

IMPEACHMENT OF PRESIDENT
DONALD JOHN TRUMP

THE EVIDENTIARY RECORD
PURSUANT TO H. RES. 798

VOLUME II, PART 4

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



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

JANUARY 23, 2020.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON THE JUDICIARY

JERROLD NADLER, New York, *Chairman*

ZOE LOFGREN, California	DOUG COLLINS, Georgia, <i>Ranking Member</i>
SHEILA JACKSON LEE, Texas	F. JAMES SENSENBRENNER, JR., Wisconsin
STEVE COHEN, Tennessee	STEVE CHABOT, Ohio
HENRY C. "HANK" JOHNSON, JR., Georgia	LOUIE GOHMERT, Texas
THEODORE E. DEUTCH, Florida	JIM JORDAN, Ohio
KAREN BASS, California	KEN BUCK, Colorado
CEDRIC L. RICHMOND, Louisiana	JOHN RATCLIFFE, Texas
HAKEEM S. JEFFRIES, New York	MARTHA ROBY, Alabama
DAVID N. CICILLINE, Rhode Island	MATT GAETZ, Florida
ERIC SWALWELL, California	MIKE JOHNSON, Louisiana
TED LIEU, California	ANDY BIGGS, Arizona
JAMIE RASKIN, Maryland	TOM McCLINTOCK, California
PRAMILA JAYAPAL, Washington	DEBBIE LESKO, Arizona
VAL BUTLER DEMINGS, Florida	GUY RESCHENTHALER, Pennsylvania
J. LUIS CORREA, California	BEN CLINE, Virginia
MARY GAY SCANLON, Pennsylvania, <i>Vice-Chair</i>	KELLY ARMSTRONG, North Dakota
SYLVIA R. GARCIA, Texas	W. GREGORY STEUBE, Florida
JOE NEGUSE, Colorado	
LUCY McBATH, Georgia	
GREG STANTON, Arizona	
MADELEINE DEAN, Pennsylvania	
DEBBIE MUCARSEL-POWELL, Florida	
VERONICA ESCOBAR, Texas	

PERRY APELBAUM, *Majority Staff Director & Chief Counsel*
BRENDAN BELAIR, *Minority Staff Director*

MAJORITY STAFF

AMY RUTKIN, *Chief of Staff*
PERRY APELBAUM, *Staff Director and Chief Counsel*
JOHN DOTY, *Senior Advisor*
AARON HILLER, *Deputy Chief Counsel and Chief Oversight Counsel*
BARRY BERKE, *Special Counsel*
NORMAN EISEN, *Special Counsel*
ARYA HARIHARAN, *Deputy Chief Oversight Counsel*

MADELINE STRASSER, *Chief Clerk*
PRIYANKA MARA, *Professional Staff*
WILLIAM S. EMMONS, *Professional Staff*
ANTHONY L. VALDEZ, *Staff Assistant*

MINORITY STAFF

BRENDAN BELAIR, *Staff Director, Counsel*
BOBBY PARMITER, *Deputy Staff Director, Chief Counsel*
ASHLEY CALLEN, *Chief Oversight Counsel*
STEPHEN CASTOR, *Counsel*
DANNY JOHNSON, *Oversight Counsel*
JAKE GREENBERG, *Oversight Counsel*
PAUL TAYLOR, *Chief Counsel, Constitution Subcommittee*
DANIEL FLORES, *Counsel*
RYAN BREITENBACH, *Counsel*
JON FERRO, *Parliamentarian, Counsel*

ERICA BARKER, *Deputy Parliamentarian*
ELLA YATES, *Member Services Director*
ANDREA WOODARD, *Professional Staff Member*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: FIONA HILL

Monday, October 14, 2019
Washington, D.C.

The deposition in the above matter was held in Room
HVC-304, Capitol Visitor Center, commencing at 9:55 a.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Present: Representatives Schiff, Carson, Swalwell, and Heck.

Also Present: Representatives Raskin, Rouda, Rooney, Jordan, Zeldin, Perry, and Gaetz.

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

22 For the COMMITTEE ON OVERSIGHT AND REFORM:

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2

3 For the COMMITTEE ON FOREIGN AFFAIRS:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8

9

10 For FIONA HILL:

11

12 SAMUEL S. UNGAR

13 LEE WOLOSKY

14 BOIES SCHILLER FLEXNER LLP

15 1401 New York Avenue, NW

16 Washington, D.C. 20005

17

18

19

20

21

22

23

24

25

UNCLASSIFIED

5

1 THE CHAIRMAN: The committee will come to order.

2 Good morning, Dr. Hill, and welcome to the House
3 Permanent Select Committee on Intelligence, which, along with
4 the Foreign Affairs and Oversight Committees, is conducting
5 this investigation as part of the official impeachment
6 inquiry of the House of Representatives. Today's deposition
7 is being conducted as part of that inquiry.

8 In light of attempts by the White House administration
9 to direct witnesses not to cooperate with the inquiry, the
10 committee had no choice but to compel your appearance today.
11 We thank you for complying with the duly authorized
12 congressional subpoena.

13 Dr. Hill has served with distinction in and out of
14 government, including as National Intelligence Officer for
15 Russia and Eurasia at the National Intelligence Council, as a
16 senior fellow with the Brookings Institution, and, most
17 recently, as Deputy Assistant to the President and Senior
18 Director for Europe and Russia on the National Security
19 Council staff.

20 In her most recent work at the White House, Dr. Hill
21 held a unique position at the top of the executive branch's
22 policymaking process, in which she would have had access to
23 and been involved in key policy discussions, meetings, and
24 decisions on Ukraine that relate directly to areas under
25 investigation by the committees.

UNCLASSIFIED

UNCLASSIFIED

6

1 Although you left your position, Dr. Hill, only a few
2 days before the President's July 25th, 2019, call with
3 Ukrainian President Zelensky, we look forward to hearing your
4 testimony today about the range of issues and interactions we
5 are investigating that occurred in the leadup to the
6 July 25th call, as well as your expert assessment of the
7 evidence we have uncovered since you left the White House.

8 This includes the July 25 call record itself as well as
9 the documentary record that has come to light about efforts
10 after the call to get the Ukrainians to announce publicly
11 investigations into the two areas President Trump asked
12 President Zelensky to pursue, the Bidens and Burisma, and the
13 conspiracy about Ukraine's purported interference in the 2016
14 U.S. elections.

15 Before I turn to committee counsel to begin the
16 deposition, I invite the Ranking Member Nunes or, in his
17 absence, one of the Republican members present to make any
18 opening remarks. I will recognize one of the GOP members.

19 MR. JORDAN: Thank you, Mr. Chairman.

20 Dr. Hill, I want to thank you also for appearing today.
21 My understanding is you were coming voluntarily until about
22 an hour ago when the chairman issued to you a subpoena.

23 THE CHAIRMAN: Excuse me, could we suspend?

24 Do we have any members here that are not members of the
25 three committees authorized to be present?

UNCLASSIFIED

UNCLASSIFIED

7

1 Mr. Gaetz, you're not permitted to be in the room.

2 MR. GAETZ: I am on the Judiciary Committee.

3 THE CHAIRMAN: Judiciary Committee is not a part of this
4 hearing.

5 MR. GAETZ: I thought the Judiciary Committee had
6 jurisdiction over impeachment.

7 THE CHAIRMAN: Mr. Gaetz, you're not permitted to be in
8 the room. Please leave.

9 MR. JORDAN: Mr. Chairman, really?

10 THE CHAIRMAN: Yes, really.

11 MR. GAETZ: You're going to include Members of Congress
12 on committees that have roles of impeachment --

13 THE CHAIRMAN: Mr. Gaetz, take your statement to the
14 press. They do you no good here. So, please, absent
15 yourself.

16 MR. GAETZ: You're going to have someone remove me from
17 the hearing?

18 THE CHAIRMAN: You're going to remove yourself,
19 Mr. Gaetz.

20 MR. JORDAN: Mr. Gaetz is going to stay and listen to
21 the testimony.

22 THE CHAIRMAN: Mr. Gaetz, you're going to leave the
23 room.

24 MR. GAETZ: No, I think I have a right to be -- is there
25 a rule you can cite as to why I am not --

UNCLASSIFIED

UNCLASSIFIED

8

1 THE CHAIRMAN: You're not a member of this committee.
2 This is conducted in closed session. You're not permitted to
3 be here.

4 MR. GAETZ: I'm on the Judiciary Committee.

5 THE CHAIRMAN: Mr. Gaetz, please absent yourself from
6 the committee. It's the ruling of the chair you're not
7 permitted to be here. Please leave the committee.

8 MR. JORDAN: Mr. Chairman, I think in the 20 hours of
9 testimony we've heard in the two previous interviews, there
10 have been a grand total of 12 Members of Congress present. I
11 don't think it's going to hurt to have a 13th Member actually
12 hear something that, in my judgment, all 435 Members of
13 Congress should be entitled to hear.

14 THE CHAIRMAN: Mr. Gaetz, you're not a member of the
15 three designated committees that are participating in this
16 interview. You're not permitted to be here. That is the
17 ruling of the chair, and you are required to leave.

18 MR. GAETZ: Do you have a rule that you're able to cite
19 for that?

20 THE CHAIRMAN: I am citing the House rules and the
21 deposition rules. You are not permitted to be here.

22 MR. GAETZ: Which rule?

23 THE CHAIRMAN: Mr. Gaetz, you are simply delaying the
24 procedures in violation of the rules. Please absent
25 yourself.

UNCLASSIFIED

UNCLASSIFIED

9

1 MR. GAETZ: Which rule?

2 THE CHAIRMAN: Mr. Gaetz, why don't you take your
3 spectacle outside? This is not how we conduct ourselves in
4 this committee.

5 MR. GAETZ: I've seen how you've conducted yourself in
6 this committee, and I'd like to be here to observe.

7 THE CHAIRMAN: We'll wait until Mr. Gaetz leaves before
8 we begin. I do want to say that this dilatory tactic will
9 come out of the minority's time for questioning.

10 MR. GAETZ: This isn't dilatory. You can begin any time
11 you like.

12 THE CHAIRMAN: We're going to begin the clock. This
13 will come out of the minority's time for questions.

14 MR. JORDAN: Well, I had a statement I wanted to get to
15 when you interrupted me.

16 THE CHAIRMAN: We're not back on the record.
17
18
19
20
21
22
23
24
25

UNCLASSIFIED

UNCLASSIFIED

10

1 [10:43 a.m.]

2 THE CHAIRMAN: Okay. Let's go back on the record.

3 MR. BITAR: Hi. As the general counsel of the House
4 Intelligence Committee, I'm relaying the view of the
5 Parliamentarian, which was just relayed over the phone, to
6 both Members and staff of the minority committees as well as
7 the majority.

8 The Parliamentarian made clear that the House deposition
9 regulations and the language used therein has always been
10 construed as meaning members of the committees undertaking
11 the joint investigation and not members of other committees
12 who may wish to attend for other reasons, and, therefore,
13 they are not allowed to participate in the deposition itself
14 or be present.

15 Thank you.

16 MR. JORDAN: Chairman, could I just add one thing?

17 THE CHAIRMAN: Yes.

18 MR. JORDAN: The Parliamentarian was also clear that
19 there is no precedent, no basis for docking anyone's time,
20 that this was a legitimate question and not dilatory in any
21 sense.

22 THE CHAIRMAN: Mr. Jordan, you have an opening
23 statement?

24 MR. JORDAN: I do.

25 On September 24th, Speaker Pelosi unilaterally

UNCLASSIFIED

UNCLASSIFIED

11

1 announced --

2 THE CHAIRMAN: The record should reflect that Mr. Gaetz
3 has left the room.

4 MR. JORDAN: Yes.

5 On September 24th, Speaker Pelosi unilaterally announced
6 that the House was beginning a so-called impeachment inquiry.
7 On October 2nd, Speaker Pelosi promised that the so-called
8 impeachment inquiry would treat the President with fairness.

9 However, Speaker Pelosi, Chairman Schiff, and Democrats
10 are not living up to that basic promise. Instead, Democrats
11 are conducting a rushed, closed-door, and unprecedented
12 impeachment inquiry. Democrats are ignoring 45 years of
13 bipartisan procedures, procedures that provided elements of
14 fundamental fairness and due process.

15 In past impeachment inquiries, the majority and the
16 minority had coequal subpoena authority and the right to
17 require a committee vote on all subpoenas. The President's
18 counsel had a right to attend all depositions and hearings
19 including those held in executive session. The President's
20 counsel had a right to cross-examine witnesses and a right to
21 propose witnesses.

22 The President's counsel also had the right to present
23 evidence, object to the admission of evidence, and to review
24 all evidence presented, both favorable and unfavorable.
25 Speaker Pelosi and Chairman Schiff's so-called impeachment

UNCLASSIFIED

UNCLASSIFIED

12

1 inquiry has none of these guarantees of fundamental fairness
2 and due process.

3 Most disappointing, Democrats are conducting this
4 impeachment inquiry behind closed doors. This seems to be
5 nothing more than hiding this work from the American people
6 and, frankly, as we just saw, hiding it from other Members of
7 the United States Congress. If Democrats intend to undo the
8 will of the American people just before the next election,
9 they should at least do so transparently and be willing to be
10 accountable for their actions.

11 And, finally, Dr. Hill, we've been advised by the State
12 Department that communications between heads of state are
13 classified, and I think it's important that we keep that in
14 mind as we proceed through today's interview.

15 With that, I yield back.

16 THE CHAIRMAN: Mr. Goldman.

17 MR. GOLDMAN: Thank you, Mr. Chairman.

18 This is a deposition of Dr. Fiona Hill conducted by the
19 House Permanent Select Committee on Intelligence pursuant to
20 the impeachment inquiry announced by the Speaker of the House
21 on September 24th.

22 Dr. Hill, if you could please state your full name and
23 spell your last name for the record.

24 DR. HILL: It's Fiona Hill. Last name is H-i-l-l.

25 MR. GOLDMAN: Along with other proceedings in

UNCLASSIFIED

UNCLASSIFIED

13

1 furtherance of the inquiry, this deposition is part of a
2 joint investigation led by the Intelligence Committee in
3 coordination with the Committees on Foreign Affairs and
4 Oversight and Reform.

5 In the room today are majority and minority staff from
6 both the Foreign Affairs Committees and the Oversight
7 Committees, as well as majority and minority staff from
8 HPSCI. Just so the record is clear, equal numbers of staff
9 from both the majority and minority have been and are
10 permitted to be here. This is a staff-led deposition, but
11 Members, of course, from the three committees may ask
12 questions during their allotted time.

13 My name is Daniel Goldman. I'm the director of
14 investigations for the HPSCI majority staff, and I want to
15 thank you very much for coming in today for this deposition.

16 I would like to do brief introductions, and I understand
17 that the witness would also just like for everybody around
18 the table to introduce him or herself so that the witness
19 knows who everybody is. So, to my right is Daniel Noble, who
20 is the senior investigative counsel for HPSCI. Mr. Noble and
21 I will be conducting most of the interview for the majority.

22 And then, if we could just continue down the room next
23 to Mr. Noble, that would be great.

24 [REDACTED] [REDACTED].
25 MR. HECK: I'm Denny Heck. I represent the 10th

UNCLASSIFIED

UNCLASSIFIED

14

1 District of Washington State.

2 [REDACTED] [REDACTED].

3 MR. RASKIN: Congressman Jamie Raskin from Maryland's
4 Eighth District.

5 MR. ROUDA: Congressman Harley Rouda from Orange County,
6 California.

7 MR. ROONEY: Francis Rooney from southwest Florida,
8 Foreign Affairs Committee.

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 MR. PERRY: Scott Perry, Pennsylvania's 10th District.

12 MR. ZELDIN: Lee Zeldin, New York-1.

13 MR. JORDAN: Jim Jordan, Ohio.

14 [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED]

16 MR. CASTOR: Steve Castor with the Republican staff of
17 the Oversight Committee.

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 MR. WOLOSKY: I'm Lee Wolosky, counsel to Dr. Hill.

21 MR. UNGAR: I'm Sam Ungar, also counsel for Dr. Hill.

22 DR. HILL: Thank you.

23 MR. GOLDMAN: Dr. Hill, this deposition will be
24 conducted entirely at the unclassified level. However, the
25 deposition is being conducted in HPSCI's secure spaces and in

UNCLASSIFIED

UNCLASSIFIED

15

1 the presence of staff who all have appropriate security
2 clearance. It is the committee's expectation that neither
3 questions asked of the witness nor answers by the witness or
4 the witness' counsel will require discussion of any
5 information that is currently or at any point could be
6 properly classified under Executive Order 13526.

7 Moreover, EO 13526 states that, quote, in no case shall
8 information be classified, continued to be maintained as
9 classified, or fail to be declassified, unquote, for the
10 purpose of concealing any violations of law or preventing
11 embarrassment of any person or entity.

12 Now, I understand that, Dr. Hill, you had classification
13 authorization in your previous job. You were the classifying
14 authority. So we expect you to fully understand the
15 distinction here between the classified and unclassified, and
16 we will be relying on you in part to indicate whether any
17 questions that are asked may call for answers that are
18 classified.

19 If that is the case, we would ask that you please inform
20 us of that before answering the questions so that we can
21 adjust accordingly. Part of the reason for that is our
22 understanding is that your attorneys do not have appropriate
23 security clearances --

24 DR. HILL: Right.

25 MR. GOLDMAN: -- and so we'll want to make sure that we

UNCLASSIFIED

1 preserve all classified information in our national security
2 interests.

3 Today's deposition is not being taken in executive
4 session, but because of the sensitive and confidential nature
5 of some of the topics and materials that will be discussed,
6 access to the transcript of the deposition will be limited to
7 the three committees in attendance. You and your attorney
8 will have an opportunity to review the transcript at a later
9 date.

10 Before we begin, I'd like to go over a couple of ground
11 rules for this deposition. We will be following the House
12 regulations for depositions. As you know by now, we have
13 previously provided your counsel with a copy of the
14 regulations, and we have copies here as well if you or your
15 counsel would like to review them at any time.

16 The way this deposition will proceed is as follows: The
17 majority will be given 1 hour to ask questions, and then the
18 minority will be given 1 hour to ask questions, and,
19 thereafter, we will alternate back and forth between majority
20 and minority in 45-minute rounds until the questioning is
21 complete. We will take periodic breaks, but if you or your
22 counsel need any break at any time, just let us know.

23 As we just understood, you do have counsel here, who
24 just introduced themselves. And so we want to make it clear
25 that, under the House deposition rules, counsel other than

1 your own counsel, including counsel for government agencies,
2 may not attend. So it is our understanding that the only
3 counsel here today representing you is your personal counsel.

4 There is a stenographer taking down everything that is
5 said here today. For the record to be clear, we would ask
6 that you please wait until questions are finished before you
7 answer, and we will do the same when you answer. The
8 stenographer cannot record nonverbal answers, such as shaking
9 your head or saying "uh-huh," so it is important that you
10 answer each question with an audible, verbal answer.

11 We ask that you give complete replies to the questions
12 based on your best recollection. If a question is unclear or
13 you are uncertain in your response, please don't hesitate to
14 let us know and ask that the question be rephrased or asked
15 again. If you do not know the answer to a question or cannot
16 remember, simply say so.

17 You may only refuse to answer a question to preserve a
18 privilege that is recognized by the committee. If you refuse
19 to answer a question on the basis of privilege, staff may
20 either proceed with the deposition or seek a ruling from the
21 chairman on the objection in person or by telephone during
22 the deposition at a time of the majority staff's choosing.
23 If the chair overrules any such objection, you are required
24 to answer the question.

25 And, finally, you are reminded that it is unlawful to

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

6 Now, as this deposition is under oath, Dr. Hill, would
7 you please stand and raise your right hand to be sworn? Do
8 you answer or affirm that the testimony you are about to give
9 us is the whole truth and nothing but the truth?

10 DR. HILL: I do.

11 MR. GOLDMAN: Thank you. Let the record reflect that
12 the witness has been sworn.

13 Dr. Hill, if you choose, now is your time to make any
14 opening remarks.

15 DR. HILL: I don't have any openings remarks. I'm just
16 here to answer everyone's questions.

17 MR. GOLDMAN: And, Mr. Wolosky, do you have anything
18 that you would like to address before we begin?

19 MR. WOLOSKY: Yes. Thank you, Mr. Goldman.

20 I would like to enter into the record a letter of
21 today's date, October 14, 2019, from Michael Purpura of the
22 White House Counsel's Office governing the subjects or
23 addressing the subjects of executive privilege and
24 classification, along with a letter from me to Mr. Purpura
25 dated October 13, 2019.

1 I'd like to make it clear that Dr. Hill is testifying
2 today subject to the contents of these letters or of the
3 White House Counsel's Office's letter, also pursuant to the
4 subpoena she received today, and pursuant to any rulings that
5 are made by the chair during the pendency of these
6 proceedings.

7 THE CHAIRMAN: Those letters will be admitted into the
8 record.

9 [The information follows:]

10
11 ***** INSERT 1-1 *****
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 THE CHAIRMAN: In light of the White House counsel
2 letter introduced by the witness' counsel, let me state at
3 the outset of today's testimony that this testimony should
4 proceed without any interference or delay.

5 Dr. Hill, you are compelled to testify at this
6 deposition by a subpoena that the Permanent Select Committee
7 on Intelligence issued to you today, October 14, 2019. You
8 are required to provide full, truthful, and accurate
9 testimony in connection with the committee's joint
10 investigation, which is undertaken as part of the House of
11 Representatives' impeachment inquiry.

12 Your counsel has provided a letter sent to your counsel
13 this morning from the White House stating that the
14 information that you may be asked to testify about today
15 could be covered by a privilege. Under the House deposition
16 rules, as the chair, I have the authority to rule on any such
17 objection, but no such objection will be in order or should
18 be necessary.

19 As you know, only the President may assert executive
20 privilege, and the President usually does so in writing with
21 specificity along with an opinion from the Justice
22 Department. The President has not communicated any such
23 assertion to the committee with respect to the information
24 requested.

25 The President has also spoken extensively publicly about

1 the matters under investigation here, and he has declassified
2 and publicly released a summary of his call with the
3 Ukrainian President. The administration also declassified
4 the whistleblower complaint and a range of accompanying
5 materials that address the range of issues under discussion
6 today.

7 The President's actions have opened the door to further
8 investigative actions and taking of testimony on these
9 subjects. The President has waived his ability to block
10 others from making statements about the same matters that
11 contradict his own statements or expose his wrongdoing.

12 Regarding any claim of deliberative process privilege as
13 an element of executive privilege, this is not a privilege
14 recognized by the Congress. Furthermore, the information you
15 have been asked to provide is critical to the committee's
16 investigation and the House's impeachment inquiry.

17 We must obtain your answers here because Congress has a
18 constitutional duty to expose wrongdoing in the executive and
19 to act as a check and balance to the power of the executive,
20 especially when there is significant evidence that the
21 President is abusing his executive power for his own personal
22 gain. The committees cannot accept any effort to interfere
23 with these proceedings. We therefore expect you do answer
24 all questions during the deposition.

25 With that, I will yield back to Mr. Goldman.

UNCLASSIFIED

22

1 MR. GOLDMAN: Thank you.

2 BY MR. GOLDMAN:

3 Q Dr. Hill, could you please explain for everyone in
4 the room what your role was on the National Security Council?

5 A Yes. I was the senior director who was overseeing
6 all of the interactions across the interagency pertaining to
7 Europe, our European allies, including also the European
8 Union and NATO, and also including Russia, Turkey, and the
9 subject at hand, Ukraine.

10 Q When did you join the NSC?

11 A I formally started on April 3rd of 2017.
12 Technically, it was April 1, but it was a weekend.

13 Q And when did you depart the NSC?

14 A I departed the NSC physically on July 19th of this
15 year, 2019. I handed over my duties on July 15th to my
16 successor, Tim Morrison, and I handed in my badge technically
17 on September 3rd of 2019. But I was actually on vacation, a
18 paid vacation from the NSC, from basically July 19 all the
19 way through until handing in my badge again. My last payday
20 was August 30th of 2019. And I give this detailed answer
21 because I know that there's been some confusion as to when I
22 was physically there or what my actual tenure was.

23 Q And from July 19th until September 3rd, what was
24 your access to email and other communications within the NSC?

25 A I had some limited access to unclassified email on

UNCLASSIFIED

1 my iPhone, and that would have be under agreement with
2 Ambassador Bolton and with other NSC staff. Because of the
3 short handover to Tim Morrison, there were concerns that
4 emails would come into me directly because I'd been there
5 since the beginning essentially of the administration, and
6 they wanted to make sure that if I was the only person
7 getting an email, that it wasn't lost and could be forwarded
8 on.

9 Q Okay. And prior to joining the NSC, can you just
10 give us a brief overview of your professional experience.

11 A I have been working on issues related to Russia
12 since I was an undergraduate at university back in the 1980s.
13 And, actually, I first started in a professional way working
14 on Russia-related issues, including actually with my counsel,
15 Lee Wolosky, in the early 1990s when we were both research
16 assistants [REDACTED] at the Kennedy School
17 at Harvard working on technical assistance projects.

18 After I completed my Ph.D. at Harvard and finished
19 working with [REDACTED], I then worked for the
20 Eurasia Foundation. I was the director of strategic planning
21 for the Eurasia Foundation, which was a congressionally
22 funded technical assistance foundation. I became an adjunct
23 fellow at the Brookings Institution in 2000, and I became a
24 full-time employee of the Brookings Institution around 2002,
25 2003.

UNCLASSIFIED

24

1 I then, from the beginning of 2006 through to
2 November 2009, at the end of the Bush administration and the
3 first year of the Obama administration, was the national
4 intelligence officer for Russia and Eurasia at the National
5 Intelligence Council.

6 I then returned to Brookings in the end of
7 November 2009, and for the next 7 years, I was the director
8 of the Center on the U.S. and Europe at the Brookings
9 Institution before I joined the administration.

10 Q You mentioned that you were responsible for
11 overseeing the interagency process as it relates to your
12 portfolio. Focusing on Ukraine, what does that mean?

13 A That means bringing together interagency meetings,
14 State Department, Pentagon, every other department for
15 discussions of U.S. Government policy. It also means
16 meeting, where appropriate, with Ukrainian officials, meeting
17 with analysts from our intelligence services to get updates
18 on a regular basis on developments in Ukraine, and also
19 preparing, of course, memoranda and any policy documents
20 necessary for the President or the National Security Advisor
21 or other senior members of staff who may be having
22 interactions pertinent to policy.

23 Q All right. We are going to get into many of the
24 details during your time with the NSC, but I would like to
25 spend this first hour trying to hit on some top-line issues

UNCLASSIFIED

1 and get an understanding more broadly about what was going on
2 with Ukraine while you were there.

3 And, I guess, the first question, and this is perhaps a
4 little difficult, but can you describe, generally speaking,
5 what the official U.S. policy was related to Ukraine and what
6 the focus of official U.S. policy was in relation to Ukraine?

7 A I think the policy towards Ukraine was going
8 through a period of evolution in the time that I was in the
9 administration. Many of you, being long-serving Members of
10 Congress, and the staff, will of course recall that, you
11 know, a lot of focus was put onto Ukraine after the
12 annexation of Crimea by Russia in 2014.

13 And then, of course, there was the outbreak of the war
14 in Donbas, the downing of MH-17, and decisions made by
15 members of this body to impose sanctions on Russia in
16 response to those acts that were conducted, those acts of
17 aggression against Ukraine.

18 So, when I came into the administration there was a
19 great deal of debate. This is, of course, you know, the
20 beginning of 2017. We've had essentially 2-plus years of
21 efforts to deter Russia from taking further aggressive acts
22 against Ukraine. The war in Donbas is still continuing.

