I

1 don't mind you opining on your 45 minutes. And this is a  
2 deposition, and unless you want us opining on your 45  
3 minutes, let's leave it to the questions and answers. He's  
4 got three capable counselors there that I'm sure are paid far  
5 more than you and I are paid to advise him on what he should  
6 and should not answer.

7 THE CHAIRMAN: The objection, if we were in court, would  
8 be facts not in evidence. And --

9 MR. MEADOWS: But the objections if we were in court  
10 would be on you leading the witness over and over and over  
11 again.

12 THE CHAIRMAN: I don't think it's fair --

13 MR. NOBLE: That's admissible in court.

14 THE CHAIRMAN: I don't think it's fair --

15 MR. ZELDIN: By the way, the question was, are you aware  
16 that there was an open case?

17 THE CHAIRMAN: I don't think it's fair to this witness  
18 to ask him if he is aware of facts which are not, in fact,  
19 facts. If you want to say, are you aware that there is an  
20 allegation, that's fine.

21 MR. MEADOWS: Well, Mr. Chairman, with all due respect,  
22 you have indicated facts regarding a 2020 campaign  
23 investigation that are not facts, they're merely your  
24 opinion. So if we want to get in this back-and-forth, I'm  
25 more than willing to get into a colloquy with you with the

1 facts, because the facts are on my side.

2 THE CHAIRMAN: I would just caution the witness facts  
3 represented by members may not actually be facts, but you are  
4 free to answer their questions.

5 AMBASSADOR SONDLAND: I can't express an opinion on  
6 Mr. Biden's employment.

7 MR. ZELDIN: Are you aware -- do you know if Viktor  
8 Shokin had an open investigation into Burisma and Zlochevsky  
9 at the time that Vice President Biden threatened Ukraine with  
10 the loss of \$1 billion?

11 AMBASSADOR SONDLAND: I'm not aware. Again, all of my  
12 awareness comes from recent press reports.

13 MR. MEADOWS: So, Mr. Ambassador, let me jump in. I  
14 don't want you answering to facts that are not facts. I want  
15 to make that clear for the record. I also don't want you to  
16 give opinion on things that you're not an expert on.

17 And I can tell that some of your reluctance with my  
18 colleague is that you don't want to weigh in. And so, as  
19 much as we might want you to weigh in, and as much as the  
20 other side might want you to weigh in on facts that are not  
21 necessarily facts, I want you to stick to that. Can I  
22 interject?

23 Here is one area that I do believe that there -- we are  
24 conflating two different things. We're conflating foreign  
25 aid and javelins at times. Would you agree with that? That

1 foreign aid, the foreign aid that was withheld was not  
2 actually withholding javelin defense items. Are you aware of  
3 any conversation where javelins were being withheld?

4 AMBASSADOR SONDLAND: My knowledge of the aid package is  
5 very limited. Again, my focus -- it sounds very narrow, but  
6 you have a full-time bilateral Ambassador who would deal with  
7 those issues. That was Ambassador Taylor and prior to that,  
8 Ambassador Yovanovitch. That is right in the center lane of  
9 their portfolio. Then on top of that, which is unusual, you  
10 have layered over that a Special Envoy, whose sole focus is  
11 to oversee the Ukraine portfolio.

12 My role in this was to use whatever influence I had at  
13 the NSC and the White House to help advocate for a meeting.  
14 I did not get into the peculiarities --

15 MR. MEADOWS: And that advocacy for the meeting, your  
16 advocating for that meeting was in the sole interest, best  
17 interest of the United States and our national security. Is  
18 that correct?

19 AMBASSADOR SONDLAND: That is correct.

20 MR. MEADOWS: 100 percent?

21 AMBASSADOR SONDLAND: 100 percent.

22 MR. MEADOWS: Not 99, 100 percent in the best interest  
23 of our country. Is that correct?

24 AMBASSADOR SONDLAND: In my view, yes.

25 MR. MEADOWS: Okay. And so, in advocating for this

1 meeting, in advocating to make sure that the new President  
2 Zelensky was, indeed, set on a new path, you were very  
3 encouraged that he was serious about addressing corruption.  
4 Is that correct?

5 AMBASSADOR SONDLAND: That is correct.

6 MR. MEADOWS: Because my colleague was talking about  
7 Mr. Shokin, and I guess his reputation was one that he was  
8 not serious about really rooting out corruption. Had you  
9 heard that?

10 AMBASSADOR SONDLAND: Again, based on recent press  
11 reports.

12 MR. MEADOWS: Had you heard about the special prosecutor  
13 that replaced him, that he was not serious about rooting out  
14 corruption?

15 AMBASSADOR SONDLAND: Contemporarily, yes.

16 MR. MEADOWS: So both of those individuals were not  
17 serious. So we were taking a leap of faith, a leap of faith  
18 that this new government was going to get rid of corruption,  
19 which was contrary to all history that we know about with  
20 Ukraine. Is that correct?

21 AMBASSADOR SONDLAND: You can always dream.

22 MR. MEADOWS: All right, we can always dream. Would you  
23 agree that the European Union, prior to May of 2019, shared a  
24 similar view with President Donald Trump that corruption was  
25 a way of life in the Ukraine?

1           AMBASSADOR SONDLAND: They were concerned about  
2 corruption, I think it's fair to say.

3           MR. MEADOWS: All right. And had any of the European  
4 Union raised corruption issues about the Ukraine with you in  
5 your role, in your official role as Ambassador for the EU?

6           AMBASSADOR SONDLAND: Yes. In fact, the official that  
7 traveled with me to Odessa, who was the Secretary General of  
8 the EU, raised it himself with President Poroshenko at our  
9 bilateral meeting.

10          MR. MEADOWS: All right. So you're saying that people  
11 outside of this administration raised with the previous  
12 President their concern about corruption. Whether or not it  
13 had anything to do with any individual, they were just  
14 generally concerned about corruption. Is that correct?

15          AMBASSADOR SONDLAND: Corruption per se, yes.

16          MR. MEADOWS: All right. I can yield back.

17          MR. ZELDIN: If the President of the United States has a  
18 problem with the former Vice President of the United States'  
19 son being paid \$50,000 a month with no energy experience and  
20 no Ukraine experience, if the President of the United States  
21 has a problem with the Vice President running point for the  
22 Obama administration and threatening to withhold \$1 billion  
23 of U.S. aid if the State prosecutor isn't fired, and if the  
24 President of the United States is aware that there was an  
25 investigation into the entity that was paying Hunter Biden

1       \$50,000 a month, and Zlochevsky who runs that, and if the  
2       President of the United States believes that there was an  
3       open investigation into Burisma and Zlochevsky at the time of  
4       Vice President Biden's threat, if the President of the United  
5       States has a problem with all of this, is that a reasonable  
6       position, is that an acceptable position for the President of  
7       the United States to want to look into that further?

8                AMBASSADOR SONDLAND: I can't express an opinion on  
9       that. I don't know legally if the President has the right to  
10      do that. Again, I'm not a lawyer. I think that's really  
11      between the President and his -- you know, the electorate, as  
12      to whether the voters think that that's proper or not. I  
13      don't know.

14               MR. ZELDIN: But earlier on, you were testifying to a  
15      question worded differently, where you were saying that it  
16      would be inappropriate to ask the Ukrainian Government to  
17      conduct an investigation into a 2020 political rival,  
18      correct? Did you say something to that effect earlier?

19                AMBASSADOR SONDLAND: I believe I did, yes.

20                MR. ZELDIN: But you're not willing to explain that any  
21      further beyond that, given all of -- of what the President  
22      may believe when making that -- when making that request.  
23      Does it matter what the facts are to you?

24                AMBASSADOR SONDLAND: Yeah, the facts are critical, and  
25      I don't know all the underlying facts. And I'm really not in

1 the business of providing an opinion on this hypothetical as  
2 to whether it was proper or improper. I do think it was  
3 improper on the future election.

4 MR. ZELDIN: Did you feel pressured earlier in today's  
5 deposition to answer that it was improper to ask, based on  
6 the fact that you don't have all the facts?

7 AMBASSADOR SONDLAND: I don't think I felt unduly  
8 pressured at this deposition at all.

9 MR. ZELDIN: You didn't feel unduly pressured to answer  
10 that question without your facts, but you feel like you  
11 shouldn't answer my question because you don't have your  
12 facts? It's the same exact issue.

13 AMBASSADOR SONDLAND: Tell me again your question.

14 MR. ZELDIN: So the President of the United States, if  
15 the President of the United States believes that Hunter  
16 Biden, Vice President Joe Biden's son, is getting paid  
17 \$50,000 a month from this foreign company run by a foreign  
18 oligarch, that there is a corruption investigation into  
19 Burisma and Zlochevsky; if the President of the United States  
20 believes that Vice President Joe Biden threatened Ukraine  
21 with the loss of \$1 billion, if they didn't immediately fire  
22 the state prosecutor who was the state prosecutor who had an  
23 investigation into Burisma and Zlochevsky; if the President  
24 believes all of these different things, if the President  
25 believes that Burisma, Zlochevsky, Hunter Biden and Joe Biden

1 shouldn't be immune from scrutiny just because Joe Biden is  
2 running for President; if the President was to believe that  
3 if it's not illegal then it should be; if the President  
4 believes that U.S. aid to Ukraine should be spent as  
5 effectively as possible; if the President has longstanding  
6 issues with corruption in Ukraine, if the President believes  
7 all of these things, would it be okay for the President to  
8 want to look into this further?

9           AMBASSADOR SONDLAND: As I said, I'm not a lawyer. If  
10 it's legal for him to do so, then I assume it would be okay.  
11 If it's illegal for him to do so, then I assume it would be  
12 wrong. That's the best answer I can give you. It's really a  
13 question of law.

14           MR. ZELDIN: So we're talking about an earlier question  
15 you were asked and you answered one way, and another question  
16 I just asked that you're answering the opposite way. One  
17 question was worded the way that I just worded the question I  
18 just asked you, and you gave what seemed to be a candid  
19 answer. One of my colleagues earlier asked you if it would  
20 be appropriate to ask Ukraine to conduct an investigation  
21 into a political rival, and you answered a different way.

22           So I'm trying to understand two completely different  
23 answers to what is the same exact situation, a request by the  
24 President of the United States to Ukraine to look into a case  
25 involving an entity that was under investigation for

1 corruption owned by an oligarch under investigation for  
2 corruption, and the President of the United States has an  
3 issue with the entire setup and he makes the request.

4 So you've been asked the question on what is the same  
5 exact issue two different ways, but you're giving two totally  
6 different answers. And we need to -- I believe it would be  
7 helpful if we can better understand why it's two totally  
8 different answers to what is the same exact request.

9 MR. LUSKIN: With all respect, Congressman, we've now  
10 been here for eight and a half hours and Ambassador Sondland  
11 has not declined to answer a single question posed by any  
12 member or any counsel member. You've asked this question now  
13 three different times. I know you're unhappy with his  
14 answer, but if we stay until 7:30 he's not going to change  
15 his answer.

16 MR. ZELDIN: So you might have misunderstood my answer,  
17 Counselor, but I had no issue at all with what Ambassador  
18 Sondland just said. My issue is with his answer earlier  
19 today that was a different answer to what was a different  
20 version of the same exact question, and I'm giving the  
21 Ambassador an opportunity, if he would like to, if he would  
22 like to, help us better understand why there were two  
23 different answers to those two questions.

24 MR. LUSKIN: And I think, as he's made clear, he stands  
25 by his testimony today, by his answers to your questions and

1 by his answers to the questions by the majority earlier. And  
2 I think it's obviously the task of this committee if you  
3 perceive there to be any differences between those answers to  
4 reconcile those differences. But more questions I don't  
5 think are going to assist you any further. I think you've  
6 asked it about as many times as you can, and he's given you  
7 his best shot at an answer.

8 MR. ROY: Do you have something to add? No?

9 Ambassador, in your statement you provided, you said:  
10 "First, I knew that a public embrace of anticorruption  
11 reforms by Ukraine was one of the preconditions for securing  
12 a White House meeting with President Zelensky."

13 Do you stand by that?

14 AMBASSADOR SONDLAND: I do.

15 MR. ROY: My view was and has always been that such  
16 Western reforms are consistent with U.S. support for rule of  
17 law in Ukraine, going back decades, under both Republican and  
18 Democratic administrations, right, you agree?

19 AMBASSADOR SONDLAND: Yes, I do.

20 MR. ROY: Nothing about that request raised any red  
21 flags for me, Ambassador Volker, or Ambassador Taylor.

22 AMBASSADOR SONDLAND: Correct.

23 MR. ROY: A few moments ago, though, you made a  
24 statement and I just want to make sure -- I might have  
25 misheard, but you made a statement along the lines of you

1 thought that there should be no preconditions for a meeting,  
2 and that there should have been a meeting immediately after  
3 the inauguration?

4 AMBASSADOR SONDLAND: Well, as a policy matter,  
5 obviously, if my goal was to get the two Presidents together  
6 as quickly as possible following the inauguration, a meeting  
7 with no preconditions would have been a lot easier to handle.

8 MR. ROY: Right. But do you see my -- I mean, my  
9 question here is just -- I mean, you can have a policy debate  
10 about that, right? And I get -- and we had an exchange  
11 earlier about your goals and trying to, you know, get the  
12 things we want to get accomplished in Ukraine. We talked  
13 about Secretary Perry.

14 My question here, though, is just you have stated fairly  
15 affirmatively nothing about that request raised any red flags  
16 for you. So, just to be clear, you don't see a problem with  
17 having preconditions. Just to exercise your goal of getting  
18 a meeting as soon as humanly possible, that would have been  
19 your preference.

20 AMBASSADOR SONDLAND: Correct. In other words, from a  
21 policy matter, there was nothing wrong with --

22 MR. ROY: Right.

23 AMBASSADOR SONDLAND: -- clear and straightforward  
24 preconditions that were lawful preconditions. Nothing wrong  
25 with that. My preference would have been no preconditions.

1           MR. ROY: Right, and that's fine. But, in other words,  
2 to carry out your objective, which is to have a meeting.

3           AMBASSADOR SONDLAND: Correct.

4           MR. ROY: But preconditions might be perfectly  
5 acceptable?

6           AMBASSADOR SONDLAND: Totally.

7           MR. ROY: Okay. The other question I have is, if the  
8 United States Government believes, if we have reason to  
9 believe, the President down through law enforcement or  
10 otherwise and our intelligence agencies, we have reason to  
11 believe that any country in the world had any interference  
12 with our system of elections or otherwise, would that not be  
13 a basis for our government to choose to withhold funds, or to  
14 otherwise make decisions about how we handle aid and so  
15 forth, any country, hypothetically speaking, speaking as an  
16 Ambassador, would that not be a reason for a country to kind  
17 of think about how they handle aid?

18           AMBASSADOR SONDLAND: I think it would create concern on  
19 our part, yes.

20           MR. ROY: Okay.

21           MR. MEADOWS: Ambassador, I'm going to go back to one  
22 thing just to make sure that we're clear. We talked about  
23 the letter earlier today, the letter that surprised you I  
24 think was your words. I don't want to put words in your  
25 mouth, but the letter from the President that said, we can

1 have this meeting, and you were surprised by it, based on the  
2 initial meeting in the Oval Office. Is that correct?

3 AMBASSADOR SONDLAND: That is correct.

4 MR. MEADOWS: And so once you had this letter that was  
5 unconditioned in terms of meeting with President Zelensky,  
6 would you characterize that as a letter that had no  
7 conditions to it, in terms of a meeting with President  
8 Zelensky?

9 AMBASSADOR SONDLAND: Other than scheduling.

10 MR. MEADOWS: Other than scheduling. Did you ever hear  
11 from Secretary Pompeo that the President really didn't mean  
12 that letter and that you shouldn't take the letter at face  
13 value, that the only problem was a scheduling problem?

14 AMBASSADOR SONDLAND: No.

15 MR. MEADOWS: Did you ever hear from President Trump  
16 that he really didn't mean what he said in the letter, that  
17 it was -- the only precondition was a scheduling problem?

18 AMBASSADOR SONDLAND: No.

19 MR. MEADOWS: Did you hear from anyone in authority that  
20 the President really didn't mean what he said in that letter  
21 and that he was -- that there was any problem other than  
22 scheduling and that you shouldn't believe what that letter  
23 said?

24 AMBASSADOR SONDLAND: I did not hear that, to the best  
25 of my recollection.

1           MR. MEADOWS: All right. And I appreciate you  
2 clarifying that and helping me understand that better, and I  
3 will yield back to my colleagues.

4           MR. CASTOR: We yield back.

5           THE CHAIRMAN: I would suggest, rather than breaking,  
6 because we're nearing the end that we just motor on through.  
7 Is that okay, Ambassador?

8           AMBASSADOR SONDLAND: How much longer?

9           THE CHAIRMAN: I'm going to go to our members and then  
10 our staff has a few cleanup questions, and then we're done if  
11 they're done. So, hopefully, very soon.

12          MR. LUSKIN: Good. Let's motor through, Chairman.

13          THE CHAIRMAN: Mr. Malinowski.

14          MR. CASTOR: We might have a followup question or two.

15          THE CHAIRMAN: Sure.

16          MR. MALINOWSKI: Thank you, Mr. Chairman, and thank you,  
17 Ambassador, for your patience and diligence in answering  
18 these questions. And let me just say I personally very much  
19 appreciate what you were trying to accomplish throughout this  
20 difficult period in getting the two Presidents together to  
21 get our relationship with Ukraine back on track, something we  
22 are all committed to in a bipartisan way.

23          AMBASSADOR SONDLAND: Thank you, Congressman.

24          MR. MALINOWSKI: I wanted to -- my first question  
25 relates to your phone call to the President on, I believe,

1       September 9th, when you asked him, you said, what do you want  
2       from the Ukrainians, and you said that the President said  
3       that he wanted nothing. He repeated that there was no quid  
4       pro quo.

5               But then you told us at a later point that the President  
6       then added, I want Zelensky -- I just want Zelensky to do  
7       what he ran on. Is that essentially correct?

8               AMBASSADOR SONDLAND: In so many words, yes.

9               MR. MALINOWSKI: Okay. So even in that conversation in  
10       which he said there was no -- that he wanted nothing, no quid  
11       pro quo, he did actually want something. He wanted Zelensky  
12       to do something consistent with what he ran on. That's  
13       correct?

14              AMBASSADOR SONDLAND: If you consider that a quid pro  
15       quo, then --

16              MR. MALINOWSKI: Well, how did you -- what did you  
17       understand he meant by "I want Zelensky to do what he ran  
18       on"?

19              AMBASSADOR SONDLAND: Again, I didn't have the time or  
20       opportunity to question him. He -- as I stated in my opening  
21       statement, he was in a very bad mood and it was a very short  
22       call. I don't want to characterize him as hanging up on me,  
23       but it was close to that.

24              MR. MALINOWSKI: But then in the text message that you  
25       sent reporting on that conversation, you said: "The

1 President is trying to evaluate whether Ukraine is truly  
2 going to adopt the transparency and reforms that President  
3 Zelensky promised."

4 So I think it suggests that you thought he was  
5 referring, again, to the corruption issue.

6 AMBASSADOR SONDLAND: I thought it was -- based, again,  
7 on the short call, it was my interpretation of what the  
8 President was trying to tell me. I didn't have the  
9 opportunity to ask followup questions. He didn't want to  
10 talk.

11 MR. MALINOWSKI: So your assumption was that this was  
12 basically the same thing that had been communicated again and  
13 again. And, of course, corruption by September 9th, you  
14 know, you realize that that entails those two specific asks  
15 related to 2016 and Burisma?

16 AMBASSADOR SONDLAND: Well, no. I had realized that it  
17 entailed those two specific asks, based on anecdotal evidence  
18 from a lot of other people. I had never heard it from the  
19 President. That's why I called the President.

20 MR. MALINOWSKI: Well, you did hear from the President  
21 at one point his interest in 2016, though, you said.

22 AMBASSADOR SONDLAND: I heard on the 23rd that he  
23 wanted -- that Ukraine was trying to take him down. That was  
24 what I heard --

25 MR. MALINOWSKI: Got it.

1           AMBASSADOR SONDLAND: -- on the 23rd.

2           MR. MALINOWSKI: Second issue: You told us that you  
3 were trying to figure out why the aid was cut off when you  
4 learned that that was, in fact, true, and that nobody  
5 involved in the Ukraine file seemed to know why the aid was  
6 cut off.

7           AMBASSADOR SONDLAND: They all seemed to have different  
8 reasons. No one could give me a clear answer saying, this is  
9 our current policy.

10          MR. MALINOWSKI: Isn't that a bit odd that nobody  
11 involved in making and implementing policy towards this  
12 important country knew why aid had been cut off to that  
13 country?

14          AMBASSADOR SONDLAND: It's extremely odd.

15          MR. MALINOWSKI: One of the theories, one of the  
16 potential reasons that was stated was that the Europeans were  
17 not doing enough to help Ukraine, correct?

18          AMBASSADOR SONDLAND: That was one reason.

19          MR. MALINOWSKI: You're our Ambassador to the EU. After  
20 the aid was cut, did anyone ever ask you, in your formal role  
21 as our representative to the EU, to go to the Europeans and  
22 to ask them to do more to help Ukraine as a way of getting  
23 that aid unfrozen?

24          AMBASSADOR SONDLAND: They did not.

25          MR. MALINOWSKI: Are you aware that any other State

1 Department official was asked to deliver this message to the  
2 Europeans?

3 AMBASSADOR SONDLAND: I'm not aware.

4 MR. MALINOWSKI: Thank you.

5 The third issue, it's been -- we've gone back and forth  
6 on the general practice of conditioning U.S. assistance  
7 around the world, and certainly, I think we would all  
8 acknowledge it's very commonly done. We condition all kinds  
9 of things on what we want from other countries. My  
10 colleagues may know I used to be the Assistant Secretary for  
11 DRL, for the Democracy Human Rights Bureau, and I would have  
12 been on your case to condition aid in many cases on human  
13 rights and corruption issues.

14 AMBASSADOR SONDLAND: You wouldn't have needed to.

15 MR. MALINOWSKI: Well, thank you. But, in that context,  
16 are you aware that the State Department, through all this  
17 time, has had a comprehensive set of asks to the Ukrainian  
18 Government with regard to what it should do to improve its  
19 record on corruption?

20 AMBASSADOR SONDLAND: Anecdotally, yes. I've never seen  
21 a formal list, though.

22 MR. MALINOWSKI: So you haven't familiarized yourself  
23 with what we have been asking the Ukrainians to do?

24 AMBASSADOR SONDLAND: No. That is exactly in the  
25 bilateral Ambassador's center lane.

1 MR. MALINOWSKI: Got it.

2 AMBASSADOR SONDLAND: They would not be happy if I  
3 interfered in that.

4 MR. MALINOWSKI: But you've heard conversations -- so  
5 would it be -- would it sound right to you to hear that we  
6 were asking them to strengthen the prosecutor's office, to  
7 clean up corruption in the defense sector, you know, defense  
8 procurement, there was corruption there, that we wanted them  
9 to do more prosecutions of oligarchs and, you know,  
10 high-level corrupt individuals, such things as that?

11 AMBASSADOR SONDLAND: None of that would surprise me.

12 MR. MALINOWSKI: And were any of those things in, in  
13 your experience, ever linked to the aid or the desire of the  
14 Ukrainians to have a meeting with the President?

15 AMBASSADOR SONDLAND: Only in the sense of the rubric of  
16 general corruption, when we were at that part of the  
17 continuum.

18 MR. MALINOWSKI: But those things weren't specifically  
19 presented to the Ukrainians as needing to be addressed?

20 AMBASSADOR SONDLAND: Not by me.

21 MR. MALINOWSKI: By anybody, to your knowledge?

22 AMBASSADOR SONDLAND: Not to my knowledge, but I don't  
23 know.

24 MR. MALINOWSKI: And presumably, if we wanted a country  
25 to do something on corruption to get a benefit from us, we

1 would want to tell them what to do specifically, right?

2 AMBASSADOR SONDLAND: Presumably.

3 MR. MALINOWSKI: Presumably, okay. So ultimately,  
4 again, it just came down to Burisma and 2016. And with  
5 regard to that, it all came to a head, you testified, with  
6 the negotiation, attempted negotiation of a press statement  
7 in which they were asked, you know, through Rudy Giuliani, to  
8 reference those specific things.

9 With regard to the reference to 2016 that was desired  
10 from the Ukrainians, was that ever framed -- in terms of  
11 Ukraine specifically, was that ever framed in terms of  
12 Ukraine cooperating with an ongoing Department of Justice  
13 investigation?

14 AMBASSADOR SONDLAND: I don't recall that. It may have  
15 been, but I don't recall that wording.

16 MR. MALINOWSKI: So the draft press statement -- and I  
17 think we heard a draft -- as I recall it, it had the  
18 Ukrainians say that they would investigate these issues. It  
19 didn't refer to cooperating with the Attorney General or  
20 working through an MLAT to help DOJ conduct its own  
21 investigation into those issues.

22 AMBASSADOR SONDLAND: Yeah. All of the anecdotal  
23 information through Ambassador Volker from presumably  
24 Mr. Giuliani had to do with the Ukrainians conducting their  
25 own investigations.

1 MR. MALINOWSKI: Understood. Well, thank you.

2 And I yield back.

3 AMBASSADOR SONDLAND: Thank you.

4 THE CHAIRMAN: Representative Hill.

5 MS. HILL: Thank you. Good to see you. I met you at  
6 the Speaker's delegation.

7 AMBASSADOR SONDLAND: Right. Nice to see you again.

8 MS. HILL: Thank you for this. This is a lot of  
9 patience and I know this is a marathon.

10 So my questions are really just kind of -- I want to  
11 center on what the -- when you're talking about your  
12 continuum, you sort of -- you clarified four phases. The  
13 third is when you know that we're discussing Burisma and the  
14 2016 supposed intervention, right, or interference in the  
15 election, right? Is that what you would consider kind of  
16 three of four phases?

17 AMBASSADOR SONDLAND: That's right.

18 MS. HILL: Okay. So during August, really around August  
19 9th on is when it seems to escalate, based on the text  
20 messages that I've seen. And on August 9th, I just, again,  
21 wanted to clarify a few things. It looks like you had the  
22 initial conversation with where Kurt Volker wanted to -- he  
23 had a chat with Yermak and he wanted to get on the phone to  
24 talk about what we needed to advise him on with Giuliani,  
25 right?

1           So you said you don't remember a lot of the details of  
2 the call with Giuliani, but then later in the day, you said  
3 specifically that to avoid misunderstandings, it might be  
4 helpful to ask Andrey for a draft statement.

5           So it seems like -- and then when you were talking about  
6 that earlier, you said that you were concerned that whatever  
7 Ukraine produced wouldn't be good enough for what apparently  
8 earlier in the day, I would assume, Giuliani had said. Does  
9 that sound right?

10          AMBASSADOR SONDLAND: I think what I said was that this  
11 was the point where we went from a draft statement that was  
12 just going to be a press statement, a written statement, to  
13 some type of television interview or television broadcast.

14          And I was asking that whatever he was proposing to say  
15 would be put down on paper ahead of time so that we wouldn't  
16 put Zelensky in a position of where he does this on  
17 television and it's not good enough.

18          MS. HILL: Got it, okay. So then on the next day, you  
19 were forwarded something from Volker that was conversation  
20 from Yermak saying: Hi, Kurt, please let me know when you  
21 can talk. I think it's possible to make this declaration and  
22 mention all of these things which we discussed yesterday, but  
23 it would be logic to do after we receive confirmation of  
24 date.

25          So it sounds like they are getting -- Ukraine might be

1 getting frustrated and wanting to nail down a date before  
2 they put anything out publicly. Does that sound right?

3 AMBASSADOR SONDLAND: That sounds right.

4 MS. HILL: And what is -- given kind of what I saw when  
5 we went on the trip, the importance of Ukraine and Russia and  
6 our relationship with the EU, did that escalate the sense of  
7 urgency for you to kind of get this meeting on the books, to  
8 really move things forward with -- if Ukraine is getting more  
9 frustrated, does that -- did that raise any flags for you?  
10 Did that make you want to move?