23 There's a question about what role the United States
24 should play in the resolution of that conflict, because at
25 that juncture it was the French and the Germans in the course

1 of the Minsk group, the grouping set up by the French and the
2 Germans, along with Ukrainians and technically also the
3 Russians, to try to find a resolution to the war in the
4 Donbas.

5 The United States didn't actually have a role in this.
6 So we were in the process of deliberating then what role the
7 United States should play, how we would work together with
8 the French and the Germans to try to seek a resolution of the
9 conflict in Donbas, how we should conduct ourselves in terms
10 of assistance to Ukraine; should there be the provision of
11 lethal weaponry, meaning, of course, defensive weaponry; how
12 would we be able to help Ukraine over the longer term -- this
13 is a big debate with the Pentagon -- to rebuild its military
14 forces that had been decimated not just by the war with
15 Russia but by the annexation of Crimea because the Russians,
16 of course, seized the major ports and the whole entire
17 Ukrainian Black Sea fleet, and, of course, it also devastated
18 their command and control.

19 We were also concerned about domestic politics in
20 Ukraine. I mean, this has been a longstanding concern
21 through multiple administrations. And when I was in the DNI,
22 I mean, I felt in many respects that I was relieving, you
23 know, many of the analytical concerns that I'd had when I was
24 national intelligence officer for Russia and Ukraine.

25 We were worried about the stability of the Ukrainian

1 Government, the role of oligarchs in the Ukrainian
2 Government. It was a very weak Presidency. There was, of
3 course, a great deal of corruption. This has been standard
4 across most of the republics in the former Soviet Union in
5 their independence.

6 Many of them had had weak local governance in the Soviet
7 structure. And when they became independent entities, they
8 weren't particularly well set up to be independent countries,
9 and there was a great deal of efforts by private interests
10 to, you know, pick away at the structures of government.
11 That happened in Russia as well.

12 And we were also trying to figure out indeed how we
13 would work with our European allies on a much broader set of
14 projects related to Ukraine's long-term sustainability. So
15 it wasn't just tackling corruption or helping the Ukrainians
16 build a more viable, sustainable state apparatus and
17 institutions, but also how we would tackle some key problems
18 for them beyond the restoration of their military capability,
19 including their dependency on Russia for energy supplies as
20 well as acting as the main conduit or transit for energy
21 supplies from Russia, exports of Russian energy through
22 Ukraine to the rest of Europe.

23 So we were also starting to work on a more comprehensive
24 approach to Russia's energy. I mean, you're all very much
25 familiar with the debates about Nord Stream 2. I was there

1 in the Bush administration for Nord Stream 1 when we were
2 also trying to block the expansion of pipelines from Russia.
3 I mean, we tried again also under Reagan in the Soviet
4 period. I mean, this is a longstanding U.S. policy to find
5 ways of diversifying European energy supplies.

6 And so we were starting to look at how we could try to
7 wean Ukraine off the dependence on Russian energy and try to
8 find other energy suppliers, be it U.S. LNG or other oil and
9 gas supplies, coal, including from Pennsylvania and, you
10 know, other U.S. States.

11 So we were, you know, as I'm trying to point out here,
12 having a wide-ranging set of discussions about Ukraine all
13 against the backdrop, obviously, of a debate about how
14 effective the sanctions were being on Russia's own behavior
15 and, you know, Russia's own attitudes towards Ukraine.

16 MR. WOLOSKY: Mr. Goldman, can I just interject that the
17 witness is obviously testifying to U.S. deliberative
18 processes relating to the conduct of U.S. foreign policy. I
19 actually don't think that this is covered by the letter from
20 the White House Counsel's Office, but I would appreciate
21 guidance and a ruling from the chair on testimony such as the
22 type that she is offering.

23 THE CHAIRMAN: I thank the counsel for raising the
24 issue, and I'm prepared to rule on it now.

25 Dr. Hill, you are compelled to testify at this

1 deposition by subpoena that was issued to you by the House
2 Intelligence Committee on October 14, 2019. Your counsel has
3 raised a potential objection on behalf of the White House
4 stating that information that you are providing could be
5 covered by privilege. Under the House deposition rules, as
6 the chair, I have the authority to rule on that potential
7 objection.

8 As you know, only the President may assert executive
9 privilege, and he usually does so in writing with specificity
10 along with an opinion from the Justice Department. The
11 President and Department of Justice have not specifically
12 invoked executive privilege with respect to the information
13 requested.

14 The President has also spoken extensively about the
15 matters under investigation here, and he has declassified and
16 publicly released a summary of his call with the Ukrainian
17 President. The administration also declassified the
18 whistleblower complaint and a range of accompanying materials
19 that addressed the range of issues under discussion today.

20 The President's actions have further opened the door to
21 further investigative actions and taking of testimony on
22 these subjects. The President has waived his ability to
23 block others from making statements about the same matters
24 that contradict his own statements or expose his wrongdoing.
25 The privilege cannot be used to conceal misconduct during --

1 in particular during an impeachment inquiry.

2 To the extent that the White House may be asserting a
3 deliberative process privilege as an element of executive
4 privilege, this is not a privilege recognized by the
5 Congress. Furthermore, the information the witness has been
6 asked to provide is critical to the committee's
7 investigation.

8 We must obtain your answers here because Congress has a
9 constitutional duty to expose wrongdoing in the executive and
10 act as a check and balance to the power of the executive,
11 especially when there is significant evidence that the
12 President is abusing his executive power for his own personal
13 gain. Therefore, I am overruling any potential assertion of
14 privilege, and I instruct the witness to answer all questions
15 during the deposition today.

16 MR. ZELDIN: Mr. Chairman, respectfully, if the witness
17 is about to give an answer and is unsure of whether or not
18 her answer may violate a privilege, is the witness permitted
19 to consult with the executive branch for advice on that
20 question of whether or not that content is privileged?

21 THE CHAIRMAN: Mr. Zeldin, the White House had the
22 opportunity, in correspondence with the witness prior to the
23 testimony today, to raise any specific objection to any
24 specific question. They chose not to do so. And, therefore,
25 we will go forward as the chair has ruled.

1 MR. ZELDIN: That's not what the question -- well,
2 respectfully, Mr. Chair, the question is, if the witness'
3 understanding of what is privileged comes up and the witness
4 is unsure as to whether or not her answer is going to violate
5 something that's privileged, will the witness be permitted to
6 get advice before being forced to provide information that
7 may be privileged?

8 THE CHAIRMAN: No, counsel. The counsel for the witness
9 has already been in communication with the White House, has
10 already received whatever guidance the White House was
11 willing to give. The chair has made a ruling on the question
12 of privilege; none applies here. We will not be asking the
13 witness about extraneous conversations with the President
14 about other matters. Our focus today will be on Ukraine, and
15 the chair has ruled.

16 Mr. Goldman.

17 MR. JORDAN: Mr. Chairman, if I could, just one quick
18 followup. So, if Dr. Hill gets a question and she believes
19 it does violate what she has communicated -- the
20 communications her and her counsel have had with the
21 executive branch and she chooses not to answer that question,
22 are you then going to overrule it?

23 THE CHAIRMAN: Mr. Jordan, as the witness counsel has
24 already made clear, the witness' counsel has raised the
25 concerns that were expressed to the witness through

1 correspondence with the White House. It's appropriate that
2 the counsel do so, and they have done so, and I have ruled on
3 that potential objection. That is the process that we will
4 use today.

5 MR. JORDAN: I would just underscore, Mr. Chairman --
6 then we can get back to Mr. Goldman's question -- I would
7 just underscore this is why executive -- agency counsel
8 should be here. This is why -- I have never -- this is
9 now -- I've never been in these kind of proceedings where
10 agency counsel wasn't permitted to be present. We wouldn't
11 have these concerns if they were here.

12 THE CHAIRMAN: Actually, Mr. Jordan, you were present at
13 a deposition conducted by Chairman Issa without the presence
14 of agency counsel, and you were perfectly copacetic with it
15 at that time, so your statement is not accurate. But,
16 nonetheless, the chair has ruled and we will go forward.

17 Mr. Goldman.

18 BY MR. GOLDMAN:

19 Q Dr. Hill, ultimately toward -- by the end of your
20 tenure at the NSC, had the United States agreed to provide
21 lethal military assistance to Ukraine to withstand the
22 aggression from Russia in the eastern area of Ukraine?

23 A That's correct.

24 Q And what anticorruption efforts did the U.S.
25 promote within Ukraine during the time that you were there?

UNCLASSIFIED

33

1 A Well, the time that I was there has also spanned
2 what was a period in Ukraine itself of a transition in its
3 own government. I mean, we'll all recall that Ukraine has
4 gone through quite a period of upheaval.

5 The independence movements back in the 1990s, 1980s,
6 1990s, then in a period of turmoil and changes of government,
7 and then the events that were sparked off by Ukraine's
8 decision to try to join the European Union, at least to form
9 an association agreement with the European Union, that
10 precipitated Russia's decision to annex Crimea because of the
11 revolt in Ukraine that led to a change in government.

12 So there was a focus, as I said before, on trying to
13 find a way of getting the Ukrainian Government to stabilize
14 and sustainable. And we were also in the period in the last
15 year or so of preparation for Ukrainian Presidential
16 elections, which made it quite complicated in trying to work
17 with the incumbent government and all of their institutions
18 and then looking forward to what might be a change of
19 government in Ukraine.

20 So what we were trying to do was work with the
21 institutions that were there already in place, from the
22 prosecutor's office to the Ukrainian Parliament, the Rada, to
23 government officials who these sets of issues came into their
24 purview, and the main locus of that activity was through our
25 embassy in Kyiv and also through the State Department.

UNCLASSIFIED

UNCLASSIFIED

34

1 Q Now --

2 A I should also point out, of course, that we have
3 posted to the Embassy in Ukraine, just as is the case in most
4 embassies, representatives of all the U.S. Government
5 departments and agencies that would be involved in these
6 kinds of issues, so from the DOJ, FBI, and many others.

7 Q But certainly eliminating corruption in Ukraine was
8 one of, if the central, goals of U.S. foreign policy?

9 A That's right, as it has been with many other former
10 Soviet states where the corruption pervades through anything
11 from the police force to getting into schools, getting
12 medical treatment, you know, all different levels of the
13 public sector.

14 Q Are you familiar with the Intelligence Community's
15 assessment of whether Russia interfered in the 2016 election?

16 A I am.

17 Q And are you familiar with an indictment that the
18 Special Counsel Robert Mueller filed in connection to Russian
19 interference in the 2016 election?

20 A Yes, I am.

21 Q Do you have any reason to doubt either the facts
22 alleged in the indictment or the Intelligence Community's
23 assessment that Russia did interfere in the 2016 election?

24 A I do not.

25 Q And do you have any reason to believe that Ukraine

UNCLASSIFIED

UNCLASSIFIED

35

1 did interfere in the 2016 election?

2 A I do not. We're talking about the Ukrainian
3 Government here when you say Ukraine, correct?

4 Q Yes.

5 A Yes, I do not.

6 Q Okay. I'm going to switch gears for a minute,
7 Dr. Hill. When did you first become aware of the interest in
8 Ukraine of Rudy Giuliani?

9 A It would have been sometime between July -- I'm
10 sorry -- January 2019 and March 2019. And I first became
11 aware of it partly through articles in the newspaper that I
12 see some of our Members of Congress reading, The Hill, by
13 John Solomon, and also because of Mr. Giuliani's statements
14 on television.

15 Q Part of your duties and responsibilities is to keep
16 track of matters in the public, right, and in the media
17 related to the areas that you were covering. Is that
18 accurate?

19 A Not entirely. I mean, my job was to, you know,
20 keep track of what our foreign counterparts were doing. I
21 have to, you know, confess right upfront that it's incredibly
22 difficult to keep up with what everybody else is doing as
23 well.

24 And I would often rely on members of our internal NSC
25 press corps, other colleagues, our directors, and other

UNCLASSIFIED

1 people to flag anything for me that they thought that I
2 should be paying attention to. I had every morning an intel
3 brief, and it didn't, you know, basically always pertain to
4 domestic related issues, of course.

5 But we do get as much, of course -- I think most of you
6 who have served in government know this -- compilations of
7 clippings that the White House Sit Room deems to be of
8 relevance or of interest. And some of those would be
9 forwarded onto us if they had subject-related interest. So
10 that was how I first became aware that there was some deeper
11 interest on the part of Mr. Giuliani.

12 Q And what did you understand that interest to have
13 been when you initially learned about it?

14 A To be honest, I had a hard time figuring out quite
15 what it was about because there were references to George
16 Soros; there were references to 2016; and then there were all
17 kinds of references to -- when I first read the article in
18 The Hill, which I think was in late March of 2019, it was
19 referring to do-not-prosecute lists and statements from the
20 Ukrainian prosecutor, Mr. Lutsenko, none of which I'd ever
21 heard of anything about before.

22 Q And at this point, what was your impression of the
23 Ukrainian Prosecutor General Yuriy Lutsenko?

24 A I hadn't really formed much of a personal opinion
25 of him, but certainly from the information that I had, not

UNCLASSIFIED

37

1 just from our embassy but from also colleagues at the State
2 Department and others across the analytical community, there
3 were clearly some problems with this gentleman in the way
4 that he was conducting his work.

5 Q And around this time, what did you understand the
6 relationship between Rudy Giuliani and the President of the
7 United States to be?

8 A Beyond the official role of Mr. Giuliani as the
9 private attorney, I had no other sense whatsoever of what his
10 role might be.

11 Q Okay. Did you ever meet or communicate with Rudy
12 Giuliani directly on matters relating to Ukraine?

13 A I did not. I've never actually met him.

14 Q Now, after you first learned about Mr. Giuliani's
15 interest in March, what did you understand to be the
16 development of his interest in Ukraine after March?

17 A Well, he seemed to develop a very strong interest
18 in Ukraine in that timeframe. And I was trying, you know, to
19 the best of my limited ability, to figure out what that
20 interest might be. And I made a couple of inquiries to
21 people to ask what they knew about his activities, and I will
22 be quite frank in saying that most of the people who I spoke
23 to thought it was related to personal business on his part.

24 Q And who did you initially speak to about
25 Mr. Giuliani?

UNCLASSIFIED

UNCLASSIFIED

38

1 A I asked several of my colleagues who were, you
2 know, familiar with his work in New York. I asked other
3 [REDACTED] because some of the references were obviously to
4 energy related issues. I talked to some of my colleagues
5 across the NSC who work in our energy directorate.

6 And I tried to read as much as I possibly could in the
7 press to figure out what was going on because, at this point,
8 it started to have an impact obviously on our own work
9 because of the constant references by people to his
10 statements, especially on FOX News.

11 Q Can you explain what impact it had on the official
12 U.S. policy and your role in making that?

13 A Because Mr. Giuliani was asserting quite frequently
14 on television in public appearances that he had been given
15 some authority over matters related to Ukraine, and if that
16 was the case, we hadn't been informed about that. But he was
17 making a lot of public statements and, you know, obviously
18 making a lot of assertions, including about our ambassador to
19 Ukraine, Masha Yovanovitch.

20 Q Did you try to determine whether Mr. Giuliani was
21 accurate and he had been given any portfolio over Ukraine?

22 A I asked my, you know, direct superior Ambassador
23 Bolton if he was aware of Mr. Giuliani being given some
24 direct taskings related to Ukraine, and he was not aware of
25 this.

UNCLASSIFIED

UNCLASSIFIED

39

1 Q Did you speak to anyone else about this?

2 A People in the State Department also.

3 Q All right. And what was their response?

4 A Everyone was completely unaware of any direct
5 official role that Mr. Giuliani had been given on the Ukraine
6 account. And, at that particular juncture, no one that I had
7 been in contact with had actually spoken to him.

8 Q And what particular juncture are you referring to?

9 A You asked me about the early stages, so around
10 March, April of 2019.

11 Q To your knowledge, was Mr. Giuliani ever a
12 government employee?

13 A Not that I know of, no.

14 Q Do you know whether he held a security clearance?

15 A I don't know.

16 Q Now, you said that, initially, you were led to
17 believe that his interest was based on his personal financial
18 interest. Did you come to understand that that interest of
19 his evolved over time?

20 A If we're talking at later stages, I mean, it
21 depends on how you want to go through this, you know,
22 chronologically or, you know, what I started to know before I
23 left. How would you like to approach this?

24 Q I'm asking after March, April, up until you left,
25 just broadly speaking, what did you come to understand his

UNCLASSIFIED

UNCLASSIFIED

40

1 interests to encompass?

2 A Well, there was a period before the ousting of our
3 Ambassador, and there was a period after this. So, in the
4 period up until the ouster -- and I'm using this, I think,
5 very clearly, I think, for all of us who were working on the
6 Ukraine account, the dismissal of Ambassador Yovanovitch was
7 a real turning point for us.

8 Because all of the information that I had seen in the
9 press, be it on The Hill, John Solomon's articles, on
10 Mr. Giuliani's whirlwind, on FOX News or the newspaper
11 articles I looked at, material that was -- you know, I asked
12 [REDACTED] to collect together and, you know,
13 information that I got from other colleagues who were
14 tracking this as well seemed to point towards a mixture of
15 some business associates of Mr. Giuliani. I was told the
16 names of the two gentlemen who happen to have just been
17 indicted. I had not previously come across them at all.

18 There was also an American businessman in Florida who
19 was associated with them whose name was also mentioned to me,
20 Harry Sargeant. I didn't find any further information out
21 about him. I mean, and my job was to track what was going on
22 with Ukraine, not to start looking, you know, at what
23 domestic actors were about.

24 I just want to make it very clear that at no time did I
25 try to go beyond the confines of my job. I was just trying

UNCLASSIFIED

UNCLASSIFIED

41

1 to understand what was going on so that I could then factor
2 that in into any interactions that we were having with
3 Ukrainian officials and across the board across the
4 interagency.

5 I was told that these gentlemen, Mr. Parnas, Mr. Fruman,
6 and Mr. Sargeant had all been in business with Mr. Giuliani,
7 and that the impression that a number of Ukrainian officials
8 and others had had was that they were interested in seeking
9 business deals in Ukraine.

10 Q Now why did the removal of Ambassador Yovanovitch
11 mark a turning point for you?

12 A Because there was no basis for her removal. The
13 accusations against her had no merit whatsoever. This was a
14 mishmash of conspiracy theories that, again, I've told you, I
15 believe firmly to be baseless, an idea of an association
16 between her and George Soros.

17 I had had accusations similar to this being made against
18 me as well. My entire first year of my tenure at the
19 National Security Council was filled with hateful calls,
20 conspiracy theories, which has started again, frankly, as
21 it's been announced that I've been giving this deposition,
22 accusing me of being a Soros mole in the White House, of
23 colluding with all kinds of enemies of the President, and,
24 you know, of various improprieties.

25 And it seems to be extraordinarily easy, as Ambassador

UNCLASSIFIED

UNCLASSIFIED

42

1 Yovanovitch pointed out in her opening testimony, for people
2 to make baseless claims about people and then to seek their
3 dismissal.

4 So I'd experienced exactly the same treatment that she
5 had in the whole first year of my tenure at the National
6 Security Council, which is a period in which Lieutenant
7 General McMaster and many other members of staff were
8 targeted as well, and many people were hounded out of the
9 National Security Council because they became frightened
10 about their own security.

11 I received, I just have to tell you, death threats,
12 calls at my home. My neighbors reported somebody coming and
13 hammering on my door. My [REDACTED] picked up a phone call
14 to have someone call me obscenities to [REDACTED]. [REDACTED] very
15 nervous about me testifying today as a result of that.

16 Now, I'm not easily intimidated, but that made me mad.
17 And when I saw this happening to Ambassador Yovanovitch
18 again, I was furious, because this is, again, just this
19 whipping up of what is frankly an anti-Semitic conspiracy
20 theory about George Soros to basically target nonpartisan
21 career officials, and also some political appointees as well,
22 because I just want to say this: This is not indiscriminate
23 in its attacks.

24 And so it was obvious to us, and I mean all of my team,
25 everybody at the State Department that I spoke to including

UNCLASSIFIED

UNCLASSIFIED

43

1 at the higher levels, inside the NSC at the high levels as
2 well, that she'd been subject to a pretty ruthless, nasty
3 defamation to basically remove her from place.

4 And the most obvious explanation at that point, it has
5 to be said, seemed to be business dealings of individuals who
6 wanted to improve their investment positions inside of
7 Ukraine itself, and also to deflect away from the findings of
8 not just the Mueller report on Russian interference but
9 what's also been confirmed by your own Senate report, and
10 what I know myself to be true as a former intelligence
11 analyst and somebody who has been working on Russia for more
12 than 30 years. So the fact that Ambassador Yovanovitch was
13 removed as a result of this was, I have to say, pretty
14 dispiriting.

15 Q Who did you understand was responsible for her
16 removal?

17 A I understood this to be the result of the campaign
18 that Mr. Giuliani had set in motion in conjunction with
19 people who were writing articles and, you know, publications
20 that I would have expected better of, and also, you know,
21 just the constant drumbeat of these accusations that he was
22 making on the television.

23 And as a result of that, he had created an atmosphere in
24 which she was under great suspicion, and it was obvious that
25 she would lose the confidence of senior people because these

UNCLASSIFIED

1 accusations seem to stick to people even when they're proved
2 not to be true.

3 Q Well, did you understand that the State
4 Department -- well, let me take a step back. Who ultimately
5 made the decision to remove her?

6 A I assumed, and I was told, that it was at the top
7 levels of the State Department because they felt that her
8 position was no longer tenable.

9 Q Did you understand whether the President of the
10 United States had a role in this at all?

11 A I was not led to believe that. I did not hear
12 that, and I was not told that. But it was clear that her
13 position had become untenable by the nature of these
14 accusations against her. And there are many other
15 distinguished public servants who we read about in the paper
16 every single day who have resigned or get pushed out because
17 accusations are made against them that make it incredibly
18 difficult for them to do their jobs.

19 Q Were you aware, by the end of April when Ambassador
20 Yovanovitch was removed, that the President himself had
21 retweeted some of John Solomon's articles in The Hill related
22 to this?

23 A I think I had seen those tweets. I'd obviously
24 seen those tweets.

25 Q And since you were working in the White House, what

UNCLASSIFIED

45

1 did you understand at that point, in April, the President's
2 view of Ambassador Yovanovitch to be, if you knew?

3 A Basically -- yeah.

4 MR. WOLOSKY: Let me just caution you not to speculate
5 about things that you don't know.

6 DR. HILL: Yeah. I was just going to say that I could
7 only form a judgment as everybody else could from the tweets.
8 I was not able to form any other judgment. I did not hear at
9 any juncture the President say anything about Ambassador
10 Yovanovitch.

11 BY MR. GOLDMAN:

12 Q And did you discuss Ambassador Yovanovitch with
13 Ambassador Bolton?

14 A I did.

15 Q And what was his reaction to this?

16 A His reaction was pained. And he basically said --
17 in fact, he directly said: Rudy Giuliani is a hand grenade
18 that is going to blow everybody up.

19 He made it clear that he didn't feel that there was
20 anything that he could personally do about this.

21 I met with Ambassador Yovanovitch and Assistant
22 Secretary Phil Reeker on May 1st when she was recalled to
23 Washington, D.C., to hear from her and to hear from Acting
24 Assistant Secretary Phil Reeker what they thought had
25 happened.

UNCLASSIFIED

UNCLASSIFIED

46

1 Because this had a really devastating effect on the
2 morale of all of the teams that I work with across the
3 interagency because everybody knows Ambassador Yovanovitch to
4 be the best of the best in terms of a nonpartisan career
5 official.

6 And as a woman, and, you know, I don't see always a lot
7 of prominent women in these positions, she was the highest
8 ranking woman diplomat. And I have worked with her across
9 all of my career in -- both in government when I was at the
10 DNI and also in the think tank world as a professional who
11 works on this region when she'd been Ambassador in Armenia
12 and also in Kyrgyzstan.

13 And I only have a professional relationship with her. I
14 don't see myself as a personal friend of hers. But I just
15 see her as epitomizing what United States diplomacy should
16 be.

17 Q During that meeting that you had on May 1st, did
18 she relay to you what the reasoning for her removal was as
19 she understood it?

20 A She relayed to me basically the same things that
21 she wrote in her testimony, and that has been made public.
22 And she was deeply disappointed and very upset. She also
23 made it clear that she wasn't going to grandstand and that
24 she appreciated that the State Department were trying to help
25 her.

UNCLASSIFIED

1 It was obvious that this had left a lot of her
2 colleagues at high levels feeling extremely upset. It
3 certainly seemed that Deputy Sullivan, Assistant Secretary
4 Reeker, and other officials in the State Department's highest
5 levels were trying to do their best to make sure that she,
6 you know, kept her reputation and was also given at least a
7 position in the interim that would be worthy of the kind of
8 person that she is. She's, remember, also been commandant of
9 the National Defense University. I mean, this is really one
10 of our most distinguished diplomats.

11 Q Did she indicate to you that Deputy Secretary
12 Sullivan had told her that this order had come from the
13 President at that point?

14 A She did not say that to me, but she did say that he
15 had said to her that there was no cause for her dismissal and
16 that he was deeply regretful of it. She was being very
17 discreet.

18 Q And it was your understanding that no one at the
19 senior levels at the State Department had any issues with her
20 qualifications or her competence?

21 A That was my understanding, and the same with all of
22 her colleagues across the diplomatic corps, the ambassadorial
23 corps, and certainly within the National Security Council.

24 Q And did you understand whether Secretary Pompeo had
25 any concerns about her work product or competency?

1 A I never heard anything to indicate that.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

UNCLASSIFIED

49

1 [11:33 a.m.]

2 BY MR. GOLDMAN:

3 Q And you said a second ago or a few minutes ago that
4 you never heard anything directly from the President related
5 to --

6 A I did not.

7 Q -- Ambassador Yovanovitch.

8 Just broadly speaking, we're not going to get right now
9 into the communications, but how frequently did you speak to
10 the President about any matters under your portfolio?

11 A Only in the context of larger meetings,
12 particularly around visits. It changed over time. In the
13 first year of our -- of the Presidency under General
14 McMaster, he had a very different style, and he would bring
15 many of us into meetings.

16 That was different under Ambassador Bolton, but I think
17 that that's also quite typical of the approach of different
18 National Security Advisors, so I don't read anything into
19 that. People have a different approach. And, as you know,
20 there's been a big debate since the beginning of the National
21 Security Council when it was first set up, you know, around
22 the time of, you know, World War II and the Cold War, about
23 what the right size, what the composition should be, and what
24 the approach should be, both of the National Security Advisor
25 and the staff.

UNCLASSIFIED

1 Q Now, so as it relates directly to Ukraine, how many
2 conversations did you have with -- were you present for where
3 the President was discussing Ukraine, Ukrainian policy, or
4 otherwise?

5 MR. WOLOSKY: I think it's fine to answer the question
6 of how many, generally speaking, times you were in
7 discussions with the President. I mean, if there are further
8 questions about the content of those discussions --

9 MR. GOLDMAN: I'm asking because she indicated that she
10 didn't hear anything about Ambassador Yovanovitch directly
11 from the President, so I'm trying just to understand how
12 frequently she would have been in a position to discuss these
13 matters.

14 DR. HILL: I mean, just also to be clear, Ukraine was
15 not a top policy item in a lot of this period. And my
16 portfolio covered all of Europe. It covered Turkey, which,
17 you know, obviously, there was a great deal of activity, and
18 Russia.

19 So it was really only ever in the context of when there
20 would be an official meeting with the Ukrainian President.
21 And in the time that I was there, there were not a great deal
22 of meetings with the Ukrainian leadership. There was
23 Poroshenko at one of the U.N. General Assemblies.

24 So the meetings were only very much in the context of
25 brief preparatory discussions for a meeting -- and this is

UNCLASSIFIED

51

1 obviously covered by executive privilege -- with heads of
2 State.

3 MR. GOLDMAN: So you said that Ambassador Yovanovitch's
4 removal was a turning point. How did things change after
5 that?

6 THE CHAIRMAN: Before we go to that, if I could just
7 ask, Dr. Hill, you mentioned that the decision to remove the
8 Ambassador, as far as you knew, took place at the top of the
9 State Department. By that, do you mean Secretary Pompeo or
10 someone else?

11 DR. HILL: This would be a presumption so --

12 MR. WOLOSKY: If you don't know the answer, don't
13 speculate. Just state what you know.

14 THE CHAIRMAN: Ambassador Yovanovitch related seeking
15 support, a statement of support from the Secretary of State.
16 That was not forthcoming. Do you have any personal knowledge
17 of those circumstances?

18 DR. HILL: I do not. I did take part in basically
19 reviewing statements of support for Ambassador Yovanovitch
20 from the State Department, but this was done at the working
21 level. I mean, there were many announcements trying to
22 refute some of basically the baseless accusations against
23 Ambassador Yovanovitch in the period of March and April.

24 And I just want to say again that I met with her on May
25 1st, when she had been unexpectedly summoned back to

UNCLASSIFIED

1 Washington, D.C. It took all of us by surprise because, to
2 be frank, I thought that those accusations about her would be
3 dismissed because they were clearly, in some cases, just
4 absurd.

5 BY MR. GOLDMAN:

6 Q So just going back to after her removal, how did --
7 you said it was a turning point. How so?

8 A Well, it was a shock, to be frank, to all of the
9 team. Ambassador Yovanovitch had been a key person, as I
10 mentioned before. Many of the interagency-approved policies
11 that we were implementing were carried out primarily by the
12 Embassy in Kyiv, and we had just then lost the leadership.

13 There was also a changeover in the Embassy at that
14 point, as the -- inevitably, as you get into the
15 spring-summer period, as new staff are going to be brought on
16 board at the Embassy. And so there was a bit of a kind of a
17 loss of direction for a period.

18 Now, we had, of course, the ongoing efforts of
19 Ambassador Kurt Volker as the U.S. Envoy for Ukraine. But at
20 this particular juncture, Ambassador Volker's main job had
21 been to meet with the Russians as well as the other members
22 of the Normandy format Minsk group, the French and the
23 Germans, under the European leadership.

24 But the Russians at this particular juncture were not
25 really picking up on the idea of having further meetings.

1 They were stonewalling because they themselves didn't want to
2 make very clearly any steps in determining the future of
3 their own Ukraine policy until they found out who they were
4 going to be dealing with in the Ukrainian Presidential
5 election.

6 Now, we'd had, of course, the election in April of
7 Zelensky, but at this point, we were also waiting to see what
8 would happen in the Ukrainian Parliamentary elections, the
9 Rada, to see whether Zelensky would be able to have a
10 workable majority.

11 You might also recall in November of 2018, there was the
12 incident in the Kerch Strait, where the Russians seized Naval
13 vessels of the Ukrainian Navy that were trying to enter
14 through international waters of the Kerch Strait into the Sea
15 of Azov and then detained their sailors after, in fact,
16 firing on the two Ukrainian ships and injuring at least one,
17 but maybe more of the sailors. And they'd taken the sailors
18 to Moscow. They were effectively becoming prisoners of war.

19 And we'd been focused in this period on trying to push
20 the Russians to release the Ukrainian sailors, and we had
21 pulled down meetings, bilateral meetings with President
22 Putin -- this was actually the President's decision to do
23 so -- in response to the Russians' refusal to release the
24 Ukrainians.

25 And so, you know, there were many issues that we were

1 still trying to push at this period, and we had to figure out
2 how we were going to do this. So there was a period of
3 uncertainty as to how we were going to be conducting our
4 Ukraine policy.

5 Q And that's from the official United States
6 position, you mean?

7 A Correct.

8 Q Now, how did Rudy Giuliani's efforts from after --
9 from May through the summer impact the official U.S. foreign
10 policy?

11 A Well, we heard that he was planning on visiting
12 Ukraine, and we didn't know why, you know, for what purpose
13 and what was his intent. And, you know, I heard about that
14 on the news and read about that in the paper. I mean,
15 subsequently that meeting was pulled down.

16 But this was then in the period where Ambassador Volker
17 told us that he was planning on meeting with Mr. Giuliani to
18 try to see if he could resolve whatever issues there may be
19 there. You've had Ambassador Volker come and talk on his own
20 terms and to answer your questions, and I'm sure he's told
21 you what he told us.

22 But this is also in the period where, rather
23 unexpectedly, our Ambassador to the EU, Ambassador Sondland
24 informed us, but just informed us without, again, us being
25 given any specific directive, that he had been assigned to be

1 in charge, at least in interim fashion, of the Ukraine
2 portfolio.

3 Q And around when was that?

4 A That was in the May-June timeframe.

5 Q And who did you understand assigned Ambassador
6 Sondland to do that?

7 A At first, nobody. And it was only later, very late
8 June, when Ambassador Sondland told me again that he was in
9 charge of Ukraine. And I asked, well, on whose authority?
10 And he said, the President.

11 Q At this point now, Mr. Giuliani had indicated he
12 was going to speak to Ukrainian officials, and then he
13 decided not to go. Now, into the June timeframe into July,
14 did you understand what he was advocating about -- in Ukraine
15 and what his interests were?

16 A In this period in May, I had a request from a
17 former U.S. Government official to meet with me. This was
18 Amos Hochstein, the former U.S. Envoy for Energy, who I'd
19 previously worked with in different capacities.
20 Mr. Hochstein had been appointed to the board of Naftogaz,
21 the main Ukrainian-U.S -- gas and oil company. He had
22 actually been appointed during this administration, in
23 conjunction with discussions with the Department of Energy.

24 So I just want to make clear that although Amos
25 Hochstein had been the U.S. Energy Envoy under President

1 Obama, he was somebody who was well-respected by the
2 Department of Energy, and he had very close ties with
3 Secretary Perry's staff and also with people who served on
4 the National Security Council who worked on energy issues.
5 So they were very comfortable with him taking on this role.

6 And he'd been in the position for several months,
7 perhaps even a year at this juncture when he came in to talk
8 with me, which was towards the end of May. And he came in to
9 express some serious concerns that he had. In the course of
10 his time on the board of Naftogaz, which he actually said had
11 actually not been a particularly uplifting experience, it had
12 come to his attention that there was a lot of pressure being
13 put on the officials of Naftogaz, who had also reached out to
14 talk to me and my colleagues at the National Security
15 Council, to have other board members put in place and this
16 seemed to be at the direction of Giuliani, and that they were
17 also being pushed more generally in the Ukrainian energy
18 sector to open up investigations into corruption in the
19 energy sector that seemed to go beyond what I had assumed was
20 the thrust of our push on corruption, which was related to
21 people trying to siphon off assets of Naftogaz or to use that
22 improperly, which had been done at many times in the past,
23 and, in fact, would include the energy company Burisma that
24 everyone has been very concerned about.

25 I, to be honest, had forgotten the name of Burisma. It

1 had been a long time since that name had surfaced. It had
2 been on my radar screen sometime previously, and I asked Amos
3 to remind me of the Burisma issue. And he reminded me that
4 this was the company that Hunter Biden had been affiliated
5 with.

6 So, at that juncture, it became clear, from Amos'
7 concerns that he was flagging for me -- he also said that a
8 number of Ukrainian officials had come to him very concerned
9 that they were getting pressure from Giuliani and Giuliani
10 associates -- and he also mentioned the names of Mr. Parnas
11 and Fruman -- to basically start to open up investigations
12 and also to change the composition of the Naftogaz board.

13 Q So did you come to understand that Mr. Giuliani
14 perhaps, at a minimum, was advocating for an investigation
15 into Burisma?

16 A It was part of what seemed to be a package of
17 issues that he was pushing for, including what seemed to be
18 the business interests of his own associates.

19 Q And when -- the way Mr. Hochstein explained it to
20 you, did you understand what Rudy Giuliani's interest in an
21 investigation into Burisma was?

22 A Not entirely, I did not at that juncture.

23 Q At a later point, did you come to understand what
24 it was?

25 A Only, frankly, since I've left the administration.

UNCLASSIFIED

58

1 Q And what is that?

2 A It's only based on -- and, again, this is what I've
3 been reading in the papers. My jaw dropped when I saw the
4 indictments of these two gentlemen, of Fruman and Parnas. So
5 it becomes clear that they were certainly up to no good. But
6 that was what I was already hearing.

7 And I was also told by Amos and other colleagues that
8 they had some linkages, so I also want to, you know, get you
9 to step back at this period. This is, you know, March,
10 April, into May, where we were having a standoff over
11 Venezuela. And the Russians at this particular juncture were
12 signaling very strongly that they wanted to somehow make some
13 very strange swap arrangement between Venezuela and Ukraine.

14 In other words, if we were going to exert some semblance
15 of the Monroe Doctrine of, you know, Russia keeping out of
16 our backyard, because this is after the Russians had sent in
17 these hundred operatives essentially to, you know, basically
18 secure the Venezuelan Government and, you know, to preempt
19 what they were obviously taking to be some kind of U.S.
20 military action, they were basically signaling: You know,
21 you have your Monroe doctrine. You want us out of your
22 backyard. Well, you know, we have our own version of this.
23 You're in our backyard in Ukraine. And we were getting that
24 sent to us, you know, kind of informally through channels.
25 It was in the Russian press, various commentators.

UNCLASSIFIED

1 And I was asked to go out to Russia in this timeframe to
2 basically tell the Russians to knock this off. I was given a
3 special assignment by the National Security Council with the
4 agreement with the State Department to get the Russians to
5 back off.

6 So, in the course of my discussions with my colleagues
7 [REDACTED], I also found out that there
8 were Ukrainian energy interests that had been in the mix in
9 Venezuelan energy sectors as well as the names again of
10 Mr. Parnas and Mr. Fruman, and this gentleman Harry Sargeant
11 came up. And my colleagues [REDACTED]
12 said these guys were notorious in Florida and that they were
13 bad news.

14 Q And you understood that they were working with Rudy
15 Giuliani at that point?

16 A I did at this point.

17 Q You mentioned Ambassador Sondland, who I think in
18 June told you that he had been assigned by the President to
19 cover Ukraine. You said that was somewhat of an unusual
20 development. What did you mean by that?

21 A Well, it was very unusual because we were given no
22 instructions. There wasn't a directive. Ambassador Bolton
23 didn't know about this. Nobody at the State Department
24 seemed to know about this either. I went to consult several
25 times with senior State Department officials to ask them if

UNCLASSIFIED

60

1 they knew if this was the case.

2 Q And what did they say?

3 A They said they had no -- no directive, no
4 information to suggest this.

5 Q And who did you speak to about this?

6 A I spoke to Under Secretary Hale. I spoke to
7 Assistant Secretary Reeker. And I did have a phone call at
8 one point with Ulrich Brechbuhl, the counsel to Secretary
9 Pompeo.

10 But I also have to say that Ambassador Sondland had
11 asserted -- and, again, I mean asserted by telling me that he
12 had a very large remit for his understanding of Ambassador to
13 the European Union. He referred to a letter outlining his
14 authorities and his responsibilities given to him by the
15 State Department, which is, frankly, the regular State
16 Department letter to Ambassadors when they, you know,
17 get remit as the plenipotentiaries and the representatives of
18 the President.

19 In all cases, you know, they have quite extensive
20 responsibilities and authorities anyway. But said that he
21 had been -- again, this is what he said to us, and I can only
22 tell you what Ambassador Sondland said to me, that the
23 President had given him broad authority on all things related
24 to Europe, that he was the President's point man on Europe.

25 So this meant that anything that was related to the

UNCLASSIFIED

UNCLASSIFIED

61

1 European Union could, in his view, fall within his purview.
2 And I was constantly going back to State Department and to
3 the Deputy Assistant Secretaries and Acting Assistant
4 Secretary to try to clarify this. And, again, in each case,
5 they had no knowledge of these responsibilities that had been
6 accorded to Ambassador Sondland in his rendition of these
7 issues.

8 And so I was spending an inordinate amount of time
9 trying to coordinate in some fashion with Ambassador Sondland
10 on a whole range of issues related to visits by heads of
11 states, meetings. And Ambassador Sondland would frequently
12 give people my personal cell phone to call up and demand
13 meetings with Ambassador Bolton or with me.

14 We had all kinds of officials from Europe, particularly
15 when [REDACTED] was the president in office of the European
16 Union, literally appearing at the gates of the White House,
17 calling on our personal phones, which are actually in lock
18 boxes, so it was kind of difficult to get hold of them. I'd
19 find endless messages from irate [REDACTED] officials who'd
20 been told that they were supposed to meet with me by
21 Ambassador Sondland.

22 I mean, some of it was comical, but it was also, for me
23 and for others, deeply concerning. And I actually went to
24 our Intelligence Bureau and asked to have [REDACTED]
25 [REDACTED] sit down with him and explain that this was a

UNCLASSIFIED

1 counterintelligence risk, particularly giving out our
2 personal phone numbers. And also just, I mean, basically
3 going beyond the larger remit because he should have been
4 having briefings. If, indeed, he had been given these
5 assignments, he should have been having appropriate briefings
6 for all of these meetings.

7 And as far as I could understand, the briefings that he
8 was getting -- so he was often meeting with people he had no
9 information about. It's like basically driving along with no
10 guardrails and no GPS on an unfamiliar territory. He was
11 meeting with, for example, [REDACTED] officials that we had
12 derogatory information on that he shouldn't have been meeting
13 with, or he was, you know, giving out his phone number and
14 texting to, you know, regional officials, for example, the
15 Prime Minister of [REDACTED] who he met at a meeting in
16 Brussels. All of those communications could have been
17 exfiltrated by the Russians very easily.

18 So I'll just say right upfront we had a lot of concerns,
19 but I expressed these openly to Ambassador Sondland. So I'm
20 not telling you anything that I didn't say to him.

21 Q Did there come a time when you had a meeting at the
22 White House with Ukrainian officials in early July, where
23 Ambassador Sondland was also present?

24 A Yes, that is correct.

25 Q Do you recall what day that was?

UNCLASSIFIED

63

1 A That was July 10th. So this was essentially the
2 week before I was due to wrap up and hand off.

3 Q And who was present for that meeting?

4 A This was a meeting by, at this point, the appointee
5 for President Zelensky to be his National Security Advisor,
6 Oleksandr Danylyuk, and his personal adviser, a gentleman who
7 has been named in the press, Andrey Yermak, with Ambassador
8 Bolton. Secretary Perry was also in attendance. Yermak had
9 an assistant. Ambassador Sondland. There was our Ukraine
10 director, Ambassador Volker, and myself and our senior
11 director for energy affairs, Wells Griffith.

12 And there may have also been -- the room got a bit
13 crowded and, I had to sit on the back sofa. I think there
14 might have also been one of Secretary Perry's aides with him
15 in that meeting. And then there were other officials who
16 were also there in attendance, but not in Ambassador Bolton's
17 office, who were waiting out in one of the anterooms.

18 Q And what was the ostensible purpose of the meeting?

19 A It was twofold. Danylyuk, who was the designated
20 National Security Advisor, was trying to seek assistance in
21 what he wanted to do with a revamp of the Ukrainian National
22 Security Council, which, frankly, could do with it. And so
23 he was wanting to ask Ambassador Bolton for his assistance
24 and recommendations on, you know, what they could do to sort
25 of streamline the national security apparatus, and would the

UNCLASSIFIED

UNCLASSIFIED

64

1 U.S. be willing to help with technical assistance. I mean,
2 again, this would be something that would normally be done
3 through the State Department. It's not something that the
4 National Security Council deals with. But I think they were
5 trying to get Ambassador Bolton's imprimatur, because he is
6 the National Security Advisor, and support for this.

7 And also Ambassador Bolton has, you know, deep knowledge
8 of many issues, and Mr. Danylyuk was hoping to get, you know,
9 some of his advice just in the general perspective of
10 national security issues.

11 And then there was also that the Ukrainians were very
12 anxious to set up a meeting, a first meeting between
13 President Zelensky and our President.

14 Q And there had already been a written invitation to
15 that effect by that point from the White House, right?

16 A It wasn't an invitation. It was basically a
17 general, you know, we look forward to seeing you kind of
18 open-ended invitation at the end of a congratulatory letter
19 that was sent to President Zelensky after his election in
20 April.

21 Q But you understood that the Ukrainians wanted
22 President Zelensky to make a White House visit?

23 A Correct.

24 Q Why is that?

25 A Every single leader, with very few exceptions,

UNCLASSIFIED

UNCLASSIFIED

65

1 who's either come into office or been in office some period
2 wants to have a meeting with the President at the White
3 House. All of my interactions with Ambassadors or officials
4 from other countries inevitably came to, "When can we have a
5 White House meeting, and if we can't meet with the President,
6 when can we meet with the Vice President?"

7 And people, you know, in these circumstances were not
8 satisfied with perhaps a pull-aside at a larger event like
9 the G-20 or the U.N. GA. They wanted to have a White House
10 meeting, if at all possible.

11 Q Did anything happen in that meeting that was out of
12 the ordinary?

13 A Yes. At one point during that meeting, Ambassador
14 Bolton was, you know, basically trying very hard not to
15 commit to a meeting, because, you know -- and, again, these
16 meetings have to be well-prepared. They're not just
17 something that you say, yes, we're going to have a meeting
18 without there being a clear understanding of what the content
19 of that meeting is going to be.

20 And that is a perpetual problem for us, that many -- not
21 all leaders but some, you know, want to really just have a
22 photo opportunity often for their own purposes. I mean,
23 legitimacy and legitimization of them as a new leader is
24 obviously very important. That's not just an inconsequential
25 issue.

UNCLASSIFIED

1 But sometimes -- you know, the previous President
2 Poroshenko very much wanted a White House meeting in the
3 runup to his election, because he wanted to use that for his
4 election campaign. We've had, you know, all kinds of leaders
5 or people who are running for reelection actually try to
6 ambush the President.

7 We had one candidate for election in one country that I
8 won't state who showed up at the [REDACTED] State Fair and worked
9 the rope line to get a picture with the President and then
10 put it up on the website of his campaign, claiming that he'd
11 had a personal meeting with the President. Well, you know,
12 it was against a backdrop, so you couldn't see the cows in
13 the background or, you know, the farm entity, but we all
14 thought it was quite hysterical that they go to those lengths
15 to work the rope line [REDACTED] to get a picture.

16 But this shows the importance that leaders put on
17 meeting with our President, and having a White House meeting
18 is obviously the most important of all. And Ambassador
19 Bolton is always -- was always very cautious and always very
20 much, you know, by the book and was not going to certainly
21 commit to a meeting right there and then, certainly not one
22 where it wasn't -- it was unclear what the content of the
23 meeting would be about, what kind of issues that we would
24 discuss that would be pertaining to Ukrainian-U.S. relations.

25 And Secretary Perry had been talking in this context

1 about the importance of reforming the energy structures in
2 Ukraine in a very general sense and talking about how
3 important that was for Ukrainian national security and that,
4 as well as reforming their national security structures, they
5 also have to, you know, really pay attention to their
6 Achilles heel, all the places that Russia had leverage, the
7 military sector, which Ambassador Bolton had also been
8 talking about, and then the energy sector, which was really
9 in some considerable disarray.

10 Then Ambassador Sondland blurted out: Well, we have an
11 agreement with the Chief of Staff for a meeting if these
12 investigations in the energy sector start.

13 And Ambassador Bolton immediately stiffened. He said
14 words to the effect -- I can't say word for word what he said
15 because I was behind them sitting on the sofa with our Senior
16 Director of Energy, and we all kind of looked up and thought
17 that was somewhat odd. And Ambassador Bolton immediately
18 stiffened and ended the meeting.

19 Q Right then, he just ended the meeting?

20 A Yeah. He said: Well, it was very nice to see you.
21 You know, I can't discuss a meeting at this time. We'll
22 clearly work on this. And, you know, kind of it was really
23 nice to see you.

24 So it was very abrupt. I mean, he looked at the clock
25 as if he had, you know, suddenly another meeting and his time

UNCLASSIFIED

68

1 was up, but it was obvious he ended the meeting.

2 Q And did you have a conversation with Ambassador
3 Bolton after this meeting?

4 A I did.

5 Q Describe that.

6 A Ambassador Sondland said as he was leaving --
7 again, I was back -- to the back of Ambassador Bolton's
8 office. And Ambassador Sondland said to Ambassador Volker
9 and also Secretary Perry and the other people who were with
10 him, including the Ukrainians, to come down to -- there's a
11 room in the White House, the Ward Room, to basically talk
12 about next steps. And that's also unusual. I mean, he meant
13 to talk to the Ukrainians about next steps about the meeting.

14 And Ambassador --

15 Q The White House meeting?

16 A The White House meeting. And Ambassador Bolton
17 pulled me back as I was walking out afterwards and said: Go
18 down to the Ward Room right now and find out what they're
19 talking about and come back and talk to me.

20 So I did go down. And I came in as there was obviously
21 a discussion underway. And there was a very large group of
22 people in the room. They were the aides to the Ukrainian
23 officials, Mr. Yermak and Mr. Danylyuk. There were a couple,
24 at least two State Department aides who had come over with
25 Ambassador Sondland. There was Ambassador Volker's aide, and

UNCLASSIFIED

1 there were a couple of other people. I weren't sure who they
2 were, whether they'd been part of Secretary Perry's team.
3 But as I was coming in, Secretary Perry was leaving to go off
4 to another engagement. So I think that one person there was
5 probably one of his team, but I'm not sure for certain,
6 because I didn't recognize the person. And there was also
7 our director for Ukrainian affairs.

8 And Ambassador Sondland, in front of the Ukrainians, as
9 I came in, was talking about how he had an agreement with
10 Chief of Staff Mulvaney for a meeting with the Ukrainians if
11 they were going to go forward with investigations. And my
12 director for Ukraine was looking completely alarmed. And I
13 came in again as this discussion was underway. Mr. Danylyuk
14 looked very alarmed as well. He didn't look like he knew
15 what was going on. That wasn't the case with Yermak.

16 And I immediately said to Ambassador Sondland: Look, we
17 can't discuss the meeting here with our Ukrainian colleagues.
18 Ambassador Bolton sent me down to ask -- you know, kind of to
19 make sure that you understand that we'll be talking about the
20 meeting. We'll obviously be looking into this, but that we
21 can't make any commitments at this particular juncture
22 because a lot of things will have to be worked through in
23 terms of the timing and the substance.

24 And Ambassador Sondland cut me off, and he said: We
25 have an agreement that they'll have a meeting.

1 And I said: Look, we cannot discuss this in front of
2 our colleagues. You know, we have to talk about, you know,
3 the details of this.

4 And he said: Okay, okay, I get it.

5 And he asked the Ukrainians to basically leave the room.
6 So they basically moved out into the corridor.

7 And I said: Look, I don't know what's going on here,
8 but Ambassador Bolton wants to make it very clear that we
9 have to talk about, you know, how are we going to set up this
10 meeting. It has to go through proper procedures.

11 And he started to basically talk about discussions that
12 he had had with the Chief of Staff. He mentioned Mr.
13 Giuliani, but then I cut him off because I didn't want to get
14 further into this discussion at all.

15 And I said: Look, we're the National Security Council.
16 We're basically here to talk about how we set this up, and
17 we're going to set this up in the right way. And, you know,
18 Ambassador Bolton has asked me to make it completely clear
19 that we're going to talk about this, and, you know, we will
20 deal with this in the proper procedures. And Ambassador
21 Sondland was clearly annoyed with this, but then, you know,
22 he moved off. He said he had other meetings.

23 And I went back to talk to Ambassador Bolton. And
24 Ambassador Bolton asked me to go over and report this to our
25 NSC counsel, to John Eisenberg. And he told me, and this is

1 a direct quote from Ambassador Bolton: You go and tell
2 Eisenberg that I am not part of whatever drug deal Sondland
3 and Mulvaney are cooking up on this, and you go and tell him
4 what you've heard and what I've said. So I went over to talk
5 to John Eisenberg about this.

6 MR. GOLDMAN: We'll have to pick that up in the next
7 round. Our time is up. Over to the minority.

8 THE CHAIRMAN: The minority is recognized.

9 BY MR. CASTOR:

10 Q Good morning, Dr. Hill, Steve Castor with the
11 Republican staff.

12 A Yes.

13 Q Ambassador Volker related his thoughts about the
14 July 10th White House meeting. Was Secretary Perry involved
15 with that, was he in the meeting?

16 A He wasn't in the Ward Room when I came in. He was
17 leaving out. But he was in the meeting with Ambassador
18 Bolton, correct.

19 Q The first part of the meeting?

20 A That is correct, yes.

21 Q Could you just run down the people that were in the
22 meeting again? Danylyuk, Yermak.

23 A Yeah, Yermak's assistant or aide, whose name, I'm
24 sorry, I don't recall. There was Wells Griffith, P. Wells
25 Griffith, our senior director for energy. He and I were

1 sitting together on the sofa. There was Secretary Perry.
2 There was our director for Ukraine, and there was Ambassador
3 Volker and Alex Vindman, and there was Ambassador Bolton.
4 And, again, there may have been another aide to --

5 Q Was Volker there?

6 A Volker was there. Yes, correct, he was there. And
7 there may have been another aide to Secretary Perry. I'm
8 just trying to think about the layout across the table. It's
9 not a very big table. Because I think there was somebody
10 else sitting in one of the chairs. And I'm afraid, I'm
11 sorry, I can't recall who it was.

12 Q Did I get this right? You said Bolton wanted you
13 to go down to John Eisenberg, and he said, "I'm not part of
14 any drug deal"?

15 A That's exactly what he said, quote/unquote. I
16 think he was being ironic. But he wasn't very happy. He was
17 very angry.

18 Q Then you went down and spoke with Eisenberg?

19 A Yes, I went across to speak to him in the other
20 building.

21 Q And what did you tell Eisenberg?

22 A I told Ambassador Eisenberg that Ambassador Bolton
23 had instructed me to go over there right away. And I gave
24 him the details of what had transpired in the meeting in
25 Ambassador Bolton's office and then what I had overheard as I

1 came into the Ward Room and that my, you know, kind of
2 primary concern for me personally was the fact that
3 Ambassador Sondland was saying all of this in front of
4 foreign nationals.

5 Now, the Ward Room is located right beside the Navy
6 mess. It's inside really the secure spaces of the White
7 House. Ambassador Sondland said he had requested this room
8 through the Chief of Staff's Office, because I was a bit
9 surprised that they had this room. We do meet with foreign
10 delegations in there, but usually in a formal setting, not
11 just for informal talks.

12 And when he pushed them also out of that, they were
13 basically standing in a space between the Navy mess and the
14 White House Sit Room. So this was an awkward setup, to say
15 the least. So I also expressed those concerns to John, that
16 then foreign nationals, you know, are just standing around in
17 the corridor outside the Ward Room by the doors into the Sit
18 Room.

19 Q The President sent a letter May 29th, are you
20 familiar with that, where he congratulated Zelensky?

21 A I am familiar with that, right.

22 Q And at the end of the letter -- we can make it an
23 exhibit if we need to, but the President says: I would like
24 to invite you to meet with me at the White House in
25 Washington, D.C., as soon as we can find a mutually

UNCLASSIFIED

74

1 convenient time.