11 AMBASSADOR SONDLAND: Yeah. I mean, we were jerking  
12 Ukraine around, and I didn't like it.

13 MS. HILL: Okay. What do you mean by that?

14 AMBASSADOR SONDLAND: I mean we were -- we were  
15 continually putting new conditions on a meeting which should  
16 have occurred, because they had already issued an  
17 unconditional invitation.

18 MS. HILL: Got it, okay. And at that point, it looks  
19 like on the same date, Yermak says that -- he specifically  
20 states that they will announce the upcoming visit once  
21 there's a date locked in for the meeting and outlining the  
22 vision for the reboot of the U.S.-Ukraine relationship,  
23 including, among other things, Burisma and the election  
24 meddling investigations.

25

1 MS. HILL: So at that stage, on August 10th, you knew  
2 about Burisma and the meddling, the supposed meddling, that  
3 that was the condition that the White House wanted, right?

4 AMBASSADOR SONDLAND: Presumably, that's when we got to  
5 that phase of the continuum.

6 MS. HILL: Through Giuliani, right?

7 AMBASSADOR SONDLAND: Correct.

8 MS. HILL: That was how it was indicated? Okay.

9 So if you continue on, then it gets to -- it looks like  
10 there's a shift in who is kind of leading things, in my  
11 opinion, on the text messages. And I'm not sure if this is  
12 right, but, given escalation, I would assume it might be,  
13 where suddenly it looks like Kurt Volker sends something to  
14 you, the statement -- this is on the text messages from  
15 August 13th.

16 AMBASSADOR SONDLAND: Can you give me a page?

17 MS. HILL: I'm not looking at something with the same  
18 page numbers as you, so maybe --

19 AMBASSADOR SONDLAND: August 13th?

20 MS. HILL: August 13th at 10:26 in the morning.

21 AMBASSADOR SONDLAND: Oh.

22 MR. LUSKIN: Which text chain?

23 MS. HILL: Ambassador -- let's see. Yeah, it was Volker  
24 and Sondland. Yeah. So it looks like it was just you and  
25 Sondland -- I mean you and Volker.

1           Okay. Well, either way, he sends the statement to you  
2 that to me seems --

3           MR. LUSKIN: Hold on. Give us 1 second.

4           AMBASSADOR SONDLAND: One second. Okay. Okay, what  
5 date, again?

6           MS. HILL: August 13th.

7           AMBASSADOR SONDLAND: At what time?

8           MS. HILL: At 10:26 a.m.

9           AMBASSADOR SONDLAND: Wait a minute. This is all --  
10 this is Yermak and me on page 23. It's the wrong page.  
11 Yermak and Volker and me.

12          MS. HILL: What I'm looking at is a longer message from  
13 Kurt Volker that says "special attention" --

14          AMBASSADOR SONDLAND: Yeah, okay, I've got that. That's  
15 the last text. Got it.

16          MS. HILL: Okay. And so it's a long statement, right?

17          AMBASSADOR SONDLAND: Yep.

18          MS. HILL: And so it looks to me like he might be  
19 sending that to you for approval. Does that sound right?  
20 Because you say afterwards: "Perfect, let's send to Andrey  
21 after our call."

22          THE CHAIRMAN: Can I just interrupt, Representative  
23 Hill? And I don't know if you were here at the time, but we  
24 went through all these text messages. If you still need  
25 further clarification, but --

1 MS. HILL: Yes. It was mainly the approval part that I  
2 wanted to clarify, because that's where it seems to me like  
3 things are starting to shift where you're taking more of a  
4 lead role than Volker. And I just wanted to know if you had  
5 any -- if this was related to your concerns perhaps  
6 escalating.

7 AMBASSADOR SONDLAND: I'm trying to find the followup  
8 where you say I said "perfect."

9 Oh, okay, got it, got it, got it. Okay.

10 MS. HILL: I'm not going to grill you on the specifics  
11 of those anyway.

12 AMBASSADOR SONDLAND: I mean, again, this was -- this  
13 was not a question of who was or wasn't in charge. This was  
14 sort of a collaborative effort. I think what we were trying  
15 to do here was to get something on paper that we could  
16 tentatively say, yeah, that sounds like something Giuliani  
17 would be okay with, and Yermak could say, yeah, I think  
18 Zelensky would be okay with it.

19 And then -- again, I'm speculating -- once we got to  
20 some language, we would send the language off to our  
21 respective principals and figure out if we had a statement we  
22 could agree on. Not unlike negotiating a lot of different  
23 statements.

24 MS. HILL: Okay. And, sorry, because the reason I was  
25 asking is that by the 17th you were having direct

1       conversations with Yermak, whereas it looked more previously  
2       like Volker was talking with Yermak and it was coming to you.

3               So I was wondering if that was kind of -- that might be  
4       the crisis mitigation that we were talking about when Ukraine  
5       is getting more upset, when you're having to kind of step in  
6       and take more of a leadership role.

7               AMBASSADOR SONDLAND: I will take the compliment, but I  
8       don't think that that really was the case. I think this was  
9       just circumstantial. Sometimes Yermak could reach me.  
10       Sometimes he could reach Volker. Sometimes Volker was at the  
11       McCain Institute, because he wasn't working full time. He  
12       had other duties. So I think it was catch as catch can.

13              MS. HILL: So by the time you had the visit -- or the  
14       President canceled the trip to Poland and you went, right?

15              AMBASSADOR SONDLAND: I did.

16              MS. HILL: You met with Zelensky. And --

17              AMBASSADOR SONDLAND: The Vice President met with  
18       Zelensky. I sat in on the meeting.

19              MS. HILL: Okay, got it. What was your impression by  
20       then? This was the escalation. This was the -- to me, this  
21       is kind of the critical mass moment where it's all coming to  
22       a head. How was it with Zelensky at that point?

23              AMBASSADOR SONDLAND: Oh, I think Zelensky, you know, in  
24       my opinion, put on a good game face. I think he was  
25       disappointed, because I think he thought this was going to be

1 his first meeting with President Trump. I think he  
2 understood the hurricane was beyond President Trump's  
3 control. You know, he was being gracious, but I think he  
4 would have preferred to meet with the President of the United  
5 States then the Vice President of the United States. That's  
6 just normal.

7 MS. HILL: Do you feel like at this point they felt --  
8 Ukraine felt more pressure to kind of accommodate those  
9 requests?

10 AMBASSADOR SONDLAND: I don't know if they felt more  
11 pressure. I don't think this was a case of turning up the  
12 pressure. I think this was circumstantial. And then, again,  
13 we tried to figure out when the next opportunity would be for  
14 him to meet with the President, which turned out to be at the  
15 UNGA.

16 MS. HILL: Okay. And then the last thing and I'll stop  
17 is that you have -- on September 8th, it says -- these are  
18 the final text messages that I'm referring to. It's one  
19 between you, Taylor, and Volker on September 8th at 11:20  
20 a.m.

21 MR. LUSKIN: And, again, we're going to have to try and  
22 find it.

23 MS. HILL: I know. I'm sorry.

24 MR. NOBLE: 53.

25 MR. LUSKIN: Thank you. Okay, go ahead

1 MS. HILL: So you say that you have multiple  
2 conversations with Zelensky and POTUS at this point, but by  
3 now you're aware that the aid had been withheld, right? Yes,  
4 that happened on August 29th.

5 AMBASSADOR SONDLAND: I think I was aware that the aid  
6 had been withheld in July when Taylor sent me a text to the  
7 effect that I had just got off of a video conference and  
8 someone said something about a hold on the aid. I think  
9 that's when I became --

10 MS. HILL: In July?

11 AMBASSADOR SONDLAND: Yeah, in July. But I didn't have  
12 any reason to know why it was being withheld.

13 MS. HILL: Got it, okay, because I saw the one from  
14 Yermak on August 29th, so --

15 AMBASSADOR SONDLAND: I don't think the Ukrainians knew  
16 it was being withheld back in July.

17 MS. HILL: Only in August.

18 AMBASSADOR SONDLAND: Yeah.

19 MS. HILL: So you knew in July that the aid was being  
20 withheld?

21 AMBASSADOR SONDLAND: I knew what Taylor told me.

22 MS. HILL: Okay. And so by September 8th, you said:  
23 Guys, multiple conversations with Zelensky and POTUS, let's  
24 talk. Right?

25 AMBASSADOR SONDLAND: Which time?

1 MS. HILL: That was the 11:20 a.m.

2 AMBASSADOR SONDLAND: Yeah. I don't recall. I see it.  
3 I don't recall the -- I don't recall the conversations.

4 MS. HILL: You don't recall the conversations with  
5 Zelensky and --

6 AMBASSADOR SONDLAND: I don't -- I don't recall the  
7 conversations. I'd need more refreshment to recall the  
8 conversations.

9 MS. HILL: Okay. Well, then that same day in that same  
10 text message chain, Bill Taylor says: "Gordon and I just  
11 spoke. I can brief you" -- I'm assuming this is to Volker --  
12 "I can brief you if you and Gordon didn't connect." Does  
13 that refresh your memory at all?

14 AMBASSADOR SONDLAND: Yeah. I mean, I obviously must  
15 have relayed to Bill Taylor what I talked about, but I don't  
16 remember what it is.

17 MS. HILL: Okay. So there's nothing right around this  
18 time of September 8th or 9th where you feel like -- is this  
19 when the red flag is really hitting for you?

20 AMBASSADOR SONDLAND: You know, this is just before I  
21 believe that -- this is just before I got the text from  
22 Taylor talking about that everything's connected. I believe  
23 that's -- this is one day before I got that text.

24 MS. HILL: Okay. And then --

25 AMBASSADOR SONDLAND: And that was the text that said, I

1 hope this isn't being, you know, withheld for political  
2 reasons, or something to that effect.

3 MS. HILL: Right.

4 AMBASSADOR SONDLAND: And that's when I made the phone  
5 call to --

6 MS. HILL: The President.

7 AMBASSADOR SONDLAND: -- the President, yeah.

8 MS. HILL: But that night, on the 8th, you don't recall  
9 what you and Taylor were talking about or what you and Volker  
10 were talking about?

11 AMBASSADOR SONDLAND: I don't know if it may have led up  
12 to that text. He may have said something to warn, that I'm  
13 feeling this, but then I got the text on the 9th, and then I  
14 knew conclusively that he was concerned.

15 MS. HILL: But on the 8th is when you said that there  
16 were multiple conversations with Zelensky and POTUS. What do  
17 you think that was?

18 AMBASSADOR SONDLAND: I don't know, because I don't  
19 think I would have talked to POTUS the day before I talked to  
20 him again. I don't think I talked to him twice in 2 days.

21 MS. HILL: So you don't know what you might have been  
22 referring to there?

23 AMBASSADOR SONDLAND: No, I don't.

24 MS. HILL: Okay. Okay, thank you.

25 AMBASSADOR SONDLAND: Thank you. Sorry.

1 THE CHAIRMAN: I promise you're almost at the end. I  
2 just have a couple questions, my staff has a couple of  
3 cleanup questions.

4 AMBASSADOR SONDLAND: Great.

5 THE CHAIRMAN: And then, unless Mr. Swalwell has a  
6 burning question, I think we're done on our side.

7 MR. CASTOR: And I have one or two.

8 THE CHAIRMAN: I wanted to ask you, at the press  
9 conference today with Chief of Staff Mulvaney, he was asked:  
10 "So he," meaning the President, "was never realistically  
11 entertaining a meeting with President Zelensky?"

12 And Mr. Mulvaney's answer was: "I mean, I -- we -- we  
13 get asked by foreign leaders all the time to either come  
14 visit their country or to have them come visit here, and we  
15 go -- try to be courteous and say yes. And some of them  
16 we're able to accommodate and some of them we are not, but I  
17 do not remember -- excuse me, I'm going to answer her  
18 question -- that I don't remember serious conversation about  
19 setting up an actual meeting. There were no dates discussed.  
20 There was not -- I -- I saw that as one of the typical  
21 pleasantries that we have, and I don't think it was dangling  
22 a -- a meeting or anything like that."

23 I take it, Ambassador, that was not your understanding  
24 of the situation when that letter went out?

25 AMBASSADOR SONDLAND: Not at all.

1 THE CHAIRMAN: Mr. Noble.

2 BY MR. NOBLE:

3 Q Ambassador, going back to September 1st, the  
4 meetings in Warsaw, the bilat between Vice President Pence  
5 and President Zelensky.

6 A Yes.

7 Q So this was after the July 25th call between  
8 President Trump and President Zelensky, correct?

9 A What was the Warsaw date?

10 Q September 1st.

11 A Yes.

12 Q And it's also after the Politico article made  
13 public that the U.S. had frozen the aid to Ukraine on August  
14 28th.

15 A I think that's right.

16 Q A few days later after that, right?

17 A Yeah.

18 Q Do you recall any conversation between Vice  
19 President Pence and President Zelensky about the frozen aid  
20 or the White House visit?

21 A I sat in, as I said, I sat in on a bilat with about  
22 20 people, at least, on each side, so maybe 30 or 40 people  
23 total. And I'm sure there were contemporaneous notes taken  
24 of the meeting. And as I also testified, I don't believe  
25 there was a private pull-aside. I think it was one of these

1 large bilats.

2 And I don't -- I don't remember if President Zelensky  
3 did one of his quips like, "When am I going to get my date?"  
4 which he did when he and the President had their bilat in New  
5 York. He may have done that. He's been -- he was a little  
6 snarky about it, because it had been withheld for so long.  
7 And this is new news to me about Chief of Staff Mulvaney.

8 As far as the aid is concerned, I don't remember him  
9 bringing it up, at least in the big bilat. Now, again, I  
10 don't know if he and Vice President Pence had a private  
11 conversation afterwards, but I don't recall.

12 Q So you don't recall Vice President Pence saying  
13 something to the effect that the U.S. was not going to lift  
14 the freeze at that time to President Zelensky?

15 A I don't -- again, he may have done -- I don't  
16 remember it. I honestly don't.

17 Q Do you know whether Vice President Pence had been  
18 briefed or had read the transcript of the July 25th call at  
19 that point?

20 A I don't know. I never asked him.

21 Q And then the next day, September 2nd, I believe you  
22 said Secretary Pompeo traveled to Brussels and you had  
23 meetings with Secretary Pompeo.

24 A Correct.

25 Q So that's the day after you had that text message

1 exchange with Ambassador Taylor where he said or asked: "Are  
2 we now saying that security assistance and White House  
3 meeting are conditioned on investigations?"

4 Did you discuss Ambassador Taylor's concerns with  
5 Secretary Pompeo about the linkage?

6 A No. And the reason I didn't was we were so  
7 consumed with the meetings, which were very fragile, getting  
8 those meetings scheduled, and then potentially losing them  
9 after President Trump decided not to travel to Warsaw,  
10 because we were all going to travel together, that I was  
11 totally focused on the EU meetings. And I didn't discuss  
12 anything with Secretary Pompeo that I can recall other than  
13 the EU meetings with the four leaders.

14 Q Did you ever discuss with Secretary Pompeo the  
15 linkage between security assistance, White House meeting, and  
16 the investigations?

17 A I think the only thing I did was encourage  
18 Ambassador Taylor to deal with it and to call Secretary  
19 Pompeo.

20 Q You never had any direct discussions with Secretary  
21 Pompeo?

22 A I don't recall any. I mean, I do recall I was  
23 highly focused on the four leaders when we were there. It  
24 was a very tight schedule.

25 Q Did you ever discuss Rudy Giuliani with Secretary

1       Pompeo?

2           A     Only in general terms.

3           Q     And what did you discuss?

4           A     That he's involved in affairs. And Pompeo rolled  
5 his eyes and said: Yes, it's something we have to deal with.

6           Q     What about his counselor, Ulrich Brechbuhl? You  
7 said you had lots of conversations with Mr. Brechbuhl?

8           A     On and off, yes.

9           Q     Did you discuss the linkage between the security  
10 assistance, the White House meeting, and the investigations  
11 with him?

12          A     I don't believe I did, but I don't recall.

13          Q     What about Rudy Giuliani, did you discuss Giuliani  
14 with Brechbuhl?

15          A     I may have. Again, people usually smiled when they  
16 heard Rudy's name because he was always swirling around  
17 somewhere.

18          Q     Yeah, but, I mean, he was causing serious issues in  
19 the U.S. relationship with Ukraine. Did you raise those  
20 concerns with --

21          A     Listen, the State Department was fully aware of the  
22 issues, and there was very little they could do about it if  
23 the President decided he wanted his lawyer involved.

24          Q     And does that include Secretary Pompeo and his  
25 counselor, Ulrich Brechbuhl?

1           A     My speculation is yes, that they hit a brick wall  
2 when it came to getting rid of Mr. Giuliani.

3           Q     I just want to ask you about whether you know of  
4 anything about a September 17th phone call between Secretary  
5 Pompeo and the Ukrainian Foreign Minister?

6           A     Would that be with Mr. Prystaiko?

7           Q     I believe so. You can pronounce it, I can't.

8           A     What was the question?

9           Q     Are you familiar with the September 17th call  
10 between the Secretary and the Foreign Minister?

11          A     I'm aware they had a call. I don't believe I ever  
12 saw a readout.

13          Q     So you don't know what the content --

14          A     I don't.

15          Q     What about a September 18th call between Vice  
16 President Pence and President Zelensky?

17          A     Again, don't recall. Again, this was the  
18 disorganization. We weren't kept in the loop that the call  
19 was going to occur. We weren't asked to listen in. So a lot  
20 of this was catchup.

21          Q     Okay. You've had some testimony today about the  
22 United Nations General Assembly and the meeting between  
23 President Trump and President Zelensky. Could you just  
24 describe for us kind of their interactions during UNGA?

25          A     Yeah. I mean, it was a typical bilat where you had

1 a press scrum prior to the formal meeting and a lot of  
2 questions shouted. And, you know, we all know what President  
3 Trump said. It was widely reported. No pressure, it was a  
4 perfect meeting, you heard all of that. Then the press was  
5 ushered out.

6 And President Trump and President Zelensky had sort of a  
7 colloquy back and forth, and President Zelensky jokingly  
8 said: When am I going to get my date for the White House?  
9 I'm still -- I had my invitation, where's the date? And  
10 President Trump sort of deferred the -- you know, punted on  
11 the question, didn't answer it.

12 Q Is that -- are you referring to the press  
13 conference they held together on television, or was this the  
14 conversation that also occurred in private?

15 A I think it occurred in private as well, yeah.  
16 Private, I mean, there were 30 people in the room, probably.

17 Q Was there any discussion during the private session  
18 about the July 25th call or President Trump's interest in  
19 Ukraine pursuing the investigations that he discussed during  
20 that call?

21 A I don't recall that.

22 Q What about -- did they have -- were there any  
23 discussions about the investigations with any other officials  
24 on the side that President Trump had?

25 A I wasn't with President Trump for any other

1 discussions. I came into the bilat and then I left.

2 Q Just for the -- with President Zelensky?

3 A Yes.

4 Q What about you, did you have any discussions with  
5 other officials regarding the July 25th call?

6 A I don't recall, no. I don't recall having.

7 Q I just have some final questions about, of all  
8 things, recordkeeping.

9 So you say you used your personal -- or you had a dual  
10 cell phone for personal and business. Are you familiar with  
11 the Federal Records Act and its requirements for  
12 recordkeeping?

13 A I am.

14 Q So, obviously, you used WhatsApp to communicate  
15 with other U.S. officials. Did you also use WhatsApp to  
16 communicate with foreign officials?

17 A Yeah, it's very customary in Europe. Everyone uses  
18 WhatsApp. That's one of the only mediums that foreign  
19 leaders use in Europe.

20 Q Did you also use -- did you ever use personal email  
21 to communicate with foreign leaders or U.S. Government  
22 officials?

23 A I tried to avoid it, but when I did I also tried to  
24 copy my State email, because the State email is really hard  
25 to send attachments or forward. It's just -- it's really a

1           cumbersome system.

2           Q     So did you not always follow that requirement to  
3           copy your State email?

4           A     When I didn't, I tried to remedy the situation by  
5           moving it over. But as far as my counsel is concerned, I  
6           think I'm now in complete compliance with that act.

7           Is that correct?

8           MR. LUSKIN: That is correct.

9           BY MR. NOBLE:

10          Q     Did you do it within 20 days --

11          A     I don't recall.

12          Q     -- of when you initially sent the message or  
13          communication?

14          A     I don't recall.

15          Q     What did you do to comply with the recordkeeping  
16          requirements as it pertains to your WhatsApp messages?

17          MR. LUSKIN: They've all been forwarded to the State  
18          Department electronically.

19          MR. NOBLE: Did that occur within 20 days of the  
20          communication?

21          MR. MEADOWS: Counsel, with all due respect --

22          MR. SWALWELL: He's asking the question. No, no, no.  
23          Mark, he gets to ask the questions.

24          THE CHAIRMAN: Gentlemen, gentlemen, gentlemen.

25          MR. MEADOWS: If we're going to get into the 20 days,

1 Adam, let me just tell you what's good for the goose is good  
2 for the gander. Okay? And I promise you if you want --

3 THE CHAIRMAN: Well, the gander endured 2-1/2 years of  
4 Benghazi over emails, so --

5 MR. MEADOWS: I'm looking for 30,000 emails, Adam,  
6 30,000 emails.

7 THE CHAIRMAN: I think it is appropriate to --

8 MR. MEADOWS: You want to talk about 20 days? Come on.

9 THE CHAIRMAN: I think it is appropriate to ask --  
10 excuse me.

11 MR. MEADOWS: It is 9 hours and now we're getting into  
12 this kind of crap, and that's what it is.

13 THE CHAIRMAN: Excuse me. I think it is appropriate to  
14 ask whether the Ambassador provided his text messages --

15 MR. MEADOWS: And he said yes.

16 THE CHAIRMAN: Let me finish. Contemporaneously when  
17 they were produced or only recently when this matter became  
18 under investigation.

19 So would you please respond, Ambassador?

20 MR. MEADOWS: Listen, it's under my committee. I know  
21 it. If you want to go back and forth --

22 THE CHAIRMAN: Well, then you should want to hear the  
23 answer.

24 MR. MEADOWS: I want to hear it. He said they were  
25 preserved, and now we're going to try to talk about 20 days.

1 THE CHAIRMAN: No. His counsel said that they were in  
2 compliance now. The question is --

3 MR. MEADOWS: Did you have a personal server, Ambassador  
4 Sondland?

5 THE CHAIRMAN: Excuse me. Excuse me. Excuse me, Mr.  
6 Meadows.

7 Ambassador, did you contemporaneously provide your  
8 WhatsApp messages to the State Department, per the  
9 requirements of the Federal Records Act, or was that done  
10 only recently upon the initiation of the investigation?

11 AMBASSADOR SONDLAND: I was told that because of my  
12 phone having a dual SIM that everything wound up on the State  
13 server because one of the SIMs is my State SIM, my State  
14 email. That was not correct. And none of those texts or  
15 those WhatsApps wound up on the State server. They wound up  
16 just staying on the phone. So I did recently comply and put  
17 them on the State server.

18 THE CHAIRMAN: And how recently?

19 AMBASSADOR SONDLAND: In the last week or 2, I think.

20 THE CHAIRMAN: Thank you.

21 BY MR. NOBLE:

22 Q One other question on the text messages. Did you  
23 delete any of your text messages after that exchange with  
24 Ambassador Taylor on September 9th, or your WhatsApp messages  
25 or emails?

1           A     Did I delete any --

2           Q     Did you delete any of your WhatsApp messages, text  
3     messages, or emails after September 9th when you had that  
4     exchange with Ambassador Taylor?

5           A     I may have, but I don't recall. I occasionally  
6     delete texts that are personal texts. I don't recall.

7           Q     Anything pertaining to Ukraine?

8           A     I'd have to go back and look. I don't recall.

9           Q     Do you know whether those were preserved?

10          A     Everything that's there was preserved.

11          Q     But some may have been deleted before you turned  
12     over your messages?

13          A     Again, I don't want to swear to it, because I get a  
14     lot of texts. So --

15          Q     I mean, do you have any specific -- I mean, so at  
16     that point, right, you're sending this email that President  
17     Trump is claiming there is no quid pro quo. You're like  
18     let's stop talking about this over text message. At that  
19     point, did you delete any of your messages?

20          A     No, at that point I did not delete anything on that  
21     stream.

22          Q     Well, any other stream relating to Ukraine?

23          A     Again, I don't recall. I will get back to you if  
24     you'd like me to look into it.

25          THE CHAIRMAN: Mr. Swalwell.

1 MR. SWALWELL: Thank you, Chairman.

2 Do you have a daily read book as an Ambassador?

3 AMBASSADOR SONDLAND: I'm sorry?

4 MR. SWALWELL: Do you have a daily read book? Like, you  
5 mentioned cables that come across your desk.

6 AMBASSADOR SONDLAND: I get them electronically, and  
7 sometimes I get a read book, depending on where I am.

8 MR. SWALWELL: Do you get press clippings every day?

9 AMBASSADOR SONDLAND: I get a summary.

10 MR. SWALWELL: Who compiles that for you?

11 AMBASSADOR SONDLAND: The staff.

12 MR. SWALWELL: Who was compiling that for you in the  
13 spring of 2019?

14 AMBASSADOR SONDLAND: I don't recall.

15 MR. SWALWELL: Okay. And that would -- did those press  
16 clippings, do they relate to Ukraine as well?

17 AMBASSADOR SONDLAND: I don't read a lot of the press  
18 clippings. I have way too much to do to sit and read. I  
19 could read press clippings all day long.

20 MR. SWALWELL: Okay. But they are routinely customarily  
21 provided for you?

22 AMBASSADOR SONDLAND: They are provided for everyone.  
23 There is a press clipping summary for the entire mission.

24 MR. SWALWELL: But on a daily basis, you will receive  
25 press clippings?

1           AMBASSADOR SONDLAND: No. No, it's all done  
2 electronically for the mission.

3           MR. SWALWELL: Okay. But I'm asking, your email  
4 address, on a daily basis you receive press clippings as it  
5 relates to your duties?

6           AMBASSADOR SONDLAND: I do, along with everyone else.

7           MR. SWALWELL: Okay.

8           I yield back.

9           THE CHAIRMAN: Over to the minority if they have any  
10 additional questions.

11          MR. JORDAN: Ambassador, President Zelensky wins his  
12 election, I think, April 21st, 2019, overwhelmingly, and then  
13 shortly thereafter gets a call from President Trump, a  
14 congratulatory call. Is that right?

15          AMBASSADOR SONDLAND: I understand that happened, yes.

16          MR. JORDAN: And then sort of the next -- I'm looking at  
17 your timeline -- the next event is the inauguration  
18 approximately a month later, May 20th, 2019.

19          Did you start working on -- I mean, based on the 8, 9  
20 hours you've been here, you've talked about your focus was  
21 getting a second call and an official meeting between the  
22 Presidents.

23          AMBASSADOR SONDLAND: My preference would have been just  
24 to go right to a meeting, but when I found out that the  
25 meeting was going to be problematic as it kept getting

1       delayed, I pushed for a call at a minimum.

2               MR. JORDAN: Yeah. And I think you described it as you  
3       wanted to arrange a working phone call.

4               AMBASSADOR SONDLAND: Correct.

5               MR. JORDAN: Okay.

6               AMBASSADOR SONDLAND: The congratulatory call was  
7       probably a very short, "great job, talk to you soon."

8               MR. JORDAN: We've all got them.

9               So did you start working on that pretty soon in this  
10       whole continuum, as you've described it? Did you start like  
11       late April, early May, start, like, you know, we need to get  
12       these guys together?

13               AMBASSADOR SONDLAND: I think the delegation when we  
14       came back from the inauguration -- are you talking about  
15       after the inauguration or between the election and the  
16       inauguration?

17               MR. JORDAN: I'm talking whenever you decided it was  
18       time to get a working -- to arrange a working phone call.

19               AMBASSADOR SONDLAND: I think -- I don't know how much  
20       activity we really had between the election and the  
21       inauguration, because the inauguration was fairly soon after  
22       the election.