2 A Correct.

3 Q You're aware of that?

4 A Yes. And I also want to tell you that Ambassador
5 Sondland told us that he had dictated that paragraph to the
6 President and to the Chief of Staff to add to that letter.

7 That letter did not go through the normal NSC procedures
8 because the initial draft of the letter that we had put in
9 place was sent back to the Chief of Staff. So Ambassador
10 Sondland coordinated on that letter directly with the Chief
11 of Staff, and it did not go back through the National
12 Security Council Exec Sec. I had to get that letter directly
13 from the White House Exec Sec.

14 Q Is this an unusual statement to put in a letter?

15 A Not at all. I mean, it's the kind of thing that
16 one would normally have in -- or might have in a letter, but
17 I have to say, again, we were very cautious because it's not
18 the case that you want actually every single head of state
19 who's just been elected to come to the White House. So we
20 would usually have something more generic, "We look forward
21 to seeing you, you know, kind of at some future event,"
22 because a lot of heads of state we'd much prefer to meet with
23 them on the margins of the U.N. General Assembly or NATO or,
24 you know, some other event because, I mean, you can't have
25 basically every week the President having to host some head

UNCLASSIFIED

1 of state in the White House.

2 Q Is it fair to say sometimes these invitations are
3 theoretically extended, but, in practicality, they don't come
4 to fruition?

5 A That is correct. They're often done as a courtesy,
6 you know, as one -- and the President has had invitations
7 like that himself. You may remember he got an invitation
8 from Theresa May on her first visit to the White House in
9 2017 for a state visit to the United Kingdom, and that took a
10 long time to come about.

11 Q So is it fair to say it's part of the diplomatic
12 pleasantries?

13 A That is correct.

14 Q Say, we'll bring you to the White House?

15 A But not always, because we don't always put that
16 in. So, again, Ambassador Sondland specifically told us that
17 he had had that paragraph inserted. And we were, again,
18 somewhat nervous about that, because, again, when you make an
19 invitation like that and an expectation is set up, you need
20 to have a clear idea of the timeframe and then the nature of
21 the discussions.

22 And at this particular point, we're still waiting for
23 the elections to the Ukrainian Parliament. So I just want to
24 put that on the record.

25 Q When was that going to be?

1 A That was going to be in July. Well, in actual
2 fact, at that point -- I'll have to go back and check.
3 Perhaps we can all check whether it had actually been
4 announced because Zelensky was under a great deal of pressure
5 internally, domestically, and also from the Russians.

6 There was, you know, speculation in all analytical
7 circles, both in Ukraine and outside, that he might not be
8 able to get a workable majority in the Ukrainian Parliament.
9 And all of us are very cognizant of the dangers of writing
10 congratulatory letters to people who can't form governments.
11 We've had a number of letters, in fact, we had to pull back
12 where heads of state that we congratulated then couldn't
13 actually form a government.

14 And at that point, we were very hesitant to, you know,
15 push forward with any invitation to Zelensky until we knew
16 that he had a workable majority in the Rada and was then
17 going to be able to form his own cabinet.

18 So myself and others were actually cautioning against
19 extending an invitation at that particular point until we
20 knew that Zelensky would form a government. We were also
21 extremely concerned about Zelensky's relationship with the
22 gentleman Igor Kolomoisky, the Ukrainian oligarch, who was --
23 the oligarch who was basically the owner of the TV and
24 production company that Mr. Zelensky's famous Servant of the
25 People program had been part of.

1 And, of course, our analysts and our Embassy and others
2 were watching very closely -- and this is playing out now in
3 the press and public -- to see how much influence
4 Mr. Kolomoisky might have on Zelensky or on government
5 formation.

6 And Kolomoisky is someone who the U.S. Government has
7 been concerned about for some time, having been suspected
8 and, indeed, proven to have embezzled money, American
9 taxpayers' money, from a bank that was subsequently
10 nationalized, PrivatBank. And he had gone into exile in
11 Israel in this particular timeframe.

12 Q Is he back in Ukraine?

13 A So we were watching -- he's gone back to Ukraine.
14 So we were watching for exactly these kinds of eventualities
15 and were very reluctant at that point to put a meeting on the
16 agenda, push for a meeting until we could see how the
17 complexities of Ukrainian politics would play out.

18 Q What were your thoughts on Zelensky in the runup to
19 his election victory?

20 A I had an open mind about him. He was, you know,
21 somebody, you know, completely, you know, out of the -- from
22 outside the political realm. Obviously, you know, we asked
23 our analysts to, you know, get us as much information as they
24 could.

25 And, as I said, the one question we had was really

1 whether he would be able to act independently. He would
2 obviously need a major Parliamentary majority for this or a
3 significant Parliamentary majority, and whether someone like
4 Igor Kolomoisky or other oligarchs would try to predate upon
5 his Presidency.

6 Q Did you believe he was genuinely campaigning on
7 being an anticorruption champion?

8 A There was a good chance that he was. And I'm
9 always one of the people, you know, trust but verify. So I
10 wanted to have a bit more information about him.

11 Q Had Poroshenko's time run out, you think?

12 A Poroshenko's time had definitely run out.

13 I also want to say that, you know, in this timeframe, we
14 were being very careful in the runup to the elections not to
15 appear, as the previous administration had done, to tip our
16 hat in the election.

17 And we all remember the notorious phone call that the
18 Russians basically intercepted and then put on YouTube of
19 Assistant Secretary Victoria Nuland talking to our Ambassador
20 Geoff Pyatt at the time about decisions about who should be
21 Prime Minister of Ukraine and the very damaging effect that
22 that had. So we were trying to ensure at that time --

23 Q When did that occur?

24 A That was during the -- gosh, when was that -- one
25 of the many upheavals in Ukrainian politics back in the

1 2000s. I'll have to come back to you. That's one of those,
2 you know, trivia questions I would have failed in my pub quiz
3 there.

4 But, basically, you will all remember that it was
5 intercepted by the Russians. It was a question of then-Prime
6 Minister Yatseniuk about who would be more preferable for the
7 United States. And we had determined as a government that we
8 weren't going to play that game. We were not going to try to
9 in any case -- in any shape or form suggest that Poroshenko
10 was our candidate or that we had a preference for Zelensky or
11 any of the other candidates that were running in the
12 Presidential race.

13 And that had made President Poroshenko very
14 uncomfortable and he had been agitating for some kind of
15 meeting in that timeframe, including with the Vice President
16 or someone as well.

17 Q It's been posited that Ambassador Yovanovitch was
18 close to Poroshenko, whether that's true or untrue.

19 A That's rubbish, just to be very clear. Then
20 anybody in the government who is interacting with Poroshenko,
21 including the Vice President, was -- and the President was
22 close to Poroshenko, and that's just not true.

23 Q When was it clear that Poroshenko's time was up?

24 A I think it became, you know, very obvious in his
25 handling of, you know, various issues. The Kerch Strait

1 incident could very well have been handled differently.

2 Q When was that?

3 A That was in November of 2018. They have a perfect
4 right to send their ships through the Kerch Strait, but it
5 seemed to us that this action, you know, was taken -- it was
6 taken on the eve of the armistice commemorations in France,
7 where we'd already announced that there was going to be a
8 meeting between the President and President Putin. There was
9 a lot of scrutiny on other major events.

10 And it seemed to have been done not just with a freedom
11 of navigation goal in mind, which, again, is completely
12 acceptable and the right of the Ukrainians, but also to gain
13 maximum attention.

14 And there was a miscalculation there. Perhaps the
15 Ukrainians -- this is speculation on my part, but I think it
16 bears on an analytical basis rather than on anything else --
17 that President Poroshenko thought that the Russians would
18 catch and release, that they would, you know, perhaps attempt
19 to detain the ships, not that there would be a fire fight,
20 which is actually what happened. I mean, those ships were
21 shot on by a Russian helicopter, and one of the seamen, the
22 sailors, was injured. And I don't think he anticipated
23 they'd seize both vessels and take the sailors off to Moscow.

24 Q Was it clear that Zelensky was going to be the
25 winner?

1 A It was not.

2 Q So it was trending not towards Poroshenko, but it
3 was going to be Zelensky or a third candidate?

4 A Yeah. I mean, all the analysis, we had many
5 updates at the time we were doing. In fact, the Embassy in
6 Ukraine was doing some really excellent work on polling and
7 on, you know, kind of outreach to Ukrainian citizens and
8 their think tanks. And it was clear that Poroshenko was
9 polling in the single digits, so it was an uphill battle for
10 him if it was a free and fair election.

11 So our focus was on encouraging all parts of the
12 Ukrainian establishment to have a free and fair election, and
13 signaling to Poroshenko that if he tried to steal the
14 election, this would not be acknowledged by the U.S.
15 Government, that we were watching this. And to be fair to
16 Poroshenko, he really did run a free and fair election. It
17 was something the Russians didn't expect, and it was
18 something I think that a lot of people did not expect.

19 Q How confident were you that Zelensky would be able
20 to get the margins he needed to form a parliament or to form
21 a majority?

22 A Not especially confident, to be honest, given the
23 pressures that he was facing and also the role of the
24 Russians in obviously targeting the Ukrainian elections as
25 well. You have to remember that before, you know, the

1 Russians targeted us and targeted other European countries
2 around their elections, they targeted Ukraine as well. And
3 it was well-documented that the Russians were trying to run
4 their own candidates, people with affiliations with Russian
5 businesses, Russian oligarchs, and with the Kremlin.

6 Q But, ultimately, he was able to do that in the July
7 election?

8 A He was, because I think everyone has always
9 underestimated the Ukrainian people's political sentiment and
10 grassroots.

11 Q Ambassador Volker, you touched on it a little bit
12 in the first hour, what was his portfolio?

13 A His portfolio was to conduct, as best he could, the
14 negotiations or give the United States a role in the
15 negotiations with the Russians and the Ukrainians to find
16 resolution to the war in Donbas.

17 So his portfolio covered interactions with the Normandy
18 format Minsk group, the French and the Germans and the
19 Ukrainians and Russians in that context. He was responsible
20 for meetings with President Putin's designated Ukrainian
21 envoy to the Ukrainian conflict, Mr. Sokov. That in itself
22 is a challenge. Sokov is a political operator of the highest
23 caliber and, you know, very well-known in Russian circles.
24 And also to deal with other European leaders who have been,
25 you know, actively involved and engaging with Ukraine, and

UNCLASSIFIED

83

1 our other allies, the Canadians, you know, NATO and others.
2 But it was very much focused on the resolution of the
3 conflict in Donbas.

4 Q With Ambassador Sondland's self-asserted authority
5 over at least parts of the Ukrainian portfolio, who are the
6 other relevant U.S. officials, not Rudy Giuliani, but
7 relevant U.S. officials involved with Ukraine policy at this
8 point?

9 A In terms of across the interagency, the equivalent
10 Assistant Secretaries and Deputy Assistant Secretaries of
11 Defense and at State. So --

12 Q Who are they?

13 A George Kent is the DAS in charge of Ukraine at the
14 State Department. Wess Mitchell was previously the Assistant
15 Secretary, but he left in February of 2019, February of 2019.
16 Does that sound right?

17 And Phil Reeker came in as Acting Assistant Secretary,
18 having been the special adviser to EUCOM, only really in
19 April-May. So he was actually dual-hatted until the
20 retirement of General Scaparrotti. He was his chief adviser.
21 So he was, you know, doing two jobs at once. So I think he
22 was appointed of -- named as Acting Assistant Secretary, but
23 he only really was coming into the job in April.

24 And then, in terms of -- the DAS is Laura Cooper at the
25 Defense Department. Then -- well, we also had had a number

UNCLASSIFIED

1 of changes over there. I mean, the Defense Department, there
2 was a whole range of people who were involved in this,
3 because of just the nature of assistance to Ukraine. We'd
4 also had General Abizaid, who had been a chief military
5 adviser to Ukraine. He was replaced by Keith Dayton, General
6 Keith Dayton, who is the head of Garmisch -- our military
7 school at Garmisch.

8 So you had a broad range of people, people also at,
9 obviously, OMB, Departments of Commerce, USTR. There's a
10 broad range of people who were involved in one way or another
11 on Ukraine portfolio. Department of Justice, the FBI. We
12 had a Department of Justice team working, and also in our
13 Intel agencies as well.

14 Q And in your directorate, could you help us
15 understand how your directorate was set up?

16 A We had one director for Ukraine, who at this
17 particular juncture was Alex Vindman. Our previous director
18 -- who was detailed from the Defense Department, he had
19 been -- well, he still is -- a foreign area officer detailed
20 to the Chairman's Office, the Joint Chiefs of Staff. He had
21 been General Dunford's key action officer for interactions
22 with the Russians.

23 Q And who's that?

24 A For interactions, this is Alex Vindman.

25 Q Okay. This is Alex Vindman. Is he still there?

1 A I'm just giving you his background. To the best of
2 my knowledge, he's still there. His predecessor was
3 Catherine Croft, who was previously the Ukraine desk officer
4 at the State Department, and she went to work for Kurt Volker
5 as his deputy, but only in the very last couple of months.

6 Q How many officials on your staff concentrated on
7 Ukraine?

8 A Only Alex Vindman.

9 Q How many personnel did you have in your
10 organization?

11 A As you're aware, there was an effort to streamline
12 the National Security Council. [REDACTED]

13 [REDACTED] [REDACTED]
14 So, basically, we didn't replace people when they rotated out
15 of detail. So some people had enormous portfolios.

16 And Alex Vindman had initially been taken on by my --
17 the other senior director in -- the director with me, Colonel
18 Rich Hooker, who had been, you know, very interested,
19 obviously, in defense-related issues.

20 And we initially brought him on to look at the totality
21 of Russian defense-related issues, but then there was a
22 determination during -- in the course of the streamlining of
23 the NSC that that should all be concentrated in our defense
24 directorate. So another person had been taken on there to
25 focus on those related issues who would work closely. So we

1 moved Alex to work on Ukraine, Belarus, and Moldova.

2 Q When did that occur?

3 A So he wasn't hired primarily -- it had occurred
4 when Catherine Croft left.

5 Q When was that?

6 A That would be sometime toward the end of the summer
7 of 2018. Every year, in the summer of -- the summer we have
8 a rotation of detailees. Most people are there for a year.
9 Some people get permission from their agencies for 18 months.
10 And on rare occasions people are seconded for 2 years, but
11 only if their department is willing to pay.

12 And there was a big debate while I was there that people
13 here may recall about whether departments and agencies were
14 going to pay for additional time beyond the 1 year.

15 Q And what agencies do you draw the detailees from?

16 A Every agency, if we can.

17 Q Such as?

18 A Every agency that we can that will detail someone.
19 I mean, it's rare to have --

20 Q Well, in your tenure, what were the agencies
21 supplying detailees?

22 A Well, it depended, again, on the memorandums of
23 understanding. When I first started, the majority were from
24 the State Department. But the State Department, when
25 Secretary Tillerson came in, was refusing to let people stay

1 for longer than a year, and there was also some questions
2 back and forth about the downsizing of the State Department.

3 DOD initially were more receptive to putting forward
4 particularly foreign area officers and particularly people
5 from JCS. And there were a lot of detailees from DOD in the
6 time that I was there across the NSC and all directorates.

7 [REDACTED]
8 I was trying to get someone actually from Commerce,
9 because I felt like we needed, you know, kind of a diversity
10 of views, especially since an awful lot of the issues that we
11 were dealing with related to trade, especially when it came
12 to Europe but also with many other countries. And although
13 that was in our International Economics division, it was very
14 helpful to have people with, you know, broader backgrounds.

15 We had also detailees from Treasury, although Treasury
16 itself, they got short-staffed and were trying to recall some
17 of their deputies in that time.

18 And let me just see if I've missed anyone. And then --

19 Q Which [REDACTED]?

20 A I think in some cases, that would be classified.

21 Q And in total, you had anywhere from 10 to 14 people
22 under your supervision?

23 A At some times, it was only [REDACTED] because, often with
24 the detailees changing over, we could go weeks, you know, I
25 see [REDACTED]

1 [REDACTED]
2 [REDACTED] [REDACTED] could
3 attest that, when you have a changeover of detailees, it
4 often takes a long time for people to come in, and you might
5 be really short-staffed.

6 So I have been literally down to [REDACTED] directors, you
7 know, kind of total, and myself have acted as a director and
8 at different times have had to ask our special assistant. We
9 also had a number of special assistants. In my case, we were
10 down to only [REDACTED] special assistant.

11 Q The --

12 A And often that was how people's portfolios ended up
13 getting determined. So we had one colleague who had to cover
14 the entirety of the eastern flank of NATO, I mean 20-plus
15 countries because, when [REDACTED] came in, the other previous [REDACTED]
16 directors who were divided up between them had left. And [REDACTED]
17 did that job for several months and actually did it so well
18 that we decided not to hire an extra deputy. [REDACTED] was
19 basically working 18-hour days, however.

20 Q Switching gears back to the July 10th meeting.

21 A Yes.

22 Q The next sort of key event was the July 25th call
23 with President Trump and President Zelensky. You had left
24 shortly prior --

25 A I had.

1 Q -- prior to the call. But what was the preparation
2 for that call underway?

3 A It was not because the call had not been announced
4 when I left.

5 Q So you didn't know the call was scheduled --

6 A I did not.

7 Q -- as of July 19th?

8 A As of July 19th, I did not know it was scheduled.
9 And on July 15th was the last day that I had formal
10 interagency meetings. And from July 16th, 17th, 18th and
11 19th, I had meetings myself just to wrap up and, you know,
12 kind of basically pass on information about the portfolio to
13 relevant people, including across the interagency.

14 Q Who did you pass your portfolio on to?

15 A I passed my portfolio on to Tim Morrison. And so
16 any meetings that were pertinent to Ukraine in that timeframe
17 of that week, he attended with Alex Vindman, although
18 actually, to be honest, I think he was traveling in that
19 period. He went to take part in -- he may have been back by
20 the Thursday -- an arms control meeting with the State
21 Department because he came over, as you know, from being the
22 senior director for arms control.

23 Q Did he at any point work for you, Morrison?

24 A Work for me?

25 Q Yes.

UNCLASSIFIED

90

1 A No, he did not. He was my counterpart in weapons
2 of mass destruction.

3 Q Then he came over to take your job?

4 A Correct.

5 Q Why did you decide to leave the White House?

6 A I had always said when I came in: I'm a
7 nonpartisan, nonpolitical appointee. I was hired, in fact,
8 by General Flynn, K.T. McFarland, and General Kellogg. And
9 when they first approached me and asked me if I would be
10 willing to do this, I had previously taken a leave from
11 Brookings, I was on IPA to the National Intelligence Office.

12 So I had actually worked with General Flynn when he was
13 working for Admiral Mullen at the Joint Chiefs of Staff when
14 I was a National Intelligence Officer. And I said that I
15 couldn't commit to longer than 2 years, maximum. In actual
16 fact, I stayed longer because I agreed to help with
17 transition, finding new directors, and also trying to find a
18 successor and to be able to do a handover. And I said I was
19 willing to stay no later than the end of the year to do this.
20 And Tim Morrison wanted to start on July 15th.

21 Q So you're nonpartisan?

22 A I am nonpartisan.

23 Q In this current environment we're in, it's --

24 A That's actually why I took the job. Because in
25 this current environment we're in, I think it's extremely

UNCLASSIFIED

1 important for people who are nonpartisan to serve in
2 government positions.

3 Q At any point as you were on-boarding, was it -- did
4 you find that you were ostracized because you weren't
5 associated with the more partisan side of the house?

6 A I got ostracized by --

7 MR. WOLOSKY: What do you mean? Ostracized by whom?

8 DR. HILL: Yeah, by whom? Not by anybody in the
9 Republican Party, but I did have a colleague who had
10 previously --

11 BY MR. CASTOR:

12 Q Like were you --

13 A -- who has not spoken to me since I took the job,
14 but for the opposite reasons from what you are suggesting.

15 Q And how would you characterize, were you a
16 supporter of the President? Were you agnostic?

17 A I was agnostic. And I don't think that there's
18 anything wrong with that either. I was, basically, like I
19 said, in the case of Zelensky and many others, I think
20 everyone should have a very open mind. And I think it's very
21 important to serve your country and to serve the President
22 and the Presidency, you know, as being duly elected.

23 And I thought it was very important to step up, as an
24 expert, as somebody who's been working on Russia for
25 basically my whole entire adult life, given what had happened

1 in 2016 and given the peril that I actually thought that we
2 were in as a democracy, given what the Russians I know to
3 have done in the course of the 2016 elections.

4 Q So you say you were agnostic on the President, so
5 you hadn't been a critic of the President?

6 A I had not. There are a couple of articles where I
7 expressed some, you know, skepticism about how his
8 relationship would be with Putin that, you know, kind of
9 perhaps didn't prove to be true, but anyway.

10 So, I mean, you can look back and, you know, see that,
11 you know, I suggested they might not get along, you know,
12 kind of because, you know, given the different natures of the
13 individuals, I thought, you know, there might be some
14 friction.

15 Q At any point, did you find yourself becoming a
16 critic of the President?

17 A I did not. And if I had done, I would have left
18 right away, and I left only on terms. And a lot of people --
19 and I'm just going to put this out there. You haven't asked
20 the question, but I have been accused of it many times. I
21 did not write Anonymous. I am not Anonymous. So just to say
22 that because --

23 Q I didn't ask you that.

24 A -- Lee has been having endless phone calls from
25 people, and I was accused of that within the White House. It

1 was the most uncomfortable time that I had. It was the only
2 time when I experienced discomfort. Because of people
3 parsing everything I had written. And Michael Anton, who was
4 the head of the press at that time, was fielding endless
5 calls from people saying that I was Anonymous. And I was
6 not, and I will state it for the record: I was not.

7 Q But you didn't leave the White House because you
8 found yourself becoming a critic of the President?

9 A No, I didn't. I had given myself 2 years. I
10 stayed longer than that. But, as a nonpartisan person, I did
11 not want to be part of the campaign --

12 Q And even since you've left the White House, you
13 don't find yourself as a critic of the President?

14 A I have not returned to the Brookings Institution.
15 I'm on leave. And I have not taken on any speaking
16 engagements. I am not writing a book. I am basically trying
17 to keep my head down, you know, while everybody else is
18 trying to do their jobs. I worked with the most unbelievably
19 professional first-rate team of people, both political and
20 nonpolitical, in the time I was at the NSC, and I want to
21 give them the space to do their jobs.

22 Q The July 25th call, who would ordinarily be a
23 participant on that call?

24 A That really could vary because it also, you know,
25 depends -- I mean, there were calls that I would have been

1 ordinarily on, but I wasn't there or present. I might have
2 been in another meeting or I might not have actually been
3 physically in the building.

4 So it would usually be -- well, again, it often would be
5 selected by the front office of the National Security Advisor
6 as well as, you know, the kind of the broader White House
7 team. You would imagine someone from the Chief of Staff's
8 Office, someone representing the National Security Advisor,
9 which could be the deputy. It could be myself, as the senior
10 director, or the director if I'm not present. Someone from
11 the Vice President's staff. Often someone from press or the
12 White House counsel.

13 And if there was an anticipation that a particular topic
14 in somebody else's area of responsibility would come up --
15 say, it's a call with Chancellor Merkel and she wants to talk
16 about -- let's just pick a random -- Libya, then the director
17 who has responsibility and the senior directors for Libya
18 would basically also be present.

19 So I can't say for sure, you know, who would normally
20 have been in those meetings, but that's usually -- I mean --
21 and then you have the White House Situation Room staff, and
22 then other Cabinet members can call in as well.

23 Now, also remember that there's another side to all of
24 these calls. So, while people start parsing who's in our
25 calls, all of those calls could very easily be being recorded

1 as well as transcribed by a very large phalanx of other
2 people on the other side of the call. And I will, you know,
3 refer you to look at pictures that, for example, President
4 Erdogan of Turkey would frequently release with himself
5 listening to the call with about as many people as are
6 sitting here in this room.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

UNCLASSIFIED

96

1 [12:33 p.m.]

2 BY MR. CASTOR:

3 Q Did you speak with anyone? You had left on the
4 19th, but had you spoken to anybody about the call?

5 A I did not. I was on vacation [REDACTED]. And at
6 the time the phone call took place, I think, based on my
7 date-stamp on my phones, I was snorkeling.

8 VOICE: You were under water.

9 DR. HILL: I was under water, yeah. It was a pretty
10 good alibi. I didn't take underwater pictures, but, you
11 know, I can basically --

12 BY MR. CASTOR:

13 Q So you didn't receive any read-outs of the call --

14 A I did not.

15 Q -- until it became public --

16 A I did not.

17 Q -- on the 25th?

18 A No, I did not. I'd actually asked people -- I said
19 I'd promise I would check my email once a day -- and there
20 was a big time difference as well, so that was quite -- and I
21 would forward on to them anything that they needed to deal
22 with and, otherwise, I would prefer if they didn't call me.

23 Q Okay. But you were getting your email, so you saw
24 the traffic from your --

25 A That was the first I saw that there was a call.

UNCLASSIFIED

1 Q Right. And were there any --

2 A And I didn't see anything after that call at all.

3 Q Were there any unclassified read-outs on emails?

4 A There were not. I mean, they don't normally do
5 that at all.

6 Q Okay.

7 A And, usually, any preparation is done on a more
8 secure system, because one should assume that, in those kinds
9 of emails, anybody could be reading them.

10 Q Right.

11 When is the first time you learned about the call and
12 its nature?

13 A Really when it was started to be made public. The
14 first hint that I got that there might have been some
15 discomfort about it was when I was handing back in my badge
16 on September 3rd.

17 Q Uh-huh.

18 A And I went in to talk to my office, and I said, how
19 are things going, and people said, well, not great. And I
20 thought, well, okay, something is up. But there wasn't
21 any -- I mean, I was coming in to hand in my badge, so I was
22 technically no longer --

23 Q Uh-huh.

24 A And I had a very brief discussion with Tim
25 Morrison, and he didn't mention the call at all. He did take

1 the time to tell me that Gordon Sondland was apparently glad
2 that I had gone. So I thought, well, that was a rather
3 pointed message from Ambassador Sondland. But I didn't take
4 that to be about the call or anything else. It just seemed
5 to be a fairly gratuitous, you know, kind of messaging as I
6 was leaving.

7 Q So Ambassador Sondland didn't attend your farewell
8 party?

9 A He didn't. No.

10 Q Did you have one?

11 A Sort of.

12 Q And when was that?

13 A That would've been in the week I was leaving. I
14 can't remember when it was, honestly.

15 Q But back in July?

16 A June or July, yeah.

17 Q Where was it?

18 A It was just in the White House. We had a lot of
19 farewell parties in that period. Well, it was because people
20 are rotating out, and everybody likes to go and relax and see
21 their friends.

22 MR. JORDAN: Doctor, you mentioned on September 3rd you
23 got a hint of the call or the content of --

24 DR. HILL: No, I had more a hint that something was up,
25 but I didn't know exactly what.

1 MR. JORDAN: Not a hint of the call, just a hint that
2 something was up.

3 DR. HILL: Yeah. People didn't look very happy in my
4 directorate.

5 MR. JORDAN: Okay.

6 BY MR. CASTOR:

7 Q Who did you speak with when you came to turn in
8 your badge?

9 A I spoke to resource management, the financial
10 people, the ethics people. And I also did have a very brief
11 discussion with John Eisenberg and Michael Ellis, who I met
12 with very frequently on a whole number of issues and had a
13 really excellent, you know, professional relationship with.