23               MR. JORDAN: Okay. So is it fair to say you started  
24       thinking about putting together the second phone call between  
25       President Trump and President Zelensky when you had the

1 delegation there in Ukraine on May 20th, 2019, for President  
2 Zelensky's inauguration?

3 AMBASSADOR SONDLAND: I think we really started that in  
4 earnest after the briefing with President Trump on the 23rd.

5 MR. JORDAN: Was there any discussion on May 20th, 2019,  
6 with the folks who were part of the delegation in Ukraine at  
7 the inauguration?

8 AMBASSADOR SONDLAND: About a meeting or a phone call?

9 MR. JORDAN: Yes.

10 AMBASSADOR SONDLAND: There may have been. I mean, we  
11 had a lot of dinners and lunches, and it probably came up,  
12 but I don't remember specifically.

13 MR. JORDAN: Okay. And, again, and the folks at the  
14 inauguration were Mr. Perry, Secretary Perry, Senator  
15 Johnson, Ambassador Volker, Lieutenant Colonel Vindman, those  
16 were the individuals that were part of the delegation?

17 AMBASSADOR SONDLAND: And myself.

18 MR. JORDAN: And yourself.

19 AMBASSADOR SONDLAND: Correct.

20 MR. JORDAN: Okay. And so you think you started talking  
21 about we need to get these guys together on a working phone  
22 call and at some kind of meeting, you think that started May  
23 20th?

24 AMBASSADOR SONDLAND: It could have.

25 MR. JORDAN: Okay. Then the next meeting is at the

1 White House a few days later, where you're debriefing and  
2 you're talking about the situation, what happened a few days  
3 earlier at the inauguration, correct?

4 AMBASSADOR SONDLAND: Correct.

5 MR. JORDAN: All right. And you started to talk then to  
6 President Trump and amongst yourselves again about the idea  
7 to get this phone call, get this meeting?

8 AMBASSADOR SONDLAND: Well, we only had the one  
9 conversation with President Trump, which, as I testified,  
10 didn't go very well, when he said talk to Rudy.

11 MR. JORDAN: Right.

12 AMBASSADOR SONDLAND: Then we regrouped afterwards and  
13 said we need to really start pushing for the meeting or the  
14 phone call, because then we found out 3 or 4 days later that  
15 an invitation had been issued, which was unusual, considering  
16 President Trump's attitude toward Ukraine, that he would  
17 issue an invitation.

18 MR. JORDAN: Okay. So then I get to -- and that was --  
19 and was everyone in agreement?

20 Everyone wanted this phone call to happen starting clear  
21 back May 20th at the inauguration. The President didn't want  
22 it.

23 MR. LUSKIN: Who do you mean by everyone, so we can be  
24 clear?

25 MR. JORDAN: Let me say it this way. Let's just jump to

1 the July 10th meeting.

2 So you wanted a phone call.

3 AMBASSADOR SONDLAND: July 10th meeting?

4 MR. JORDAN: Moving ahead now.

5 AMBASSADOR SONDLAND: Oh, gotcha, gotcha, gotcha.

6 MR. JORDAN: You wanted a phone call. Ambassador Volker  
7 wanted a phone call. Ambassador Taylor wanted a phone call.  
8 Secretary Perry wanted a phone call. And you wanted a phone  
9 call with no preconditions. Is that right?

10 AMBASSADOR SONDLAND: Correct.

11 MR. JORDAN: All right. But you get to this July 10th  
12 meeting, and you made that argument, and then at the end of  
13 that paragraph in your testimony where you described that  
14 meeting, you said the NSC did not.

15 AMBASSADOR SONDLAND: Correct.

16 MR. JORDAN: And why?

17 AMBASSADOR SONDLAND: They would never really articulate  
18 it other than there's no reason to have a call.

19 MR. JORDAN: Okay.

20 AMBASSADOR SONDLAND: That was the only -- the only  
21 thing I could get out of them was: Why aren't we having this  
22 call? There's no reason to have a call.

23 MR. JORDAN: What I don't understand is the NSC was part  
24 of the inauguration, the delegation who was there for  
25 President Zelensky's inauguration. Lieutenant Colonel --

1           AMBASSADOR SONDLAND: Well, Mr. Vindman was there, and  
2 he was a, you know, low-level NSC person. Dr. Hill wasn't  
3 there. Ambassador Bolton wasn't there.

4           MR. JORDAN: Did Mr. Vindman express any reservations to  
5 a second phone call in the time you spent with him at the  
6 inauguration or any subsequent meetings or discussions you  
7 may have had with him?

8           AMBASSADOR SONDLAND: I don't know. I didn't -- I  
9 didn't consider him to be a champion of the phone call. I  
10 thought everyone else in the delegation was a strong champion  
11 of the phone call.

12          MR. JORDAN: Was Mr. Vindman opposed to the phone call  
13 clear back in May? Did you get any indication of that?

14          AMBASSADOR SONDLAND: I don't remember when he was  
15 opposed, but I think it became apparent during the meeting --  
16 one of the meetings on June -- July 10th that he didn't think  
17 it was a good idea because there was no reason for it.

18          MR. JORDAN: And he hadn't expressed any concern in any  
19 other interactions you had?

20          AMBASSADOR SONDLAND: Not prior to that, no.

21          MR. JORDAN: Not prior to that, and not at the May 20th  
22 inauguration in Ukraine?

23          AMBASSADOR SONDLAND: I don't think he -- you know, to  
24 answer your question exactly, I don't think he expressed an  
25 opinion that we should have one or that we shouldn't have one

1 until the July 10th meeting.

2 MR. JORDAN: And was Mr. Vindman -- my understanding is  
3 he was not in the May 23rd meeting at the White House.

4 AMBASSADOR SONDLAND: He was not in the Oval, correct.

5 MR. JORDAN: He was not in that meeting?

6 AMBASSADOR SONDLAND: Correct.

7 MR. JORDAN: Okay.

8 THE CHAIRMAN: Ambassador, I want to thank you.

9 MR. JORDAN: If I could ask one thing, Mr. Chairman?

10 THE CHAIRMAN: Yes.

11 MR. JORDAN: Just before we close, I just want to ask  
12 you some questions. Do we know the schedule? Is there a  
13 deposition tomorrow?

14 THE CHAIRMAN: I think we have released the schedule,  
15 have we not?

16 MR. BITAR: There's nothing tomorrow.

17 MR. JORDAN: Nothing tomorrow, okay. And then --

18 MR. BITAR: There's a formal notice that has gone to all  
19 committee members and staff.

20 MR. CASTOR: I'm in the SCIF.

21 MR. BITAR: No, it was already entered earlier today.

22 MR. JORDAN: And can I just ask, Mr. Chairman, for next  
23 week, are there any days where there are two -- we had heard  
24 rumblings of this -- any days where there are two depositions  
25 going on the same day?

1           THE CHAIRMAN: I think the short answer is at the moment  
2 we think there's only one, but there are witnesses that we --

3           MR. NOBLE: We have noticed two for 2 days.

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1 [6:51 p.m.]

2 THE CHAIRMAN: So we have noticed two? Oh, okay.

3 MR. NOBLE: When we get confirmation, we will let the  
4 minority know right away.

5 MR. JORDAN: I'm guess I'm asking --

6 MR. ZELDIN: On 2 days.

7 MR. JORDAN: If two people agree to come the same day, I  
8 guess I'm asking are they going to be be simultaneous?

9 MR. GOLDMAN: You can't be in two places at once?

10 THE CHAIRMAN: We will have to decide if that should be  
11 the case, whether to move one of them, or whether to do them  
12 concurrently in different rooms.

13 MR. JORDAN: Mr. Chairman, I point out you guys have got  
14 a few more staff than we've got. So we would I think be a  
15 little reluctant to have two depositions happening at the --  
16 simultaneously. If we could stack the -- - we're willing to  
17 stay all day.

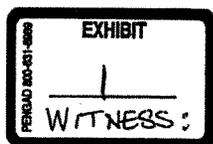
18 THE CHAIRMAN: You know, I would just say, first of all,  
19 that -- let me go back to thanking the Ambassador for his  
20 willingness to answer the subpoena, and for his long  
21 testimony today. We appreciate your coming in and you are  
22 excused.

23 AMBASSADOR SONDLAND: Thank you, Mr. Chairman, and thank  
24 you for conducting a very pleasant hearing.

25 THE CHAIRMAN: Thank you.

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[Whereupon, at 6:53 p.m., the deposition was concluded.]



United States Department of State

Washington, D.C. 20520

October 16, 2019

Mr. Robert Luskin  
Paul Hastings LLP  
875 15<sup>th</sup> Street NW  
Washington, DC 20005

Dear Mr. Luskin:

We write in light of recent developments to follow up on the letter that the Department of State sent to you, on behalf of your client Ambassador Sondland, on October 7, 2019. As you know, on October 8, 2019, Counsel to the President Pat Cipollone sent the attached letter to the Speaker of the House, Chairman Schiff, Chairman Engel, and Chairman Cummings concerning various demands made by three House Committees as part of the so-called "impeachment inquiry." In that letter, Mr. Cipollone identified procedural, legal, and constitutional infirmities in the process by which the Committees have purported to pursue an impeachment inquiry, including the fact that the Committees have refused to allow a lawyer from the State Department to be present to safeguard legitimate Executive Branch interests.

We understand that your client intends to appear tomorrow for a deposition before the Committees. Any such appearance would not relieve your client of his legal obligations to protect classified information and potentially privileged communications, in particular Presidential communications. The confidential communications between your client and foreign government officials may be classified and may be subject to claims of privilege. The President's position on the protection of information related to foreign policy and national security is guided by longstanding, bipartisan precedent established as early as the first presidential administration.<sup>1</sup> As Attorney General Reno explained during the Clinton Administration:

History is replete with examples of the Executive's refusal to produce to Congress diplomatic communications and related documents because of the prejudicial impact such disclosure could have on the President's ability to conduct foreign relations. It is equally well established that executive privilege applies to

<sup>1</sup> See *History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress*, 6 Op. O.L.C. 751, 753 (1982) (noting that in response to a request for documents relating to negotiation of the Jay Treaty with Great Britain, President Washington sent a letter to Congress stating, "[t]o admit, then, a right in the House of Representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign Power, would be to establish a dangerous precedent.") (citation omitted).

communications to and from the President and Vice President and to White House and NSC deliberative communications.<sup>2</sup>

In addition, the Department's internal communications, or those with other Executive Branch officials, related to foreign affairs may be classified and privileged. Without an opportunity for the Department to review the information that may be disclosed to the Committees by your client, your client is not authorized to reveal or release any information subject to executive privilege, and no classified information may be disclosed in the absence of the required safeguards necessary to ensure its protections. In particular, while serving at his mission, your client is the personal representative of the President of the United States, and as such, entrusted with the most important and sensitive communications related to the conduct of foreign affairs, including Presidential communications. None of such communications may be disclosed to the Committees without prior consultation with the Executive Branch.

Finally, with respect to the Committees' request to your client for documents that constitute official State Department records, we appreciate the acknowledgement that you have provided that, in the absence of an opportunity for the Department to review such documents, your client is not authorized to disclose to Congress any records relating to official duties. As stated in the October 1, 2019, letter from Secretary Pompeo to the Chairmen of three Committees, "the requested records constitute the property of the Department of State and are subject to restrictions on the unauthorized disclosure of classified information and various Executive Branch privileges." See 5 FAM 414.8, 5 FAM 474.1(a) and 12 FAM 543. Moreover, these document requests duplicate the subpoena that was previously served on the Secretary. The Department is the legal custodian of these records and is responsible for determining whether and what to produce in response to the subpoena. The Department is in the process of collecting such records and will respond to the Committees, as appropriate and consistent with Mr. Cipollone's letter.

Please contact us if you have any further questions or would like to discuss this matter further.

Sincerely yours,



Brian Bulatao  
Undersecretary of State

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<sup>2</sup> *Foreign Affairs with Respect to Haiti*, 20 Op. O.L.C. 5, 6 (1996).

THE WHITE HOUSE  
WASHINGTON

October 8, 2019

The Honorable Nancy Pelosi  
Speaker  
House of Representatives  
Washington, D.C. 20515

The Honorable Eliot L. Engel  
Chairman  
House Foreign Affairs Committee  
Washington, D.C. 20515

The Honorable Adam B. Schiff  
Chairman  
House Permanent Select Committee on  
Intelligence  
Washington, D.C. 20515

The Honorable Elijah B. Cummings  
Chairman  
House Committee on Oversight and Reform  
Washington, D.C. 20515

Dear Madam Speaker and Messrs. Chairmen:

I write on behalf of President Donald J. Trump in response to your numerous, legally unsupported demands made as part of what you have labeled—contrary to the Constitution of the United States and all past bipartisan precedent—as an “impeachment inquiry.” As you know, you have designed and implemented your inquiry in a manner that violates fundamental fairness and constitutionally mandated due process.

For example, you have denied the President the right to cross-examine witnesses, to call witnesses, to receive transcripts of testimony, to have access to evidence, to have counsel present, and many other basic rights guaranteed to all Americans. You have conducted your proceedings in secret. You have violated civil liberties and the separation of powers by threatening Executive Branch officials, claiming that you will seek to punish those who exercise fundamental constitutional rights and prerogatives. All of this violates the Constitution, the rule of law, and *every past precedent*. Never before in our history has the House of Representatives—under the control of either political party—taken the American people down the dangerous path you seem determined to pursue.

Put simply, you seek to overturn the results of the 2016 election and deprive the American people of the President they have freely chosen. Many Democrats now apparently view impeachment not only as a means to undo the democratic results of the *last* election, but as a strategy to influence the *next* election, which is barely more than a year away. As one member of Congress explained, he is “concerned that if we don’t impeach the President, he will get reelected.”<sup>1</sup> Your highly partisan and unconstitutional effort threatens grave and lasting damage to our democratic institutions, to our system of free elections, and to the American people.

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<sup>1</sup> Interview with Rep. Al Green, MSNBC (May 5, 2019).

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 2

For his part, President Trump took the unprecedented step of providing the public transparency by declassifying and releasing the record of his call with President Zelenskyy of Ukraine. The record clearly established that the call was completely appropriate and that there is no basis for your inquiry. The fact that there was nothing wrong with the call was also powerfully confirmed by Chairman Schiff's decision to create a false version of the call and read it to the American people at a congressional hearing, without disclosing that he was simply making it all up.

In addition, information has recently come to light that the whistleblower had contact with Chairman Schiff's office before filing the complaint. His initial denial of such contact caused *The Washington Post* to conclude that Chairman Schiff "clearly made a statement that was false."<sup>2</sup> In any event, the American people understand that Chairman Schiff cannot covertly assist with the submission of a complaint, mislead the public about his involvement, read a counterfeit version of the call to the American people, and then pretend to sit in judgment as a neutral "investigator."

For these reasons, President Trump and his Administration reject your baseless, unconstitutional efforts to overturn the democratic process. Your unprecedented actions have left the President with no choice. In order to fulfill his duties to the American people, the Constitution, the Executive Branch, and all future occupants of the Office of the Presidency, President Trump and his Administration cannot participate in your partisan and unconstitutional inquiry under these circumstances.

**I. Your "Inquiry" Is Constitutionally Invalid and Violates Basic Due Process Rights and the Separation of Powers.**

Your inquiry is constitutionally invalid and a violation of due process. In the history of our Nation, the House of Representatives has never attempted to launch an impeachment inquiry against the President without a majority of the House taking political accountability for that decision by voting to authorize such a dramatic constitutional step. Here, House leadership claims to have initiated the gravest inter-branch conflict contemplated under our Constitution by means of nothing more than a press conference at which the Speaker of the House simply announced an "official impeachment inquiry."<sup>3</sup> Your contrived process is unprecedented in the

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<sup>2</sup> Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

<sup>3</sup> Press Release, Nancy Pelosi, *Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019).

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
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history of the Nation,<sup>4</sup> and lacks the necessary authorization for a valid impeachment proceeding.<sup>5</sup>

The Committees' inquiry also suffers from a separate, fatal defect. Despite Speaker Pelosi's commitment to "treat the President with fairness,"<sup>6</sup> the Committees have not established any procedures affording the President even the most basic protections demanded by due process under the Constitution and by fundamental fairness. Chairman Nadler of the House Judiciary Committee has expressly acknowledged, at least when the President was a member of his own party, that "[t]he power of impeachment . . . demands a rigorous level of due process," and that in this context "due process mean[s] . . . the right to be informed of the law, of the charges against you, the right to confront the witnesses against you, to call your own witnesses, and to have the assistance of counsel."<sup>7</sup> All of these procedures have been abandoned here.

These due process rights are not a matter of discretion for the Committees to dispense with at will. To the contrary, they are constitutional requirements. The Supreme Court has recognized that due process protections apply to all congressional investigations.<sup>8</sup> Indeed, it has been recognized that the Due Process Clause applies to impeachment proceedings.<sup>9</sup> And precedent for the rights to cross-examine witnesses, call witnesses, and present evidence dates back nearly 150 years.<sup>10</sup> Yet the Committees have decided to deny the President these elementary rights and protections that form the basis of the American justice system and are protected by the Constitution. No citizen—including the President—should be treated this unfairly.

<sup>4</sup> Since the Founding of the Republic, under unbroken practice, the House has never undertaken the solemn responsibility of an impeachment inquiry directed at the President without first adopting a resolution authorizing a committee to begin the inquiry. The inquiries into the impeachments of Presidents Andrew Johnson and Bill Clinton proceeded in multiple phases, each authorized by a separate House resolution. *See, e.g.*, H.R. Res. 581, 105th Cong. (1998); H.R. Res. 525, 105th Cong. (1998); III Hinds' Precedents §§ 2400-02, 2408, 2412. And before the Judiciary Committee initiated an impeachment inquiry into President Richard Nixon, the Committee's chairman rightfully recognized that "a[n] [inquiry] resolution has always been passed by the House" and "is a necessary step." III Deschler's Precedents ch. 14, § 15.2. The House then satisfied that requirement by adopting H.R. Res. 803, 93rd Cong. (1974).

<sup>5</sup> Chairman Nadler has recognized the importance of taking a vote in the House before beginning a presidential impeachment inquiry. At the outset of the Clinton impeachment inquiry—where a floor vote was held—he argued that even limiting the time for *debate* before that vote was improper and that "an hour debate on this momentous decision is an insult to the American people and another sign that this is not going to be fair." 144 Cong. Rec. H10018 (daily ed. Oct. 8, 1998) (statement of Rep. Jerrold Nadler). Here, the House has dispensed with any vote and any debate *at all*.

<sup>6</sup> Press Release, Nancy Pelosi, Transcript of Pelosi Weekly Press Conference Today (Oct. 2, 2019).

<sup>7</sup> *Examining the Allegations of Misconduct Against IRS Commissioner John Koskinen (Part II): Hearing Before the H. Comm. on the Judiciary*, 114th Cong. 3 (2016) (statement of Rep. Jerrold Nadler); *Background and History of Impeachment: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 105th Cong. 17 (1998) (statement of Rep. Jerrold Nadler).

<sup>8</sup> *See, e.g., Watkins v. United States*, 354 U.S. 178, 188 (1957); *Quinn v. United States*, 349 U.S. 155, 161 (1955).

<sup>9</sup> *See Hastings v. United States*, 802 F. Supp. 490, 504 (D.D.C. 1992), *vacated on other grounds by Hastings v. United States*, 988 F.2d 1280 (D.C. Cir. 1993).

<sup>10</sup> *See, e.g.*, III Hinds' Precedents § 2445.

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To comply with the Constitution's demands, appropriate procedures would include—at a minimum—the right to see all evidence, to present evidence, to call witnesses, to have counsel present at all hearings, to cross-examine all witnesses, to make objections relating to the examination of witnesses or the admissibility of testimony and evidence, and to respond to evidence and testimony. Likewise, the Committees must provide for the disclosure of all evidence favorable to the President and all evidence bearing on the credibility of witnesses called to testify in the inquiry. The Committees' current procedures provide *none* of these basic constitutional rights.

In addition, the House has not provided the Committees' Ranking Members with the authority to issue subpoenas. The right of the minority to issue subpoenas—subject to the same rules as the majority—has been the standard, bipartisan practice in all recent resolutions authorizing presidential impeachment inquiries.<sup>11</sup> The House's failure to provide co-equal subpoena power in this case ensures that any inquiry will be nothing more than a one-sided effort by House Democrats to gather information favorable to their views and to selectively release it as only they determine. The House's utter disregard for the established procedural safeguards followed in past impeachment inquiries shows that the current proceedings are nothing more than an unconstitutional exercise in political theater.

As if denying the President basic procedural protections were not enough, the Committees have also resorted to threats and intimidation against potential Executive Branch witnesses. Threats by the Committees against Executive Branch witnesses who assert common and longstanding rights destroy the integrity of the process and brazenly violate fundamental due process. In letters to State Department employees, the Committees have ominously threatened—without any legal basis and before the Committees even issued a subpoena—that “[a]ny failure to appear” in response to a mere letter *request* for a deposition “shall constitute evidence of obstruction.”<sup>12</sup> Worse, the Committees have broadly threatened that if State Department officials attempt to insist upon the right for the Department to have an agency lawyer present at depositions to protect legitimate Executive Branch confidentiality interests—or apparently if they make any effort to protect those confidentiality interests *at all*—these officials will have their salaries withheld.<sup>13</sup>

The suggestion that it would somehow be problematic for anyone to raise long-established Executive Branch confidentiality interests and privileges in response to a request for a deposition is legally unfounded. Not surprisingly, the Office of Legal Counsel at the Department of Justice has made clear on multiple occasions that employees of the Executive Branch who have been instructed not to appear or not to provide particular testimony before Congress based on privileges or immunities of the Executive Branch cannot be punished for

<sup>11</sup> H.R. Res. 581, 105th Cong. (1998); H.R. Res. 803, 93rd Cong. (1974).

<sup>12</sup> Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to George P. Kent, Deputy Assistant Secretary, U.S. Department of State 1 (Sept. 27, 2019).

<sup>13</sup> See Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to John J. Sullivan, Deputy Secretary of State 2-3 (Oct. 1, 2019).

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following such instructions.<sup>14</sup> Current and former State Department officials are duty bound to protect the confidentiality interests of the Executive Branch, and the Office of Legal Counsel has also recognized that it is unconstitutional to exclude agency counsel from participating in congressional depositions.<sup>15</sup> In addition, any attempt to withhold an official's salary for the assertion of such interests would be unprecedented and unconstitutional.<sup>16</sup> The Committees' assertions on these points amount to nothing more than strong-arm tactics designed to rush proceedings without any regard for due process and the rights of individuals and of the Executive Branch. Threats aimed at intimidating individuals who assert these basic rights are attacks on civil liberties that should profoundly concern all Americans.

## II. The Invalid "Impeachment Inquiry" Plainly Seeks To Reverse the Election of 2016 and To Influence the Election of 2020.

The effort to impeach President Trump—without regard to any evidence of his actions in office—is a naked political strategy that began the day he was inaugurated, and perhaps even before.<sup>17</sup> In fact, your transparent rush to judgment, lack of democratically accountable authorization, and violation of basic rights in the current proceedings make clear the illegitimate, partisan purpose of this purported "impeachment inquiry." The Founders, however, did not create the extraordinary mechanism of impeachment so it could be used by a political party that feared for its prospects against the sitting President in the next election. The decision as to who will be elected President in 2020 should rest with the people of the United States, exactly where the Constitution places it.

Democrats themselves used to recognize the dire implications of impeachment for the Nation. For example, in the past, Chairman Nadler has explained:

The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against a dire threat, and we must not do so without an overwhelming consensus of the American people. There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in our

<sup>14</sup> See, e.g., *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. \_\_\_, \*19 (May 20, 2019); *Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege*, 8 Op. O.L.C. 101, 102, 140 (1984) ("The Executive, however, must be free from the threat of criminal prosecution if its right to assert executive privilege is to have any practical substance.")

<sup>15</sup> *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. \_\_\_, \*1-2 (May 23, 2019).

<sup>16</sup> See President Donald J. Trump, Statement by the President on Signing the Consolidated Appropriations Act, 2019 (Feb. 15, 2019); *Authority of Agency Officials To Prohibit Employees From Providing Information to Congress*, 28 Op. O.L.C. 79, 80 (2004).

<sup>17</sup> See Matea Gold, *The Campaign To Impeach President Trump Has Begun*, Wash. Post (Jan. 21, 2017) ("At the moment the new commander in chief was sworn in, a campaign to build public support for his impeachment went live . . .").

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politics for years to come, and will call into question the very legitimacy of our political institutions.<sup>18</sup>

Unfortunately, the President's political opponents now seem eager to transform impeachment from an extraordinary remedy that should rarely be contemplated into a conventional political weapon to be deployed for partisan gain. These actions are a far cry from what our Founders envisioned when they vested Congress with the "important trust" of considering impeachment.<sup>19</sup> Precisely because it nullifies the outcome of the democratic process, impeachment of the President is fraught with the risk of deepening divisions in the country and creating long-lasting rifts in the body politic.<sup>20</sup> Unfortunately, you are now playing out exactly the partisan rush to judgment that the Founders so strongly warned against. The American people deserve much better than this.

### III. There Is No Legitimate Basis for Your "Impeachment Inquiry"; Instead, the Committees' Actions Raise Serious Questions.

It is transparent that you have resorted to such unprecedented and unconstitutional procedures because you know that a fair process would expose the lack of any basis for your inquiry. Your current effort is founded on a completely appropriate call on July 25, 2019, between President Trump and President Zelenskyy of Ukraine. Without waiting to see what was actually said on the call, a press conference was held announcing an "impeachment inquiry" based on falsehoods and misinformation about the call.<sup>21</sup> To rebut those falsehoods, and to provide transparency to the American people, President Trump secured agreement from the Government of Ukraine and took the extraordinary step of declassifying and publicly releasing the record of the call. That record clearly established that the call was completely appropriate, that the President did nothing wrong, and that there is no basis for an impeachment inquiry. At a joint press conference shortly after the call's public release, President Zelenskyy agreed that the call was appropriate.<sup>22</sup> In addition, the Department of Justice announced that officials there had reviewed the call after a referral for an alleged campaign finance law violation and found no such violation.<sup>23</sup>

Perhaps the best evidence that there was no wrongdoing on the call is the fact that, after the actual record of the call was released, Chairman Schiff chose to concoct a false version of the call and to read his made-up transcript to the American people at a public hearing.<sup>24</sup> This

<sup>18</sup> 144 Cong. Rec. H1 1786 (daily ed. Dec. 18, 1998) (statement of Rep. Jerrold Nadler).

<sup>19</sup> The Federalist No. 65 (Alexander Hamilton).

<sup>20</sup> See *id.*

<sup>21</sup> Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

<sup>22</sup> *President Trump Meeting with Ukrainian President*, C-SPAN (Sept. 25, 2019).

<sup>23</sup> Statement of Kerri Kupec, Director, Office of Public Affairs, Dept. of Justice (Sept. 25, 2019) ("[T]he Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted").

<sup>24</sup> See *Whistleblower Disclosure: Hearing Before the H. Select Comm. on Intel.*, 116th Cong. (Sept. 26, 2019) (statement of Rep. Adam Schiff).

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powerfully confirms there is no issue with the actual call. Otherwise, why would Chairman Schiff feel the need to make up his own version? The Chairman's action only further undermines the public's confidence in the fairness of any inquiry before his Committee.

The real problem, as we are now learning, is that Chairman Schiff's office, and perhaps others—despite initial denials—were involved in advising the whistleblower before the complaint was filed. Initially, when asked on national television about interactions with the whistleblower, Chairman Schiff unequivocally stated that “[w]e have not spoken directly with the whistleblower. We would like to,”<sup>25</sup>

Now, however, it has been reported that the whistleblower approached the House Intelligence Committee with information—and received guidance from the Committee—before filing a complaint with the Inspector General.<sup>26</sup> As a result, *The Washington Post* concluded that Chairman Schiff “clearly made a statement that was false.”<sup>27</sup> Anyone who was involved in the preparation or submission of the whistleblower's complaint cannot possibly act as a fair and impartial judge in the same matter—particularly after misleading the American people about his involvement.