14 And I asked them if there was anything that I should be
15 mindful of as I was leaving, in terms of communications.
16 Because I'd seen an email suggesting, again, that we had to
17 keep all communications related to Ukraine. There'd been an
18 email sometime in that timeframe. And I just wanted to tell
19 them that I'd put everything into the records, and was there
20 anything that I needed to know, and they didn't indicate that
21 there was.

22 Q Did you talk to Vindman?

23 A I did not talk to Alex Vindman, no.

24 Q What did Eisenberg and Ellis tell you about your
25 records?

1 A They said that, as long as I was having no, you
2 know, kind of official communications, that there was no, you
3 know, reason to be concerned, and just asked me what I'd done
4 with all of my records.

5 Q Like, all your notes that you take in meetings?

6 A Correct. And I'd already filed all of those with
7 the records office on the 19th.

8 Q Okay. So you didn't take any --

9 A I took nothing with me.

10 Q -- of your own notes with you?

11 A No. All I took with me was my -- the ethics and,
12 you know, financial agreements. And the reason that I didn't
13 hand my badge in until September 3rd -- because I was on
14 vacation until the 30th -- is that you have to fill out all
15 the ethics paperwork on your last -- or immediately after
16 your last payday.

17 Q Yeah.

18 A And you can only then sign out of all of the
19 resource management. It's just, you know, kind of a
20 bureaucratic thing.

21 MR. JORDAN: Doctor, you said you learned about the call
22 about the time of when it was public. Does that mean you
23 learned about it prior to the 25th? Or when did you learn
24 about the contents and the nature of the call?

25 MR. WOLOSKY: I believe that misstates her prior

UNCLASSIFIED

101

1 testimony over when she learned about the call, when she
2 continued to have access to her nonclassified email. The
3 record will speak for itself.

4 MR. JORDAN: No, but she -- earlier, she said -- she
5 said a hint of a call, and she clarified that and said that
6 wasn't about the call necessarily, just a hint of something.

7 DR. HILL: Yeah, I was alert to the fact that people
8 didn't look happy and something was up, but I didn't put it
9 together with the call.

10 MR. JORDAN: And there was no time between
11 September 3rd, when you had a hint of something up, and
12 September 25th that you learned about the contents of the
13 call?

14 DR. HILL: No, I did not learn about the contents of the
15 call. I did learn, as a result of lots of media calling
16 me -- I was with [REDACTED], and I had
17 very poor -- [REDACTED] has a WiFi router that doesn't extend
18 beyond, you know, kind of, basically this desk. I had to sit
19 on it to basically get a text. And I basically ran through
20 my entire data plan. And when I eventually called [REDACTED]
21 to get the data plan extended, [REDACTED]

22 [REDACTED]
23 [REDACTED]

24 When it came back on, I had found I had just bazillions
25 of texts and emails from press. And I didn't know what was

UNCLASSIFIED

1 going on. And I texted [REDACTED] -- it was clearly about
2 NSC and a call. And I texted [REDACTED], who was
3 not actually directly related to all of this, and said,
4 what's going on? What I do need to know? Why am I getting
5 all of these calls? And [REDACTED] said, it's the
6 whistleblower account, and it's related to the Ukraine call.

7 MR. JORDAN: That was before the 25th?

8 DR. HILL: That would've been -- because I came back on
9 the 25th with [REDACTED] [REDACTED], so it was in
10 the couple of days before that. I basically read about
11 everything as I was sitting in Newark Airport in the transit
12 area with [REDACTED].

13 MR. JORDAN: Uh-huh. And who was [REDACTED]?

14 DR. HILL: The [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] didn't know -- I mean, again, [REDACTED]
17 [REDACTED].

18 And we kept a very close separation of issues,
19 especially on Russia. Russia was highly coordinated, highly
20 professional. And we kept all the Russia stuff out of
21 everything else, because there was a tendency for people to
22 leak information about Russia, and we wanted to make sure
23 that that did not happen.

24 MR. ZELDIN: If I -- excuse me. If I could ask a quick
25 followup on that?

1 So, earlier on in your testimony, you stated that you
2 like to keep your head down. Even without being asked, you
3 stated that you're not the person who wrote the anonymous New
4 York Times --

5 DR. HILL: I've been asked about every single other time
6 by every imaginable press person, and all of the people who
7 are emailing me, who don't know me, are asking that. So I
8 thought I would just get it on the record so that it's not,
9 you know, kind of, a question that is all hovering over
10 people's minds.

11 MR. ZELDIN: Yeah, no, I appreciate that. But that's
12 why your last answer just sparked my interest, and I just
13 wanted to ask a followup question. How would so many in the
14 media have your phone number?

15 DR. HILL: I used to work at a think tank, the Brookings
16 Institution. In fact, I'm --

17 MR. ZELDIN: It was all from before you were in the
18 White House?

19 DR. HILL: -- I am technically, you know, supposed to go
20 back there. And I haven't gone back there because you can't
21 really shelter in place at somewhere like the Brookings
22 Institution when something like this is going on. And what I
23 mean by that is, I'm obliged as part of the job as a senior
24 fellow to talk to the media and to the press and to make
25 public pronouncements.

UNCLASSIFIED

104

1 MR. ZELDIN: So --

2 DR. HILL: And Brookings has, very sadly, [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 MR. ZELDIN: Okay. But you weren't giving out your
6 phone number to the media while in your position at the White
7 House?

8 DR. HILL: No.

9 And I'll be very clear, and you can ask any of the press
10 directors, that I only ever gave background interviews at the
11 request of the White House, including the press secretary on
12 the NSC, with NSC press or White House press available. I
13 never, on any occasion, talked to the media outside of those
14 circumstances -- background, authorized interviews. I did
15 not leak any information. I did not talk to the press.

16 I was accused of many things, and that's why I'm just
17 saying that it gets my back up when people like Masha
18 Yovanovitch and others were accused baselessly of doing all
19 kinds of improper activity.

20 And I did not leak, and I was not Anonymous. I am not
21 the whistleblower. And I'm not the second whistleblower.
22 Just get this all for the record so we have it all out there
23 and you don't have to ask any more questions about that.

24 BY MR. CASTOR:

25 Q Yeah, well, you know, if I may just walk you

UNCLASSIFIED

1 through this. We first heard about you coming in for today's
2 all-day interview, all-day deposition, last Wednesday night.
3 Nobody told us earlier than Wednesday. I contacted your
4 lawyer on Thursday to try to find out a little bit more
5 information and was unable to connect with your lawyer. We
6 were in here all day Friday. And, finally, I connected with
7 your lawyer for about 5 minutes last night.

8 And so you have to understand that when we're trying to
9 prepare ourselves and prepare our members, we are being kept
10 in the dark. So you just have to excuse the fact that we're
11 going to have some questions about who were the people you
12 worked for.

13 A No, I completely understand. And I think, you
14 know, my reaction is not because of you at all. I mean, it's
15 the, you know, kind of, just the onslaught that I have been
16 getting. I've had media inquiries and, you know, people I
17 don't know at all --

18 Q Got it.

19 A -- you know, working -- I'm on YouTube. I'm, you
20 know, on the internet.

21 Q Okay.

22 A My [REDACTED] is panicked that, you know, kind of,
23 [REDACTED] going to be targeted. You know, there are --

24 Q Well, certainly, that is --

25 A So I'm responding to, you know, all these

1 suspicions about who I am as a person. And, again, I am a
2 nonpartisan professional. And that's just what I wanted to
3 have on the record.

4 Q Dr. Hill, we appreciate your service and have
5 enormous respect for you and, you know, the like-minded
6 nonpartisan people that serve in the National Security
7 Council. And, good heavens, anything that can be likened to
8 a threat and anything with [REDACTED], good heavens, that
9 is something that nobody, on the Republican side or the
10 Democratic side, will --

11 A No, I'm aware that this is not you at all. It's
12 just, as you said, when you asked me a question before, given
13 the environment --

14 Q But just let me be clear that we find that type of
15 thing to be absolutely abhorrent, and we want to assist you
16 in any way possible to minimize that.

17 A No, I appreciate that.

18 Q Can you help us understand, like, when is the first
19 time you heard the committee had an interest in speaking with
20 you?

21 MR. WOLOSKY: I'm going to instruct her not to answer
22 that question to the extent that it calls for communications
23 with her attorney that are covered by attorney-client
24 privilege.

25 MR. CASTOR: Okay.

1 Like, how did they know you were represented by
2 Mr. Wolosky then?

3 DR. HILL: When I asked Mr. Wolosky to --

4 MR. CASTOR: And when -- like, was it earlier than last
5 Wednesday?

6 MR. WOLOSKY: Yeah, I mean, I think that if you want to
7 ask a question to the witness, she will answer the question
8 to the extent that she has personal knowledge. If you want
9 to ask a question to me, I'm not the witness in these
10 proceedings.

11 MR. CASTOR: I don't want to ask a question of you.

12 I just want to know generally when you first became
13 aware the committee had an interest in speaking with you.

14 DR. HILL: I became aware of it, actually, when the
15 chairman released the letter publicly about what the --
16 because, you know, my title is on that list. It said current
17 and former.

18 MR. CASTOR: Okay.

19 DR. HILL: And so I assumed --

20 MR. CASTOR: Okay.

21 DR. HILL: -- and I hope that it was a correct
22 assumption -- based on the very thorough list of all the
23 people that you intended to call for depositions, that that
24 would cover me.

25 MR. CASTOR: Okay.

UNCLASSIFIED

108

1 DR. HILL: Now, the title has changed somewhat. It was
2 Europe and Russia when I was the senior director. It's been
3 changed to European Affairs or, you know, European Issues or
4 whatever it's been changed to now.

5 MR. CASTOR: Okay. And do you remember when that was,
6 generally?

7 DR. HILL: Well, whenever the chairman published the
8 letter that was put in the media.

9 MR. CASTOR: When is the first time you learned the
10 committee attempted to contact you specifically?

11 DR. HILL: I saw that my name was on -- oh, not my name,
12 not my name in person, but my function and my job -- was on
13 the list. So I assumed that, at some point, I would be asked
14 to testify or to speak to someone in some fashion.

15 And I've known Lee for 30 years. And on my first day
16 back, [REDACTED]

17 [REDACTED]
18 [REDACTED]

19 [REDACTED] came up to me and said, [REDACTED]
20 [REDACTED] you need a lawyer. And I thought, who do I know?
21 Oh, I know Lee.

22 MR. CASTOR: And when was that, the 25th?

23 MR. WOLOSKY: Thank you for the endorsement.

24 DR. HILL: I know he's a great lawyer. I know he's a
25 great lawyer, just to add to all of that. But I've known him

UNCLASSIFIED

UNCLASSIFIED

109

1 since before he was a lawyer. Lee's like, great, now I'm
2 going to have no more clients. Anyway, sorry. Oops.

3 BY MR. CASTOR:

4 Q Which [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] does [REDACTED] work for?

8 A [REDACTED] does not. [REDACTED] used to work for the [REDACTED]

9 [REDACTED].

10 Q For what?

11 A I'm not going to bring [REDACTED] into this. [REDACTED]

12 [REDACTED].

13 Q I'm not asking you for [REDACTED] name. [REDACTED]

14 [REDACTED].

15 A Well, [REDACTED] did [REDACTED]

16 [REDACTED] for, you know, the government. [REDACTED] pursued
17 white-collar crime. [REDACTED]

18 [REDACTED].

19 I mean, I was somewhat disturbed, [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED].

23 [REDACTED] would tell me that I should -- and I dismissed it at
24 first, but then, as the news media picked up on this, I
25 thought [REDACTED] was probably right.

UNCLASSIFIED

UNCLASSIFIED

110

1 Q And when did you first realize that, indeed, they
2 wanted to speak with you?

3 A Well, that's when --

4 MR. WOLOSKY: I mean, again, to the extent that that
5 involves communications with me, I'm going to instruct her
6 not to answer that question.

7 MR. CASTOR: Uh-huh.

8 BY MR. CASTOR:

9 Q The documents produced last night, are you familiar
10 with what was produced on your behalf?

11 A The -- yes, I am. Yeah.

12 Q And what were the circumstances, to the extent you
13 know, not involving communications with your lawyer, but how
14 was that produced? Your calendar entries, is that something
15 that you had with you?

16 A I didn't actually have it with me.

17 Q Okay. There was a range.

18 A My assistant at the National Security Council --

19 Q Okay.

20 A -- actually kept the calendar. And it's only --
21 but only for the year in which he was working there.

22 Q Right.

23 A And I was asked to, you know, obviously, establish
24 a timeline, you know, and what meetings I would've been
25 available in. And I asked him if he had kept a copy of the

UNCLASSIFIED

1 calendar that I would be able to refer to to make sure that
2 we got at least, you know, kind of, the meetings that the
3 committee was most interested in in sequence.

4 Q The handwritten notes on the calendar, is that --

5 A That was just me circling --

6 Q Okay.

7 A -- you know, what I thought would be most
8 pertinent, and also pointing out that I wasn't -- because the
9 calendar had entries for after I had already left.

10 Q Sure. I think on the 19th it said --

11 A I'd gone or something, on vacation, or handed
12 over the --

13 Q And is that your handwriting?

14 A Yeah, that's my handwriting. Because he gave it to
15 me and I looked. And I only had one copy of this.

16 Q Okay.

17 A And, again, this is me trying to establish the
18 facts as best I can, because, as you know -- you know it. I
19 mean, I can't have total recall of every --

20 Q Oh, of course not.

21 A -- you know, single timing and things as well.

22 Q And I don't expect you to.

23 A Yeah. Yeah.

24 MR. WOLOSKY: Can I have just 1 minute?

25 DR. HILL: Yeah. Please. Yeah.

UNCLASSIFIED

112

1 [Discussion off the record.]

2 DR. HILL: Yeah, I just also wanted to mention that, you
3 know, obviously, in terms of documents and document
4 retention, everything was filed in accordance with the
5 requirements from records.

6 And I had asked on that last day that I was in the
7 office, on September 3rd, if I could have a copy for
8 reference of my contacts database, because I wanted to be
9 able to pass on to Tim Morrison and to other colleagues names
10 of ambassadors and ambassadors' staff. And all of those
11 things are inaccessible to your successor when you leave. I
12 mean, the accounts are all closed down.

13 And that was the similar -- I asked if my assistant, who
14 was actually working in the transition period for Tim
15 Morrison, could have access to the calendar that he had kept
16 for me in that time so that Tim and others would be able to
17 refer back to when I had a particular meeting. Because, I
18 mean, it's obviously important for the Presidential record
19 and for, you know, recordkeeping and for directorate
20 continuity purposes to know when the predecessor met with
21 whom, you know, which ambassador or, you know, which other
22 official.

23 BY MR. CASTOR:

24 Q You always had a good relationship with Ambassador
25 Volker?

UNCLASSIFIED

UNCLASSIFIED

113

1 A I did. Very good relationship with him.

2 Q I think we're clear where you stand with Ambassador
3 Sondland, but --

4 A I actually had a very good relationship, I thought,
5 at the very beginning with Ambassador Sondland. But the
6 unfortunate thing was I had a blow-up with him --

7 Q Right.

8 A -- in June, when he told me that he was in charge
9 of Ukraine, because initially I said to him, "You're not,"
10 with that kind of, you know, surprise and probably irritation
11 in my voice.

12 Q Right. Right.

13 A And then he got testy with me. And I said, who has
14 put you in charge of it? It seemed like, hi, I'm in charge.
15 You know, there's no ambassador here. Well, at that point,
16 Charge -- Ambassador Taylor had been sent out.

17 And I said, who has said you're in charge of Ukraine,
18 Gordon? And he said, the President. Well, that shut me up,
19 because you can't really argue with that. But then I
20 wasn't -- to be honest, I wasn't really sure.

21 Q But Ambassador Volker always acted with integrity?

22 A He did.

23 Q In the interest of the United States?

24 A He did. I have to say, though, that we did say to
25 him that we did not think it was a good idea for him talking

UNCLASSIFIED

1 to Rudy Giuliani.

2 Q And how did he respond to that?

3 A He said that he thought that he would be able to --
4 I don't think he used exactly these words, but be able to
5 reason with him and to, you know, kind of, basically, you
6 know, manage this. Well, we did not think that this was
7 manageable.

8 And Ambassador Bolton made it very clear that nobody
9 should be talking to Rudy Giuliani, on our team or anybody
10 else should be.

11 Q You may have had a disagreement with Ambassador
12 Sondland, like you just recounted, but, I mean, he always was
13 acting in the best interests of the United States, to the
14 best of your knowledge, correct?

15 A To the best of my knowledge, correct.

16 Q Okay. He --

17 A Ambassador Sondland, I'm afraid, you know, I felt,
18 you know, as I mentioned before, he was driving along on the
19 road. You know, he'd just gone off the road. No guardrails,
20 no GPS.

21 Q Right.

22 A And my main concern, that he was wading into, not
23 just on Ukraine but many other issues, everything which he
24 was not being properly briefed. And we reached out to his
25 team at the EU mission, and they weren't giving him briefings

UNCLASSIFIED

115

1 on this.

2 Q Right.

3 A And, again, that's why I asked [REDACTED]
4 to try to find some time to sit with him and to encourage him
5 again not to use his personal phone, not to use other
6 people's personal phone, not to give people's personal phone
7 numbers out.

8 Q Yeah.

9 A I mean, he -- I am pretty confident that he was,
10 you know, doing what he thought was, you know, the right
11 thing to get agreements made and to further relationships,
12 but he wasn't doing it in a way that was, you know, going to
13 basically make for good process. And he was also doing this
14 in a way that I thought put him at risk.

15 Q Who is "we"? You said "we."

16 A Ambassador Bolton, Assistant Secretary Reeker,
17 Under Secretary Hale, Deputy Assistant Kent.

18 Q Okay.

19 A I could just go on and on.

20 I mean -- and, also, we had complaints from other
21 ambassadors about Ambassador Sondland, that he was wading
22 into their areas. He would show up in their countries
23 without being, you know, kind of -- without really much
24 foreknowledge. In some cases they were pleased, and in other
25 cases they were not. And he would piggyback onto other

UNCLASSIFIED

UNCLASSIFIED

116

1 people's visits when they wanted to, you know, basically, as
2 the ambassador, shepherd their head of state to visit, and he
3 would be there too.

4 Q And he wasn't a Foreign Service officer. He was
5 new to the experience, right?

6 A He was new to the experience. I mean, he was
7 clearly, you know, a savvy guy. He's charming. He's funny.
8 He was well-meaning. I mean, a lot of the stories that have
9 been in the press about him paying for things, actually I
10 think he was doing that out of generosity. He was truly
11 trying to build up morale in his embassy. His embassy loved,
12 you know, the kind of treats and things that he would get for
13 them. He was trying to create happy hours.

14 I think he was, in the spirit of being, obviously, a
15 pretty good hotelier, he was, you know, trying to do the
16 hospitality part of the embassy, which is actually an
17 important part of being an ambassador.

18 Q Ambassador Volker related to us that he was
19 engaging with Mr. Giuliani because he believed that Giuliani
20 was amplifying a negative narrative and he had the ear of the
21 President, and so he was trying to make the best of this
22 truism. Is that a --

23 A That's exactly what he told me as well. I mean, I
24 beg to differ, because I didn't think that this was actually
25 going to be very helpful. Because the more you engage with

UNCLASSIFIED

1 someone who is spreading untruths, the more validity you give
2 to those untruths.

3 Q But Volker's initiatives here and Sondland's
4 initiatives here, is it your testimony that you believe they
5 were trying to do what's in the best interests of the United
6 States?

7 A I do believe that they were trying to do that.

8 Q All right. And they're men of integrity?

9 A I know Kurt Volker definitely to be a man of
10 integrity. And in terms of Gordon Sondland, based on my
11 interactions with him, I've already expressed the concerns,
12 but I can't say that he's not a man of integrity.

13 And he definitely was very enthusiastic in all of our
14 early initial meetings about serving the United States,
15 serving the President, and really trying to do as good a job
16 as possible to also patch up our relations with the European
17 Union, which were quite rocky.

18 And, you know, from all reports that I was getting back
19 from EU ambassadors, they actually appreciated his outreach
20 and felt that he was very open --

21 Q Right.

22 A -- and they thought, you know, he was really trying
23 very hard.

24 Q Okay. So he wasn't part of the Lev Parnas and Igor
25 Fruman --

1 A I don't think he even knew who those gentlemen
2 were --

3 Q Okay.

4 A -- because in the meeting where I had a bit of a
5 blow-up with him, I said --

6 Q Okay.

7 A -- Gordon, you're in over your head. I don't think
8 you know who these people are.

9 Q Okay.

10 A Because I also, myself, didn't know who all of
11 these people were either. I'd only heard their names. And
12 from what I could gather from just, you know, a quick Google
13 and, you know, kind of, open-source search, they seemed to be
14 bad news.

15 Q Yeah.

16 A And Volker, he related to us that the President had a
17 deep-rooted skeptical view on Ukraine and their corruption
18 environment. Is that something that you can attest to?

19 A I think the President has actually quite publicly
20 said that he was very skeptical about corruption in Ukraine.
21 And, in fact, he's not alone, because everyone has expressed
22 great concerns about corruption in Ukraine.

23 Q And, you know, Ambassador Volker related the
24 President's business experience in the region and his
25 knowledge of other business executives that may have tried to

1 do business in the Ukraine contributed to his deep-rooted
2 views of Ukraine and corruption. Is --

3 A Correct.

4 Q -- that something you can attest to?

5 A Well, I can attest to that, because, again, the
6 President has said this publicly.

7 Q And then, you know, additionally --

8 DR. HILL: Can I make a quick request to have a quick
9 bathroom break?

10 MR. CASTOR: Yeah, we've got about 2 minutes --

11 DR. HILL: Yeah, I'm not trying to cut you off. I'm
12 just sort of thinking I'd really like to go to the bathroom.

13 MR. CASTOR: We've got about 4 minutes left. Would you
14 want to --

15 DR. HILL: Could we just literally take a quick break?

16 MR. CASTOR: Yes, of course.

17 DR. HILL: Because I've been kind of waiting for a
18 pause.

19 MR. CASTOR: We can always take a break.

20 THE CHAIRMAN: We'll take a quick break.

21 [Recess.]

22 THE CHAIRMAN: We're back on the record.

23 BY MR. CASTOR:

24 Q We were talking about President Trump's -- what was
25 at least related to us as his deep-rooted skeptical view of

UNCLASSIFIED

120

1 Ukraine as a businessman, as both himself in the region and
2 also with his colleagues. But he also had a skepticism as a
3 result of allegations in the 2016 election.

4 Is that also fair to say, that the President harbored
5 some skepticism, whether based on, you know, legitimate
6 reasons or not, that he did harbor some reservations about
7 Ukraine?

8 MR. WOLOSKY: I think you should limit your comments to
9 public statements unless there is -- absent a ruling from the
10 chairman on the issue of privilege.

11 DR. HILL: Yeah, but I think he said it repeatedly in
12 public, you know, kind of recently as well.

13 BY MR. CASTOR:

14 Q I'm not asking about your personal communications
15 with the President. I'm talking about your understanding, as
16 an official with responsibility for this area, that the
17 President harbored skepticism.

18 A He's expressed it openly in the press pool and his
19 own statements.

20 Q You know, the U.S.-Ukrainian relations, you know,
21 obviously, you have the President speaking with President
22 Zelensky. But you also have a fairly robust set of, you
23 know, staff -- at the National Security Council, at the State
24 Department, the DOD, other agencies. You know, you had Kurt
25 Volker, Phil Reeker, Wess Mitchell, George Kent. We have

UNCLASSIFIED

1 Bill Taylor. And I apologize for not using their official
2 titles.

3 A That's all right. No worries, no worries. Yeah.

4 Q I mean no disrespect by that.

5 A Yeah.

6 Q And so, to the extent there may have been some, you
7 know, comments exchanged on the call, isn't there a
8 relatively robust infrastructure around the relationship to
9 help steer anything into the types of back-and-forths
10 U.S. and Ukraine ought to be having?

11 A Hang on. Can you clarify again? So, absent the --

12 Q So the President, you know -- absent the
13 President's call with President Zelensky, there is an
14 infrastructure of staff, at the State Department, at National
15 Security Council, that are interacting with --

16 A Right. Okay.

17 Q -- Ukraine officials to help everyone understand
18 some of the various things that are being requested.

19 A Yes.

20 Q I mean, isn't that --

21 A Yeah, but I'm not quite sure what the question is,
22 though. I mean, are you -- what are you suggesting?

23 Q Well, you know, there's discussion about, you know,
24 2016 and Burisma. And, you know, we saw the back-and-forth
25 on text about whether there's going to be a statement in

UNCLASSIFIED

122

1 advance of the White House meeting. And what we saw, I
2 think, in that exchange is that there was a, you know, good
3 bit of staff work going back and forth that ultimately led to
4 a conclusion where no statement was issued.

5 MR. WOLOSKY: We're sort of losing you here. It's an
6 extremely long, compound question. You're referring to text
7 messages that are not being presented as exhibits. So we're
8 happy to respond to a question if there's a clear, specific
9 question that you have for her.

10 BY MR. CASTOR:

11 Q There is an infrastructure of staff dealing with
12 the U.S.-Ukrainian relationship.

13 A On that particular issue that you're talking about,
14 actually there was not. I mean, if you're talking about the
15 preparation for the call.

16 Q Uh-huh.

17 A And that was what I was explaining before about why
18 July 10th was so problematic. Because, normally, there is
19 indeed an interagency process that goes together in
20 preparation for a call.

21 Q Volker related to us that he got a readout from
22 both the Ukrainian and the U.S. side and nobody mentioned
23 Hunter Biden or 2016.

24 THE CHAIRMAN: You know, I just want to caution counsel,
25 we can't vet what counsel is saying was represented in

UNCLASSIFIED

1 earlier witness testimony. So if you have a question about
2 the facts for the witness, rather than representing what
3 prior witnesses have said, that might be more appropriate.

4 MR. WOLOSKY: Let me put it another way. The witness is
5 happy to testify to areas that are within her personal
6 knowledge, not Mr. Volker's personal knowledge. So I'd ask
7 you to please direct your questions to her personal
8 knowledge.

9 MR. GOLDMAN: Time.

10 THE CHAIRMAN: Do you want to finish the last question?

11 DR. HILL: Yeah. I'm trying to figure it out what it is
12 that you're trying to figure out.

13 BY MR. CASTOR:

14 Q My question is, there is an infrastructure of staff
15 at the State Department to manage the relationship.

16 A There is infrastructure to manage the relationship.

17 Q And all these people, as you've testified, have
18 acted with -- you know, are individuals of high integrity.

19 A But they were not coordinating across the
20 government. I can be pretty confident, based on where I left
21 things on July 19th, that nobody beyond Ambassador Volker and
22 Ambassador Sondland knew what they were doing, beyond Chief
23 of Staff Mulvaney -- because Ambassador Bolton and -- both
24 Ambassador Sondland and Ambassador Bolton referred to
25 Mulvaney. Sondland said repeatedly he was meeting with Chief

1 of Staff Mulvaney. And that was it. It was not going down
2 to the rest of the staff.

3 When I left, I did several things in the week that I
4 left just to wrap up. I had a discussion with George Kent,
5 telling him where I knew things stood and telling him -- and
6 this was not knowing that there was going to be a call,
7 because I don't think it was actually at all even scheduled
8 at this point or even thought of --

9 Q Uh-huh.

10 A -- warning him that I was very worried about this
11 whole engagement between Sondland and Giuliani and with Kurt
12 and that he should be mindful of this, and I thought that it
13 was starting to take on different dimensions, including, you
14 know, this reference to, you know, energy corruption.
15 Although, when I spoke to George, I didn't have a full
16 picture. I just told him that he should be really mindful
17 and be careful on this.

18 And on the very last day, on the 19th, I had a phone
19 call with Ambassador Taylor relating everything that I knew
20 at that point. I was sort of sending out red flags for him
21 and telling him, there's a lot of stuff going on here that we
22 have no insight into and that you need to, you know, kind of,
23 figure out and get on top of this.

24 And I told him at that point that Ambassador Sondland
25 had told me that he was in charge of Ukraine. And that was

1 also news to Ambassador Taylor.

2 THE CHAIRMAN: Let's pause here. We'll take a 10-minute
3 break to either wolf down lunch or get lunch, and then we'll
4 resume in 10 minutes.

5 [Recess.]

6 THE CHAIRMAN: Okay. We'll go back on the record.

7 Mr. Goldman.

8 MR. GOLDMAN: Thank you, Mr. Chairman.

9 BY MR. GOLDMAN:

10 Q Dr. Hill, before, at the tail end of our initial
11 round, you were describing the circumstances around the
12 July 10th meeting at the White House.

13 A Yes.

14 Q And I believe you said that, after you came back
15 from meeting in the Ward Room with the Ukrainian counterparts
16 and the other American officials, you went and spoke to
17 Ambassador Bolton --

18 A Uh-huh.

19 Q -- right? And did you inform him of what had just
20 transpired in the Ward Room?

21 A Yes, I did.

22 Q And could you just tell us again what he said to
23 you at that point?

24 A He told me, as I stated before, to go and talk to
25 John Eisenberg. And he basically -- he said, you go and tell

1 John Eisenberg -- you go and tell Eisenberg that I am not
2 part of this drug deal that Sondland and Mulvaney are cooking
3 up.

4 Q And what did you understand --

5 A He was saying that sarcastically, of course, I
6 mean, just to be clear. Actually, he was angry, but he was
7 also sarcastic. I mean, he wasn't --

8 Q Right, because --

9 A -- inferring that they were cooking up an actual
10 drug deal in the Ward Room.

11 Q Right. So --

12 A Just to be clear.

13 Q So we're clear, because sometimes --

14 A Yeah, I know. This could lead to some conspiracy
15 theories and -- yeah.

16 Q Yes. And sometimes our colleagues don't understand
17 parody or sarcasm, so --

18 A No. Ambassador Bolton has a reputation for being
19 sarcastic and, you know, for basically using those kinds of
20 expressions.

21 Q Okay. But what did you understand him to mean by
22 that?

23 A Well, based on what had happened in the July 10th
24 meeting and Ambassador Sondland blurting out that he'd
25 already gotten agreement to have a meeting at the White House

1 for Zelensky if these investigations were started up again,
2 clearly Ambassador Bolton was referring directly to those.

3 And Ambassador Bolton had said repeatedly that nobody
4 should be meeting with Giuliani. And you may recall before
5 that I said that he described Giuliani as a bit of a hand
6 grenade that was going to blow everyone up.

7 Q Uh-huh.

8 A And he was obviously, at that point, you know,
9 closely monitoring what Mr. Giuliani was doing and the
10 messaging that he was sending out.

11 Q Uh-huh.

12 A So this is also against the backdrop, as all of you
13 will recall, of Mr. Giuliani's frequent appearances on
14 television. And I can't say that I caught all of them, but I
15 was getting them relayed to me by, you know, other staff
16 members. And, often -- I mean, you've all, no doubt, been in
17 the National Security Council buildings and the White House.
18 There's TVs everywhere. So, I mean, I could often just walk
19 down the corridor and catch Mr. Giuliani on the television.

20 Q But Ambassador Bolton specifically referenced
21 Mr. Sondland and Mr. Mulvaney, who --

22 A Correct. And he had said previously -- I mean, we
23 had regular meetings with Ambassador Volker, you know, in
24 which, you know, getting back to Mr. Castor's questions, they
25 were all about the, you know, regular coordination of what we

1 were trying to do on Ukraine, you know, trying to get the
2 Russians to start meeting with Ambassador Volker again, see
3 if we could move forward on the Donbas. Ambassador Bolton
4 made it very clear that, you know, again, he didn't think
5 anybody should be dealing with Giuliani.

6 Q And who did he make that clear to?

7 A He expressed it in one of the meetings with
8 Ambassador Volker. But, at that point, I don't think he was
9 fully aware of the extensive meetings that Ambassador Volker
10 was having. This may have been early on, when Ambassador
11 Volker had just started to meet with Giuliani.

12 Because I only, actually, to be honest, became familiar
13 with the timeline once it was all published in the press.
14 Because we'd already said to -- again, I'd personally said to
15 Ambassador Volker and others that he shouldn't be talking to
16 Mr. Giuliani.

17 Q And did you say that to Mr. Volker before that
18 July 10th meeting?

19 A Absolutely.

20 Q What was Mr. Volker's response?

21 A Again, you know, getting back to what I said to
22 Mr. Castor, it was really about -- he was trying to fix it.
23 I mean, he was trying to refute, you know, the, kind of, very
24 negative perceptions that were coming out.

25 But I expressed to him that I was concerned that there

1 were business dealings, nefarious business dealings,
2 underway. And I had mentioned to Kurt Volker the names of
3 these individuals that had been relayed to me.

4 THE CHAIRMAN: I just want to follow up with a couple of
5 questions about Ambassador Bolton's comments about not
6 wanting to be part of this drug deal.

7 Did you understand it from that that he was not
8 referring to an actual drug deal but --

9 DR. HILL: Of course not. Yeah.

10 THE CHAIRMAN: -- some other kind of illicit transaction
11 that he believed that Sondland and Mulvaney were engaged in?

12 DR. HILL: Yes. He made it clear that he believed that
13 they were making, basically, an improper arrangement to have
14 a meeting in the White House, that they were predicating the
15 meeting in the White House on the Ukrainians agreeing, in
16 this case, based on the meeting on July 10th, to restart
17 investigations that had been dropped in the energy sector --

18 THE CHAIRMAN: And --

19 DR. HILL: -- by which point it was apparent that this
20 was code, at least, for Burisma. Because that had been
21 mentioned, you know, in the course of Mr. Giuliani's
22 appearances on television and in the course of -- I'd already
23 relayed to Ambassador Bolton everything that had been told to
24 me by everyone, including Ambassador Yovanovitch and Phil
25 Reeker, when Amos Hochstein had come in to see me, and I'd

1 relayed to him everything I'd been told by our energy
2 directorate and by our Western Hemisphere directorate as
3 well.

4 THE CHAIRMAN: And not only was discussion of energy
5 code for Burisma, but Burisma was also, at this point,
6 understood to be code for the Bidens, an investigation into
7 the Bidens.

8 DR. HILL: That never came out explicitly, just to be
9 clear.

10 THE CHAIRMAN: And --

11 DR. HILL: I did -- when I talked to Ambassador Bolton,
12 I also talked to Charlie Kupperman at length about this, the
13 Deputy National Security Advisor. I mean, I recall telling
14 Charlie that this was the company that Hunter Biden was
15 associated with. And we were concerned that -- not at this
16 particular juncture, again, not specifically about the Bidens
17 per se, but that Ukraine was going to be played by Giuliani
18 in some way as part of the campaign.

19 THE CHAIRMAN: Now --

20 DR. HILL: Because it was positing, you know, here that
21 there was a great deal of, you know, illegal or whatever
22 activity going on in Ukraine, according to Giuliani. You
23 know, basically, the 2016 alternative theory of the election,
24 the cyber issues -- these were all getting put out through
25 these articles in the newspaper. So it was kind of creating

UNCLASSIFIED

131

1 a kind of a story that was out there that was being packaged.

2 THE CHAIRMAN: Now, do you recall at the time -- you
3 mentioned that Giuliani had expressed that he was going to go
4 to Ukraine. Do you remember when that was?

5 DR. HILL: That was almost immediately after Ambassador
6 Yovanovitch had been removed from office, so it was sometime
7 in May. I mean, again, I saw it on the television, he said
8 he was going to go. And then I heard it from colleagues.
9 And there was, you know, kind of, quite a bit of
10 consternation on the part of the State Department.

11 THE CHAIRMAN: And he made it clear, I think, in those
12 television appearances, didn't he, that he was going to
13 Ukraine to seek to have them investigate the Bidens?

14 DR. HILL: Well, that's what he said. That's what I
15 mean. This is part of -- I mean, I think, you know, part of
16 the dilemma that we all have here in trying to -- you, me,
17 and all of us -- parse this, is that a lot of this is
18 happening on the television, in terms of statements that
19 Giuliani has made.

20 THE CHAIRMAN: Did that give content to you when you
21 heard these discussions going on, or did that inform --

22 DR. HILL: Correct, it did. And it was clearly -- I
23 mean, in Ambassador Bolton's office, when I was meeting with
24 him, the television was always on. And it was usually on FOX
25 News. I mean, there was sometimes a split screen. And often

UNCLASSIFIED

1 when I was in the office, Giuliani would be on the
2 television, and, you know, Ambassador Bolton would put on the
3 sound to hear what he was saying.

4 THE CHAIRMAN: So they didn't need to make it explicit
5 in your presence what Burisma meant. It was clear from Rudy
6 Giuliani's public comments that, for Rudy Giuliani, Burisma
7 meant investigating the Bidens.

8 DR. HILL: Correct. But it was never explicitly said,
9 just to reiterate that.

10 THE CHAIRMAN: Not until the President's call with
11 President Zelensky.

12 DR. HILL: Again, which I only read about when the
13 transcript was released.

14 THE CHAIRMAN: But you've seen that transcript now.
15 And --

16 DR. HILL: I have. But I was not aware until that
17 point.

18 THE CHAIRMAN: And, in fact, in that transcript, the
19 President doesn't talk about Burisma; he talks about
20 investigating the Bidens. Is that correct?

21 DR. HILL: From what I've read in the transcript.

22 THE CHAIRMAN: Okay.

23 Mr. Goldman.

24 BY MR. GOLDMAN:

25 Q Ambassador Volker was also at that July 10th

UNCLASSIFIED

133

1 meeting, right?

2 A He was.

3 Q Okay. So, to that point, had you gotten any
4 indication that the acting Chief of Staff, Mick Mulvaney, had
5 any discussions about a White House visit with Ambassador
6 Sondland or anyone else?

7 A Yes, I had.

8 And just to be clear, that's also a part of, you know,
9 the acting Chief of Staff's role, is to oversee White House
10 visits. It would be rather unusual for him not to have been,
11 you know, consulted with on this.

12 I mean, you know, at this particular juncture, there was
13 a bit of tension on these visits overall. But many
14 ambassadors -- and I don't just mean our ambassadors, but,
15 you know, kind of, foreign ambassadors and foreign
16 officials -- I mean, were aware that Ambassador Bolton and
17 the National Security staff would always do everything
18 according to national security provisions.

19 So there were a lot of meetings that -- there were
20 requests, let's say, from heads of state that we actually
21 didn't think merited the President's time, because they
22 weren't pertinent to, you know, basically, policy priorities.

23 And I don't want to be insulting to any particular
24 countries by, you know, singling any of them out, but let's
25 just say I think you would all, you know, agree that there's

UNCLASSIFIED

1 a certain hierarchy of countries that one would imagine that
2 the President should be making the most time for, and there
3 are orders that would be, you know, kind of a nice, you know,
4 diplomatic gesture, getting back to the questions before
5 about the letter, but that, you know, obviously wouldn't be
6 something that one would want to schedule at any particular,
7 you know, kind of fast pace. And these could be, you know,
8 heads of state that the President could have a greeting with
9 at a diplomatic reception at the UNGA and things like this.

10 Q Well, let me rephrase my question --

11 A No, so --

12 Q Oh.

13 A -- the point is, on this, that Mulvaney's office
14 had been pushed many, many times by Ukrainians and others for
15 a visit. And so I was well-aware that Ambassador Sondland
16 was talking to the Chief of Staff at the moment.

17 And Ambassador Sondland was, frankly, trying to play us
18 off the National Security Council and Ambassador Bolton
19 against Mulvaney's office. Because we were saying that we
20 didn't actually believe, at that particular juncture, that we
21 should have a meeting with Zelensky. Because we wanted to
22 wait until the July -- by this point, you know, I can't
23 remember exactly, you know -- and forgive me -- when it was
24 announced that the Ukraine elections would be July 21st.
25 Because there was some question about whether it would be a

1 snap election. The actual election time might have been in
2 the fall. You know, it could've been in October or, you
3 know, some other date.

4 And so we were waiting to see when the election would
5 be. And we were pushing back against this, you know, kind
6 of, idea that Zelensky needed to have a meeting right away.
7 We were saying, you know, getting back to our earlier
8 discussion, no, we should wait to see if he actually has a
9 majority. I mean, what if he -- and we didn't also want to
10 then be seen to be playing in the Ukrainian parliamentary
11 elections. Because, obviously, a White House visit for
12 Zelensky before the Rada elections, the parliamentary
13 elections, would be a big boost, potentially, to his ability
14 to get a workable or a majority mandate. So we were trying
15 to be very careful.

16 And Ambassador Bolton knows Ukraine very well. I mean,
17 you've seen, you know, he did his independent visits there.
18 When he was outside of government, he was frequently in
19 Ukraine. He knew all the players. He knows how complicated
20 the politics and things are there. And he was trying to, you
21 know, basically restrain others for pushing for a meeting
22 that he thought would be premature.

23 Q Prior to that July 10th meeting, were you aware of
24 Mr. Mulvaney being involved in any conversations about a
25 White House visit being contingent on opening investigations?

UNCLASSIFIED

136

1 A I was not.

2 Q So that was the first --

3 A That was right.

4 Q -- that you had heard of it?

5 A But I knew that he was obviously a player already
6 in decisions about having a visit.

7 Q Okay.

8 A And I was -- to be honest, I was quite shocked. I
9 mean, prior to that, the only other indication that I had
10 that Ambassador Sondland and the Chief of Staff were, you
11 know, kind of talking about this, you know, directly was the
12 letter, getting back to the paragraph that we discussed
13 earlier, where Ambassador Sondland essentially, you know,
14 told us that he had, you know, personally made sure that this
15 letter was released and that -- because it was delayed, you
16 know, somewhat, it wasn't immediately out after the election.
17 The election happened over a weekend, and, you know, it was
18 taking a while for the results to get in, but it was, you
19 know, getting snarled up. And Sondland said that he would
20 make sure that the letter got out. And he said that he was
21 the person who put in this paragraph about having the White
22 House visit.

23 So that's in the week of April 22nd-23rd, if the 21st
24 was a Sunday. So that week immediately after the April 21st
25 Presidential election.

UNCLASSIFIED

UNCLASSIFIED

137

1 Q You're referring to the phone call?

2 A No, about the letter that was basically stating
3 that there would be a general invitation for a White House
4 visit.

5 Q I think the letter was May 29th.

6 A Was it May 29th? So there was a considerable delay
7 then.

8 Q So it was after the -- you may recall, just to
9 refresh your recollection, that the inauguration in Ukraine
10 was May 20th.

11 A Right. Okay. So it was around the inauguration.
12 I'm sorry then. I was getting my dates mixed up.

13 Q Uh-huh.

14 A So it was after, then, the inauguration for a
15 congratulatory letter.

16 Q Right.

17 A So that makes sense. I'm sorry, because I'm
18 getting my timelines confused here. Because the election
19 happened; there was a congratulatory phone call, which we,
20 you know, kind of, prepared just to say, hey,
21 congratulations, that was great. And then there was an idea
22 then there would be a letter that would be tied to the
23 inauguration. And there was a lot of back-and-forth on when
24 that would be as well.

25 But that was on the Ukrainian part. Because the

UNCLASSIFIED

1 Ukrainians, themselves, were not sure when to have the
2 inauguration, because, again, they were trying to determine
3 when they would call parliamentary Rada elections.

4 I'm sorry. I got the timeframes confused.

5 Q No, that's fine.

6 Just while we're on the topic of the April 21st call,
7 did you listen in to that call?

8 A I did not. It was on a weekend, and I remember I
9 was doing something with my [REDACTED], and Alex Vindman, our
10 director, agreed to go in.

11 Q And listen in?

12 A Yeah. And it was a very short call.

13 Q Did you read the transcript?

14 A I think I'm not --

15 MR. WOLOSKY: Yeah, I think that would probably be
16 classified, the April 21st call.

17 BY MR. GOLDMAN:

18 Q I just want to know if you read the transcript
19 afterwards.

20 A I did.

21 Q Okay.

22 A I said it was a short congratulatory call.

23 Q All right.

24 So, just getting back to this, sort of, aftermath of
25 July 10th, you said you were surprised, and Ambassador Bolton

UNCLASSIFIED

139

1 asked you to go meet with John Eisenberg. Did you go meet
2 with --

3 A I did.

4 Q -- Mr. Eisenberg?

5 A Yeah.

6 Q When did you do that?

7 A I ended up meeting with him on the next day. I
8 went over immediately and talked to him, you know, very
9 briefly, and we agreed that we would have a longer discussion
10 the following day, where I would talk to him about all of the
11 concerns that I had about what was going on on the Ukraine
12 front.

13 Q And in that initial brief conversation, do you
14 recall what you said and what he said?

15 A Yeah. I told him exactly, you know, what had
16 transpired and that Ambassador Sondland had basically
17 indicated that there was an agreement with the Chief of Staff
18 that they would have a White House meeting or, you know, a
19 Presidential meeting if the Ukrainians started up these
20 investigations again. And the main thing that I was
21 personally concerned about, as I said to John, was that he
22 did this in front of the Ukrainians.

23 Q Why were you concerned about that in particular?

24 A Well, I mean, this is -- you know, we're talking
25 here about, you know, should one reveal deliberative process

UNCLASSIFIED

1 to, you know, kind of, people outside of the government? And
2 here we're having a deliberative process. I mean, this is
3 what Ambassador Bolton was pretty livid about, you know, kind
4 of in an argument between, you know, our ambassador to the EU
5 and our National Security Advisor about having a meeting, you
6 know, in front of the national security advisor-designate of
7 Ukraine and the chief advisor, Mr. Yermak, to the Ukrainian
8 President and a whole bunch of extraneous, you know, kind of,
9 people who hadn't, actually, also been in that meeting on
10 July 10th.

11 Q The --

12 A And, again, the Ukrainians were put outside of the
13 Ward Room when I pointed out that this wasn't an appropriate
14 place to be having a discussion about what was going to be a
15 deliberative process about how one goes about setting up a
16 meeting and the timing of it and the content of it. And then
17 they're standing there in, you know, basically the space in
18 the corridor between the Navy mess and the White House Sit
19 Room.

20 Q And why were you concerned about that specific
21 location?

22 A Well, because an awful lot of people were going in
23 the Sit Room and are having, you know, deliberative
24 conversations that may or may not be classified on their way
25 into there.

1 And there's a sign in the Navy mess that says, you know,
2 do not have classified, you know, conversations in here
3 because, you know, external people may be present. But on
4 the way to the Sit Room -- I don't know if you've been in the
5 space. It's about the space of, kind of, the interior here
6 of these desks. So you have a couple of Ukrainians who were
7 standing there as Cabinet members or anybody else could be
8 going into the Sit Room, which will already give them
9 information about meetings that could be taking place there.
10 I mean, they shouldn't have been, you know, kind of,
11 basically out in the corridor.

12 But, also, that meeting in the Ward Room would've
13 been -- under normal circumstances, we would've known about
14 it. We didn't know that they were actually having a meeting
15 in the Ward Room. And it's completely inappropriate to have,
16 you know, the Ambassador to the EU take the Ukrainians down
17 to the Ward Room to have a huddle on next steps about getting
18 a meeting with the President of the United States.

19 Q You had said earlier that --

20 A Now, Secretary Perry, again, I want to say, had
21 left by the time I got down there. He had clearly gone down
22 and then had left. So this is Ambassador Sondland and
23 Ambassador Volker there.

24 Q And you had said earlier that you were concerned
25 that Ambassador Sondland was a counterintelligence risk. Is

1 this an example of that concern?

2 A Well, yes. And a risk not by intent, getting back
3 to Mr. Castor's question about, you know, Ambassador
4 Sondland's integrity, but one about just more about being
5 clueless sometimes about the kinds of natures of threats.

6 And that's something -- ambassadors get all kinds of,
7 you know, early counterintelligence briefings. But, you
8 know, he has now expanded his remit, you know, to countries
9 that, you know, in the case of Ukraine, are targeted by the
10 Russians. One could be sure that -- you know, I didn't even
11 know whether the Ukrainians had left their cell phones in
12 boxes at this particular point. I mean, they had when they
13 were in Ambassador Bolton's office, but had they picked them
14 up before they went down to the Ward Room? I didn't know any
15 of this.

16 And so, I mean, all of them -- and you can be sure that
17 they're being targeted by the Russians, if not, you know,
18 kind of, members of our own Cabinet and our own team. And as
19 Ambassador Sondland was using his own personal cell phone at
20 all times, as well as his government-issued cell phone, I
21 became extremely concerned that his communications were not
22 going to be secure.

23 Q For example, the WhatsApp text messages that you've
24 now --

25 A Yeah, we were not allowed -- just to be, again,

1 clear, the White House has disabled all of those functions on
2 the phone. And Ambassador Sondland was always trying to
3 text. And on my White House phone, which did not receive
4 texts, I would always get this kind of ghost text from
5 Ambassador Sondland, from the very first time I met him,
6 texting me to say that he wanted to meet, from his personal
7 cell phone. And every time I switched the phone on, this
8 ghost text would appear. Just to make the point.

9 But he was the only person, you know, who tried that.
10 We kept telling him over and over again, please do not text
11 us. And the same thing with WhatsApp; we were not allowed to
12 use this because of the Presidential record and Presidential
13 communications.

14 THE CHAIRMAN: I just want to go back to that first
15 short discussion you had with Attorney Eisenberg.

16 DR. HILL: Yes.

17 THE CHAIRMAN: I think you conveyed that you described
18 briefly your concern over having this debate about setting up
19 this meeting in front of the Ukraine delegation. You
20 expressed your concern about the security issues involved
21 with having this discussion, where it was taking place.

22 Did you also discuss with Attorney Eisenberg, though,
23 Ambassador Bolton's concern that there was an illicit
24 transaction here?

25 DR. HILL: I did. And I said that, actually, what I

UNCLASSIFIED

144

1 would like would be for him to also ask my counterpart, Wells
2 Griffith, to talk to him too, who'd been in the meeting.
3 Because I couldn't really determine, at the time, initially,
4 in the meeting with Ambassador Bolton, exactly what it was
5 that Ambassador Sondland had said that triggered off
6 Ambassador Bolton's reaction.

7 Because Secretary Perry had been sticking to the regular
8 talking points about energy that we always had, you know,
9 that were obviously referring to Naftogaz and, you know, to
10 the energy sector writ large, which was, frankly, rife with
11 corruption.

12 And, you know, you may all recall, you know, under
13 previous iterations of the Ukrainian Government, there was
14 the notorious Dmytro Firtash-run organization or intermediary
15 gas entity, RosUkrEnergo -- and I'm sure you had lots of
16 congressional hearings, you know, about this -- that was
17 really basically an interface for all kinds of illicit
18 dealings between the Russians and the Ukrainians.

19 So we've been on this issue for decades, frankly. I
20 mean, I was working on this with the Bush administration and
21 the Obama administration. Everybody has gone through looking
22 at this issue. So when Secretary Perry was talking, I mean,
23 from my perspective, it's just following in a long line of
24 all of the issues that we said.

25 And then when Ambassador Sondland came in about specific

UNCLASSIFIED

UNCLASSIFIED

145

1 investigations, that's when Ambassador Bolton stiffened up
2 and immediately, you know, brought the meeting to a halt,
3 because he tied that to the meeting. But when I went down --

4 MR. GOLDMAN: Sorry. You mean the White House meeting?

5 DR. HILL: To the White House meeting or to a meeting
6 with the President. Now, just to be, kind of, clear,
7 actually, it wasn't always a White House meeting per se, but
8 definitely a Presidential-level, you know, meeting with
9 Zelensky and the President. I mean, it could've taken place
10 in Poland, in Warsaw. It could've been, you know, a proper
11 bilateral in some other context. But, in other words, a
12 White House-level Presidential meeting.

13 THE CHAIRMAN: So then you were saying -- and then you
14 went downstairs.

15 DR. HILL: And then I went downstairs. And I came in
16 when the conversation was already underway, because I had
17 talked to Ambassador Bolton quickly to, you know, kind of,
18 get a bit more of a sense of, you know, kind of, his concerns
19 and what he wanted me to be watchful for. I mean, I had my
20 own concerns.

21 As I said, when I was coming in, Secretary Perry was
22 leaving. So I'm not sure that Secretary Perry was there for
23 this portion of the discussion. And Wells Griffith had
24 already -- had also left as well.

25 BY MR. GOLDMAN:

UNCLASSIFIED

UNCLASSIFIED

146

1 Q Was Ambassador Volker still there for this?

2 A Ambassador Volker was still there, and Yermak and
3 Danylyuk and, as I mentioned before, a couple of State
4 Department people and somebody who I thought could've been
5 one of Secretary Perry's aides but I'm not 100 percent sure.
6 Because Secretary Perry had a large -- because he was off to
7 go to do some other business and he had a large group of
8 people with him.

9 And it was at that point that Sondland was complaining
10 to our director, Alex Vindman, about the fact that he already
11 had an arrangement to have this meeting that he worked out
12 with Mulvaney.

13 THE CHAIRMAN: And so I want to get back to your
14 conveying this to the attorney, Eisenberg.

15 DR. HILL: Yeah.

16 THE CHAIRMAN: What did you convey to him at that first
17 short meeting? And then Mr. Goldman will get into what you
18 conveyed to him in the longer meeting. But in the first
19 meeting, what did you convey to him about any concern you had
20 over this illicit transaction, the "if" that you mentioned?

21 DR. HILL: Yeah, I explained to him what I just
22 explained to you. And then I said, but I need to actually
23 talk to Wells Griffith and we should talk to Wells about what
24 he understood was the larger context here as well.

25 Because Sondland talked about Burisma when I was with

UNCLASSIFIED

1 him in the Ward Room, but I didn't hear him say Burisma when
2 I was in Ambassador Bolton's office. And, again, I was
3 sitting at the back, on the sofa. They were all, you know --
4 I was behind Sondland, and he was talking forward. So I
5 wasn't sure if I missed it or whether he didn't say it at
6 all.

7 And I also wanted to be clear -- because he seemed to
8 sort of interrupt Bolton and Perry -- you know, what it was
9 that Wells understood that Secretary Perry was talking about.
10 Because this gets to the nub of what we're concerned about.
11 Was this a generic discussion about, you know, corruption in
12 the energy sector and Ukraine, or was it something much more
13 specific? And I wanted to make sure that Wells Griffith
14 could also talk to Eisenberg. And that's why we had the
15 larger meeting the next day.

16

17

18

19

20

21

22

23

24

25

1 [1:55 p.m.]

2 THE CHAIRMAN: And did you -- the larger meeting with
3 Eisenberg?

4 DR. HILL: Just me and Eisenberg and Wells Griffith. I
5 mean meeting, meaning to bring in Wells, and so that I could
6 get into more detail, and I could go through my notes and,
7 you know, kind of basically figure out, you know, what
8 exactly had happened.

9 THE CHAIRMAN: Do you want to walk through that meeting?

10 BY MR. GOLDMAN:

11 Q Yeah. So in that meeting on July 11, Wells --

12 A Wells also came in.

13 Q What's his last name?

14 A Wells Griffith.

15 Q Griffith.

16 A It's P. Wells Griffith. And he is a long-term,
17 he's a really, you know, superb energy expert, works very
18 closely with Secretary Perry.