All of this raises serious questions that must be investigated. However, the Committees are preventing anyone, including the minority, from looking into these critically important matters. At the very least, Chairman Schiff must immediately make available all documents relating to these issues. After all, the American people have a right to know about the Committees' own actions with respect to these matters.

\* \* \*

Given that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in it. Because participating in this inquiry under the current unconstitutional posture would inflict lasting institutional harm on the Executive Branch and lasting damage to the separation of powers, you have left the President no choice. Consistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.

Your recent letter to the Acting White House Chief of Staff argues that “[e]ven if an impeachment inquiry were not underway,” the Oversight Committee may seek this information

<sup>25</sup> Interview with Chairman Adam Schiff, MSNBC (Sept. 17, 2019).

<sup>26</sup> Julian Barnes, et al., *Schiff Got Early Account of Accusations as Whistle-Blower's Concerns Greiv*, N.Y. Times (Oct. 2, 2019).

<sup>27</sup> Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

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as a matter of the established oversight process.<sup>28</sup> Respectfully, the Committees cannot have it both ways. The letter comes from the Chairmen of three different Committees, it transmits a subpoena “[p]ursuant to the House of Representatives’ impeachment inquiry,” it recites that the documents will “be collected as part of the House’s impeachment inquiry,” and it asserts that the documents will be “shared among the Committees, as well as with the Committee on the Judiciary as appropriate.”<sup>29</sup> The letter is in no way directed at collecting information in aid of legislation, and you simply cannot expect to rely on oversight authority to gather information for an unauthorized impeachment inquiry that conflicts with all historical precedent and rides roughshod over due process and the separation of powers. If the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers enshrined in our Constitution.

For the foregoing reasons, the President cannot allow your constitutionally illegitimate proceedings to distract him and those in the Executive Branch from their work on behalf of the American people. The President has a country to lead. The American people elected him to do this job, and he remains focused on fulfilling his promises to the American people. He has important work that he must continue on their behalf, both at home and around the world, including continuing strong economic growth, extending historically low levels of unemployment, negotiating trade deals, fixing our broken immigration system, lowering prescription drug prices, and addressing mass shooting violence. We hope that, in light of the many deficiencies we have identified in your proceedings, you will abandon the current invalid efforts to pursue an impeachment inquiry and join the President in focusing on the many important goals that matter to the American people.

Sincerely,



Pat A. Cipollone  
Counsel to the President

cc: Hon. Kevin McCarthy, Minority Leader, House of Representatives  
Hon. Michael McCaul, Ranking Member, House Committee on Foreign Affairs  
Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on  
Intelligence  
Hon. Jim Jordan, Ranking Member, House Committee on Oversight and Reform

<sup>28</sup> Letter from Elijah E. Cummings, Chairman, House Committee on Oversight and Government Reform, et al., to John Michael Mulvaney, Acting Chief of Staff to the President 3 (Oct. 4, 2019).

<sup>29</sup> *Id.* at 1.

**PAUL**  
**HASTINGS**

robertluskin@paulhastings.com

November 4, 2019

Adam B. Schiff  
Chairman  
Permanent Select Committee on Intelligence  
United States House of Representatives  
Washington, DC 20515

**Re: Sworn Testimony of Ambassador Gordon Sondland**

Dear Chairman Schiff:

Pursuant to Rule 8 of the 116th Congress Regulations for Use of Deposition Authority and Rule 8(e)(2)(B) of the Rules for the House Permanent Select Committee on Intelligence, please find attached the Declaration of Ambassador Gordon Sondland, which supplements his testimony of October 17, 2019. In accordance with the House and Committee rules, this letter and the attached Declaration should be included as an appendix to his sworn testimony.

Ambassador Sondland has reviewed and approved the attached Declaration and his sworn testimony. His signature on the attached Declaration shall serve, in accordance with the relevant rules, as his affirmation that he has also reviewed and approved the transcript of his testimony.

Sincerely,



Robert D. Luskin  
Kwame J. Manley

PAUL HASTINGS LLP

**DECLARATION OF AMBASSADOR GORDON D. SONDLAND**

I, Gordon Sondland, do hereby swear and affirm as follows:

1. I have reviewed the October 22, 2019, opening statement of Ambassador William Taylor. I have also reviewed the October 31, 2019, opening statement of Tim Morrison. These two opening statements have refreshed my recollection about certain conversations in early September 2019.

2. Ambassador Taylor recalls that I told Mr. Morrison in early September 2019 that the resumption of U.S. aid to Ukraine had become tied to a public statement to be issued by Ukraine agreeing to investigate Burisma. Ambassador Taylor recalls that Mr. Morrison told Ambassador Taylor that I told Mr. Morrison that I had conveyed this message to Mr. Yermak on September 1, 2019, in connection with Vice President Pence's visit to Warsaw and a meeting with President Zelensky. Mr. Morrison recalls that I said to him in early September that resumption of U.S. aid to Ukraine might be conditioned on a public statement reopening the Burisma investigation.

3. In my October 17, 2019 prepared testimony and in my deposition, I made clear that I had understood sometime after our May 23, 2019, White House debriefing that scheduling a White House visit for President Zelensky was conditioned upon President Zelensky's agreement to make a public anti-corruption statement. This condition had been communicated by Rudy Giuliani, with whom President Trump directed Ambassador Volker, Secretary Perry, and me, on May 23, 2019, to discuss issues related to the President's concerns about Ukraine. Ambassador Volker, Secretary Perry, and I understood that satisfying Mr. Giuliani was a condition for scheduling the White House visit, which we all strongly believed to be in the mutual interest of the United States and Ukraine.

4. With respect to the September 1, 2019, Warsaw meeting, the conversations described in Ambassador Taylor's and Mr. Morrison's opening statements have refreshed my recollection about conversations involving the suspension of U.S. aid, which had become public only days earlier. I always believed that suspending aid to Ukraine was ill-advised, although I did not know (and still do not know) when, why, or by whom the aid was suspended. However, by the beginning of September 2019, and in the absence of any credible explanation for the suspension of aid, I presumed that the aid suspension had become linked to the proposed anti-corruption statement. As I said in my prepared testimony, security aid to Ukraine was in our vital national interest and should not have been delayed for any reason. And it would have been natural for me to have voiced what I had presumed to Ambassador Taylor, Senator Johnson, the Ukrainians, and Mr. Morrison.

5. Also, I now do recall a conversation on September 1, 2019, in Warsaw with Mr. Yermak. This brief pull-aside conversation followed the larger meeting involving Vice President Pence and President Zelensky, in which President Zelensky had raised the issue of the suspension of U.S. aid to Ukraine directly with Vice President Pence. After that large meeting, I now recall speaking individually with Mr. Yermak, where I said that resumption of U.S. aid would likely not occur until Ukraine provided the public anti-corruption statement that we had been discussing for many weeks. I also recall some question as to whether the public statement could come from the newly appointed Ukrainian Prosecutor General, rather than from President Zelensky directly.

6. Soon thereafter, I came to understand that, in fact, the public statement would need to come directly from President Zelensky himself. I do not specifically recall how I learned this, but I believe that the information may have come either from Mr. Giuliani or from

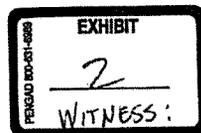
Ambassador Volker, who may have discussed this with Mr. Giuliani. In a later conversation with Ambassador Taylor, I told him that I had been mistaken about whether a public statement could come from the Prosecutor General; I had come to understand that the public statement would have to come from President Zelensky himself.

7. Finally, as of this writing, I cannot specifically recall if I had one or two phone calls with President Trump in the September 6-9 time frame. Despite repeated requests to the White House and the State Department, I have not been granted access to all of the phone records, and I would like to review those phone records, along with any notes and other documents that may exist, to determine if I can provide more complete testimony to assist Congress. However, although I have no specific recollection of phone calls during this period with Ambassador Taylor or Mr. Morrison, I have no reason to question the substance of their recollection about my September 1 conversation with Mr. Yermak.

I declare under penalty of perjury that the aforementioned is true.

Executed on November 4, 2019.

  
\_\_\_\_\_  
The Honorable Gordon D. Sondland  
United States Ambassador to the European Union



**PAUL  
HASTINGS**

October 17, 2019

Adam B. Schiff  
Chairman  
Permanent Select Committee on Intelligence  
United States House of Representatives  
Washington, DC 20515

Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
United States House of Representatives  
Washington, DC 20515

Eliot L. Engel  
Chairman  
Committee on Foreign Affairs  
United States House of Representatives  
Washington, DC 20515

**Re: Document Subpoena**

Dear Chairmen Schiff, Cummings, and Engel:

I write in response to your letter dated October 14, 2019, regarding the subpoena issued to Ambassador Gordon Sondland by the House Committees.

As we have discussed, all of the responsive documents you have requested are federal records under the Federal Records Act. *See* 44 U.S.C. §3301. Ambassador Sondland has taken pains to ensure that all potentially responsive documents, regardless of the device or platform on which they were created, have been turned over to the State Department in accordance with applicable regulations. These records are in the possession, custody, and control of the State Department. Under law and the State Department regulations, Ambassador Sondland is precluded, in his personal capacity, from producing these official records. Respectfully, therefore, Ambassador Sondland cannot comply with the Committees' document requests.

The State Department has asserted that disclosure of these materials may implicate executive privilege, confidentiality, and other constitutional interests of the executive branch. On that basis and others, the State Department has directed Ambassador Sondland and other similarly situated employees not to provide documents without State Department's approval. *See* Letter from Michael R. Pompeo, Secretary of State, to Eliot L. Engel, Chairman, United States House of Representatives Committee on Foreign Affairs (Oct. 1, 2019); Letter from Brian Bulatao, Under Secretary of State, State Department, to Robert Luskin, Attorney, Paul Hastings (Oct. 16, 2019); *see also* 12 FAM 543(c) (requiring State Department employees to "be sure that [any]

Letter to House Committees  
October 17, 2019  
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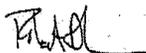
distribution [of non-classified sensitive business information] is permissible and, when required, specifically authorized”).

The White House has also taken the view that “[i]t is not up to an individual employee or former employee to undertake that analysis herself and to disclose privileged information based on her own individual assessments.” Letter from Michael M. Purpura, Deputy Counsel, White House, to Lee S. Wolosky, Boies Schiller Flexner LLP (October 14, 2019).

As a matter of law, Ambassador Sondland is not free to substitute his views on this matter for those of his employer, the State Department. The courts have consistently affirmed the view that the Executive and Legislative branches should resolve any such disclosure issues among themselves. See *United States v. American Tel. & Tel. Co.*, 567 F.2d 121 (D.C. Cir. 1977); *Comm. on the Judiciary v. Miers*, 558 F. Supp. 2d 53, 57 (D.D.C. 2008) (“strongly encourage[ing] the political branches to resume their discourse and negotiations in an effort to resolve their differences constructively”).

Ambassador Sondland has encouraged the State Department to provide the Committees with the requested documents in advance of his deposition. He strongly believes that disclosure will lead to a more fulsome and accurate inquiry into the matters at issue and will corroborate the testimony that he will give in key respects. However, the choice is not his to make, and so we must regretfully decline to produce the documents that the Committees have requested from Ambassador Sondland.

Sincerely,



Robert D. Luskin  
Kwame J. Manley

PAUL HASTINGS LLP

2020

Who's Running State of the Race Politics Newsletter Mapping the Money Election Calendar

## 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 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 \$200,000 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."

Zach Montague contributed reporting.

A version of this article appears in print on May 10, 2019, Section A, Page 1 of the New York edition with the headline: Giuliani Plans to Prod Ukraine in Cases That Might Aid Trump

READ 791 COMMENTS



**Rudy Giuliani**

@RudyGiuliani

Follow

Pay attention to @dbongino for an analysis of some real collusion between Hillary, Kerr and Biden people colluding with Ukrainian operatives to make money and affect 2016 election.

8:38 AM - 22 Mar 2019

11,641 Retweets 33,394 Likes



3.1K 12K 33K





**Rudy Giuliani**

@RudyGiuliani

Follow

Hillary is correct the report is the end of the beginning for the second time...NO COLLUSION. Now Ukraine is investigating Hillary campaign and DNC conspiracy with foreign operatives including Ukrainian and others to affect 2016 election. And there's no Comey to fix the result.

2:17 PM - 23 Apr 2019

11,411 Retweets 31,620 Likes



1.3K

11K

32K



Rudy Giuliani

@RudyGiuliani

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Biden

conflicts are too apparent to be ignored and should be investigated quickly and expeditiously. But the more important question is how deep and how high did the alleged Ukraine conspiracy go?



**Biden Faces Conflict of Interest Questions That Are Being Promoted by Trum...**

As vice president, Joe Biden played a key role in the dismissal of a Ukrainian prosecutor who had opened an investigation of a company employing Mr. Biden's s...  
nytimes.com



**Rudy Giuliani** ●

@RudyGiuliani

Follow



Explain to me why Biden shouldn't be investigated if his son got millions from a Russian loving crooked Ukrainian oligarch while He was VP and point man for Ukraine. Ukrainians are investigating and your fellow Dems are interfering. Election is 17 months away. Let's answer it now

**Chris Murphy** ● @ChrisMurphyCT

I know we've become numb to the corruption of this Administration, but this story should be the total focus of the political class today. The President is openly asking a foreign government to investigate his political rival. This is next level.

[nytimes.com/2019/05/09/us/...](https://www.nytimes.com/2019/05/09/us/...)



**Rudy Giuliani**

@RudyGiuliani

Follow



New Pres of Ukraine still silent on investigation of Ukrainian interference in 2016 election and alleged Biden bribery of Pres Poroshenko. Time for leadership and investigate both if you want to purge how Ukraine was abused by Hillary and Obama people.

8:04 AM - 21 Jun 2019 from Queens, NY

5,513 Retweets 13,903 Likes





**Donald J. Trump** 

@realDonaldTrump

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Ukrainian efforts to sabotage Trump campaign - "quietly working to boost Clinton." So where is the investigation A.G. @seanhannity

3:03 AM - 25 Jul 2017

15,187 Retweets 52,035 Likes



 12K

 15K

 52K



**Donald J. Trump**

@realDonaldTrump

Follow



"John Solomon: As Russia Collusion fades,  
Ukrainian plot to help Clinton emerges."

@seanhannity @FoxNews

7:40 PM - 20 Mar 2019

24,458 Retweets 82,043 Likes



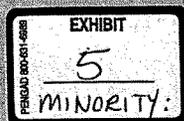
19K



24K



82K



THE WHITE HOUSE  
WASHINGTON  
May 29, 2019

His Excellency  
Volodymyr Zelenskyy  
President of Ukraine  
Kyiv

Dear Mr. President,

On the occasion of your inauguration, I wish to offer my congratulations on your historic election victory.

The United States and Ukraine are steadfast partners, working together to realize the shared vision of a stable, prosperous, and democratic Ukraine that is integrated into the Euro-Atlantic community. Our partnership is rooted in the idea that free citizens should be able to exercise their democratic rights, choose their own destiny, and live in peace. As you said in your victory speech, your election demonstrates that democracy is possible anywhere in the former Soviet region. Ukraine's success exemplifies the triumph of democracy over resurgent despotism. United States support for Ukraine's sovereignty and territorial integrity is unwavering.

As you prepare to address the many challenges facing Ukraine, please know that the American people are with you and are committed to helping Ukraine realize its vast potential. To help show that commitment, I would like to invite you to meet with me at the White House in Washington, D.C., as soon as we can find a mutually convenient time.

I wish you every success as you assume office, and I look forward to meeting with you.

Sincerely,

EXHIBIT  
6  
Majority

kml

Message  
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 have your

 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

3241

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.

19179513862



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?

19179513862



Yes just call

3243

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

Will be in DC this Friday

7/17/19, 1:06 PM

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, 8:08 AM

Good morning! Am in the restaurant on the mezzanine. Kurt

3244

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.

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 23, 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, as Presidential Adviser Andriy Yermak's request, Volter got 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

[7/27/19, 8:50:21 PM] Andrey Yermak: Messages to this chat and calls are now secured with end-to-end encryption.

[7/27/19, 8:50:21 PM] Andrey Yermak: Hello again, Yermak Andrey

[7/27/19, 10:58:00 PM] Kurt Volker: Hi Andrey - thanks and see you soon. Best - Kurt

[7/27/19, 11:24:22 PM] Andrey Yermak: Thank you

[7/27/19, 8:22:50 AM] Kurt Volker: Hi Andrey - are you back in Kyiv or still in Canada or US? When should we meet next week? Best - Kurt

[7/27/19, 8:23:11 PM] Andrey Yermak: Hi, Kurt! Already back to Kyiv. I will come on Tuesday 9 and Hill 12. I know that we will have meeting together with Mr. Oaniluk 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

[7/27/19, 11:07:37 PM] Kurt Volker: Hi Andrey - sorry for delay. Can we meet for dinner on Tuesday? 7pm? I am meeting danylyuk 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

[7/27/19, 10:02:42 AM] Andrey Yermak: Hi, Kurt. My phone will land at 8 pm. We can have late dinner or breakfast on Wednesday morning. It will be great to meet with you before our big meeting. Up to you. I'm at your disposal at any time

[7/27/19, 10:03:42 AM] Andrey Yermak: I will stay in Trump International Hotel

[7/27/19, 10:5:49 PM] Kurt Volker: Are you coming straight from Kyiv? That will be 10pm before you are downtown. I could do coffee Wednesday morning around 9:00am / 9:15am at trump hotel.

[7/27/19, 2:05:10 PM] Andrey Yermak: Yes. Perfect. Wednesday, 9:15 am at Trump hotel

[7/27/19, 5:14:05 PM] Kurt Volker: Great - see you there

[7/27/19, 8:20:20 AM] Kurt Volker: Hi Andrey - get here early and ordered a coffee. No rush - see you in a bit. Kurt

[7/27/19, 9:10:19 AM] Andrey Yermak: Hi Kurt. I'm 5 min

[7/27/19, 4:08:30 PM] Andrey Yermak: 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 Ruth and I ready to talk with him at any time. Please, let me know when you can meet. Andrey

[7/27/19, 9:56:28 PM] Kurt Volker: Hi Andrey - sorry for delay - full evening. Can we talk by phone tomorrow between 11am and 12pm? I am flying to Denver at 1245 but can talk before. Best - Kurt

[7/27/19, 8:59:20 PM] Andrey Yermak: Ok, thank you

[7/27/19, 12:28:00 PM] Kurt Volker: Hi Andrey - sorry for delay - are you available to talk? Kurt

[7/27/19, 12:35:14 PM] Kurt Volker: Let's talk Saturday after the Paris meeting.

[7/27/19, 12:38:10 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.

[7/27/19, 8:36:49 PM] Andrey Yermak: Ok and thank you very much! Will inform you about meeting in Paris

[7/27/19, 8:37:48 AM] Kurt Volker: Hi Andrey - how was Paris? Can you talk today or tomorrow? Kurt

[7/27/19, 8:35:45 AM] Andrey Yermak: Hi Kurt. You know much better. I think phone conversation between President's works. I back tonight and can call you. What time?

[7/27/19, 8:37:28 AM] Kurt Volker: I will be 10 hours behind Kyiv. Home here is 10pm Kyiv. Is that too late? Otherwise we could do tomorrow around 8am here / 8pm Kyiv

[7/27/19, 8:40:35 AM] Andrey Yermak: It's ok for you 11:30 pm Kyiv and 1:30 pm you?

[7/27/19, 8:42:16 AM] Kurt Volker: Yes - perfect

[7/27/19, 3:38:20 PM] Kurt Volker: Hi Andrey - still ok?

[7/27/19, 3:44:23 PM] Kurt Volker: I think it is late for you - let's try tomorrow

[7/27/19, 4:28:35 PM] Andrey Yermak: How ok for you?

[7/27/19, 4:30:36 PM] Kurt Volker: In about 20 minutes? Just wrapping up a meeting

[7/27/19, 4:38:26 PM] Andrey Yermak: Ok

[7/27/19, 5:08:47 AM] Andrey Yermak: Коротко, <https://en.interfax.com.ua/news/interview/601400.html>

◆

[7/27/19, 8:58:27 AM] Kurt Volker: Thanks Andrey - good interview. Having no long anticipated breakfast today - will let you know and try to connect you directly. Good luck this weekend and see you next week. Kurt

[7/27/19, 1:17:45 PM] Andrey Yermak: Thank you Kurt

[7/27/19, 2:12:43 PM] Kurt Volker: Can I call you in about an hour?

[7/27/19, 3:22:42 PM] Andrey Yermak: Yes, of course

[7/27/19, 8:32:30 AM] Kurt Volker: Also - please convey my best wishes and congratulations to the President! Great result!

[7/27/19, 8:32:30 AM] Andrey Yermak: Of course!

[7/27/19, 8:35:35 AM] Andrey Yermak: One question. I have information about phone call from President Trump to President Zelenskyy at 6 pm Kyiv time today. Can you confirm it?

[7/27/19, 8:36:07 AM] Kurt Volker: I will check - maybe yes

[7/27/19, 8:38:07 AM] Andrey Yermak: Its very good that our conversation with Mr. Mayor will be before it

[7/27/19, 8:47:51 AM] Kurt Volker: Yes - and I checked - call will not be today but White House will call Danylyuk to re-schedule it

[7/27/19, 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

[7/27/19, 11:24:54 AM] Andrey Yermak: Missed voice call

[7/27/19, 11:25:25 AM] Andrey Yermak: When you will be in Kiev?

[7/27/19, 11:26:23 AM] Andrey Yermak: And thank you for conversation and your help!

[7/27/19, 12:08:42 PM] Kurt Volker: Hi - sorry I missed your call. I land in Kyiv late Wednesday and then early Thursday go to the Esst. Will be in Kyiv all day Friday

[7/27/19, 12:08:54 PM] Kurt Volker: Hope to meet with the President - also see you and others

[7/27/19, 12:09:40 PM] Andrey Yermak: ◆

[7/27/19, 12:10:38 PM] Andrey Yermak: What about late dinner Wednesday or breakfast Thursday?

[7/27/19, 12:18:01 PM] Andrey Yermak: Sorry about Thursday I understand, you will go to the East

[7/27/19, 12:18:42 PM] Andrey Yermak: Breakfast possible only Friday

[7/27/19, 12:19:43 PM] Andrey Yermak: Please let me know about Wednesday and we will decide about Friday

[7/27/19, 12:40:05 PM] Kurt Volker: Hi - looks like midnight arrival on Wednesday, so let's try Friday breakfast.

[7/27/19, 11:43:15 PM] Andrey Yermak: Ok, great ◆

[7/27/19, 1:08:09 PM] Kurt Volker: Hi Andrey. I sent this to Danylyuk. Would also be happy to connect you if you and/or Prystaiko 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."

[7/27/19, 1:14:48 PM] Andrey Yermak: Hi Kurt. Yes, please connect with me. Thank you

17/23/19, 11:05 PM] Andrey Yermak: We have breakfast and lunch with Gordon Friday?  
 17/23/19, 11:05 PM] Andrey Yermak: And phone call between Presidents Thursday?  
 17/23/19, 11:05 PM] Kurt Volker: I am pretty sure the phone call is going forward for Thursday -- will keep monitoring.  
 17/23/19, 11:38 PM] Kurt Volker: For Friday -- I could do 7:30am at the Hyatt. Alternatively, are you free Saturday morning?  
 17/23/19, 12:01 PM] Kurt Volker: I think yes on Friday lunch -- will check schedule on that  
 17/23/19, 2:27:33 PM] Andrey Yermak: Up to you, I'm with pleasure and Friday and Saturday. Phone call still not confirm  
 17/23/19, 2:31:45 PM] Andrey Yermak: When you can, let me know, I need 2 min by phone  
 17/23/19, 2:33:05 PM] Kurt Volker: Ok -- in about an hour?  
 17/23/19, 2:33:14 PM] Kurt Volker: And call now being set for Friday I think  
 17/23/19, 2:33:22 PM] Andrey Yermak: Super  
 17/23/19, 2:33:38 PM] Kurt Volker: And I'm told president Z now available Thursday to meet w me, so I will rearrange schedule  
 17/23/19, 2:33:54 PM] Andrey Yermak: Yes  
 17/23/19, 2:34:51 PM] Andrey Yermak: Let's discuss in hour  
 17/23/19, 2:35:10 PM] Kurt Volker: Ok  
 17/23/19, 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 ZOG.  
 we will wait down date for visit to Washington. Good luck! See you tomorrow - Kurt  
 17/23/19, 10:15:06 AM] Andrey Yermak: Phone call went well. President Trump proposed to choose any convenient dates. President Zelenskyy chose 20,21,22 September for the White House  
 visit. Thank you again for your help! Please remind Mr. Nayyar to share the Madrid's dates  
 17/23/19, 10:16:42 AM] Kurt Volker: Great -- thanks and will do it  
 17/23/19, 8:22:28 AM] Kurt Volker: 180730 Deployment Timeline \* 2 pages attached: 08000075-180730 Deployment Timeline.pdf  
 17/23/19, 8:22:28 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 peacemaking force.  
 17/23/19, 8:23:03 AM] Kurt Volker: Also -- Rudy Giuliani says he arrives in Madrid on August 1 and departs August 3.  
 17/23/19, 8:23:16 AM] Andrey Yermak: Good morning  
 17/23/19, 8:23:42 AM] Andrey Yermak: I will be in Hyatt in 7 min  
 18/4/19, 2:22:52 PM] Kurt Volker: Hi Andrey -- just checking in -- how is everything? On track for Madrid? Visit to DC? Kurt  
 18/4/19, 2:38:03 PM] Andrey Yermak: Hi Kurt, How in plane from Zurich to Madrid. Will call you after landing  
 18/2/19, 1:27:31 PM] Andrey Yermak: Missed voice call  
 18/2/19, 1:27:42 PM] Andrey Yermak: Hi Kurt  
 18/2/19, 1:28:16 PM] Andrey Yermak: My meeting with Mr. Mayer was very good  
 18/2/19, 1:30:36 PM] Andrey Yermak: We asked for White House meeting during week start 18 Sept. Waiting for confirmation. May be you know the date?  
 18/2/19, 1:30:48 PM] Andrey Yermak: When we can talk?  
 18/2/19, 1:31:04 PM] Andrey Yermak: Will be 1.5 hours in plane  
 18/2/19, 1:38:44 PM] Kurt Volker: Hi Andrey -- sorry I missed you. Will be free when you land  
 18/4/19, 12:38:54 PM] Andrey Yermak: Hi Kurt, how are you? Do you have any news?  
 18/4/19, 11:37:37 PM] Kurt Volker: Hi Andrey -- speaking w Rudy in about 2 hours -- call you after?  
 18/4/19, 11:37:47 PM] Andrey Yermak: Yes, of course  
 18/4/19, 4:20:55 PM] Kurt Volker: Have still not heard back -- other than a text saying "great meeting"  
 18/4/19, 4:21:11 PM] Kurt Volker: I think it is late in Spain now so will try again first thing in the morning  
 18/5/19, 11:18:18 PM] Kurt Volker: Hi Andrey -- had a good long talk w Rudy -- call anytime - Kurt  
 18/7/19, 1:37:10 PM] Andrey Yermak: Hi Kurt. How are you? Do you have some news about White House meeting date?  
 18/7/19, 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...  
 18/7/19, 1:35:03 PM] Andrey Yermak: Thank you!  
 18/7/19, 1:38:07 PM] Kurt Volker: Also -- I expect to see Pompeo next week as well, but not yet confirmed. Will ask him to help also.  
 18/8/19, 3:46:10 PM] Andrey Yermak: Hi Kurt, Can you talk? I have some news  
 18/8/19, 4:51:58 PM] Kurt Volker: Hi Andrey -- yes -- Now is good -- or tomorrow if too late for you now  
 18/10/19, 4:48:29 PM] Andrey Yermak: Missed voice call  
 18/10/19, 4:53:15 PM] Andrey Yermak: This message was deleted.  
 18/10/19, 4:58:15 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  
 18/10/19, 5:18:32 PM] Kurt Volker: Ok! It's late for you -- why don't we talk in my morning, your afternoon tomorrow? Say 11am/5pm?  
 18/10/19, 5:12:18 PM] Kurt Volker: I agree with your approach. Let's iron out statement and use that to get date and then Prez can go forward with it?  
 18/10/19, 5:26:17 PM] Andrey Yermak: Ok  
 18/10/19, 5:38:43 PM] Kurt Volker: Great. Gordon is available to join as well  
 18/10/19, 5:41:45 PM] Andrey Yermak: Excellent  
 18/10/19, 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 tourism and election meddling in investigations  
 18/10/19, 5:42:30 PM] Kurt Volker: Sounds great!  
 18/11/19, 3:48:08 AM] Kurt Volker: Hi Andrey - ready in 10 minutes?  
 18/11/19, 3:50:01 AM] Andrey Yermak: Hi Kurt. In 25 min ok?  
 18/11/19, 3:51:01 AM] Kurt Volker: Yes -- no problem  
 18/11/19, 10:48:01 AM] Andrey Yermak: Missed voice call  
 18/11/19, 10:27:26 AM] Andrey Yermak: Missed voice call  
 18/11/19, 10:27:33 AM] Andrey Yermak: Missed voice call  
 18/11/19, 10:27:39 AM] Andrey Yermak: Missed voice call  
 18/11/19, 10:27:44 AM] Andrey Yermak: Missed voice call  
 18/11/19, 10:27:51 AM] Andrey Yermak: Missed voice call

[8/12/18, 7:30:52 PM] Andrey Yermak: Hi Kurt. Can you talk?  
 [8/12/18, 7:48:34 PM] Kurt Volker: Hi Andrey - yes - and if it is too late for you, can also do first thing my morning. Up to you  
 [8/12/18, 8:24:20 PM] Andrey Yermak: Missed voice call  
 [8/12/18, 8:34:25 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 повторение 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.