19 Q And it was the three of you?

20 A Yes, it was the three of us.

21 Q All right. And so describe that conversation.

22 A Well, I reiterated to John the day before, and, you
23 know, I apologized to Wells for, you know, jumping on him,
24 but I said that I wanted to, you know, basically just to
25 clarify for John, you know, what had -- I told him what had

1 happened in the Ward Room, but I wasn't entirely sure, you
2 know, what Wells also thought had happened in Ambassador
3 Sondland's office, because it was immediately after Secretary
4 Perry had gone through his talking points.

5 And Wells and the deputy -- the deputies to Secretary
6 Perry had worked on those talking points. And I wanted to
7 just kind of be certain, 100 percent sure that Secretary
8 Perry's talking points were exactly what I anticipated or
9 thought that they were, which is about the generic, you know,
10 problems of the energy sector, which is what --

11 MR. WOLOSKY: You said Ambassador Sondland's office. I
12 think you meant Ambassador Bolton's office.

13 DR. HILL: Oh, did I? I'm so sorry. Yeah. Thank you
14 for correcting me. Yeah, when Ambassador Sondland was in
15 Ambassador Bolton's office.

16 BY MR. GOLDMAN:

17 Q And just to be clear, between meetings with
18 Mr. Eisenberg, did you have any follow-on conversations with
19 Ambassador Bolton?

20 A I did not, no, not in that time.

21 Q Did you talk to anybody else about this meeting?

22 A I talked to Wells Griffith. And then I also had --
23 my colleague Alex Vindman was really upset, because he said
24 that before I came in Sondland was making it very clear that
25 there was all kinds of -- that there was -- and Perry had

UNCLASSIFIED

150

1 left at this point. He said Perry didn't need to stay,
2 because by the time I came into the Ward Room Alex Vindman
3 was very up upset.

4 Q And what did Mr. Vindman say?

5 A He said that these are obviously not issues that
6 the National Security Council was dealing with, should not
7 deal with. And he actually said this along the lines to
8 Ambassador Sondland, that whatever it was that he was talking
9 about was not appropriate for us to be engaged in, and that
10 we were -- you know, could only, you know, be organizing a
11 meeting, you know, as the National Security Council on, you
12 know, official national security basis, and clearly something
13 else was going on here.

14 Q So at this meeting on the 11th with Mr. Eisenberg
15 and Mr. Griffith, what did Mr. Griffith relay to
16 Mr. Eisenberg about his recollection of this meeting?

17 A His recollection was somewhat similar that, you
18 know -- and he confirmed that Secretary Perry's talking
19 points were all the usual talking points about energy sector
20 corruption, the importance of getting the energy sector into
21 good shape and diversification of energy, all of the issues
22 that we were trying to do.

23 We were trying to get the Ukrainians to work with the
24 Czechs, the Poles, and with the Europeans more broadly, the
25 Germans, you know. Secretary Perry had been going to the

UNCLASSIFIED

1 Three Seas Initiative, which is all about building up
2 infrastructure in Eastern Europe.

3 So Secretary Perry was, you know, very much focused on a
4 whole larger initiative spearheaded by DOE but also with the
5 State Department on trying to help Ukraine wean itself off
6 this dependency. So everything that Wells believed that
7 Secretary Perry was saying was related to that.

8 We also agreed that Sondland seemed to be redirecting it
9 into --

10 Q What was his recollection of what Ambassador
11 Sondland said in the Ward Room?

12 A In the Ward Room he wasn't in.

13 Q Oh, so this was just in the main meeting.

14 A Wells was also confirming, though, that Secretary
15 Perry was not in on this discussion in the Ward Room, that
16 he'd come down briefly. And that was also important to me
17 because I needed to know did Secretary Perry, you know, have
18 part of this discussion as well.

19 Q So it was you personally who heard Ambassador
20 Sondland mention Burisma --

21 A Correct.

22 Q -- in the Ward Room?

23 A Correct. And Wells had been sitting with me in
24 Ambassador Bolton's office when the initial meeting took
25 place, and he also understood it was a redirect.

UNCLASSIFIED

152

1 Q And Mr. Vindman was also there --

2 A Correct.

3 Q -- and heard it?

4 A And Kurt Volker.

5 THE CHAIRMAN: Can you tell us what -- you said
6 Mr. Vindman expressed concern about what took place, and he
7 was there before you got to the Ward Room.

8 DR. HILL: Yes.

9 THE CHAIRMAN: Can you tell us what Mr. Vindman told
10 you --

11 DR. HILL: He was really uncomfortable with where the
12 conversation was, and that's also because it was in front of
13 Ukrainians, that it was basically Ambassador Sondland getting
14 very annoyed that he already had an agreement with the Chief
15 of Staff for a meeting between the Presidents on the basis of
16 these investigations.

17 THE CHAIRMAN: And did he know anything more about the
18 investigations?

19 DR. HILL: He was alarmed, Mr. Vindman, because he
20 didn't know exactly what was going on. And he said that --
21 and as I said, Sondland had mentioned meeting with Giuliani
22 in front of, again, the Ukrainians. And --

23 MR. GOLDMAN: So what --

24 DR. HILL: -- who was the National Security Advisor --

25 MR. GOLDMAN: -- did he say about that?

UNCLASSIFIED

UNCLASSIFIED

153

1 DR. HILL: I didn't get exactly what the wording was.

2 THE CHAIRMAN: But Mr. Sondland brought up Mr. Giuliani
3 in the context of there being this agreement on the meeting.

4 DR. HILL: And that he said he'd been meeting with
5 Giuliani as well. This is at least what I understood, you
6 know, from Alex.

7 THE CHAIRMAN: That was what Mr. Vindman relayed?

8 DR. HILL: That's what he understood, yes.

9 THE CHAIRMAN: And did Giuliani's name come up when you
10 were in the Ward Room?

11 DR. HILL: No.

12 BY MR. GOLDMAN:

13 Q Can you just clarify why it was important to you to
14 understand that Secretary Perry's talking points were
15 separate and apart from the reference to investigations by
16 Ambassador Sondland?

17 A It was important to me because I was trying to
18 figure out how much Ambassador Sondland was coordinating with
19 others. And, again, we'd actually tried to prioritize in
20 this timeframe energy sector reform and all of the work with
21 the other European countries. So I was pretty concerned here
22 in thinking that maybe Ambassador Sondland was not keeping
23 Secretary Perry fully informed of what was going on either.

24 Q And so --

25 A And I'd understood from the May inauguration, I was

UNCLASSIFIED

1 not in the meeting that relayed back to the President about
2 how the inauguration had gone, but I understood from the
3 readout there that we were to focus on energy sector reform
4 as a top priority, and that Secretary Perry had been asked to
5 sort of step up and to really see what he could do to, you
6 know, work with the Ukrainians in this timeframe to prove
7 that they could actually start to tackle, you know,
8 corruption in Ukraine.

9 And so by this point I'm personally concerned that
10 there's something else going on, and I wanted to make sure
11 that I understand who it's going on between.

12 Q So the energy sector reform and the anticorruption
13 efforts surrounding that were what Secretary Perry was
14 talking about?

15 A Correct.

16 Q And is it -- was it your understanding that
17 Ambassador Sondland was not talking about that --

18 A Correct.

19 Q -- when he mentioned --

20 A And it's the way that he did a redirect.

21 Q And what do you mean by redirect?

22 A Well, Secretary Perry was talking, and then, you
23 know, he laid out all of these talking points. And then
24 Ambassador Bolton said -- you know, was basically saying
25 well, you know, we'll work all the way through all of this,

1 you know, kind of a rule, you know. At some point start, you
2 know, thinking, you know, basically about a meeting, but, you
3 know, we're going to be, you know, in the process of -- and
4 it was encouraging actually what you're talking about, which
5 was all the staffing work and the different parts of the
6 agencies, State Department. He was urging the Ukrainians to
7 deal with the State Department and to deal with Secretary
8 Perry.

9 And this is when Sondland, who is, you know, a fairly
10 big guy, kind of leaned over across Ambassador Bolton,
11 because I could see that from where I was sitting, and said
12 to the Ukrainians and back to Ambassador Bolton, but we've
13 already got, you know, kind of an agreement on a meeting.

14 I mean, he was basically -- and you can imagine, you
15 would all be annoyed as well that he was basically
16 countermanding what Ambassador Bolton had just said. In
17 other words saying, I actually have, you know, some
18 completely separate agreement about a meeting, you know, kind
19 of you're stonewalling kind of thing.

20 And then he was clearly in the -- when he went out into
21 the office in front of Ambassador Bolton he was kind of
22 clearly, you know, feeling irritated, Sondland was. And
23 that's when he said, let's go back down to the Ward Room and
24 talk about next steps for the meeting. And that's when
25 Bolton was just, you know, I wouldn't say apoplectic, but

UNCLASSIFIED

156

1 pretty furious.

2 Q Who did Sondland say that to?

3 A He said it to the Ukrainians.

4 Q Was it your understanding that he had previously
5 discussed --

6 A I took it from that that he'd already said to the
7 Ukrainians that there was going to be a meeting and that
8 obviously he was expecting Ambassador Bolton to start, you
9 know, pulling out the schedule, which is not what Ambassador
10 Bolton does anyway. That's worked out through the Chief of
11 Staff's Office and the Visit.

12 Q And just so the record is clear, when you say
13 meeting, you mean a Presidential meeting?

14 A A Presidential-level meeting, again, be it the
15 White House, be it in Warsaw, be it, you know, kind of in any
16 of the places it would be.

17 And we had been again, as I've said repeatedly,
18 Ambassador Bolton and others, recommending against having a
19 meeting at this juncture because this is, you know, before
20 the Ukrainian parliamentary elections.

21 Q Was it your impression that the Ukrainian officials
22 there were hearing this idea of a Presidential meeting
23 conditioned on these investigations for the first time at
24 that meeting --

25 A Danylyuk for sure. He just looked alarmed, and

UNCLASSIFIED

1 actually he wanted to speak to me afterwards because he
2 obviously didn't know what was going on.

3 Q And what about Yermak?

4 A Yermak was more impassive, but I'm not entirely
5 sure that he fully understood everything because I'm not
6 convinced about how good his English is. So I just want to
7 state that for the record, that I wasn't entirely clear that
8 Yermak was understanding everything because he didn't really
9 say too much. And he had an aide with him who was whispering
10 to him, and, again, I was sitting at a distance, and he maybe
11 had been helping him with translation.

12 Q Did you end up speaking to Danylyuk about --

13 A I did, but we actually didn't really discuss what
14 had actually happened -- well, I didn't want to discuss what
15 had happened obviously in the Ward Room.

16 What I was trying to encourage Danylyuk was to work with
17 the State Department, work with our embassy, and, you know,
18 particularly as he was interested in working on the National
19 Security Council reform in Ukraine.

20 I really wanted to get, you know, Danylyuk into the
21 channels that we all, you know, kind of knew were working on
22 getting back to this robust relationship. Danylyuk was a,
23 you know, very above-board guy, one of the reformers in
24 Ukraine. Actually, he resigned his position in Ukraine
25 recently.

UNCLASSIFIED

158

1 Q Was it your understanding from any of the
2 interactions you had with him or any information you got that
3 Danylyuk was aware of Rudy Giuliani's efforts separate and
4 apart from the official --

5 A He didn't raise it. He was just generally
6 concerned about actually not having a meeting because he felt
7 that this would deprive Ukraine, the new Ukrainian Government
8 of the legitimacy that it needed, especially vis-a-vis the
9 Russians. So this gets to, you know, the heart of our
10 national security dilemma.

11 You know, the Ukrainians at this point, you know, are
12 looking at a White House meeting or looking at a meeting with
13 the President of the United States as a recognition of their
14 legitimacy as a sovereign state. And they are, you know,
15 clearly perplexed, you know, kind of about this whole
16 situation surrounding the meeting.

17 Q What was -- just because we're somewhat short on
18 time, I'm going to jump to the crux of this July 11th
19 meeting. What was Mr. Eisenberg's reaction to what you
20 explained to him had and Mr. Griffith had explained to him
21 had occurred the day before?

22 A Yeah. He was also concerned. I mean, he wasn't
23 aware that Sondland, Ambassador Sondland was, you know, kind
24 of running around doing a lot of these, you know, meetings
25 and independently. We talked about the fact that, you know,

UNCLASSIFIED

1 Ambassador Sondland said he'd been meeting with Giuliani and
2 he was very concerned about that. And he said that he would
3 follow up on this.

4 He has frequent meetings with Ambassador Bolton and had
5 frequent meetings with Ambassador Bolton and also with
6 Charlie Kupperman, our deputy National Security Advisor, both
7 of whom, you know, were fully cognizant of everything that
8 was kind of going on and churning around.

9 I'd already expressed concerns to all of them about the
10 removal of Masha Yovanovitch. I mean, I'd gone to talk all
11 the way up my chain expressing my concerns and, you know,
12 basically anger that this had happened.

13 I'd also talked to the Vice President's staff, to
14 General Kellogg, who was the person who'd hired me and who,
15 you know, I'd previously reported to in the first year of the
16 administration, about these concerns as well, flagging for
17 him that there were problems and that we should --

18 Q Sorry, just to be clear, you mentioned Ambassador
19 Yovanovitch. What are these concerns?

20 A That she had been unfairly dismissed, that she'd
21 been forced out as a result of all of these conspiracy
22 theories and these attacks on her.

23 Q Did you speak to them as well about
24 Mr. Giuliani's --

25 A I did.

UNCLASSIFIED

160

1 Q -- efforts and influence?

2 A Because this was all in the news, and, I mean, you
3 know, again, everyone was watching the news and seeing this.
4 And I said that this was, you know, a massive complication in
5 terms of our engagements with Ukraine, because we were also
6 talking about the Vice President having engaged with the
7 Ukrainian leader if we could not schedule a meeting with the
8 President, and that's simply about scheduling.

9 Because, you know, traditionally the Vice President has
10 played an important role on countries like Ukraine or Georgia
11 or a whole host of issues. And the Vice President had on his
12 itinerary a range of foreign trips, including the trip you
13 saw that he took recently, a personal trip to Ireland.

14 And we were trying to talk to his staff about whether it
15 would make sense for the Vice President to maybe go via Kyiv
16 or, you know, kind of basically meet with President Zelensky
17 if we could not schedule a Presidential meeting in due
18 course, you know, within a reasonable period of time after
19 the parliamentary elections.

20 Q After --

21 A And also, by the way, September 1st we knew was
22 coming up because the President had been invited to
23 commemorate the initiation of World War II.

24 Q There wasn't a long period of time when you were
25 still there after this July 11th meeting, but at any point

UNCLASSIFIED

1 before July 19th did you hear back either from Mr. Eisenberg
2 directly or from Ambassador Bolton or anyone else about any
3 further conversations that Mr. Eisenberg had on this topic?

4 A Not from Ambassador Bolton, I did not. John
5 Eisenberg said that he had followed up, and he had followed
6 up, you know, through his basically reporting authority,
7 which would be the White House counsel.

8 Q But did -- and you didn't hear anything else --

9 A I did not, no.

10 Q -- on your side of the --

11 A No, I did not.

12 Q Do you know whether Mr. Eisenberg spoke to
13 Mr. Sondland at all?

14 A Well, that wouldn't be, I think, appropriate in his
15 position.

16 Q Who would be the proper person to speak to
17 Mr. Sondland and tell him to, you know, change his course of
18 action?

19 A It would be the State Department.

20 Q And did you hear whether the State Department
21 did that?

22 A Well, I talked to Assistant Secretary Reeker about
23 this, and I also flagged it, you know, again, as I'd
24 mentioned before, at different points, actually probably not
25 after the July 11th discussion. But I'd also at different

1 points talked to Under Secretary Hale about the concerns
2 about Ambassador Sondland, well, obviously, going in a
3 direction we were hoping he wouldn't on the Ukrainian issue.

4 Q And was there a substantive response from Under
5 Secretary Hale or Mr. Reeker?

6 A I mean, they were aware of it. And, you know, my
7 presumption was based on the fact that they're both, you
8 know, stellar professionals that they would follow up on this
9 in some way.

10 Q Around this time in mid-July, we understand that
11 there was an order to hold on the security assistance
12 intended for Ukraine.

13 A Right.

14 Q When did you learn about that?

15 A I learned about it in that week, that is my last
16 week there.

17 Q And how did you learn?

18 A I learned about it just in the normal course of
19 action. We were informed that there had been a hold on the
20 -- by the -- from OMB.

21 Q Were you informed as to the reason why?

22 A No, there was no reason given. And we were told
23 that it actually came as a direction from the Chief of
24 Staff's office.

25 Q From Mr. Mulvaney?

UNCLASSIFIED

163

1 A Who, I think -- is he still technically the head of
2 OMB?

3 Q Yes. He hasn't left, yes.

4 A So there you are then. Yeah. I mean, that's -- I
5 mean, he had three different hats then, I guess, and I think
6 it came under his -- it would have been, you know, I guess,
7 normal for him to have put the hold on.

8 Q As of that July 10th meeting, do you know whether
9 Ambassador Bolton or anyone else was aware of whether this
10 military aid or security assistance had been put on hold?

11 A I don't think they knew. It had not been
12 discussed. It was in the last week that I was there.

13 Q Okay. And did you have any conversations yourself
14 about the hold --

15 A We did.

16 Q -- within your reporting structure?

17 A And, in fact, there was a meeting set up, two
18 meetings on Ukraine in the last week that I was there, but
19 Tim Morrison went and chaired them, so I did not take part in
20 these meetings.

21 So there was -- interagency meetings were basically
22 called to find out what was going on. And Charlie Kupperman,
23 the deputy assistant to the President, the National Security
24 Advisor, was basically trying to get to the bottom of it.

25 Q And did you ever learn what he found out?

UNCLASSIFIED

UNCLASSIFIED

164

1 A I did not, but I know that he was going to go and
2 talk to Mulvaney about this.

3 And I left on the 19th, so, you know, by that point --
4 but I relayed to Ambassador Taylor at that point most of the
5 things I've actually relayed to you today.

6 Q So let's just talk about Ambassador Taylor for our
7 last couple minutes. He had become the Charge d'Affaires in
8 Ukraine?

9 A Correct.

10 Q And you spoke to him you said, I think, on
11 July 19th?

12 A Yes, but I'd actually spoken to him on several
13 occasions before. I think you're all familiar with
14 Ambassador Taylor's biography. I've worked with him in many,
15 many different capacities.

16 And he was asked after Ambassador Yovanovitch was
17 removed along with a number of other people whether they
18 would be willing to be Charge, because it was agreed that
19 with her precipitous removal -- I mean, she'd initially been,
20 it was my understanding because I'd been told that by the
21 State Department, asked to stay on for a transitional period
22 a bit longer than she was supposed to, you know, as the
23 Zelensky Presidency was underway.

24 So it was pretty abrupt, notwithstanding all the
25 information we now have about this. So there was a debate

UNCLASSIFIED

1 about how -- could you possibly still have the embassy there
2 with, you know, no Charge of any stature.

3 And there was a new DCM being sent out, Kristina Kvien,
4 who I met in that last week as well, who was just being sent
5 out fresh, although she was very knowledgeable about the
6 region.

7 And there was a debate back and forth about whether they
8 could find someone from either previous ambassadors to
9 Ukraine or someone from high level, like a Paula Dobriansky,
10 you know, the Ukrainian American community, or somebody who
11 would be willing to be Charge at this transitional period to
12 basically -- again, getting back to the national security
13 questions about showing to Ukraine that we were still
14 supportive of them and that we were still standing by them in
15 the face of Russian aggression -- to have someone of stature
16 there until there could be a formal appointment and naming of
17 a new ambassador.

18 Q And Ambassador Taylor was someone of stature in
19 your view?

20 A Correct. Yes. I mean, he'd previously been
21 ambassador to Ukraine and is one of the most distinguished,
22 you know, people that one can think of.

23 Q I believe you said, and I just want to clarify
24 this, that Ambassador Taylor, you relayed I think you called
25 them red flags --

1 A My red flags.

2 Q -- your red flags to Ambassador Taylor, and that he
3 was unaware that Ambassador Sondland had taken lead on
4 Ukrainian policy. Is that --

5 A Correct. That was news to him. I mean, he, like
6 everybody else, knew that Ambassador Sondland was playing a
7 role, but he had not been told that Ambassador Sondland was
8 the lead.

9 Q And he had not been told by the State Department?

10 A No.

11 Q Nor by Ambassador Sondland?

12 A No.

13 Q Okay. All right. I believe our time is up, so I
14 yield to the minority for 45 minutes.

15 BY MR. CASTOR:

16 Q Is it fair to say just about every special envoy or
17 broadly chartered ambassador sometimes is blamed for jumping
18 out of their lane?

19 A Yes, but Ambassador Sondland hadn't been named as a
20 special envoy or, you know, ambassador at that time. We had
21 Ambassador Volker who had been named as the special envoy for
22 Ukraine, but Ambassador Sondland was saying that he was in
23 charge of Ukrainian affairs writ large.

24 Q Are we certain the President never appointed
25 Ambassador Sondland to this role?

1 A No.

2 Q Or we only know about --

3 A As I said before, you remember, when I said, I said
4 what? Who? You know, who said this? And he said the
5 President, and then, you know, I couldn't really argue with
6 that.

7 Q In the July 10th meeting in the fallout in the Ward
8 Room, was it ever clear to you what investigations were part
9 of this discussion?

10 A Well, he mentioned Burisma.

11 Q Burisma. Anything else?

12 A No.

13 Q Okay.

14 A And again, I cut it off because it was obviously
15 going down avenues which were not appropriate for the
16 National Security Council to go down. And also, again, he's
17 haggling almost about this meeting.

18 Q Are you aware of the allegation -- there's been
19 some reporting, there was a big Politico article in
20 January 2017 -- about Ukrainians' efforts to affect the
21 outcome of the election, the U.S. election?

22 A I'm aware of the articles.

23 Q And do you give any credibility to some of the
24 basic charges in there, such as [REDACTED]? Are you
25 familiar with that? Would it be helpful if we marked this as

UNCLASSIFIED

168

1 an exhibit, this Politico article?

2 A I've seen that Politico article.

3 Q Okay.

4 A Look, I think we have --

5 Q I can hand it to you.

6 A No. But we have --

7 Q Do you want it?

8 A -- and I am very confident based on all of the
9 analysis that has been done -- and, again, I don't want to
10 start getting into intelligence matters -- that the Ukrainian
11 Government did not interfere in our election in 2016.

12 Q Okay. But you're aware of the reporting?

13 A I'm aware of the reporting, but that doesn't mean
14 that that amounts to an operation by the Ukrainian
15 Government.

16 Q Right. What do you know about [REDACTED]?

17 A I don't know very much about them, apart from
18 things that I couldn't speak about.

19 Can I also say that in my past life at Brookings, is a
20 think tank, I must have had about 25 different people from
21 all kinds of different backgrounds coming to try to use me as
22 a conduit to various campaigns, Republican and Democrat,
23 given my experience and links, from, you know, Ukrainian,
24 Belarussian, you know, Georgian, Russian, all trying to make
25 contact with the campaigns.

UNCLASSIFIED

1 I could write a million articles like that putting all
2 kinds of people's names out there based on just the contacts
3 of people that I had.

4 Q Fair enough. Just asking the questions.

5 A No, but I'm just saying in here that -- but this
6 gets back to what Masha Yovanovitch said, that you can write
7 something in an article and it somehow becomes true that it's
8 written in an article without all of the due diligence that's
9 done about -- done on this later.

10 I have my own beef with 2016 and the investigations,
11 that I don't believe it should have started by focusing,
12 first of all, on Americans. It should have started by
13 looking at what Russians were doing, and I think we would
14 have ended up in exactly the same place that Mr. Mueller did
15 on what the Russians did with the same sets of indictments,
16 and it might have not been quite so politicized at the time,
17 because I can promise you that the Russians did everything
18 that he outlined and then some. And I myself have been
19 targeted by the Russians on many occasions.

20 And that doesn't make me anti-Russian. But I'll just
21 say that this particular Russian administration, run by
22 somebody who is an incredibly, you know, well-skilled KGB
23 operative, is something that you just don't mess with. And
24 we are going to be in big trouble --

25 Q Who is the KGB operative?

UNCLASSIFIED

170

1 A That's President Putin.

2 And we're going to be in big trouble, if we don't get
3 our act together, in creating more fodder for them to throw
4 right back at us in 2020. And I think this is an issue of
5 our national security for all of us, no matter what part of
6 the aisle that you're sitting on.

7 Q Would you agree though that, you know, the bringing
8 of Mr. Manafort's dealings in the Ukraine to the forefront,
9 you know, may have had --

10 A Corruption is the way that President Putin and
11 other nefarious actors, be they from China, Iran, or North
12 Korea, access our system.

13 Q Are you familiar with the, you know, the allegation
14 about Serhiy Leshchenko? I'm sorry if I'm not pronouncing
15 that --

16 A Leshchenko, yes.

17 Q You know, relating to publicizing Manafort's role
18 in the Ukraine?

19 A You've also got to remember that Ukraine is going
20 through a massive period of upheaval itself in this period.
21 I mean, this is the period where Yanukovych, the previous
22 Ukrainian President, basically flees the country, leaves all
23 kinds of documents and things behind, and the Ukrainian
24 investigative reporters and everybody poring all over this.

25 You can go back and look on YouTube at some of the

UNCLASSIFIED

1 rather strange things that Yanukovych left behind him. He
2 tried to flush half of his documents down the toilet. He
3 threw some of those in a lake. There was all kinds of
4 material that were out there for people to pick over and to
5 look at. And I think, again, that Mr. Mueller and his team
6 have well documented a lot of this information.

7 Q But to the extent the Ukrainians were involved in
8 pushing out the information on Paul Manafort, don't you think
9 that could have had an impact on the election?

10 A There are all kinds of things that could have had
11 an impact on our election.

12 Q Do you think it's fair that people who are aware of
13 that reporting --

14 A I don't know how much the average American voter is
15 aware of that reporting. My family [REDACTED], my
16 in-laws, that was not the reason that they voted in the
17 election, for example. I have a huge American family, and
18 none of them have ever referenced anything like that to me at
19 all. They just -- they care about all the things that the
20 average American cares about, which is health, education,
21 jobs.

22 Q But if there are Ukrainians trying to push the
23 information out about Manafort, isn't that an effort to
24 influence the outcome of the election?

25 MR. WOLOSKY: I think she answered the question several

1 times.

2 DR. HILL: Also there are Ukrainians pushing out --

3 MR. CASTOR: It's a pretty harmless question.

4 MR. WOLOSKY: You've asked it three or four times.

5 DR. HILL: Yes, but there are Ukrainians pushing out
6 information about Masha Yovanovitch which is untrue. Why
7 don't you ask about that as well? Is Masha Yovanovitch any
8 less of an American than Mr. Manafort? She has not been
9 accused of any corruption.

10 MR. ZELDIN: Dr. Hill --

11 DR. HILL: I'm sorry. I'm just getting annoyed about
12 this, because the point is that, you know, Mr. Manafort has
13 also been subject -- I don't know him either. But there's
14 been a trial in which he was convicted of certain activity.
15 And I like to believe that the law was abided by in pursuing,
16 you know, what he did.

17 And, again, as I've said, corruption is our Achilles
18 heel here in the United States. And I am shocked, again,
19 that we've had the failure of imagination to realize that the
20 Russians could target us in the same way that they use
21 corruption in Ukraine, Belarus, Moldova, Armenia, Georgia.
22 We, unfortunately, by not cleaning up our own act, have given
23 them the doors in which they can walk through and mess around
24 in our system.