[8/17/18, 2:09:09 PM] Andrey Yermak: Hi Kurt! Can you talk?  
 [8/17/18, 2:03:45 PM] Kurt Volker: Hi Andrey - am driving for the next hour. Would it work to call you then?  
 [8/17/18, 3:05:31 PM] Andrey Yermak: Yes, please  
 [8/17/18, 4:54:05 PM] Kurt Volker: Hi Andrey - sorry for delay - is now good? Kurt  
 [8/23/18, 12:27:21 PM] Andrey Yermak: Hi Kurt. Finishing meeting with President and will go. Sorry, delay, hope not more than 20-30 min  
 [8/23/18, 12:30:16 PM] Kurt Volker: No worries - just get in. We are in no hurry  
 [8/24/18, 3:45:13 PM] Andrey Yermak: Good evening  
 [8/24/18, 3:20:41 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!  
 [8/24/18, 3:33:45 PM] Kurt Volker: Hi Andrey - sorry - was on another call. Was great to be here - thank you! Very inspiring day!  
 [8/24/18, 3:32:33 PM] Kurt Volker: Can talk now or tomorrow morning - flight is at 7am to Frankfurt  
 [8/25/18, 4:08:07 PM] Kurt Volker: Hi Andrey - let me know when you can talk - have more on RFE following up an discussion with the President. - Kurt  
 [8/27/18, 2:08:04 PM] Kurt Volker: Hi Andrey - did you get to see Bolton?  
 [8/27/18, 2:09:40 PM] Andrey Yermak: Hi Kurt  
 [8/27/18, 2:08:32 PM] Andrey Yermak: No  
 [8/27/18, 2:08:42 PM] Andrey Yermak: Nobody call me  
 [8/27/18, 2:08:44 PM] Kurt Volker: :(  
 [8/27/18, 2:09:12 PM] Kurt Volker: That's disappointing-- what time is the meeting with the president tomorrow?  
 [8/27/18, 2:09:14 PM] Andrey Yermak: Tomorrow, in official meeting with President  
 [8/27/18, 2:09:52 PM] Andrey Yermak: 10:30 big group, 12:30 with President  
 [8/27/18, 2:10:51 PM] Kurt Volker: Ok - I imagine his breakfast is already booked, but I'll ask.  
 [8/27/18, 2:11:44 PM] Andrey Yermak: No problem, maybe better after  
 [8/27/18, 2:15:55 PM] Kurt Volker: Ok  
 [8/27/18, 2:12:32 PM] Andrey Yermak: As I understood he don't know about dates  
 [8/27/18, 2:13:18 PM] Kurt Volker: Correct - but he is working hard for the meeting in Warsaw, and that will hopefully break things free  
 [8/27/18, 2:14:22 PM] Andrey Yermak: Ok, I'm ready meet with him after official meeting  
 [8/28/18, 8:18:57 AM] Andrey Yermak: Turns out that Bolton can't make it. We'll talk  
 [8/28/18, 8:17:40 AM] Andrey Yermak: Hi Kurt  
 [8/28/18, 8:12:20 AM] Andrey Yermak: It's from Taylor  
 [8/28/18, 8:14:08 AM] Kurt Volker: That's too bad -- but bill is on the ground with him so he knows the schedule. How was the meeting w/ he president?  
 [8/28/18, 8:15:29 AM] Andrey Yermak: I think very good  
 [8/28/18, 8:17:47 AM] Andrey Yermak: And involved in this case with Mateo Sich  
 [8/28/18, 8:19:05 AM] Andrey Yermak: Me  
 [8/28/18, 8:19:32 AM] Andrey Yermak: Ok, for me no problem  
 [8/28/18, 8:20:42 AM] Andrey Yermak: This message was deleted.  
 [8/28/18, 8:28:54 AM] Kurt Volker: Ok - let's talk later today  
 [8/28/18, 4:02:34 PM] Andrey Yermak: Missed voice call  
 [8/28/18, 2:27:35 AM] Andrey Yermak: Hi Kurt  
 [8/28/18, 2:28:13 AM] Andrey Yermak: Need to talk with you  
 [8/28/18, 3:06:14 AM] Andrey Yermak: <https://www.politico.com/story/2018/08/28/trump-ukraine-military-aid-russia-1689531>  
 [8/28/18, 6:55:04 AM] Kurt Volker: Hi Andrey - Absolutely. When is good for you?  
 [8/28/18, 3:01:38 PM] Kurt Volker: Hi Andrey - am told 2:40pm meeting on Sunday in Warsaw, 1 hour bilat  
 [8/29/18, 9:33:38 PM] Kurt Volker: Just saw trump cancelling going to Poland - sending Pence instead. Hope we keep the bilat - and push for date for WH visit  
 [8/31/18, 10:33:02 AM] Kurt Volker: Hi Andrey - how was pence meeting?  
 [8/31/18, 8:58:30 AM] Kurt Volker: Hi Andrey - how was #4 meeting. Can call in an hour or so...  
 [8/31/18, 9:08:33 AM] Andrey Yermak: Hi Kurt  
 [8/31/18, 9:08:51 AM] Andrey Yermak: Will be in plane  
 [8/31/18, 9:09:05 AM] Andrey Yermak: In general, ok  
 [8/31/18, 9:09:24 AM] Andrey Yermak: Details tonight  
 [8/31/18, 9:09:44 AM] Andrey Yermak: What about Pence meeting?  
 [8/31/18, 9:10:00 AM] Andrey Yermak: Any news about dates?  
 [8/31/18, 11:28:23 AM] Kurt Volker: Ukraine Security Letter = 2 pages <attached: 00000074-Ukraine Security Letter.pdf>  
 [9/4/18, 9:56:30 AM] Kurt Volker: Hi Andrey. Reports are that pence liked meeting and will press trump on scheduling Ze visit. Gordon will follow up with pence and, if nothing moving, will have a chance to talk with President on Saturday.  
 [9/4/18, 9:56:49 AM] Kurt Volker: Sorry - on Friday  
 [9/4/18, 9:57:35 AM] Andrey Yermak: Hi Kurt

(9/4/18, 9:57:41 AM) Andrey Yermak: Thank you!  
 (9/4/18, 9:58:09 AM) Andrey Yermak: Call you in 30 min?  
 (9/4/18, 9:58:14 AM) Kurt Volker: My pleasure. Did you have a chance to put a word into Kozak about me visiting?  
 (9/4/18, 9:58:29 AM) Kurt Volker: In an hour would be better -- going in to a meeting now...  
 (9/4/18, 1:53:37 PM) Andrey Yermak: Missed voice call  
 (9/4/18, 2:37:50 PM) Andrey Yermak: Missed voice call  
 (9/4/18, 2:56:25 PM) Andrey Yermak: Can you talk?  
 (9/5/18, 8:17:50 PM) Kurt Volker: Hi Andrey -- flying to Georgia -- can talk Friday or Saturday. Nothing new on RFE? I will see RFE President Jamie Fry on Monday. Best - Kurt  
 (9/7/18, 8:17:57 AM) Kurt Volker: Great news on the prisoner exchange! Hope it leads to progress in Bosnia.  
 (9/9/18, 8:01:26 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  
 (9/11/18, 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  
 (9/11/18, 4:52:34 PM) Andrey Yermak: Hi Kurt  
 (9/11/18, 4:52:52 PM) Andrey Yermak: Can call you in 40 min?  
 (9/11/18, 5:38:41 PM) Andrey Yermak: Missed voice call  
 (9/12/18, 12:58:11 AM) Kurt Volker: Hi Andrey -- sorry to miss you last night. Let's try later today-- 9am?  
 (9/12/18, 1:44:10 PM) Andrey Yermak: Missed voice call  
 (9/12/18, 2:59:54 PM) Andrey Yermak: Missed voice call  
 (9/12/18, 3:26:07 PM) Kurt Volker: Hi Andrey -- sorry to miss your call. Just getting back from a dinner and will call  
 (9/12/18, 3:40:42 PM) Kurt Volker: Call in 20 min - no problem  
 (9/14/18, 1:33:42 AM) Kurt Volker: Hi Andrey -- planning on 20:30 dinner at Hyatt. Let me know once you are back from Unipro if you need to adjust timing. I am flexible. Kurt  
 (9/14/18, 2:40:34 AM) Andrey Yermak: Hi, Kurt  
 (9/14/18, 2:40:35 AM) Andrey Yermak: Ok  
 (9/14/18, 2:46:05 AM) Kurt Volker: Ok - thanks  
 (9/14/18, 2:46:34 AM) Andrey Yermak: Thank you  
 (9/14/18, 12:03:54 PM) Kurt Volker: Hi Andrey -- checking schedule -- ok for 8:30pm?  
 (9/14/18, 12:08:55 PM) Andrey Yermak: If possible 9 pm  
 (9/14/18, 12:08:55 PM) Andrey Yermak: ?  
 (9/14/18, 12:08:40 PM) Kurt Volker: Yes -- 9am is fine. Also -- Pinchuk is urging 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.  
 (9/14/18, 12:07:55 PM) Andrey Yermak: I was in YES dinner yesterday, it's problematic to speak there. See you at Hyatt  
 (9/14/18, 12:08:15 PM) Kurt Volker: Ok -- see you there at 9am  
 (9/14/18, 12:08:49 PM) Andrey Yermak: Tomorrow?  
 (9/14/18, 12:08:15 PM) Andrey Yermak: 9 am?  
 (9/14/18, 12:32:42 PM) Kurt Volker: Sorry -- I meant 9pm!!  
 (9/14/18, 12:32:52 PM) Kurt Volker: I have a flight at 8am tomorrow  
 (9/14/18, 12:34:38 PM) Andrey Yermak: Ok  
 (9/14/18, 12:34:41 PM) Andrey Yermak: Excellent  
 (9/14/18, 12:34:57 PM) Kurt Volker: Ok - thank you!!  
 (9/16/18, 1:18:05 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

(9/20/18, 11:02:05 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 (7/1h-30h or so) to visit Moscow.  
 (9/20/18, 1:27:38 PM) Andrey Yermak: Hi  
 (9/20/18, 1:27:51 PM) Andrey Yermak: Will call you  
 (9/20/18, 1:56:37 PM) Kurt Volker: Ok - thanks  
 (9/20/18, 2:20:52 PM) Andrey Yermak: Missed voice call  
 (9/21/18, 12:25:47 AM) Andrey Yermak: <https://thehill.com/opinion/white-house/462422-missing-piece-to-the-ukraine-puzzle-state-departments-overture-to-rudy>  
 (9/23/18, 5:29:23 PM) Kurt Volker: Hi Andrey -- welcome to New York! Would you be free between 4pm and 6pm tomorrow? Either the two of us, or also with Vadym? Best - Kurt  
 (9/24/18, 10:08:28 AM) Andrey Yermak: Hi Kurt  
 (9/24/18, 10:08:48 AM) Andrey Yermak: And what about evening?  
 (9/24/18, 10:08:04 AM) Andrey Yermak: Gordon already here?  
 (9/24/18, 10:08:15 AM) Kurt Volker: Yes -- I have a dinner at 8:30pm -- but can rearrange to make time for you.  
 (9/24/18, 10:08:22 AM) Kurt Volker: Yes - he is there  
 (9/24/18, 10:08:28 AM) Kurt Volker: I arrive around 8:30pm  
 (9/24/18, 10:08:56 AM) Andrey Yermak: It will be excellent  
 (9/24/18, 10:10:05 AM) Kurt Volker: What time are you free  
 (9/24/18, 10:10:07 AM) Kurt Volker: ?  
 (9/24/18, 10:10:28 AM) Andrey Yermak: 8:30 pm?  
 (9/24/18, 10:11:19 AM) Kurt Volker: Ok -- I'll skip my dinner -- let's get a dinner reservation for 8:30  
 (9/24/18, 10:11:42 AM) Andrey Yermak: Ok  
 (9/24/18, 10:12:07 AM) Kurt Volker: Is 9pm too late? 9:10:30pm?  
 (9/24/18, 10:12:47 AM) Andrey Yermak: May be Gordon will join us?  
 (9/24/18, 10:15:02 AM) Kurt Volker: I'll ask him  
 (9/24/18, 10:15:12 AM) Kurt Volker: Do you want to invite Vadym?

(9/24/18, 10:15:47 AM) Andrey Yermak: Yes  
 (9/24/18, 10:17:13 AM) Andrey Yermak: You will make a reservation or me?  
 (9/24/18, 10:43:04 AM) Kurt Volker: I'll get a reservation -- what hotel are you be staying at? will look for a steak place.  
 (9/24/18, 10:43:28 AM) Andrey Yermak: ♦  
 (9/24/18, 10:43:47 AM) Andrey Yermak: Park Hyatt  
 (9/24/18, 10:50:58 AM) Kurt Volker: Reservation for 4 people at The Strip House -- 9pm, 15 West 44th Street  
 (9/24/18, 10:51:23 AM) Kurt Volker: Gordon has another dinner at 7pm and will join as soon as he can after  
 (9/24/18, 10:51:32 AM) Kurt Volker: Will you tell Vadym?  
 (9/24/18, 10:54:18 AM) Andrey Yermak: Ok  
 (9/24/18, 10:54:23 AM) Andrey Yermak: Yes  
 (9/24/18, 10:54:35 AM) Andrey Yermak: ♦  
 (9/24/18, 10:01:02 AM) Kurt Volker: Great!  
 (9/24/18, 7:16:04 PM) Andrey Yermak: See you very soon  
 (9/24/18, 7:16:06 PM) Andrey Yermak: I have one question  
 (9/24/18, 7:16:08 PM) Andrey Yermak: May be you know  
 (9/24/18, 7:17:00 PM) Kurt Volker: Yes -- I think so  
 (9/24/18, 7:17:00 PM) Kurt Volker: Don't have an answer yet and trying to get me  
 (9/25/18, 8:28:20 AM) Andrey Yermak: Good morning  
 (9/25/18, 8:28:28 AM) Andrey Yermak: Any news?  
 (9/25/18, 8:28:46 AM) Kurt Volker: Spoke w Gordon - he was feeling sick last night  
 (9/25/18, 8:28:28 AM) Kurt Volker: We are both weighing in on the issue... nothing more yet  
 (9/25/18, 8:31:27 AM) Andrey Yermak: Will publish full or part?  
 (9/25/18, 8:52:05 AM) Kurt Volker: I pushed for sharing w you first, then meeting, then release. But no word back  
 (9/25/18, 8:58:18 PM) Andrey Yermak: What you think? Great that you was  
 (9/25/18, 8:59:43 PM) Kurt Volker: Thanks - very good meeting. Exactly what I expected. Once they can talk to each other -- all good  
 (9/25/18, 8:59:27 PM) Kurt Volker: Did you want to meet and follow up also with Gordon? Can try, though schedules are tight for all of us  
 (9/25/18, 5:54:07 PM) Andrey Yermak: Yes  
 (9/25/18, 5:54:16 PM) Andrey Yermak: With pleasure  
 (9/25/18, 5:54:47 PM) Andrey Yermak: I will call you about 8 pm?  
 (9/25/18, 8:00:15 PM) Kurt Volker: Ok -- can talk briefly than  
 (9/25/18, 7:24:30 PM) Andrey Yermak: Missed voice call  
 (9/25/18, 7:24:58 PM) Andrey Yermak: Can you talk now?  
 (9/25/18, 7:27:25 PM) Kurt Volker: Yes -- but maybe better in 15-20 min?  
 (9/25/18, 11:38:11 PM) Andrey Yermak: What about tomorrow?  
 (9/25/18, 11:38:41 PM) Kurt Volker: Yes -- Sam your Hotel -- Park Hyatt  
 (9/25/18, 11:38:59 PM) Andrey Yermak: ♦  
 (9/26/18, 7:49:07 AM) Andrey Yermak: Missed voice call  
 (9/26/18, 7:50:20 AM) Andrey Yermak: Missed voice call  
 (9/26/18, 7:55:48 AM) Andrey Yermak: Missed voice call  
 (9/26/18, 7:57:58 AM) Andrey Yermak: Good morning  
 (9/26/18, 7:58:38 AM) Andrey Yermak: Waiting for you in lobby, place for breakfast  
 (9/26/18, 10:40:57 AM) Kurt Volker: Hi Andrey -- good visit. Reminder about Metropolitan Emmanuel Adamakis. Do you need his number again? Thanks - Kurt  
 (9/26/18, 10:47:21 AM) Andrey Yermak: Thank you! Yes, please  
 (9/26/18, 10:48:10 AM) Kurt Volker: +33 6 89 62 12 55  
 (9/26/18, 10:48:36 AM) Kurt Volker: He is planning to be in Ukraine through tomorrow  
 (9/27/18, 7:44:20 PM) Andrey Yermak: Hi  
 (9/28/18, 8:16:36 AM) Andrey Yermak: Hello again, I'd channel want to talk with you?  
 (9/28/18, 8:23:16 AM) Kurt Volker: Thanks -- not yet -- have to do the Congress first  
 (9/28/18, 8:23:31 AM) Andrey Yermak: Ok

18/03/18, 2:24:21 PM) You created group "Andrey/Gordon/Kurt"  
 18/03/18, 2:24:21 PM) Andrey/Gordon/Kurt: Messages to this group are now secured with end-to-end encryption.  
 18/03/18, 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  
 18/03/18, 2:25:40 PM) Gordon Sondland: I have a call sched at 3pm Eastern for the three of us. Ops will call  
 18/03/18, 10:18:50 AM) Kurt Volker: Hi Andrey -- we spoke with Rudy. When is good to call you?  
 18/03/18, 10:18:50 AM) Andrey Yermak: Hi Kurt  
 18/03/18, 10:18:50 AM) Gordon Sondland: I can talk now  
 18/03/18, 10:20:54 AM) Andrey Yermak: I'm in Israel  
 18/03/18, 10:21:20 AM) Gordon Sondland: Important. Do you have 5 mins  
 18/03/18, 10:21:21 AM) Andrey Yermak: I can speak in 10-15 min  
 18/03/18, 10:22:55 AM) Gordon Sondland: Ok I will have our operator dial us in at 4:35 Brussels time  
 18/03/18, 10:23:14 AM) Kurt Volker: Can we do this one on what's App?  
 18/03/18, 10:23:31 AM) Gordon Sondland: Ok fine. Can you initiate?  
 18/03/18, 10:23:41 AM) Kurt Volker: Yes - will do  
 18/03/18, 10:24:47 AM) Andrey Yermak: Ok  
 18/03/18, 12:14:15 PM) Kurt Volker: Hi Andrey -- good talking -- following is text with insert at the end for the 2 key items. We will work on official request  
 18/03/18, 12:14:18 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 Burisma and the 2016 U.S. elections, which in turn will prevent the recurrence of this problem in the future.

[8/9/19, 12:29:28 PM] Call with Sandland/Valker: Messages to this group are now secured with end-to-end encryption.  
[8/9/19, 12:29:28 PM] Gordon Sandland created group "Call with Sandland/Valker"  
[8/9/19, 12:29:28 PM] Gordon Sandland added you  
[8/9/19, 12:30:03 PM] Gordon Sandland: 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 Sandland: I will have our State Dept ops center place the call to you at this number at 3pm Washington time.

(6/12/18, 8:39:22 AM) You created group "Gordon and Bill"  
 (6/12/18, 8:39:27 AM) Gordon and Bill: Messages to this group are now secured with end-to-end encryption.  
 (6/12/18, 9:40:39 AM) Kurt Volker: 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  
 (6/12/18, 9:56:09 AM) Bill Taylor: Thanks, Kurt.  
 Ambassador, good to meet you. I look forward to working with you.  
 Bill  
 (6/13/18, 5:12:14 AM) Gordon Sondland: This message was deleted.  
 (6/13/18, 5:13:31 AM) Gordon Sondland: 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  
 (6/13/18, 9:33:07 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  
 (6/14/18, 2:01:01 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  
 (6/28/18, 9:48:48 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 can turn 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?  
 (6/28/18, 9:48:23 PM) Kurt Volker: Let's have an internal call Friday -- three of us plus Secretary Perry. - Kurt  
 (6/28/18, 9:50:13 PM) Gordon Sondland: This is Vladimir and is being fixed. Agree Kurt, lets talk Fri  
 (6/28/18, 9:51:04 PM) Bill Taylor: Good idea.  
 (6/27/18, 1:32:33 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 and agree with Kurt that the call tomorrow should be just Americans. Thoughts?  
 (6/27/18, 7:52:52 AM) Gordon Sondland: Just Americans tomorrow. Give me a call when u can on this line  
 (6/27/18, 8:46:02 AM) Bill Taylor: Calling now  
 (6/27/18, 10:22:19 AM) Bill Taylor: Calling again shortly  
 (6/27/18, 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@belstate.gov  
 (6/28/18, 9:47:19 AM) Bill Taylor: Call this afternoon still on?  
 (6/28/18, 9:52:06 AM) Gordon Sondland: Yes, they will be calling you. Just get moved by Ukraine to 10:35-10:30 Eastern  
 (6/28/18, 9:52:52 AM) Bill Taylor: Got it -- thanks  
 (6/28/18, 10:33:29 AM) Bill Taylor: Good call.  
 Thanks for including me and for the Secretary's kind endorsement. Good luck in Toronto, Kurt  
 (6/28/18, 10:38:30 AM) Gordon Sondland: Whew, glad you stayed on!  
 (6/28/18, 10:35:33 AM) Bill Taylor: Ma, too. I might see him Sunday with Congressman Hoyer's congressional delegation.  
 (6/28/18, 10:51:54 AM) Bill Taylor: How do you plan to handle informing anyone else about the call? I will completely follow your lead.  
 (6/28/18, 10:52:52 AM) Kurt Volker: I think we just keep it among ourselves to try to build working relationship and just get the "X" date for the meeting!  
 (6/28/18, 10:53:57 AM) Kurt Volker: :)  
 (6/28/18, 10:34:39 AM) Gordon Sondland: Agree with KV. Very close hold  
 (6/28/18, 10:37:32 AM) Bill Taylor: Got it  
 (7/3/18, 1:20:45 PM) Bill Taylor: Kurt had a good meeting with Ze. I hear. I just sent Oanyhuk's strategic partnership plan in preparation for next Wednesday's meeting. OX to talk with Ulrich about these conversations, or have you already briefed him?  
 (7/3/18, 1:22:28 PM) Gordon Sondland: Did Oanyhuk get confirmed with Bolton for next week?  
 (7/3/18, 1:26:21 PM) Bill Taylor: Yes -- 2 PM Wednesday  
 (7/3/18, 1:50:06 PM) Gordon Sondland: 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 4th!  
 (7/3/18, 1:54:03 PM) Bill Taylor: Thanks -- to you as well.  
 (7/1/18, 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 Oanyhuk in his helicopter on the way back from the Crimean border. Can pass on say now information.  
 (7/1/18, 10:07:30 AM) Gordon Sondland: We are seeing Oanyhuk in a couple of days. Better face to face with Bolton  
 (7/1/18, 10:09:19 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. I let me know if I can get answers.  
 (7/1/18, 2:05:37 PM) Gordon Sondland: Call me.  
 (7/1/18, 2:29:01 PM) Bill Taylor: Just called. Let me know what's a convenient time.  
 (7/1/18, 2:34:08 PM) Kurt Volker: Gordon - maybe we can talk a Mulvaney on Monday by phone? Kurt  
 (7/1/18, 5:08:56 PM) Gordon Sondland: Yes, lets do that  
 (7/1/18, 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.  
 (7/10/18, 7:58:03 AM) Bill Taylor: Just had a meeting with Andriy and Vadym. Very concerned about what Lutsenko told them -- that, according to RG, the ZE-POTUS meeting will not happen.  
 Advice?  
 (7/10/18, 7:57:58 AM) Kurt Volker: Good grief. Please tell Vadym to let the official NSC representatives speak for the U.S. Lutsenko has his own self-interest here...  
 (7/10/18, 7:58:37 AM) Bill Taylor: Exactly what I told them.  
 (7/10/18, 7:59:41 AM) Bill Taylor: And I said that RG is a private citizen.  
 (7/10/18, 11:43:41 AM) Bill Taylor: I briefed Ulrich this afternoon on this.  
 (7/10/18, 2:26:06 PM) Bill Taylor: Eager to hear if your meeting with Oanyhuk and Bolton resulted in a decision on a call.  
 (7/10/18, 10:26:15 PM) Bill Taylor: How did the meeting go?  
 (7/10/18, 10:29:44 PM) Kurt Volker: Hat good -- let's talk -- kv

[7/16/19, 10:31:20 PM] Bill Taylor: Just called. You are on the phone.  
 [7/16/19, 10:47:27 AM] Gordon Sondland: Everyone is now focused on making the Petus ZF call happen prior to 7/21  
 [7/16/19, 10:09:33 AM] Kurt Volker: Anything new you have heard?  
 [7/16/19, 10:17:57 AM] Gordon Sondland: Tim Morrison is also tracking now. Good sign  
 [7/16/19, 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  
 [7/15/19, 10:10:22 AM] Bill Taylor: We keep getting readouts of the Danylyuk-Bulton meeting that predict no phone call or meeting any time soon. This can't be my message to Ze. How to proceed?  
 [7/15/19, 10:31:05 AM] Gordon Sondland: Talking to NSC tomorrow at 8:30 eastern  
 [7/16/19, 12:47:36 PM] Bill Taylor: Make any progress?  
 [7/17/19, 10:46:23 AM] Bill Taylor: Danylyuk just asked if there was any news from the WH. Any update?  
 [7/17/19, 10:47:09 AM] Gordon Sondland: I put in a call to Petus and am waiting for a return  
 [7/17/19, 10:47:44 AM] Bill Taylor: Excellent -- thanks, Gordon  
 [7/18/19, 10:15:54 AM] Bill Taylor: DMB on a SVIS just now said that all security assistance to Ukraine is frozen, per a conversation with Mulvaney and POTUS. Over to you.  
 [7/18/19, 11:07:08 AM] Gordon Sondland: All over it  
 [7/19/19, 10:10:10 AM] Bill Taylor: Can we marshal our forces to get a congratulatory phone call from POTUS in Ze mid to late next week, assuming the election goes well and Servant of the People does well?  
 [7/19/19, 11:20:03 AM] Gordon Sondland: Talked to WR. This is moving but post election  
 [7/19/19, 11:45:51 AM] Bill Taylor: If we can get a congratulatory call post election, that would begin to establish the relationship?  
 [7/19/19, 11:48:47 PM] Kurt Volker: Can we throw in a call tomorrow -- say noon WASHINGTON?  
 [7/19/19, 8:53:28 PM] Gordon Sondland: Looks like Petus call tomorrow. I spoke directly to Zelensky and gave him a full briefing. He's got it.  
 [7/19/19, 8:57:52 PM] Gordon Sondland: Sure!  
 [7/19/19, 7:30:22 PM] Kurt Volker: Good. Had breakfast with Rudy this morning -- teasing up call w/ Yermak Monday. Must have helped. Most imp't is for Zelensky to say that he will help investigation -- and address any specific personal issues -- if there are any  
 [7/19/19, 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 1500 Kyiv time today has been put on hold pending the outcome of the election tomorrow. Is that what you hear?  
 [7/20/19, 4:52:58 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.  
 [7/20/19, 4:53:15 AM] Gordon Sondland: Call me Bill thr  
 [7/20/19, 10:41:00 AM] Bill Taylor: Do we need to talk at noon Washington time?  
 [7/20/19, 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 long Gordon in if we can  
 [7/20/19, 11:33:00 AM] Bill Taylor: Kupperman (sp?) wants to talk to Danylyuk secure so I am meeting taking him to my office. Can we reschedule?  
 [7/20/19, 11:37:19 AM] Kurt Volker: Absolutely  
 [7/20/19, 11:37:19 AM] Kurt Volker: Anytime today will work for me  
 [7/20/19, 11:46:20 AM] Bill Taylor: Maybe alter the Kupperman-Danylyuk call? Around 5 my time tonight?  
 [7/20/19, 12:29:14 PM] Kurt Volker: Ok  
 [7/20/19, 1:48:41 PM] Bill Taylor: Just finished with Danylyuk. Will be in the car in 10 minutes. Call then?  
 [7/20/19, 1:48:03 PM] Kurt Volker: Yes - good  
 [7/20/19, 2:27:04 PM] Bill Taylor: Call now?  
 [7/21/19, 1:45:54 AM] Bill Taylor: Gordon, one thing Kurt and I talked about yesterday was Sasha Danylyuk's point that President Zelenskyy is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic, reelection politics.  
 [7/21/19, 4:45:44 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.  
 [7/21/19, 5:21:47 AM] Bill Taylor: So, the call tomorrow can be a positive step.  
 [7/22/19, 12:15:55 AM] Bill Taylor: Good, pretty long meeting -- both one-on-one and with Bohdan, Sasha, Yermak, Razumkov -- with the president at his campaign headquarters last night. Interested in both the call and meeting, I couldn't be specific.  
 [7/22/19, 12:17:19 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.  
 [7/22/19, 12:20:53 AM] Bill Taylor: Very good election result for Zelenskyy and us. Likely a young, Western-oriented prime minister. Ze likely in coalition with Yakarchuk (with whom I have met one-on-one twice in the last three days).  
 [7/22/19, 12:22:51 AM] Gordon Sondland: So Monday call was just rumor?  
 [7/22/19, 12:28:22 AM] Bill Taylor: Doesn't sound like from either side that it was actually scheduled.  
 [7/22/19, 8:38:05 AM] Kurt Volker: Yermak thinks Call is at 6pm Kiev today. Bill -- any idea? Should I call sitroom?  
 [7/22/19, 8:40:38 AM] Gordon Sondland: Good idea  
 [7/22/19, 8:42:38 AM] Bill Taylor: Tim Morrison just told me it's not on today and I should tell Danylyuk that they will schedule through him shortly.  
 [7/22/19, 8:43:12 AM] Bill Taylor: I have told Sasha (and Vadym).  
 [7/22/19, 8:44:12 AM] Bill Taylor: Don't you think we should work through Sasha?  
 [7/22/19, 8:46:03 AM] Kurt Volker: Yes -- you've got the latest. That's good. Work thru Sasha. And great they will schedule thru danylyuk. Keep us posted what you hear.  
 [7/22/19, 8:46:10 AM] Kurt Volker: I'll tell Yermak same thing  
 [7/22/19, 8:46:52 AM] Bill Taylor: Excellent. Will do  
 [7/23/19, 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.  
 [7/23/19, 4:28:55 AM] Gordon Sondland: Great. I will be in Kyiv Thu night  
 [7/23/19, 4:57:47 AM] Bill Taylor: Looking forward to seeing you here!  
 [7/23/19, 11:33:06 PM] Bill Taylor: NSC now looking at Friday for the call. Ukrainians are checking to see if that works  
 [7/24/19, 1:39:08 AM] Kurt Volker: Great! Sounds like this is now on track?  
 [7/24/19, 1:40:57 AM] Gordon Sondland: By  
 [7/24/19, 1:41:05 AM] Gordon Sondland: Yay  
 [7/24/19, 2:58:33 AM] Bill Taylor: Is right. Also, 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.  
 [7/24/19, 2:57:25 AM] Kurt Volker: Great. I'll go east on whichever day in order to accommodate zelenskyy -- fine either way  
 [7/24/19, 2:57:41 AM] Gordon Sondland: Call me just spoke to Danylyuk. I have clarity

(7/24/19, 2:58:20 AM) Bill Taylor: Calling now  
 (7/24/19, 3:30:19 AM) Bill Taylor: Prystaiko and Oanyluk are now coordinating the call. President Zelenskyy is traveling on Friday.  
 (7/24/19, 3:38:03 AM) Kurt Volker: OK -- so we are meeting Ze on Thursday and going east Friday?  
 (7/24/19, 3:38:09 AM) Kurt Volker: Great the call is on!  
 (7/24/19, 3:38:25 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 -- WCS 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, 4:02:15 AM) Kurt Volker: We should do what works for Ze on Kyiv/S-L schedule. Most imp't thing is that potus call happens no matter what day.  
 (7/24/19, 4:18:00 AM) Bill Taylor: Still waiting on word from NSC on the phone call tomorrow. President Zelensky 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, 4:21:08 AM) Gordon Sondland: My primary objective is Zelensky. Friday morning is great  
 (7/24/19, 4:24:13 AM) Bill Taylor: But it, Kurt?  
 (7/24/19, 10:53:55 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, 10:53:20 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, 10:40:07 AM) Kurt Volker: That's great! Why are they irritated? They are getting the date they asked for.  
 (7/24/19, 10:40:47 AM) Kurt Volker: Also -- Gordon just called and donchyuk said meeting w/president is confirmed for 11am 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 Zelenskyy meeting on Friday morning.  
 (7/24/19, 2:54:33 PM) Gordon Sondland: 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, 6:36:55 AM) Kurt Volker: cattsched: 0000027-01010-2019-07-26-08-38-53.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, 4:28:25 AM) Gordon Sondland: cattsched: 0000028-01010-2019-07-27-04-28-25.jpg  
 (7/27/19, 4:40:43 AM) Gordon Sondland: https://youtu.be/AWpaat8D0C0  
 (7/27/19, 7:28:45 AM) Gordon Sondland: Ric and I are talking later today  
 (7/27/19, 7:22:18 AM) Kurt Volker: Great -- give him my best. I'm arriving to Kyiv on aug 23 and departing aug 25.  
 (7/27/19, 7:22:31 AM) Kurt Volker: Would be happy if he joined  
 (7/27/19, 7:29:58 AM) Bill Taylor: Thanks for getting him on message. Gordon. This is why you are the US ambassador to Europe.  
 (8/1/19, 9:56:13 AM) Kurt Volker: Hi bill -- what's the status on dates? Thanks  
 (8/1/19, 10:04:23 AM) Gordon Sondland: Kurt, Ix for flagging Bill's office 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 9, 16 and 30. The Ukrainians want to make one trip, so either the week before UNGA or the week after. Bill is back in Tim's court.  
 (8/1/19, 10:53:57 AM) Kurt Volker: Thanks! 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, 10:58:47 AM) Bill Taylor: Yes, but let Tim handle it!  
 (8/1/19, 10:57:21 AM) Kurt Volker: Of course!  
 (8/1/19, 10:57:45 AM) Gordon Sondland: This team works like a Swiss Watch   
 (8/1/19, 10:58:28 AM) Kurt Volker: G+ a Timx... takes a licking and keeps on ticking...  
 (8/1/19, 10:58:28 AM) Bill Taylor: I know about the licking part  
 (8/3/19, 8:27:26 AM) Bill Taylor: Standing by to hear from Tim who had hoped to have a date by yesterday.  
 (8/3/19, 8:27:06 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 reengage.  
 (8/3/19, 10:35:50 AM) Gordon Sondland: I have a see call w Tim Mon. Sounds like bad news. Kurt, call if u have a see. Ix  
 (8/3/19, 1:38:17 PM) Kurt Volker: Hi bill -- 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, 8:52:00 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, 4:45:13 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, 7:08:35 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 9 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, 8:27:17 AM) Bill Taylor: So, Kurt, I don't think a paper is going up -- at least as of Sunday.  
 (8/6/19, 10:41:47 AM) Kurt Volker: That does sound right...  
 (8/6/19, 10:27:04 AM) Gordon Sondland: Tim and I had to bump secure till Thurs morning. I am working the problem however  
 (8/29/19, 3:00:42 PM) Bill Taylor: Meeting on for 2:40 Sunday afternoon  
 (8/29/19, 3:01:01 PM) Kurt Volker: Full bilat?  
 (8/29/19, 3:01:28 PM) Bill Taylor: Yup, an hour.  
 (8/29/19, 3:01:48 PM) Kurt Volker: Outstanding!  
 (8/29/19, 3:02:08 PM) Gordon Sondland: Fantastic News Bill  
 (8/29/19, 3:02:55 PM) Gordon Sondland: Vlad must have made quite the impression on John B  
 (8/29/19, 3:03:01 PM) Bill Taylor: You are listed as a participant, Gordon.  
 (8/29/19, 3:04:10 PM) Bill Taylor: He did have a good, long meeting.  
 (8/29/19, 3:04:43 PM) Bill Taylor: Does this mean no Washington meeting?

(8/28/19, 3:05:02 PM) Kurt Walker: Just the opposite -- should open the door  
 (8/28/19, 3:05:33 PM) Bill Taylor: Hope you are right  
 (8/30/19, 12:44:57 AM) Bill Taylor: Trip canceled  
 (8/30/19, 12:16:02 AM) Kurt Walker: Hope VPOTUS keeps the list -- and toes up WH visit..  
 (8/30/19, 5:31:14 AM) Gordon Sondland: I am going. Pompeo is speaking to Potus today to see if he can go.  
 (8/31/19, 12:08:57 PM) Bill Taylor: Are we now saying that security assistance and WH meeting are conditioned on investigations?  
 (8/31/19, 12:42:28 PM) Gordon Sondland: Call me  
 (8/31/19, 11:43:48 AM) Bill Taylor: Defense Minister Zagorodnyuk is calling you both about security assistance. I think Kurt talked with him last night.  
 (8/4/19, 8:55:16 AM) Kurt Walker: Yes -- we had a good talk -- Bill -- I'll call you later today  
 (8/4/19, 11:08:05 AM) Bill Taylor: Sounds good. Am heading to the airport to pick up Senators Johnson and Murphy. Messages for them?  
 (8/4/19, 12:42:20 PM) Kurt Walker: Thank you for the letters! And push for WH visit..  
 (8/4/19, 12:42:44 PM) Kurt Walker: Being denied visas for Russia is a badge of honor  
 (8/4/19, 3:22:02 PM) Bill Taylor: Made those points. They are in exactly the right place.  
 (8/7/19, 12:08:40 AM) Kurt Walker: Hi -- got an email overnight from SASG -- says hold is lifted. Let's verify..  
 (8/7/19, 12:10:13 AM) Bill Taylor: Got the same message. Checking with NSC  
 (8/7/19, 12:10:40 AM) Kurt Walker: Great - thanks! Let me know what you hear!  
 (8/7/19, 3:58:27 AM) Kurt Walker: <https://www.rferl.org/s/ukraine-s-zelensky-talks-business-with-oligarch-kalomoysky/30157530.html>  
 (8/7/19, 3:58:08 AM) Bill Taylor: Yep  
 (8/7/19, 3:58:31 AM) Kurt Walker: Will be interesting to talk w Hancharuk on Saturday  
 (8/7/19, 3:59:03 AM) Bill Taylor: Yes

(6/28/19, 3:12:31 AM) Gordon Sondland: Messages to this chat and calls are now secured with end-to-end encryption.  
 (6/28/19, 3:12:31 AM) Gordon Sondland: Pis call. Urgent. The  
 (7/10/19, 3:58:48 PM) Gordon Sondland: Missed voice call  
 (7/10/19, 9:57:14 PM) Kurt Volker: Hi Gordon - sorry I missed you earlier. Can talk tomorrow early morning? Kurt  
 (7/10/19, 10:24:41 PM) Gordon Sondland: Will call  
 (7/10/19, 10:30:45 PM) Gordon Sondland: Missed voice call  
 (7/22/19, 4:27:55 PM) Kurt Volker: D'orchestrated a great phone call w Rudy and Yermak. They are going to get together when Rudy goes to Madrid in a couple of weeks.  
 (7/22/19, 4:28:08 PM) Kurt Volker: In the meantime, Rudy is now advocating for phone call  
 (7/22/19, 4:28:26 PM) Kurt Volker: I have call into Fiona's replacement and will call Bolton if needed.  
 (7/22/19, 4:28:48 PM) Kurt Volker: But I can tell Bolton and you can tell Mick that Rudy agrees on a call, if that helps  
 (7/22/19, 4:30:10 PM) Gordon Sondland: I talked to Tim Morrison, (Fiona's replacement). He is pushing but feel free as well.

We still meeting in Kyiv Fri?

(7/22/19, 4:30:35 PM) Kurt Volker: Yes -- Morrison, We're talking in 5  
 (7/22/19, 4:31:05 PM) Kurt Volker: And yes -- do come to kyiv! I'll go east on Thursday (welcome there too) and go to kyiv on Friday.  
 (7/22/19, 4:32:10 PM) Gordon Sondland: Tim is a good guy. Tell him we are in touch and synced. I want make East but will be in Kyiv Thu night/all day Fri  
 (7/22/19, 4:33:52 PM) Kurt Volker: Great!  
 (7/25/19, 7:54:18 AM) Gordon Sondland: Missed voice call  
 (7/25/19, 7:54:20 AM) Gordon Sondland: Call asap  
 (7/25/19, 9:25:57 AM) Kurt Volker: Hi Gordon - got your message. Had a great lunch w Yermak and then passed your message to him. He will see you tomorrow. Think everything in place  
 (7/26/19, 9:34:51 AM) Kurt Volker: Hi Gordon -- when are you flying, and when can I call you about Sweden? Kurt  
 (7/26/19, 9:39:47 AM) Gordon Sondland: Call  
 (7/26/19, 9:40:13 AM) Kurt Volker: When we land -- still in helsinki -- maybe another 45 min?  
 (7/26/19, 9:40:17 AM) Gordon Sondland: Sure  
 (7/26/19, 9:54:58 PM) Kurt Volker: Hi Gordon - we could not get a chance to call. Free for 2 min or call tomorrow? Kurt  
 (7/26/19, 11:23:43 PM) Gordon Sondland: In air. On ground after 10am Brussels time  
 (7/27/19, 12:40:35 AM) Kurt Volker: Ok - will call  
 (7/27/19, 6:14:08 AM) Kurt Volker: Hi Gordon -- have an hour now -- let's talk when you can.  
 (7/27/19, 6:15:50 AM) Kurt Volker: I want to connect you to the Swedish ambassador in Washington, who was dispatched from her vacation to go back to work..  
 (7/27/19, 9:28:28 AM) Kurt Volker: Hi Gordon -- can you take a call?  
 (7/27/19, 9:30:27 AM) Gordon Sondland: Yes  
 (7/27/19, 10:56:47 AM) Kurt Volker: I gather potus is getting a Sweden briefing this afternoon -- Swedes met with O'Brien, and somehow WH lawyer thinks they did not take the meeting...

cray...

(7/29/19, 12:05:24 PM) Gordon Sondland: Missed voice call  
 (7/29/19, 12:05:41 PM) Kurt Volker: Call you back in 15  
 (7/29/19, 12:05:52 PM) Gordon Sondland: Sure  
 (8/1/19, 7:05:41 AM) Gordon Sondland: I am on Eastern time. Can u talk?  
 (8/1/19, 4:21:51 PM) Kurt Volker: Gordon -- on east coast time?  
 (8/1/19, 4:22:29 PM) Gordon Sondland: West coast  
 (8/1/19, 4:22:46 PM) Kurt Volker: Even better -- call in a few?  
 (8/1/19, 4:22:54 PM) Gordon Sondland: ✦  
 (8/1/19, 10:36:23 AM) Kurt Volker: Got a minute? Best - Kurt  
 (8/1/19, 10:36:31 AM) Gordon Sondland: Missed voice call  
 (8/1/19, 5:35:53 PM) Gordon Sondland: Morrison ready to get dates as soon as Yermak confirms.  
 (8/1/19, 5:45:21 PM) Kurt Volker: Excellent!! How did you sway him? :)  
 (8/1/19, 5:47:34 PM) Gordon Sondland: Not sure I did. I think potus really wants the deliverable  
 (8/1/19, 5:48:00 PM) Kurt Volker: But does he know that?  
 (8/1/19, 5:48:08 PM) Gordon Sondland: Yep  
 (8/1/19, 5:48:27 PM) Gordon Sondland: Clearly lots of canvas going on  
 (8/1/19, 5:48:38 PM) Kurt Volker: Ok -- then that's good it's coming from two separate sources  
 (8/1/19, 5:51:08 PM) Gordon Sondland: To avoid misunderstandings, might be helpful to ask Andrew for a draft statement (embargoed) so that we can see exactly what they propose to cover.  
 Even though Ze does a live presser they can still summarize in a brief statement. Thoughts?  
 (8/1/19, 5:51:42 PM) Kurt Volker: Agree!  
 (8/1/19, 10:58:58 AM) Gordon Sondland: Anything from Andrew?  
 (8/1/19, 12:27:51 PM) Kurt Volker: Not yet -- will give him some time  
 (8/1/19, 12:32:24 PM) Gordon Sondland: I briefed Ulrich. All good  
 (8/1/19, 5:12:44 PM) Kurt Volker: This came in from Andrew -- I suggested we talk at my 10am / his 5pm tomorrow..  
 (8/1/19, 5:12:48 PM) Kurt Volker: 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 helpful 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  
 (8/1/19, 5:14:08 PM) Gordon Sondland: If that's 10am Eastern, I can join you if you wish.  
 (8/1/19, 5:14:31 PM) Kurt Volker: Yes -- hoping you can!  
 (8/1/19, 5:14:51 PM) Gordon Sondland: Great. You want to call State ops or shall I?  
 (8/1/19, 5:15:05 PM) Kurt Volker: No -- I'll just do via what's App  
 (8/1/19, 5:15:28 PM) Gordon Sondland: Perfect. Talk tomorrow.  
 (8/1/19, 9:48:53 AM) Kurt Volker: Hi Gordon -- ready in 10 min?  
 (8/1/19, 9:49:03 AM) Gordon Sondland: Yes  
 (8/1/19, 9:51:16 AM) Kurt Volker: He needs another 15 min. So 10:15

[8/11/19, 9:52:54 AM] Gordon Sandland: Hk  
 [8/13/19, 9:20:21 AM] Kurt Volker: You free?  
 [8/12/19, 10:26:44 AM] 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 Borisma and the 2019 U.S. elections, which in turn will prevent the recurrence of this problem in the future.  
 [8/13/19, 10:27:20 AM] Gordon Sandland: Perfect. Lets send to Andrey after our call  
 [8/15/19, 10:27:53 AM] Kurt Volker: Yes  
 [8/15/19, 10:38:57 AM] Gordon Sandland: Missed voice call  
 [8/15/19, 10:39:27 AM] Gordon Sandland: Missed group voice call  
 [8/15/19, 10:42:20 AM] Gordon Sandland: Missed voice call  
 [8/13/19, 10:46:20 AM] Gordon Sandland: Missed voice call  
 [8/13/19, 2:44:59 PM] Gordon Sandland: U going to call Andrey first tomorrow?  
 [8/15/19, 7:26:36 AM] Gordon Sandland: Hi, did you connect with Andrey?  
 [8/15/19, 7:34:14 AM] Kurt Volker: Not yet - will talk w bill and then call him later today. Want to know our status on asking them to investigate  
 [8/15/19, 7:51:49 AM] Gordon Sandland: Good thought  
 [8/17/19, 2:48:40 PM] Gordon Sandland: Yermak just tapped on me about dates. Haven't responded. Any updates?  
 [8/17/19, 3:02:55 PM] Kurt Volker: Hi - I've got nothing. Bill had no info on requesting an investigation - calling a friend at DOJ (Bruce Schwartz)  
 [8/17/19, 3:06:49 PM] Gordon Sandland: Do we still want Ze to give us an unequivocal draft with 2018 and Borisma?  
 [8/17/19, 4:34:21 PM] Kurt Volker: That's the clear message so far ...  
 [8/17/19, 4:34:33 PM] Kurt Volker: I'm hoping we can get something out there that causes him to respond with that  
 [8/17/19, 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.  
 [8/17/19, 6:57:11 PM] Kurt Volker: Let's talk tomorrow my morning so you have all latest. We spoke for about 30 min today  
 [8/17/19, 6:58:05 PM] Gordon Sandland: Deal  
 [8/18/19, 7:43:04 AM] Gordon Sandland: Call when up  
 [8/18/19, 10:49:00 AM] Kurt Volker: Hi Gordon - am free anytime - Kurt  
 [8/18/19, 8:56:25 AM] Gordon Sandland: Drove 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  
 [8/18/19, 7:27:50 PM] Gordon Sandland: Missed voice call  
 [8/18/19, 7:27:59 PM] Gordon Sandland: Missed voice call  
 [8/23/19, 10:49:20 AM] Gordon Sandland: Missed voice call  
 [8/23/19, 10:49:31 AM] Gordon Sandland: New news. Pis call  
 [8/23/19, 12:08:40 PM] Kurt Volker: Thanks -a just called - ring back when you can  
 [8/23/19, 5:37:17 PM] Gordon Sandland: Missed voice call  
 [8/23/19, 5:37:32 PM] Gordon Sandland: Call at your convenience  
 [8/23/19, 5:52:21 PM] Kurt Volker: Is it ok to call now?  
 [9/1/19, 11:56:02 AM] Kurt Volker: Hi Gordon - how was pence - Ze meeting?  
 [9/2/19, 3:51:50 PM] Gordon Sandland: Missed voice call  
 [9/2/19, 4:08:31 PM] Gordon Sandland: Missed voice call  
 [9/2/19, 4:10:03 PM] Gordon Sandland: Missed voice call  
 [9/8/19, 11:07:51 PM] Gordon Sandland: Missed voice call  
 [9/8/19, 1:24:44 AM] Gordon Sandland: Yes, please call soonest  
 [9/8/19, 1:42:48 AM] Gordon Sandland: Missed voice call  
 [9/8/19, 1:43:27 AM] Gordon Sandland: Missed voice call  
 [9/8/19, 1:43:35 AM] Gordon Sandland: Try me back  
 [9/8/19, 1:55:22 AM] Gordon Sandland: Missed voice call  
 [9/8/19, 1:56:02 AM] Kurt Volker: Head a few min still - chairing a discussion -- but will pass baton when I can and call  
 [9/8/19, 1:56:15 AM] Gordon Sandland:   
 [9/8/19, 3:25:08 AM] Kurt Volker: I am free for about 80 min if you can call. Thx - kv  
 [9/8/19, 4:20:41 AM] Gordon Sandland: Missed voice call  
 [9/8/19, 4:20:56 AM] Gordon Sandland: Just called  
 [9/11/19, 1:57:21 PM] Gordon Sandland: Pis call  
 [9/12/19, 4:25:49 AM] Kurt Volker: Rompetrol II investigation\_Background\_September 2019 \* 2 pages <attached:0000011-Rompetrol II investigation\_Background\_September 2019.pdf>  
 [9/12/19, 4:27:16 AM] Kurt Volker: Hi Gordon - just sent the background on US businessman Phil Stephanson's case. Hope Ana can get a handle on this. Best - Kurt  
 [9/12/19, 6:07:41 AM] Gordon Sandland: Will take up when I see her Friday  
 [9/12/19, 6:10:09 AM] Kurt Volker: Great - thanks  
 [9/12/19, 12:15:24 PM] Gordon Sandland: Missed voice call  
 [9/12/19, 4:28:41 PM] Kurt Volker: Hi Gordon - Any news from call to Lisa / WH?  
 [9/12/19, 4:29:24 PM] Kurt Volker: Great news otherwise on security assistance -- and great statements from Inhofe and McConnell to back it up  
 [9/12/19, 5:17:01 PM] Gordon Sandland: Call me in am  
 [9/14/19, 11:43:04 PM] Kurt Volker: Hi Gordon -- hearing sept 25 for bilat at UNGA. Have you heard?  
 [9/14/19, 12:06:18 AM] Gordon Sandland: Nope, but we should be there. Perry is going to be in NY as well for nuclear signing I am working on with RG. We need to all be manifested for the bilat  
 [9/14/19, 12:12:28 AM] Kurt Volker: Yes -- will push for that  
 [9/14/19, 12:28:43 AM] Gordon Sandland: I will send Morrison an email as well and will copy you.  
 [9/14/19, 9:25:22 AM] Gordon Sandland: Missed voice call  
 [9/20/19, 4:20:33 PM] Kurt Volker: Hi Gordon - are you stateside or in Brussels?  
 [9/20/19, 4:20:46 PM] Kurt Volker: I just got to NY for a dinner  
 [9/20/19, 11:53:38 PM] Gordon Sandland: Just saw this. Call at convenience. In BRU. NY on Sun

(3/22/13, 12:03:58 PM) Kurt Volker: Landed yet? Will call  
 (3/22/13, 12:04:38 PM) Gordon Sondland: Yes, can u meet with S this afternoon?  
 (3/22/13, 12:05:02 PM) Kurt Volker: I'm in DC - but would be happy to join by phone  
 (3/22/13, 3:54:32 PM) Gordon Sondland: U dialing in?  
 (3/22/13, 3:54:44 PM) Gordon Sondland: At 5:45  
 (3/22/13, 3:58:51 PM) Kurt Volker: Yes - secure from state via ops  
 (3/22/13, 7:29:09 PM) Kurt Volker: Spotz 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!  
 (3/24/13, 10:39:50 AM) Kurt Volker: Hi Gordon - can you make dinner with me and Andrey and Vadym at 9pm? Venue TBD  
 (3/24/13, 10:46:06 AM) Gordon Sondland: I am taking Reeker, Morgan and another 7 to dinner at Cipriani at B. Maybe drop by later? Where will u be.  
 (3/24/13, 10:46:49 AM) Kurt Volker: Working on that. Can you recommend steakhouse in midtown?  
 (3/24/13, 10:47:01 AM) Gordon Sondland: The Strip House  
 (3/24/13, 10:50:14 AM) Kurt Volker: Done - reservation for 4 at 9pm. Join when you can  
 (3/24/13, 10:53:31 AM) Gordon Sondland: OK  
 (3/24/13, 10:44:16 AM) Kurt Volker: IS W 44th St  
 (3/24/13, 9:31:24 PM) Kurt Volker: We are here - hope you can make it  
 (3/24/13, 10:10:32 PM) Kurt Volker: ??  
 (3/24/13, 10:45:12 PM) Kurt Volker: OK - we are taking off. Let's talk when you can  
 (3/25/13, 7:53:03 AM) Gordon Sondland: Missed voice call  
 (3/25/13, 7:54:05 AM) Gordon Sondland: Sorry about last night. Felt like shit and went to bed at B. Didn't even go to my own diner. Much better today. Call when able  
 (3/25/13, 8:00:56 AM) Kurt Volker: Sorry to hear that! Hope you feel better. Need to discuss one urgent topic - best - Kurt  
 (3/25/13, 7:49:01 PM) Kurt Volker: Breakfast with Andrey at Park Hyatt at 9am??  
 (3/25/13, 8:04:43 PM) Gordon Sondland: If you guys could come to the Peninsula for bbq w/ me. I have to be on a call just prior.  
 (3/25/13, 8:40:44 PM) Gordon Sondland: Missed voice call  
 (3/25/13, 10:08:57 PM) Gordon Sondland: Missed voice call  
 (3/25/13, 10:09:33 PM) Kurt Volker: Sorry Gordon - was separated from my phone. He has an appointment immediately after at the Hyatt... so thought best to meet there... is R ok?  
 (3/25/13, 11:36:57 PM) Kurt Volker: STg street  
 (3/26/13, 4:59:07 AM) Gordon Sondland: Kurt, sorry cant make bbq. Do you have a moment to chat by phone or in person after your bbq?  
 (3/26/13, 5:30:44 AM) Kurt Volker: Could you make it if we went to peninsula at 8? Otherwise - yes - let's find time to talk later in morning.  
 (3/26/13, 5:40:07 AM) Gordon Sondland: Cant make 8 but can we meet around 9:30 or 10?  
 (3/26/13, 5:43:42 AM) Kurt Volker: No - Andrey has meetings w Ze then. I can call you in that time range - and he can call later! I am sure as well  
 (3/26/13, 5:44:04 AM) Gordon Sondland: Just wanted to meet with you  
 (3/26/13, 5:47:35 AM) Kurt Volker: 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

(8/8/19, 11:20:08 AM) Ukraine: Messages to this group are now secured with end-to-end encryption.

(8/8/19, 11:20:08 AM) Gordon Sandland created group "Ukraine"

(8/8/19, 11:20:09 AM) Gordon Sandland added you

(8/8/19, 11:20:32 AM) Gordon Sandland: Guys, multiple convoos with Ze. Poloz. Lets talk

(8/8/19, 11:21:41 AM) Bill Taylor: Now is fine with ma

(8/8/19, 11:26:13 AM) Kurt Volker: Try again -- could not hear

(8/8/19, 11:40:11 AM) Bill Taylor: Gordon and I just spoke. I can brief you if you and Gordon don't connect

(8/8/19, 12:37:28 PM) Bill Taylor: The nightmare is they give the interview and don't get the security assistance. The Russians love it. (And I quit.)

(8/8/19, 5:04:16 PM) Kurt Volker: I'm not in the loop. Talk Monday?

(8/8/19, 12:18:42 AM) Gordon Sandland: Call at your convenience or let me know a good time. I am in Brussels

(8/8/19, 12:20:37 AM) Kurt Volker: Will do - just getting started here in Georgia -- will step out and call in an hour or so a thanks!

(8/8/19, 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. Thus my nightmare scenario.

(8/8/19, 12:34:44 AM) Bill Taylor: Counting on you to be right about this interview, Gordon.

(8/8/19, 12:37:16 AM) Gordon Sandland: 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.

(8/8/19, 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.

(8/8/19, 5:49:35 AM) Gordon Sandland: 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 Anna or S a call to discuss them directly. Thanks.

(8/8/19, 5:47:03 AM) Bill Taylor: I agree

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Pro-Russia separatist soldiers celebrate in Lugansk, Ukraine, in 2014. | Spencer Platt/Getty Images

BUDGET &amp; APPROPRIATIONS

## Trump holds up Ukraine military aid meant to confront Russia

By CAITLIN EMMA and CONNOR O'BRIEN | 08/28/2019 06:11 PM EDT | Updated 08/29/2019 03:40 PM EDT

The Trump administration is slow-walking \$250 million in military assistance to Ukraine, annoying lawmakers and advocates who argue the funding is critical to keeping Russia at bay.

President Donald Trump asked his national security team to review the funding program, known as the Ukraine Security Assistance Initiative, in order to ensure the money is being used in the best interest of the United States, a senior administration official told POLITICO on Wednesday.

But the delays come amid questions over Trump's approach to Russia, after a weekend in which the president repeatedly seemed to downplay Moscow's military intervention in Ukraine and pushed for Russia to be reinstated into the Group of Seven, an annual gathering of the world's largest advanced economies. The review is also occurring amid a broader internal debate over whether to halt or cut billions of dollars in foreign aid.

United States military aid to Ukraine has long been seen as a litmus test for how strongly the American government is pushing back against Moscow.

The Trump administration in 2017 approved lethal arms sales to Ukraine, taking a step the Obama administration had never done. The move was seen as a sign that Trump's government was taking a hard-line approach to a revanchist Vladimir Putin despite the president's public rhetoric flattering the Russian leader. Scaling back that assistance could expose Trump to allegations that his policies are favoring Moscow.

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For the 2019 fiscal year, lawmakers allocated \$250 million in security aid to Ukraine, including money for weapons, training, equipment and intelligence support. Specifically, Congress set aside \$50 million for weaponry.

Now, that funding is being called into question. The senior administration official, who asked to remain anonymous in order to discuss internal matters, said the president wants to ensure U.S. interests are being prioritized when it comes to foreign assistance, and is seeking assurances that other countries are "paying their fair share."

Defense Secretary Mark Esper and national security adviser John Bolton are among the officials who were asked to review the Ukraine security funding.

A senior Defense Department official told POLITICO that "the department has reviewed the foreign assistance package and supports it."

But the White House explanation that Trump wants to ensure the money is being spent properly isn't sitting well with lawmakers on Capitol Hill, where members of both parties have pushed to increase military assistance to Ukraine and U.S. military efforts to deter Russia in Eastern Europe.

There is "an at least temporary effect," said Rep. Tom Malinowski, a New Jersey Democrat who sits on the House Foreign Affairs Committee. "The bigger problem is that Trump is once again showing himself to be an asset to Russia."

Sen. Bob Menendez (D-N.J.), the ranking Democrat on the Senate Foreign Relations Committee, vowed that the administration's move "will be met with fierce opposition in Congress."

"Enough is enough," he said in a statement. "President Trump should stop worrying about disappointing Vladimir Putin and stand up for U.S. national security priorities."

The funds for Ukraine can't be spent while they're under review and the money expires at the Sept. 30 end of the fiscal year. The account was originally created by defense policy legislation enacted in late 2015 to help Ukraine battle pro-Russian separatists in Crimea after Moscow annexed the region in 2014.

"We are aware of an [Office of Management and Budget] hold on funding for the Ukraine Security Assistance Initiative," House Appropriations Committee spokesperson Evan Hollander said in a statement. "We have serious concerns about a freeze on these important appropriated funds, and we are urgently inquiring with the administration about why they are holding up these resources."

The House Armed Services Committee "is aware of the restriction, but have requested additional information about what it means and is applied to," an aide told POLITICO.

In a POLITICO op-ed in April, Senate Armed Services Chairman Jim Inhofe (R-Okla.) called for boosting funding for the Ukraine Security Assistance Initiative and argued that a bigger portion of the money "should go to support defensive lethal aid that will make Ukraine a more difficult target for Putin's aggression."

Trump is scheduled to meet this weekend in Warsaw, Poland, with Ukrainian President Volodymyr Zelensky.

The Trump administration's broader push to freeze or slash foreign aid that White House officials contend is wasteful has sparked intense bipartisan backlash, with lawmakers warning of a deteriorating relationship with the White House when it comes to the use of appropriated funds.

The administration dropped a plan last week amid congressional fury that would have cut more than \$4 billion across 10 areas of foreign assistance, including funds for international peacekeeping operations, narcotics control and global health efforts. The administration also backed off a similar plan last year.

Rep. Hal Rogers (R-Ky.), ranking member of the House Committee that oversees funding for the State Department, and Sen. Lindsey Graham (R-S.C.), a member of the Senate Foreign Relations and Appropriations committees, both warned Trump against the package of funding cuts.

Top Republicans and Democrats on the House Foreign Affairs Committee and Senate Foreign Relations Committee also sounded the alarm.

Daniel Fried, a career diplomat who has served in both Republican and Democratic administrations and was most recently the State Department coordinator for sanctions policy, said the review sends the wrong message to a Democratic ally under intense pressure from Moscow's aggressive behavior.

"If the Administration has a good reason for a sudden cut to security assistance to Ukraine, they should share it," Fried told POLITICO. "Ukraine's new leaders, in office through free and fair elections, have earned and deserve America's support, not mixed signals."

Trump has also withheld hundreds of millions of dollars in aid to Central America and sought to shuffle around federal funds in order to bolster Trump's immigration enforcement priorities.

For example, the administration plans to divert \$271 million from various Department of Homeland Security accounts — including \$155 million in federal disaster aid — to beef up funding for its immigration enforcement effort.

“It is of great concern that during the course of this administration, there has been a growing disconnect between the will of Congress ... and the department’s immigration enforcement proceedings, which often lack justification,” Rep. Lucille Roybal-Allard (D-Calif.), who chairs the House subcommittee that funds DHS, said in a recent letter to acting Homeland Security Secretary Kevin McAleenan.

In a statement on Wednesday, a FEMA spokesperson said the move won’t affect long-term recovery efforts underway in states and territories ravaged by hurricanes, wildfires and flooding.

*Natasha Bertrand contributed to this report.*

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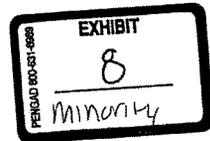
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UNCLASSIFIED

August 12, 2019

The Honorable Richard Burr  
Chairman  
Select Committee on Intelligence  
United States Senate

The Honorable Adam Schiff  
Chairman  
Permanent Select Committee on Intelligence  
United States House of Representatives

Dear Chairman Burr and Chairman Schiff:

I am reporting an "urgent concern" in accordance with the procedures outlined in 50 U.S.C. §3033(k)(5)(A). This letter is UNCLASSIFIED when separated from the attachment.

In the course of my official duties, I have received information from multiple U.S. Government officials that the President of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election. This interference includes, among other things, pressuring a foreign country to investigate one of the President's main domestic political rivals. The President's personal lawyer, Mr. Rudolph Giuliani, is a central figure in this effort. Attorney General Barr appears to be involved as well.

- Over the past four months, more than half a dozen U.S. officials have informed me of various facts related to this effort. The information provided herein was relayed to me in the course of official interagency business. It is routine for U.S. officials with responsibility for a particular regional or functional portfolio to share such information with one another in order to inform policymaking and analysis.
- I was not a direct witness to most of the events described. However, I found my colleagues' accounts of these events to be credible because, in almost all cases, multiple officials recounted fact patterns that were consistent with one another. In addition, a variety of information consistent with these private accounts has been reported publicly.

I am deeply concerned that the actions described below constitute "a serious or flagrant problem, abuse, or violation of law or Executive Order" that "does not include differences of opinions concerning public policy matters," consistent with the definition of an "urgent concern" in 50 U.S.C. §3033(k)(5)(G). I am therefore fulfilling my duty to report this information, through proper legal channels, to the relevant authorities.

- I am also concerned that these actions pose risks to U.S. national security and undermine the U.S. Government's efforts to deter and counter foreign interference in U.S. elections.

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To the best of my knowledge, the entirety of this statement is unclassified when separated from the classified enclosure. I have endeavored to apply the classification standards outlined in Executive Order (EO) 13526 and to separate out information that I know or have reason to believe is classified for national security purposes.<sup>1</sup>

- If a classification marking is applied retroactively, I believe it is incumbent upon the classifying authority to explain why such a marking was applied, and to which specific information it pertains.

## I. The 25 July Presidential phone call

Early in the morning of 25 July, the President spoke by telephone with Ukrainian President Volodymyr Zelenskyy. I do not know which side initiated the call. This was the first publicly acknowledged call between the two leaders since a brief congratulatory call after Mr. Zelenskyy won the presidency on 21 April.

Multiple White House officials with direct knowledge of the call informed me that, after an initial exchange of pleasantries, the President used the remainder of the call to advance his personal interests. Namely, he sought to pressure the Ukrainian leader to take actions to help the President's 2020 reelection bid. According to the White House officials who had direct knowledge of the call, the President pressured Mr. Zelenskyy to, inter alia:

- initiate or continue an investigation<sup>2</sup> into the activities of former Vice President Joseph Biden and his son, Hunter Biden;
- assist in purportedly uncovering that allegations of Russian interference in the 2016 U.S. presidential election originated in Ukraine, with a specific request that the Ukrainian leader locate and turn over servers used by the Democratic National Committee (DNC) and examined by the U.S. cyber security firm CrowdStrike,<sup>3</sup> which initially reported that Russian hackers had penetrated the DNC's networks in 2016; and
- meet or speak with two people the President named explicitly as his personal envoys on these matters, Mr. Giuliani and Attorney General Barr, to whom the President referred multiple times in tandem.

<sup>1</sup> Apart from the information in the Enclosure, it is my belief that none of the information contained herein meets the definition of "classified information" outlined in EO 13526, Part 1, Section 1.1. There is ample open-source information about the efforts I describe below, including statements by the President and Mr. Giuliani. In addition, based on my personal observations, there is discretion with respect to the classification of private comments by or instructions from the President, including his communications with foreign leaders; information that is not related to U.S. foreign policy or national security—such as the information contained in this document, when separated from the Enclosure—is generally treated as unclassified. I also believe that applying a classification marking to this information would violate EO 13526, Part 1, Section 1.7, which states: "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; [or] (2) prevent embarrassment to a person, organization, or agency."

<sup>2</sup> It is unclear whether such a Ukrainian investigation exists. See Footnote #7 for additional information.

<sup>3</sup> I do not know why the President associates these servers with Ukraine. (See, for example, his comments to *Fox News* on 20 July: "And Ukraine. Take a look at Ukraine. How come the FBI didn't take this server? Podesta told them to get out. He said, get out. So, how come the FBI didn't take the server from the DNC?")

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The President also praised Ukraine's Prosecutor General, Mr. Yuriy Lutsenko, and suggested that Mr. Zelenskyy might want to keep him in his position. (Note: Starting in March 2019, Mr. Lutsenko made a series of public allegations—many of which he later walked back—about the Biden family's activities in Ukraine, Ukrainian officials' purported involvement in the 2016 U.S. election, and the activities of the U.S. Embassy in Kyiv. See Part IV for additional context.)

The White House officials who told me this information were deeply disturbed by what had transpired in the phone call. They told me that there was already a "discussion ongoing" with White House lawyers about how to treat the call because of the likelihood, in the officials' retelling, that they had witnessed the President abuse his office for personal gain.

The Ukrainian side was the first to publicly acknowledge the phone call. On the evening of 25 July, a readout was posted on the website of the Ukrainian President that contained the following line (translation from original Russian-language readout):

- "Donald Trump expressed his conviction that the new Ukrainian government will be able to quickly improve Ukraine's image and complete the investigation of corruption cases that have held back cooperation between Ukraine and the United States."

Aside from the above-mentioned "cases" purportedly dealing with the Biden family and the 2016 U.S. election, I was told by White House officials that no other "cases" were discussed.

Based on my understanding, there were approximately a dozen White House officials who listened to the call—a mixture of policy officials and duty officers in the White House Situation Room, as is customary. The officials I spoke with told me that participation in the call had not been restricted in advance because everyone expected it would be a "routine" call with a foreign leader. I do not know whether anyone was physically present with the President during the call.

- In addition to White House personnel, I was told that a State Department official, Mr. T. Ulrich Brechbuhl, also listened in on the call.
- I was not the only non-White House official to receive a readout of the call. Based on my understanding, multiple State Department and Intelligence Community officials were also briefed on the contents of the call as outlined above.

## II. Efforts to restrict access to records related to the call

In the days following the phone call, I learned from multiple U.S. officials that senior White House officials had intervened to "lock down" all records of the phone call, especially the official word-for-word transcript of the call that was produced—as is customary—by the White House Situation Room. This set of actions underscored to me that White House officials understood the gravity of what had transpired in the call.

- White House officials told me that they were "directed" by White House lawyers to remove the electronic transcript from the computer system in which such transcripts are typically stored for coordination, finalization, and distribution to Cabinet-level officials.

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- Instead, the transcript was loaded into a separate electronic system that is otherwise used to store and handle classified information of an especially sensitive nature. One White House official described this act as an abuse of this electronic system because the call did not contain anything remotely sensitive from a national security perspective.

I do not know whether similar measures were taken to restrict access to other records of the call, such as contemporaneous handwritten notes taken by those who listened in.

### III. Ongoing concerns

On 26 July, a day after the call, U.S. Special Representative for Ukraine Negotiations Kurt Volker visited Kyiv and met with President Zelenskyy and a variety of Ukrainian political figures. Ambassador Volker was accompanied in his meetings by U.S. Ambassador to the European Union Gordon Sondland. Based on multiple readouts of these meetings recounted to me by various U.S. officials, Ambassadors Volker and Sondland reportedly provided advice to the Ukrainian leadership about how to “navigate” the demands that the President had made of Mr. Zelenskyy.

I also learned from multiple U.S. officials that, on or about 2 August, Mr. Giuliani reportedly traveled to Madrid to meet with one of President Zelenskyy’s advisers, Andriy Yermak. The U.S. officials characterized this meeting, which was not reported publicly at the time, as a “direct follow-up” to the President’s call with Mr. Zelenskyy about the “cases” they had discussed.

- Separately, multiple U.S. officials told me that Mr. Giuliani had reportedly privately reached out to a variety of other Zelenskyy advisers, including Chief of Staff Andriy Bohdan and Acting Chairman of the Security Service of Ukraine Ivan Bakanov.<sup>4</sup>
- I do not know whether those officials met or spoke with Mr. Giuliani, but I was told separately by multiple U.S. officials that Mr. Yermak and Mr. Bakanov intended to travel to Washington in mid-August.

On 9 August, the President told reporters: “I think [President Zelenskyy] is going to make a deal with President Putin, and he will be invited to the White House. And we look forward to seeing him. He’s already been invited to the White House, and he wants to come. And I think he will. He’s a very reasonable guy. He wants to see peace in Ukraine, and I think he will be coming very soon, actually.”

### IV. Circumstances leading up to the 25 July Presidential phone call

Beginning in late March 2019, a series of articles appeared in an online publication called *The Hill*. In these articles, several Ukrainian officials—most notably, Prosecutor General Yuriy Lutsenko—made a series of allegations against other Ukrainian officials and current and former U.S. officials. Mr. Lutsenko and his colleagues alleged, inter alia:

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<sup>4</sup> In a report published by the Organized Crime and Corruption Reporting Project (OCCRP) on 22 July, two associates of Mr. Giuliani reportedly traveled to Kyiv in May 2019 and met with Mr. Bakanov and another close Zelenskyy adviser, Mr. Serhiy Shefir.

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- that they possessed evidence that Ukrainian officials—namely, Head of the National Anticorruption Bureau of Ukraine Artem Sytnyk and Member of Parliament Serhiy Leshchenko—had “interfered” in the 2016 U.S. presidential election, allegedly in collaboration with the DNC and the U.S. Embassy in Kyiv;<sup>5</sup>
- that the U.S. Embassy in Kyiv—specifically, U.S. Ambassador Marie Yovanovitch, who had criticized Mr. Lutsenko’s organization for its poor record on fighting corruption—had allegedly obstructed Ukrainian law enforcement agencies’ pursuit of corruption cases, including by providing a “do not prosecute” list, and had blocked Ukrainian prosecutors from traveling to the United States expressly to prevent them from delivering their “evidence” about the 2016 U.S. election;<sup>6</sup> and
- that former Vice President Biden had pressured former Ukrainian President Petro Poroshenko in 2016 to fire then Ukrainian Prosecutor General Viktor Shokin in order to quash a purported criminal probe into Burisma Holdings, a Ukrainian energy company on whose board the former Vice President’s son, Hunter, sat.<sup>7</sup>

In several public comments,<sup>8</sup> Mr. Lutsenko also stated that he wished to communicate directly with Attorney General Barr on these matters.<sup>9</sup>

The allegations by Mr. Lutsenko came on the eve of the first round of Ukraine’s presidential election on 31 March. By that time, Mr. Lutsenko’s political patron, President Poroshenko, was trailing Mr. Zelenskyy in the polls and appeared likely to be defeated. Mr. Zelenskyy had made known his desire to replace Mr. Lutsenko as Prosecutor General. On 21 April, Mr. Poroshenko lost the runoff to Mr. Zelenskyy by a landslide. See Enclosure for additional information.

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<sup>5</sup> Mr. Sytnyk and Mr. Leshchenko are two of Mr. Lutsenko’s main domestic rivals. Mr. Lutsenko has no legal training and has been widely criticized in Ukraine for politicizing criminal probes and using his tenure as Prosecutor General to protect corrupt Ukrainian officials. He has publicly feuded with Mr. Sytnyk, who heads Ukraine’s only competent anticorruption body, and with Mr. Leshchenko, a former investigative journalist who has repeatedly criticized Mr. Lutsenko’s record. In December 2018, a Ukrainian court upheld a complaint by a Member of Parliament, Mr. Boryslav Rozenblat, who alleged that Mr. Sytnyk and Mr. Leshchenko had “interfered” in the 2016 U.S. election by publicizing a document detailing corrupt payments made by former Ukrainian President Viktor Yanukovich before his ouster in 2014. Mr. Rozenblat had originally filed the motion in late 2017 after attempting to flee Ukraine amid an investigation into his taking of a large bribe. On 16 July 2019, Mr. Leshchenko publicly stated that a Ukrainian court had overturned the lower court’s decision.

<sup>6</sup> Mr. Lutsenko later told Ukrainian news outlet *The Babel* on 17 April that Ambassador Yovanovitch had never provided such a list, and that he was, in fact, the one who requested such a list.

<sup>7</sup> Mr. Lutsenko later told *Bloomberg* on 16 May that former Vice President Biden and his son were not subject to any current Ukrainian investigations, and that he had no evidence against them. Other senior Ukrainian officials also contested his original allegations; one former senior Ukrainian prosecutor told *Bloomberg* on 7 May that Mr. Shokin in fact was not investigating Burisma at the time of his removal in 2016.

<sup>8</sup> See, for example, Mr. Lutsenko’s comments to *The Hill* on 1 and 7 April and his interview with *The Babel* on 17 April, in which he stated that he had spoken with Mr. Giuliani about arranging contact with Attorney General Barr.

<sup>9</sup> In May, Attorney General Barr announced that he was initiating a probe into the “origins” of the Russia investigation. According to the above-referenced OCCRP report (22 July), two associates of Mr. Giuliani claimed to be working with Ukrainian officials to uncover information that would become part of this inquiry. In an interview with *Fox News* on 8 August, Mr. Giuliani claimed that Mr. John Durham, whom Attorney General Barr designated to lead this probe, was “spending a lot of time in Europe” because he was “investigating Ukraine.” I do not know the extent to which, if at all, Mr. Giuliani is directly coordinating his efforts on Ukraine with Attorney General Barr or Mr. Durham.

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- It was also publicly reported that Mr. Giuliani had met on at least two occasions with Mr. Lutsenko: once in New York in late January and again in Warsaw in mid-February. In addition, it was publicly reported that Mr. Giuliani had spoken in late 2018 to former Prosecutor General Shokin, in a Skype call arranged by two associates of Mr. Giuliani.<sup>10</sup>
- On 25 April in an interview with *Fox News*, the President called Mr. Lutsenko's claims "big" and "incredible" and stated that the Attorney General "would want to see this."

On or about 29 April, I learned from U.S. officials with direct knowledge of the situation that Ambassador Yovanovitch had been suddenly recalled to Washington by senior State Department officials for "consultations" and would most likely be removed from her position.

- Around the same time, I also learned from a U.S. official that "associates" of Mr. Giuliani were trying to make contact with the incoming Zelenskyy team.<sup>11</sup>
- On 6 May, the State Department announced that Ambassador Yovanovitch would be ending her assignment in Kyiv "as planned."
- However, several U.S. officials told me that, in fact, her tour was curtailed because of pressure stemming from Mr. Lutsenko's allegations. Mr. Giuliani subsequently stated in an interview with a Ukrainian journalist published on 14 May that Ambassador Yovanovitch was "removed...because she was part of the efforts against the President."

On 9 May, *The New York Times* reported that Mr. Giuliani planned to travel to Ukraine to press the Ukrainian government to pursue investigations that would help the President in his 2020 reelection bid.

- In his multitude of public statements leading up to and in the wake of the publication of this article, Mr. Giuliani confirmed that he was focused on encouraging Ukrainian authorities to pursue investigations into alleged Ukrainian interference in the 2016 U.S. election and alleged wrongdoing by the Biden family.<sup>12</sup>
- On the afternoon of 10 May, the President stated in an interview with *Politico* that he planned to speak with Mr. Giuliani about the trip.
- A few hours later, Mr. Giuliani publicly canceled his trip, claiming that Mr. Zelenskyy was "surrounded by enemies of the [U.S.] President...and of the United States."

On 11 May, Mr. Lutsenko met for two hours with President-elect Zelenskyy, according to a public account given several days later by Mr. Lutsenko. Mr. Lutsenko publicly stated that he had told Mr. Zelenskyy that he wished to remain as Prosecutor General.

<sup>10</sup> See, for example, the above-referenced articles in *Bloomberg* (16 May) and OCCRP (22 July).

<sup>11</sup> I do not know whether these associates of Mr. Giuliani were the same individuals named in the 22 July report by OCCRP, referenced above.

<sup>12</sup> See, for example, Mr. Giuliani's appearance on *Fox News* on 6 April and his tweets on 23 April and 10 May. In his interview with *The New York Times*, Mr. Giuliani stated that the President "basically knows what I'm doing, sure, as his lawyer." Mr. Giuliani also stated: "We're not meddling in an election, we're meddling in an investigation, which we have a right to do... There's nothing illegal about it. 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."

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Starting in mid-May, I heard from multiple U.S. officials that they were deeply concerned by what they viewed as Mr. Giuliani's circumvention of national security decisionmaking processes to engage with Ukrainian officials and relay messages back and forth between Kyiv and the President. These officials also told me:

- that State Department officials, including Ambassadors Volker and Sondland, had spoken with Mr. Giuliani in an attempt to "contain the damage" to U.S. national security; and
- that Ambassadors Volker and Sondland during this time period met with members of the new Ukrainian administration and, in addition to discussing policy matters, sought to help Ukrainian leaders understand and respond to the differing messages they were receiving from official U.S. channels on the one hand, and from Mr. Giuliani on the other.

During this same timeframe, multiple U.S. officials told me that the Ukrainian leadership was led to believe that a meeting or phone call between the President and President Zelenskyy would depend on whether Zelenskyy showed willingness to "play ball" on the issues that had been publicly aired by Mr. Lutsenko and Mr. Giuliani. (Note: This was the general understanding of the state of affairs as conveyed to me by U.S. officials from late May into early July. I do not know who delivered this message to the Ukrainian leadership, or when.) See Enclosure for additional information.

Shortly after President Zelenskyy's inauguration, it was publicly reported that Mr. Giuliani met with two other Ukrainian officials: Ukraine's Special Anticorruption Prosecutor, Mr. Nazar Kholodnytskyy, and a former Ukrainian diplomat named Andriy Telizhenko. Both Mr. Kholodnytskyy and Mr. Telizhenko are allies of Mr. Lutsenko and made similar allegations in the above-mentioned series of articles in *The Hill*.

On 13 June, the President told *ABC*'s George Stephanopoulos that he would accept damaging information on his political rivals from a foreign government.

On 21 June, Mr. Giuliani tweeted: "New Pres of Ukraine still silent on investigation of Ukrainian interference in 2016 and alleged Biden bribery of Poroshenko. Time for leadership and investigate both if you want to purge how Ukraine was abused by Hillary and Clinton people."

In mid-July, I learned of a sudden change of policy with respect to U.S. assistance for Ukraine. See Enclosure for additional information.

ENCLOSURE: Classified appendix

~~TOP SECRET~~ [REDACTED]

August 12, 2019

(U) CLASSIFIED APPENDIX

(U) Supplementary classified information is provided as follows:

(U) Additional information related to Section II

(TS) [REDACTED] According to multiple White House officials I spoke with, the transcript of the President's call with President Zelenskyy was placed into a computer system managed directly by the National Security Council (NSC) Directorate for Intelligence Programs. This is a standalone computer system reserved for codeword-level intelligence information, such as covert action. According to information I received from White House officials, some officials voiced concerns internally that this would be an abuse of the system and was not consistent with the responsibilities of the Directorate for Intelligence Programs. According to White House officials I spoke with, this was "not the first time" under this Administration that a Presidential transcript was placed into this codeword-level system solely for the purpose of protecting politically sensitive—rather than national security sensitive—information.

(U) Additional information related to Section IV

Information Relating To Classified Intelligence Community Reporting & Analysis



(S) [REDACTED] I would like to expand upon two issues mentioned in Section IV that might have a connection with the overall effort to pressure the Ukrainian leadership. As I do not know definitively whether the below-mentioned decisions are connected to the broader efforts I describe, I have chosen to include them in the classified annex. If they indeed represent genuine policy deliberations and decisions formulated to advance U.S. foreign policy and national security, one might be able to make a reasonable case that the facts are classified.

- (S) [REDACTED] I learned from U.S. officials that, on or around 14 May, the President instructed Vice President Pence to cancel his planned travel to Ukraine to attend President

Information Relating To Classified Intelligence Community Reporting & Analysis

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

Zelenskyy's inauguration on 20 May; Secretary of Energy Rick Perry led the delegation instead. According to these officials, it was also "made clear" to them that the President did not want to meet with Mr. Zelenskyy until he saw how Zelenskyy "chose to act" in office. I do not know how this guidance was communicated, or by whom. I also do not know whether this action was connected with the broader understanding, described in the unclassified letter, that a meeting or phone call between the President and President Zelenskyy would depend on whether Zelenskyy showed willingness to "play ball" on the issues that had been publicly aired by Mr. Lutsenko and Mr. Giuliani.

- (S/ [REDACTED]) On 18 July, an Office of Management and Budget (OMB) official informed Departments and Agencies that the President "earlier that month" had issued instructions to suspend all U.S. security assistance to Ukraine. Neither OMB nor the NSC staff knew why this instruction had been issued. During interagency meetings on 23 July and 26 July, OMB officials again stated explicitly that the instruction to suspend this assistance had come directly from the President, but they still were unaware of a policy rationale. As of early August, I heard from U.S. officials that some Ukrainian officials were aware that U.S. aid might be in jeopardy, but I do not know how or when they learned of it.

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~~TOP SECRET~~ [REDACTED]

**Opening Statement before the House of Representatives Committee on Foreign Affairs,  
Permanent Select Committee on Intelligence, and Committee on Oversight and  
Government Reform**

The Honorable Gordon D. Sondland  
U.S. Ambassador to the European Union

October 17, 2019

**INTRODUCTORY REMARKS**

Thank you Mr. Chairman for the opportunity to provide this testimony today. I was disappointed that the State Department prevented me, at the last minute, from testifying earlier on October 8, 2019. But your issuance of a subpoena has supported my appearance here today. I am pleased to provide the following testimony:

First, let me say that it is an honor to serve the people of the United States as their Ambassador to the European Union. The U.S. Mission to the EU is the direct link between the United States and the 28 member EU countries, America's longest standing allies and one of the largest economic blocks in the world. A strong, united, and peaceful Europe helps to uphold the norms that maintain political stability and promote economic prosperity around the world.

Second, I would like to thank my staff and the many dedicated public servants with whom I have the privilege to work every day. I have benefited immeasurably from their collective wisdom, experience, and hard work. Their patriotism serves as an example to all of us.

Third, let me note that my goal today is to answer your questions directly and clearly, to the best of my knowledge. I have not shared this Opening Statement in advance with either the White House or the State Department. These are my own words. It is important to emphasize, at the outset, that I have had limited time to review the relevant facts in order to prepare for my testimony. I will do my utmost to answer the Committees' questions fully and truthfully, but the shortness of time is challenging.

Let me also say that I have good friends from both sides of the aisle, many of whom have reached out to me to provide support. As we go through this process, I understand that some people may have their own specific agendas: some may want me to say things to protect the President at all costs; some may want me to provide damning facts to support the other side. But none of that matters to me. I have no interest in pursuing higher office or taking political shots. Simply put, I am **NOT** here to push an agenda. I am here to tell the truth.

### **Personal Background**

I am a lifelong Republican. Like all of my political Ambassadorial colleagues, I am an appointee of the President and serve at the pleasure of the President. I also know that party affiliations are set aside when representing the United States. Having served on non-partisan commissions by the appointment of three Democratic governors and on the transition team for Oregon Governor Ted Kulongoski, another Democrat, I am well accustomed to working across the aisle. For example, I worked briefly with former Vice President Biden's office in connection with the Vice President's nationwide anti-cancer initiative and admire his long record of public service. I had bipartisan support for my ambassadorial nomination. My successful business

background and results-oriented focus made me, in my view, well suited to bring the fresh perspective to U.S. foreign policy that President Trump had sought.

### **UKRAINE PORTFOLIO**

As you know, I was confirmed by the Senate in a bipartisan voice vote as Ambassador to the EU on June 28, 2018, and I assumed that role in Brussels on July 9, 2018.

From my very first days as Ambassador, Ukraine has been a part of my broader work pursuing U.S. national interests. Ukraine's political and economic development are critical to the long-lasting stability of Europe. Moreover, the conflict in Eastern Ukraine and Crimea, which began nearly five years ago, continues as one of the most significant security crises for Europe and the United States. As the U.S. Ambassador to the EU, I have always viewed my Ukraine work as central to advancing U.S.-EU foreign policy. Indeed, for decades, under both Republican and Democrat Administrations, the United States has viewed Ukraine with strategic importance, in part to counter Russian aggression in Europe and to support Ukraine energy independence. My involvement in issues concerning Ukraine, while a small part of my overall portfolio, was nevertheless central to my ambassadorial responsibilities. In this sense, Ukraine is similar to other non-EU countries, such as Venezuela, Iran, and Georgia, with respect to which my Mission and I coordinate closely with our EU partners to promote policies that reflect our common values and interests. I always endeavoured to keep my State Department and National Security Council colleagues informed of my actions and to seek their input.

I understand that all my actions involving Ukraine had the blessing of Secretary Pompeo as my work was consistent with long-standing U.S. foreign policy objectives. Indeed, very recently, Secretary Pompeo sent me a congratulatory note that I was doing great work, and he encouraged me to keep banging away.

### **KEY TIMELINE**

While I continue my work in Europe, here in Washington, there continues to be inaccurate and unsourced speculation regarding my work in Ukraine. To be helpful, as you frame your questions, let me share an outline of the facts:

First, as Ambassador to the EU, my Ukraine portfolio began on Day One, from the very first briefing materials I received in the **Summer of 2018**. Although it did not consistently occupy a great deal of my time, involvement in Ukraine matters was considered by the career professionals who prepared my briefing materials to be an important part of my portfolio.

On **July 13, 2018**, just four days after assuming my post, I received a delegation from the government of Ukraine at the U.S. Mission in Brussels. This meeting was sought by the then-Ukraine government and, like most meetings, was proposed and arranged by career EU Mission staff.

Following those initial contacts, I attended numerous meetings in Brussels and other locations in Europe during the **Fall of 2018** to advance U.S. interests in Ukraine. These interests reflect a whole of government engagement, not just a narrow focus. We discussed economic

development, energy independence, and security concerns regarding Russian aggression in Ukraine. From my position in Brussels, my goal has always been to facilitate and expedite the integration of Ukraine into the broader Western norms of Europe and the United States.

To be clear, my role has been to support my colleagues in the State Department for whom Ukraine issues are a full-time job and to lend my voice when helpful. These professionals included first and foremost the Head of Mission, which at the start of my service was Ambassador Marie Yovanovitch and, more recently, Charge de Affaires William Taylor and their Embassy staff.

I worked with Ambassador Yovanovitch personally during my first official visit to Ukraine in February 2019, and I found her to be an excellent diplomat with a deep command of Ukrainian internal dynamics, the U.S.-Ukraine relationship, and associated regional issues. She was a delight to work with during our visit to Odessa, Ukraine. I was never a part of any campaign to disparage or dislodge her, and I regretted her departure.

Similarly, in my time working with Ambassador Taylor, I have found him to be an insightful, strategic, and effective representative of U.S. interests. He cares deeply about the future of Ukraine and is a dedicated public servant. The Ukraine Mission worked hand in hand with Special Envoy Kurt Volker, another experienced diplomat with a special remit to address the ongoing conflict in Eastern Ukraine and Crimea. Mr. Volker is an exemplary professional.

I viewed my role as adding value to the broader efforts of the Ukraine team through my engagements with high level leadership in Brussels and Washington.

During my first official trip to Ukraine on **February 26, 2019**, I traveled to Odessa with Special Envoy Kurt Volker, former EU Deputy Secretary General Jean Christophe-Belliard, a representative of the Romanian EU Presidency, and many other officials. Joined by Ambassador Yovanovitch, U.S. Navy Commander Matthew Powell, and many others, we met with then-Ukraine President Poroshenko on the U.S. Navy ship Donald J. Cook. This visit demonstrated the U.S. military's commitment to Ukraine and furthered our broader agenda of aligning with our EU partners to counterbalance Russian influence in the region. This visit followed on the heels of a Congressional Delegation to Brussels led by Speaker Nancy Pelosi. This delegation met with me and senior EU leadership.

In these meetings in Brussels and Odessa, as in nearly every meeting in which Ukraine issues were discussed, corruption and rule of law were central topics of conversation. Corruption poses challenges to the legitimacy and stability of government; corruption is also an economic issue. Successive Ukrainian governments have sought to attract Western investors as a counterbalance to Russian interference and oligarch control of key Ukrainian companies. Western investment is fully in the strategic interests of the United States and our EU partners. However, efforts to access private markets have been made extremely difficult by the long-standing corruption. As one example, we frequently had conversations with Ukrainian leaders about transparency and corporate governance issues involving Naftogaz. In my experience, these issues have been the consistent context in which both my team and our Ukraine

counterparts have raised corruption problems for many years. We have received very positive feedback from the NSC regarding our joint efforts to address these challenges in Ukraine.

On **April 21, 2019**, Volodymyr Zelensky was elected President of Ukraine, beating incumbent President Petro Poroshenko with nearly 73% of the vote. This was a momentous event in Ukraine political history and for the overall U.S.-Ukraine relationship.

On **May 20, 2019**, given the significance of this election, I attended the inauguration of President Zelensky as part of the U.S. delegation led by U.S. Energy Secretary Rick Perry, along with Senator Ron Johnson, Special Envoy Volker, and Alex Vindman from the NSC. During this visit, we developed positive views of the new Ukraine President and his desire to promote a stronger relationship between Kiev and Washington, to make reforms necessary to attract Western economic investment, and to address Ukraine's well-known and longstanding corruption issues.

On **May 23, 2019**, three days after the Zelensky inauguration, we in the U.S. delegation debriefed President Trump and key aides at the White House. We emphasized the strategic importance of Ukraine and the strengthening relationship with President Zelensky, a reformer who received a strong mandate from the Ukrainian people to fight corruption and pursue greater economic prosperity. We asked the White House to arrange a working phone call from President Trump and a working Oval Office visit. However, President Trump was skeptical that Ukraine was serious about reforms and anti-corruption, and he directed those of us present at the meeting to talk to Mr. Giuliani, his personal attorney, about his concerns. It was apparent to all of us that

the key to changing the President's mind on Ukraine was Mr. Giuliani. It is my understanding that Energy Secretary Perry and Special Envoy Volker took the lead on reaching out to Mr. Giuliani, as the President had directed.

Indeed, Secretary Perry, Ambassador Volker, and I were disappointed by our May 23, 2019 White House debriefing. We strongly believed that a call and White House meeting between Presidents Trump and Zelensky was important and that these should be scheduled promptly and without any pre-conditions. We were also disappointed by the President's direction that we involve Mr. Giuliani. Our view was that the men and women of the State Department, not the President's personal lawyer, should take responsibility for all aspects of U.S. foreign policy towards Ukraine. However, based on the President's direction, we were faced with a choice: We could abandon the goal of a White House meeting for President Zelensky, which we all believed was crucial to strengthening U.S.-Ukrainian ties and furthering long-held U.S. foreign policy goals in the region; or we could do as President Trump directed and talk to Mr. Giuliani to address the President's concerns.

We chose the latter path, which seemed to all of us – Secretary Perry, Ambassador Volker, and myself – to be the better alternative. But I did not understand, until much later, that Mr. Giuliani's agenda might have also included an effort to prompt the Ukrainians to investigate Vice President Biden or his son or to involve Ukrainians, directly or indirectly, in the President's 2020 reelection campaign.

Following my return to Brussels and continuing my focus on stronger U.S.-EU ties, my Mission hosted a U.S. Independence Day event on June 4, 2019. Despite press reports, this event was planned months in advance and involved approximately 700 guests from government, the diplomatic corps, the media, business, and civil society. The night featured remarks by the Ambassador and High Representative of the European Union for Foreign Affairs. Following the main event, we hosted a smaller, separate dinner for about 30 people. President Zelensky and several other leaders of EU and non-EU member states attended the dinner, along with Secretary Perry, U.S. State Department Counselor Ulrich Brechbuhl on behalf of Secretary Pompeo, and numerous other key U.S. and EU officials. Though planned long in advance with the focus on improving transatlantic relations, we also viewed this event as an opportunity to present President Zelensky to various EU and U.S. officials and to build upon the enhanced government ties. The event was well-received. Contrary to some reporting, Bono did not attend or perform.

During a trip to Washington on July 10, 2019, with the express, advance invitation of Ambassador Bolton, I joined White House meetings between representatives of Ukraine National Security and Defense with U.S. NSC officials, including Ambassador Bolton, along with Secretary Perry and Ambassador Volker. I understood following the meeting, as reflected in the summary of a phone call the next day between Secretary Perry and Ambassador Bolton, that there was a difference of opinion between Secretary Perry, Ambassador Volker, and myself, on the one hand, and the NSC, on the other. We three favored promptly scheduling a call and meeting between Presidents Trump and Zelensky; the NSC did not.

But if Ambassador Bolton, Dr. Hill, or others harbored any misgivings about the propriety of what we were doing, they never shared those misgivings with me, then or later. We had regular communications with the NSC about Ukraine, both before and after the July meeting; and neither Ambassador Bolton, Dr. Hill, nor anyone else on the NSC staff ever expressed any concerns to me about our efforts, any complaints about coordination between State and the NSC, or, most importantly, any concerns that we were acting improperly. Furthermore, my boss Secretary Pompeo was very supportive of our Ukraine strategy.

After a series of delays, on July 25, 2019, President Trump called President Zelensky to congratulate him on the recently concluded Ukraine parliamentary elections, which in Ukraine are separate from the Presidential elections. This was an important call, and I was pleased to hear that it occurred.

But let me emphasize: I was not on that July 25, 2019 call and I did not see a transcript of that call until September 25, 2019, when the White House publicly released it. None of the brief and general call summaries I received contained any mention of Burisma or former Vice President Biden, nor even suggested that President Trump had made any kind of request of President Zelensky. I had heard afterwards that the July 25, 2019 call went well in solidifying a relationship between the two leaders.

On July 26, 2019, Special Envoy Volker and I, along with others, met with President Zelensky in Kiev, Ukraine. This was a significant bilateral meeting, involving large teams from the United States and Ukraine, that had been planned by Special Envoy Volker's team weeks in

advance and was not in any way tied to the July 25, 2019 White House call. I was invited to this meeting in early July. Indeed, as we planned the Kiev meeting, we did not know when or even if the White House call would occur.

During this July 26, 2019 meeting in Kiev, we were able to promote further engagement, including discussions about a future Zelensky visit to the White House. I do recall a brief discussion with President Trump before my visit to Kiev. That call was very short, non-substantive, and did not encompass any of the substance of the July 25, 2019 White House call with President Zelensky.

Finally, the White House and NSC invited me to the United Nations for the first face-to-face meeting between Presidents Trump and Zelensky in New York City, which I attended on **September 25, 2019**. This was a positive meeting, and I am pleased that the leaders were able to meet for the first time face-to-face.

**CLARIFYING OTHER ISSUES**

Given the various misstatements in the press, I want to take this time to clarify several issues, including questions involving the Ukraine public statement, the involvement of former Mayor Giuliani, and other alleged issues.

***Ukraine Public Statement***

**First**, I knew that a public embrace of anti-corruption reforms by Ukraine was one of the pre-conditions for securing a White House meeting with President Zelensky. My view was, and has always been, that such Western reforms are consistent with U.S. support for rule of law in Ukraine going back decades, under both Republican and Democrat administrations. Nothing about that request raised any red flags for me, Ambassador Volker, or Ambassador Taylor.

Consequently, I supported the efforts of Ambassador Volker to encourage the Ukrainian government to adopt a public statement setting out its reform priorities. My recollection is that the statement was written primarily by the Ukrainians with Ambassador Volker's guidance, and I offered my assistance when asked. This was the "deliverable" referenced in some of my messages – a deliverable/public statement that President Trump wanted to see or hear before a White House meeting could occur. The fact that we were working on this public statement was not a secret. More broadly, such public statements are a common and necessary part of U.S. diplomacy. Requesting that parties align their public messaging in advance of any important leadership meeting is a routine way to leverage the power of a face-to-face exchange.

*Rudy Giuliani*

Second, there has been much press speculation about my own interactions with Former Mayor Rudy Giuliani. To the best of my recollection, I met Mr. Giuliani in person only once at a reception when I briefly shook his hand in 2016. This was before I became Ambassador to the EU. In contrast, during my time as Ambassador, I do not recall having ever met with Mr. Giuliani in person, and I only spoke with him a few times.

Ambassador Volker introduced me to Mr. Giuliani electronically. My best recollection is that I spoke with Mr. Giuliani for the first time in early August 2019, after the congratulatory phone call from President Trump on July 25, 2019 and after the bilateral meeting with President Zelensky on July 26, 2019 in Kiev. My recollection is that Mr. Giuliani and I actually spoke no more than two or three times by phone, for about a few minutes each time.

As I stated earlier, I understood from President Trump, at the May 23, 2019 White House debriefing, that he wanted the Inaugural Delegation to talk with Mr. Giuliani concerning our efforts to arrange a White House meeting for President Zelensky. Taking direction from the President, as I must, I spoke with Mr. Giuliani for that limited purpose. In these short conversations, Mr. Giuliani emphasized that the President wanted a public statement from President Zelensky committing Ukraine to look into anticorruption issues. Mr. Giuliani specifically mentioned the 2016 election (including the DNC server) and Burisma as two anti-corruption investigatory topics of importance for the President.

Let me be clear: Mr. Giuliani does not work for me or my Mission and I do not know what official or unofficial role, if any, he has with the State Department. To my knowledge, he is one of the President's personal lawyers. However, my understanding was that the President directed Mr. Giuliani's participation, that Mr. Giuliani was expressing the concerns of the President, and that Mr. Giuliani had already spoken with Secretary Perry and Ambassador Volker.

Ten weeks after the President on May 23, 2019 directed the Inaugural Delegation to talk with Mr. Giuliani, I had my first phone conversation with him in early August 2019. I listened to Mr. Giuliani's concerns. My goal was to keep the focus on Ukraine and the strengthened relationship with the United States.

Please know that I would not have recommended that Mr. Giuliani or any private citizen be involved in these foreign policy matters. However, given the President's explicit direction, as well as the importance we attached to arranging a White House meeting between Presidents Trump and Zelensky, we agreed to do as President Trump directed.

***Former Vice President Biden/Hunter Biden***

**Third**, given many inaccurate press reports, let me be clear about the following: I do not recall that Mr. Giuliani discussed Former Vice President Biden or his son Hunter Biden with me. Like many of you, I read the transcript of the Trump-Zelensky call for the first time when it was released publicly by the White House on September 25, 2019.

Although Mr. Giuliani did mention the name “Burisma” in August 2019, I understood that Burisma was one of many examples of Ukrainian companies run by oligarchs and lacking the type of corporate governance structures found in Western companies. I did not know until more recent press reports that Hunter Biden was on the board of Burisma.

Again, I recall no discussions with any State Department or White House official about Former Vice President Biden or his son, nor do I recall taking part in any effort to encourage an investigation into the Bidens.

*NSC/Ambassador Bolton*

**Fourth**, I worked hard to keep the National Security Council, including Ambassador Bolton and Dr. Hill, apprised of our Ukrainian efforts. In fact, sometime in June 2019, Secretary Perry organized a conference call with Ambassador Bolton, Ambassador Volker, myself, and others. We went over the entire Ukraine strategy with Ambassador Bolton, who agreed with the strategy and signed off on it. Indeed, over the spring and summer of 2019, I received nothing but cordial responses from Ambassador Bolton and Dr. Hill. Nothing was ever raised to me about any concerns regarding our Ukrainian policy.

While I have not seen Dr. Hill’s testimony, I am surprised and disappointed by the media reports of her critical comments. To put it clearly: Neither she nor Ambassador Bolton shared any critical comments with me, even after our July 10, 2019 White House meeting. And so, I have to view her testimony — if the media reports are accurate — as the product of hindsight and in the context of the widely known tensions between the NSC, on the one hand, and the State

Department, on the other hand, which had ultimate responsibility for executing U.S. policy overseas. Again, I took my direction from Secretary Pompeo and have had his consistent support in dealing with our nation's most sensitive secrets to this very day.

### *Stop Texting*

Fifth, certain media outlets have misinterpreted my text messages where I say "stop texting" or "call me." Any implication that I was trying to avoid making a record of our conversation is completely false. In my view, diplomacy is best handled through back-and-forth conversation. The complexity of international relations cannot be adequately expressed in cryptic text messages. I simply prefer to talk rather than to text. I do this all the time with family, friends, and former business associates. That is how I most effectively get things done. My text message comments were an invitation to talk more, not to conceal the substance of our communications.

### *Withholding Security Assistance*

Sixth, to the best of my recollection, I do not recall any discussions with the White House on withholding U.S. security assistance from Ukraine in return for assistance with the President's 2020 re-election campaign. I recall that, in late July 2019, Ambassadors Volker and Taylor and I exchanged emails in which we all agreed that President Zelensky should have no involvement in 2020 U.S. Presidential election politics. At the same time, we all believed strongly that U.S. Security Assistance should not be withheld.

On September 9, 2019, Acting Charge de Affairs/Ambassador William Taylor raised concerns about the possibility that Ukrainians could perceive a linkage between U.S. security assistance and the President's 2020 reelection campaign.

Taking the issue seriously, and given the many versions of speculation that had been circulating about the security aid, I called President Trump directly. I asked the President: "What do you want from Ukraine?" The President responded, "Nothing. There is no quid pro quo." The President repeated: "no quid pro quo" multiple times. This was a very short call. And I recall the President was in a bad mood.

I tried hard to address Ambassador Taylor's concerns because he is a valuable and effective diplomat and I took very seriously the issues he raised. I did not want Ambassador Taylor to leave his post and generate even more turnover in the Ukraine mission. I further encouraged Ambassador Taylor to contact Secretary Pompeo, as I followed up as far as I could go. As you have seen in the press, my contemporaneous messages support my recollection.

Let me state clearly: Inviting a foreign government to undertake investigations for the purpose of influencing an upcoming U.S. election would be wrong. Withholding foreign aid in order to pressure a foreign government to take such steps would be wrong. I did not and would not ever participate in such undertakings. In my opinion, security aid to Ukraine was in our vital national interest and should not have been delayed for any reason.

**CONCLUSION**

Simply put, my goal has always been to advance U.S. interests in securing a strong relationship with Ukraine. I continue to see our relationship with President Zelensky as having great importance to national security, and I continue to work to strengthen our ties, advance our mutual interests, and secure a stable, prosperous Ukraine for future generations.

I will end my remarks the same way I began: Ukraine is not a dirty word. Ukraine is a fragile democracy fighting against a brutal and unscrupulous Russian neighbor. A strong Ukraine helps to uphold the norms that maintain stability and promote prosperity around the world.

It remains an honor to serve the people of the United States as their Ambassador to the European Union. I look forward to going back to work tomorrow to advance the interests of the United States of America.

**DECLARATION OF AMBASSADOR GORDON D. SONDLAND**

I, Gordon Sondland, do hereby swear and affirm as follows:

1. I have reviewed the October 22, 2019, opening statement of Ambassador William Taylor. I have also reviewed the October 31, 2019, opening statement of Tim Morrison. These two opening statements have refreshed my recollection about certain conversations in early September 2019.

2. Ambassador Taylor recalls that I told Mr. Morrison in early September 2019 that the resumption of U.S. aid to Ukraine had become tied to a public statement to be issued by Ukraine agreeing to investigate Burisma. Ambassador Taylor recalls that Mr. Morrison told Ambassador Taylor that I told Mr. Morrison that I had conveyed this message to Mr. Yermak on September 1, 2019, in connection with Vice President Pence's visit to Warsaw and a meeting with President Zelensky. Mr. Morrison recalls that I said to him in early September that resumption of U.S. aid to Ukraine might be conditioned on a public statement reopening the Burisma investigation.

3. In my October 17, 2019 prepared testimony and in my deposition, I made clear that I had understood sometime after our May 23, 2019, White House debriefing that scheduling a White House visit for President Zelensky was conditioned upon President Zelensky's agreement to make a public anti-corruption statement. This condition had been communicated by Rudy Giuliani, with whom President Trump directed Ambassador Volker, Secretary Perry, and me, on May 23, 2019, to discuss issues related to the President's concerns about Ukraine. Ambassador Volker, Secretary Perry, and I understood that satisfying Mr. Giuliani was a condition for scheduling the White House visit, which we all strongly believed to be in the mutual interest of the United States and Ukraine.

4. With respect to the September 1, 2019, Warsaw meeting, the conversations described in Ambassador Taylor's and Mr. Morrison's opening statements have refreshed my recollection about conversations involving the suspension of U.S. aid, which had become public only days earlier. I always believed that suspending aid to Ukraine was ill-advised, although I did not know (and still do not know) when, why, or by whom the aid was suspended. However, by the beginning of September 2019, and in the absence of any credible explanation for the suspension of aid, I presumed that the aid suspension had become linked to the proposed anti-corruption statement. As I said in my prepared testimony, security aid to Ukraine was in our vital national interest and should not have been delayed for any reason. And it would have been natural for me to have voiced what I had presumed to Ambassador Taylor, Senator Johnson, the Ukrainians, and Mr. Morrison.

5. Also, I now do recall a conversation on September 1, 2019, in Warsaw with Mr. Yermak. This brief pull-aside conversation followed the larger meeting involving Vice President Pence and President Zelensky, in which President Zelensky had raised the issue of the suspension of U.S. aid to Ukraine directly with Vice President Pence. After that large meeting, I now recall speaking individually with Mr. Yermak, where I said that resumption of U.S. aid would likely not occur until Ukraine provided the public anti-corruption statement that we had been discussing for many weeks. I also recall some question as to whether the public statement could come from the newly appointed Ukrainian Prosecutor General, rather than from President Zelensky directly.

6. Soon thereafter, I came to understand that, in fact, the public statement would need to come directly from President Zelensky himself. I do not specifically recall how I learned this, but I believe that the information may have come either from Mr. Giuliani or from

Ambassador Volker, who may have discussed this with Mr. Giuliani. In a later conversation with Ambassador Taylor, I told him that I had been mistaken about whether a public statement could come from the Prosecutor General; I had come to understand that the public statement would have to come from President Zelensky himself.

7. Finally, as of this writing, I cannot specifically recall if I had one or two phone calls with President Trump in the September 6-9 time frame. Despite repeated requests to the White House and the State Department, I have not been granted access to all of the phone records, and I would like to review those phone records, along with any notes and other documents that may exist, to determine if I can provide more complete testimony to assist Congress. However, although I have no specific recollection of phone calls during this period with Ambassador Taylor or Mr. Morrison, I have no reason to question the substance of their recollection about my September 1 conversation with Mr. Yermak.

I declare under penalty of perjury that the aforementioned is true.

Executed on November 4, 2019.



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The Honorable Gordon D. Sondland  
United States Ambassador to the European Union