25 And if Mr. Manafort did half of the things that he was

1 said to do, shame on him. Okay? And I don't know him. And,
2 again, this is not a partisan discussion. And, frankly, what
3 he did should not be subject to, you know, this kind of back
4 and forth either.

5 MR. ZELDIN: Just kind of unpacking that back and forth
6 and the origin of it, the first question, the answer was that
7 it was -- and I don't want to put words in your mouth, so
8 please correct me if this is not accurate. But the answer to
9 the first question was where you concluded Ukraine did not
10 interfere in the U.S. election?

11 DR. HILL: The Ukrainian Government did not interfere in
12 the U.S. election. The Ukrainian Government did not do that.
13 The Ukrainian Special Services also did not interfere in our
14 election.

15 MR. ZELDIN: Okay. The followup question and answers,
16 the answer is that it's your assessment that where there was
17 interference by Ukrainians that it's your assessment that it
18 didn't change the election results. So I see that there is
19 an interpretation --

20 MR. WOLOSKY: That misstates her testimony.

21 DR. HILL: It also misstates it. I have no basis --

22 MR. ZELDIN: Feel free to correct it. I'm just --

23 MR. WOLOSKY: We just said it misstated her testimony,
24 so go to your next question, please.

25 MR. ZELDIN: So the first answer is, it's your position

UNCLASSIFIED

174

1 that the Ukrainian Government did not interfere with the U.S.
2 election, correct?

3 DR. HILL: Correct.

4 MR. ZELDIN: Did Ukrainians interfere with the U.S.
5 election?

6 DR. HILL: I mean, look, this is -- any foreign
7 individual -- the way that you're going with this question is
8 any foreign individual who evinced any kind of interest in
9 the campaigns or tried to meet with anyone in any campaign --
10 and I just said to you before, I can come up in my own
11 accounting of a whole range of people who are foreign
12 individuals who wanted to meet with the various campaigns --
13 then that would count as interference, anybody wanting to
14 meet with anybody in any campaign to talk to anybody.

15 MR. ZELDIN: Okay. As far as --

16 DR. HILL: So did some Ukrainians want to talk to --
17 yes, but so did some Chinese, did a lot of Russians. And
18 there were a lot more Russians that were trying to get
19 involved in all kinds of people's campaigns. I myself
20 witnessed some of this, and it wasn't just on, you know, the
21 kind of Democratic or the Republican side.

22 And, I mean, this is not the nature of my testimony
23 because it's when I was in, you know, not in my current job,
24 but when I was at the Brookings Institution. But remember,
25 I've been the national intelligence officer for Russia before

UNCLASSIFIED

UNCLASSIFIED

175

1 this for 3-1/2 years. So a lot of the information I have is
2 classified.

3 And I know from my previous position about how many
4 people who were trying to gain influence into our politics.
5 And it's very -- the Russians want to show that, in fact,
6 that it wasn't them that were involved in 2016.

7 MR. ZELDIN: Was [REDACTED] involved in any of the
8 Ukrainians' efforts to interfere with U.S. elections?

9 DR. HILL: Tampering with our election systems? No.

10 MR. ZELDIN: All right. Was [REDACTED] connected at
11 all to any of the activities of Ukrainians to interfere with
12 the U.S. election?

13 DR. HILL: I can't answer that question. No, I can't
14 answer that question.

15 THE CHAIRMAN: And just to be clear whether we're
16 talking about on the basis of press reports or are we talking
17 about witness' personal knowledge?

18 MR. ZELDIN: The witness' personal knowledge.

19 DR. HILL: My personal knowledge, no. My personal
20 knowledge, no. I mean, there were a lot, a lot of press
21 reports purporting to all kinds of things, and I'm not
22 testifying about press reports.

23 MR. ZELDIN: So that I don't misunderstand your answer,
24 based on your personal knowledge, you're not aware of
25 [REDACTED] being connected to any Ukrainians attempting to

UNCLASSIFIED

UNCLASSIFIED

176

1 interfere with the U.S. election?

2 DR. HILL: Correct.

3 And I also want to just point out here that our
4 intelligence agencies were pretty thorough about a lot of the
5 investigations and things here.

6 BY MR. CASTOR:

7 Q Who was your predecessor at the NSC?

8 A My predecessor at the NSC -- well, there would have
9 been two predecessors, because this was an amalgamation of
10 two bureaus. The immediate predecessor would have been
11 Celeste Wallander for Russia, Central Asia, I guess, but
12 probably not Ukraine.

13 Q Who had the Ukraine portfolio?

14 A I think it would have been Charles Kupchan.

15 Q I'm sorry, what was his last name?

16 A Charles Kupchan. He's a professor at Georgetown.

17 Q And then who had the Ukraine portfolio before
18 Vindman?

19 A Catherine Croft, who was the Ukraine desk officer
20 at the State Department and then went to work with Ambassador
21 Volker.

22 Q And what was the timeframe that she had the Ukraine
23 portfolio?

24 A Up until the summer of 2018. And before her it
25 was -- oh, I can't remember who was before her. There were

UNCLASSIFIED

1 several changes of directorates in the time that -- of
2 directors in the time that I was there.

3 Look, and I'm sorry to get testy about, you know, this
4 back and forth, because I'm really worried about these
5 conspiracy theories, and I'm worried that all of you are
6 going to go down a rabbit hole, you know, looking for things
7 that are not going to be at all helpful to the American
8 people or to our future election in 2020.

9 You just had the Senate report coming out informing us
10 all yet again, a bipartisan, nonpartisan report from the
11 Senate about the risk that there is to our elections. If we
12 have people running around chasing rabbit holes because Rudy
13 Giuliani or others have been feeding information to The Hill,
14 Politico, we are not going to be prepared as a country to
15 push back on this again. The Russians thrive on
16 misinformation and disinformation.

17 And I just want to say that that was the reason that I
18 went into the administration when I was asked by General
19 Flynn, K.T. MacFarland, and General Kellogg. We're in peril
20 as a democracy because of other people interfering here.

21 And it doesn't mean to say that other people haven't
22 also been trying to do things, but the Russians were who
23 attacked us in 2016, and they're now writing the script for
24 others to do the same. And if we don't get our act together,
25 they will continue to make fools of us internationally.

1 MR. JORDAN: Dr. Hill, was Christopher Steele's dossier
2 a rabbit hole?

3 DR. HILL: I think it was a rabbit hole.

4 MR. JORDAN: You think the Russians were trying to
5 influence us and get us to buy into something that was
6 absolutely not true?

7 DR. HILL: But that was not on any basis -- once I got
8 into the administration I didn't see that that was a rabbit
9 hole that my former colleagues in the National Intelligence
10 Council had gone down to. The way that the Russians operate
11 is that they will use whatever conduit they can to put out
12 information that is both real and credible but that also
13 masks a great deal of disinformation.

14 So I've written a book on Vladimir Putin, and if you,
15 you know, have a moment when you want to have a sleep aid,
16 you know, late at night, I've laid all of that out there.
17 And Putin himself has gone around, you know, claiming there
18 were dossiers on him trying to redirect people to look in
19 other places for information.

20 When I was at the National Intelligence Council there
21 was some person who kept constantly writing to us, telling us
22 that we were missing, you know, whole things about, you know,
23 Vladimir Putin, which was clearly, you know, kind of an
24 effort on the part of the Russians to send us down rabbit
25 holes of inquiry that would kind of distract us from looking

1 at the actual issues that we should be really concerned
2 about. And this was under the Bush administration.

3 MR. JORDAN: So I just want to be clear, there was a
4 story done in Politico on you last month. In that reporting
5 it says Steele might have been played by the Russians into
6 spreading disinformation. That's what you think happened
7 with --

8 DR. HILL: It's very likely that the Russians planted
9 disinformation in and among other information that may have
10 been truthful, because that's exactly, again, the way that
11 they operate. And I think everyone should always be
12 cognizant of that.

13 MR. JORDAN: Yeah. So information that Christopher
14 Steele was played by the Russians, that information was used,
15 as you well know, by our Justice Department, specifically our
16 FBI, as part of the basis for securing a warrant to spy on an
17 American citizen.

18 DR. HILL: I think it's already come out that that
19 wasn't exactly the case, that the dossier was basically out
20 there when those investigations had already taken place.

21 MR. JORDAN: Well, that's not accurate. It was part of
22 what was taken --

23 DR. HILL: Well, some of the information was that it had
24 come through other ways. But, look, I don't want to also get
25 into, again, a discussion that could go down a classified

1 avenue because I just want to tell you on, you know, really
2 good authority that the Russians -- I mean, again, we should
3 all know this, the Senate has reconfirmed this again --
4 attacked --

5 MR. JORDAN: I'm not disputing that.

6 DR. HILL: -- attacked our democracy.

7 And also, the point that actually hasn't come out and,
8 again, why I've been very cross in the media, is that the
9 President was attacked as well, because the Russians sought
10 to discredit him.

11 And I've been very unhappy with the media coverage of
12 all of this, which is why I don't want to start, you know,
13 kind of basically doing testimony by virtue of an article
14 that you've read in Politico. Because everybody wants to
15 sensationalize things, everybody wants to spend time looking
16 at the things that seem sexy, and they don't want to actually
17 look at, you know, talk to what the facts are.

18 MR. JORDAN: I'm not trying to do that.

19 Doctor, tell me about your relationship with
20 Christopher Steele.

21 DR. HILL: He was my counterpart when I was the
22 director, the national intelligence officer. [REDACTED]

23 [REDACTED]
24 MR. JORDAN: And so --

25 DR. HILL: So inevitably, when I had to do liaison

UNCLASSIFIED

181

1 meetings with the U.K., he was the person I had to meet with.

2 MR. JORDAN: And so you had a working relationship with
3 him for how long?

4 DR. HILL: For the whole period that I was national
5 intelligence officer, so that would be from 2006 to the end
6 of 2009.

7 MR. JORDAN: Okay.

8 DR. HILL: So anybody who was working in the
9 intelligence agencies at the time --

10 MR. JORDAN: I get it.

11 DR. HILL: -- who was dealing with Russia would have to
12 deal with him. He retired [REDACTED] [REDACTED], as I understand,
13 at the end of 2009.

14 MR. JORDAN: The story on you says that you spoke with
15 him in 2016. So can you tell me about that conversation?

16 DR. HILL: That was prior to the time that I had any
17 knowledge about the dossier. He was constantly trying to
18 drum up business, and he had contacted me because he wanted
19 to see if I could give him a contact to some other
20 individual, who actually I don't even recall now, who he
21 could approach about some business issues.

22 MR. JORDAN: And earlier you said there were all kinds
23 of folks who contacted you from time to time wanting to get
24 involved and have contact with various political campaigns.
25 Is Mr. Steele one of those individuals?

UNCLASSIFIED

UNCLASSIFIED

182

1 DR. HILL: He was not.

2 MR. JORDAN: He was not, okay.

3 And then the same article mentions that you, when you
4 were hired, as soon as you were hired you told Mr. McMaster
5 that you had worked with Mr. Steele. Is that right?

6 DR. HILL: Yes, in the course of my official duties as
7 NIO, because I thought, obviously, given the situation, it
8 would be worth saying that. I also told Ambassador Bolton
9 this as well.

10 MR. JORDAN: Okay. And you did that based on the fact
11 that Steele was in the news?

12 DR. HILL: Correct.

13 MR. JORDAN: Okay. And you did that after you were
14 hired or before you were hired?

15 DR. HILL: I mentioned it to General Kellogg when he was
16 interviewing me as well.

17 MR. JORDAN: Okay.

18 DR. HILL: I mean, you can't, you know, choose who you
19 have to interact with.

20 MR. JORDAN: No. I just want to know --

21 DR. HILL: And at that point Christopher Steele was the
22 [REDACTED] point person for dealing with Russia.

23 MR. JORDAN: Great.

24 MR. ZELDIN: Dr. Hill, are you aware of any interaction
25 between Mr. Steele and Ukrainians --

UNCLASSIFIED

UNCLASSIFIED

183

1 DR. HILL: I'm not.

2 MR. ZELDIN: -- involved in the dossier?

3 DR. HILL: I have no knowledge whatsoever of how he
4 developed that dossier, none, I just want to state that. The
5 first time I saw that dossier was the day before it was
6 published in BuzzFeed when a colleague, like it seemed to be
7 about half of Washington, D.C., had it and showed me a copy
8 of it and I was shocked. And then it appeared in BuzzFeed
9 the next day.

10 MR. JORDAN: And when you read it you were convinced
11 that it was --

12 DR. HILL: That was when I expressed the misgivings and
13 concern that he could have been played.

14 MR. JORDAN: Yep. Okay. Thank you.

15 DR. HILL: Because if you also think about it, the
16 Russians would have an ax to grind against him given the job
17 that he had previously. And if he started going back through
18 his old contacts and asking about, that would be a perfect
19 opportunity for people to feed some kind of misinformation.
20 I had no basis on which to assess that.

21 MR. CASTOR:

22 Q We learned during the course of our investigation
23 that Steele was desperate to see that Donald Trump was not
24 elected President. Do you --

25 A I don't know anything about that at all, no.

UNCLASSIFIED

1 Q How does the National Security Staff staff the Vice
2 President? Is there a separate unit that --

3 A He has a separate unit. But we, in my directorate,
4 work very closely with the series of people, again, that he
5 has detailees often for just a year at a time who rotate
6 around. And we try to keep them as informed as possible
7 about everything that's happening in our area of
8 responsibility, especially, as I said, that's in the context
9 of, you know, your question about red flags.

10 I wanted them to know that, you know, if we were
11 discussing the possibility of a Vice Presidential visit, that
12 there would be issues that we might be concerned about to be,
13 you know, very careful about, you know, protecting the
14 integrity of the Vice Presidency and the Vice President.

15 Because the Vice President played actually a very
16 important foreign policy and diplomatic role in terms of his
17 outreach, and especially this Vice President like, you know,
18 predecessors has really kind of stepped up where there's been
19 a conflict or where there's been some special care needed,
20 you know, for a country that, you know, perhaps isn't one of
21 the top allies but, you know, certainly might need some
22 attention.

23 And, you know, Vice President Pence has been, you know,
24 extremely good about stepping up when asked, you know, to go
25 and, you know, give speeches for Munich Security Council

1 conference and other settings, for example.

2 But the other thing, it's often very difficult for him
3 to do these trips because of course he can't be out of the
4 country when the President is, and he has got other domestic
5 obligations, not least being here as representative as well.

6 Q Right. There was some question about whether Vice
7 President Pence was going to attend Zelensky's inauguration?

8 A It depended on the date. I mean, we were hoping,
9 you know, if others couldn't attend that he could. I mean, I
10 myself couldn't attend because of the date, that the way that
11 it -- again, there were several different dates, and then the
12 date that was announced in May was very quickly announced.

13 Q Right.

14 A It was, you know, kind of basically with a couple
15 of days' notice.

16 Q So the decision not to send the Vice President had
17 nothing to do with --

18 A Well --

19 Q -- anything other than his schedule?

20 A I can't say with any -- with complete certainty. I
21 did flag already that there were some problems, but I have no
22 reason to believe -- you know, I flagged to his staff, to
23 General Kellogg that there were some issues, you know, kind
24 of noise going on around Ukraine that was worrisome and that
25 we'd need to get to the bottom of. But I have no basis to

1 say that he was told not to go. I think it would have been a
2 real stretch for his schedule.

3 Q Okay. How big is the NSC staff for the Vice
4 President?

5 A To be honest, I don't know. I don't know the
6 numbers. It's not big at all, maybe about 10 people total.

7 Q Which is about the same size as your --

8 A Is that about right, Derek, 10 people at the Vice
9 President's staff?

10 MR. HARVEY: I think so.

11 BY MR. CASTOR:

12 Q And that's about the same size --

13 A Yeah, which is why we always tried to help.

14 Q -- as your --

15 A Yeah. I mean, no one can say that the Vice
16 President is overstaffed.

17 MR. BITAR: Just for the record, that was Derek Harvey
18 answering.

19 DR. HILL: Yeah, Derek Harvey, yes. You know, I asked
20 him because I could see him and I know that he would, you
21 know --

22 MR. BITAR: For the reporter.

23 DR. HILL: I'm sorry. Yes. Yep.

24 MR. CASTOR:

25 Q Vice President Biden had a role overseeing Ukraine

UNCLASSIFIED

187

1 policy. Do you know anything about that?

2 A It was, you know, as far as I understand, you know,
3 part of the division of labor from the previous
4 administration. I mean, as I said, Vice Presidents often,
5 you know, step up and play particular roles.

6 When I was in the Bush administration as NIO, Vice
7 President Cheney had actually played a very active role on
8 the former Soviet Union, gave many speeches. And I often had
9 to go and brief him as well when I was NIO.

10 Q When you left the NSC on July 19th, could you just
11 go through your direct reports again?

12 A There was my assistant. Do you need me to name
13 them all for the record?

14 Q That would be helpful.

15 A So there was my assistant [REDACTED]. He was an
16 NSC direct hire. He's no longer there because he had agreed
17 to be there for the year that I was there and then he would
18 transition off. He's gone to the Treasury Department.

19 There was [REDACTED], who was basically detailed
20 from Treasury, and she and I started around the same time and
21 ended the same time. She'd also had an agreement to be there
22 for 2 years, and Treasury was understaffed and wanted to pull
23 her back.

24 There was John Erath, who was the deputy senior
25 director. John had been there for about a year and from

UNCLASSIFIED

1 State Department, and he had previously been detailed out to
2 the Defense Department and all kinds of other -- NATO. He's,
3 you know, kind of a quite long-serving State Department
4 official who covered the whole gamut of issues.

5 There was -- sorry. I'm closing my mind to kind of do
6 the desk things in order here.

7 [REDACTED], who was detailed from [REDACTED]
8 [REDACTED] and covered the entire eastern flank of
9 NATO. I mentioned before that some people ended up with a
10 huge portfolio of countries, so we had everything from the
11 Baltic States all the way down to kind of Romania, Bulgaria,
12 Poland, you know, all those other countries.

13 There was [REDACTED], who was detailed from [REDACTED]
14 [REDACTED] who was covering the U.K., France, the
15 Netherlands, and the Western European countries. He's gone
16 back to [REDACTED].

17 There was [REDACTED], also from [REDACTED],
18 who was our NATO director. And he had a smaller portfolio
19 because NATO is very wide ranging on a whole host of issues.

20 There was [REDACTED], who was the director for Turkey,
21 Greece, the Aegean, and at one point had the Caucasus as
22 well, but that actually became too much for him to handle.
23 Turkey is a 24/7, 365-days-a-year job. He's actually now off
24 with the [REDACTED], so he was also detailed
25 over from the [REDACTED].

1 There was Alex Vindman, who, as I explained before, got
2 Ukraine, Belarus, and Moldova, also detailed in from the JCS.

3 There was [REDACTED], who was detailed from [REDACTED]
4 [REDACTED], so we shared with the [REDACTED]
5 directorate, and the nature of [REDACTED] job was classified.

6 And then there was [REDACTED], who was our director for
7 Russia and who was really handling all the outreach that we
8 had to the Russian National Security Council and very much
9 focused on just the nitty-gritty of coordinating all of our
10 interactions with the Russians, which at this point were
11 actually fairly extensive.

12 And he did -- none of these other individuals worked on
13 the Ukraine portfolio. We actually had to ask [REDACTED] to step
14 up and help on the Baltics and Caucasus just in a pinch
15 because our other directors were getting overwhelmed.

16 I don't think I've missed anyone. How many people do
17 you have there? How much does that add up to? Is that [REDACTED]?

18 Q It's about [REDACTED], yeah.

19 A Yeah, that sounds about right. And we previously
20 had a couple more directors and we'd gone -- we were
21 agreeing, I mean, as you've heard and read about the NSC
22 downsizing, we were agreeing to attrition --

23 Q Right.

24 A -- you know, so that directors would not
25 necessarily be replaced.

UNCLASSIFIED

190

1 Q So what was it like when you first arrived? Like,
2 you know, how many people did you have reporting to you?

3 A Initially there were [REDACTED] people there. But by the
4 time I arrived there was a reorganization going on, because
5 we used to also have Central Asia, and that moved to the
6 directorate covering Central and South Asia. So one of the
7 directors already went, and the Western European portfolio
8 was differently arranged, and we didn't replace one of those
9 directors.

10 So, in fact, [REDACTED] had all of the EU,
11 Germany, Italy, the Vatican, Spain, Portugal.

12 Q In the course of your experience did you ever come
13 into contact with national security staffers that had a
14 political orientation?

15 A Well, I mean, I had plenty of political appointees
16 from the administration.

17 Q Any political or nonpolitical appointees that had a
18 political orientation?

19 A Not in my experience. People did not express
20 those. I mean, I made it very clear from when I came on --
21 in -- that I was nonpartisan and I did not want people's, you
22 know, politics brought into the office. I mean, people could
23 share opinions. And I was aware, you know, obviously of a
24 few people's political preferences, but they weren't in any
25 way -- that was only just by chance. But they were mostly

UNCLASSIFIED

1 all Republicans.

2 Q When you started were there any holdovers from the
3 previous administration?

4 A Well, of course there were because the
5 administrations -- that always happens. I mean, I was a
6 holdover from the Bush administration at the DNI --

7 Q How many of the [REDACTED] were holdovers?

8 A Well, when I first started all of them would have
9 been, because my first job, when I came in in March, was to
10 preside over -- that's why I can't remember, you know, all of
11 the sequencing of directors, because the entire staff were
12 from the previous administration. And from, you know, the
13 period between March and the summer, that's when I ended up
14 down with four people at one point. We were trying to find
15 new detailees.

16 Q And you were --

17 A And everybody left, you know, well, for the most
18 part, who had just had a 1-year detail in the summer of 2017.
19 But, again, all of these people were detailed from agencies,
20 so they're professional staff.

21 Q You were initially introduced to the possibility of
22 working at the NSC by General Flynn --

23 A I was.

24 Q -- K.T. MacFarland?

25 A Correct. I had my first discussion with K.T. in

1 December of 2016.

2 Q And when General McMaster --

3 A I had to wait a while to see whether he wanted to
4 continue.

5 Q Okay. And could you just help us understand, he
6 wanted you to continue to --

7 A He did. I mean, I came in to meet with him.

8 Q And --

9 A I mean, I'd been already offered the job and I was
10 already in the process of onboarding. But clearly, you know,
11 if a new National Security Advisor comes in, he's, you know,
12 perfectly within his rights to decide not to proceed.

13 Q But he --

14 A And I didn't know him well. I mean, I knew him
15 somewhat professionally. I'd been at a conference or two
16 with him. But, I mean, it wasn't like I really knew him
17 well.

18 Q When you onboarded, did you have any Flynn
19 loyalists that you had to -- that left?

20 A Remember, I was hired by General Flynn, and I knew
21 him from the period when I worked at the DNI. And there were
22 a number of people who continued who had worked with General
23 Flynn. But, yes, it was true that, you know, Ambassador --
24 sorry -- General McMaster, just like Ambassador Bolton, also
25 did change out the staff.

UNCLASSIFIED

193

1 Q General McMaster, could you identify the
2 differences, top-line differences between how he ran the NSC
3 and Ambassador Bolton?

4 A They have very different personalities. I mean,
5 they've obviously got very different backgrounds. And
6 General McMaster was very focused on process. He had a lot
7 of interagency meetings. He was focused in the whole year
8 that he was there on the National Security Strategy and then
9 trying to create integrated strategies to pull all the policy
10 together.

11 So, you know, it was a very different, deliberative
12 approach, a lot of, you know, meetings in his office, a lot
13 of meetings with a lot of staff, you know, going through all
14 the national security principles.

15 And Ambassador Bolton, you know, is much more of the
16 view, as I think is well known about him, of a much smaller,
17 streamlined National Security Staff in which just the
18 principals interact with the President and, again, small
19 meetings between, you know, the -- he famously has a picture
20 on his wall that's put in all of the, you know, bios of him
21 or the stories about him since it's all been out in public of
22 the picture of the, you know, the Bush White House with
23 Scowcroft and Powell and Cheney and others just at the desk,
24 at the Resolute Desk, you know, kind of a small group.

25 Where Ambassador Bolton then kept it small, General

UNCLASSIFIED

1 McMaster liked, you know, kind of the larger, bringing out
2 the guys, you know, for meetings and things.

3 Q There was some discussion about the WhatsApp usage.

4 A Yes.

5 Q And you indicated that White House staffers
6 couldn't use WhatsApp?

7 A No. It was not on our phones.

8 Q But the State Department folks, they --

9 A Yeah.

10 Q -- do use WhatsApp?

11 A So this has actually been an issue not with
12 WhatsApp because it's a relatively, you know, recent
13 platform, but when I was NIO between 2006 and 2009, State
14 Department did an awful lot of business on their BlackBerrys
15 or, you know, whatever their system was at the time.

16 I think BlackBerrys were invented by 2006, right? I
17 keep remembering times when we all had giant, you know, kind
18 of phones and things like this.

19 And we had a real problem at the time capturing, you
20 know, the flow of information. And when I was NIO, I mean,
21 an awful lot of things that we relied on were embassy cables
22 and feedback, you know, from our ambassadors or the deputy
23 assistant secretaries, assistant secretaries. And a lot of
24 the information was just not accessible to us because, you
25 know, they'd take weeks to write up a cable and often the

1 information was not captured.

2 And, you know, obviously, in the executive branch,
3 because of the concerns about executive privilege, but also
4 about Presidential records, everything needs to be captured.

5 Q But State Department officials that are utilizing
6 WhatsApp, as long as they're preserving it for their own
7 recordkeeping rules --

8 A I presume that, you know, the State Department has
9 fairly robust procedures.

10 We were also instructed, you know, like everybody else,
11 that if anybody, you know, got hold of our personal email in
12 any way or, you know, kind of phone number, that we had to
13 immediately forward that onto our NSC email, which I always
14 did.

15 It didn't happen very often, but, you know, as you
16 mentioned before, you asked me a question, why did the media
17 have my phone number, my email, in actual fact, it's on my
18 Brookings out-of-office message on leave. So they have it.
19 You know, it's quite easy to get, hence why I get a lot of
20 emails and phone calls.

21 So sometimes I'd find that, you know, some official had,
22 you know -- couldn't remember the sequence of the NSC, so
23 they'd just use my Brookings email and email me, and I would
24 forward that on. But we were not allowed, as I said, to go
25 before, in any official business in otherwise an official

UNCLASSIFIED

196

1 manner like that.

2 Q President Trump's Ukraine policy with forwarding
3 lethal defensive weapons to the Ukraine, is it fair to say
4 that that is a much more robust aid policy?

5 A That's correct.

6 Q And what else can you tell us about the difference
7 between the current administration and the previous?

8 A Well, I, myself -- you can find this in the public
9 record -- wrote an op-ed before -- long before I joined the
10 administration, after the annexation of Crimea and with the
11 war on the Donbas, actually opposing lethal weapon
12 provisions, defensive lethal weapons to Ukraine, because I
13 was really worried at the time as an independent analyst and
14 based on what I'd known previously in my NIO job that the
15 Ukrainian military was in such a state of shambles that it
16 would never be able to stand up to the Russian military,
17 which had, you know, basically escalation dominance, and that
18 we were in the danger of basically fanning, you know, of the
19 flames of the conflict and having the slaughter, frankly, of
20 Ukrainian soldiers.

21 And also that the Europeans wouldn't step up and
22 wouldn't do anything. I mean, this is a perpetual problem
23 that I was facing on many fronts. Remember, Europe is all in
24 my portfolio as well. And we were very concerned that, you
25 know, it could become -- I was concerned, and my cohort at

UNCLASSIFIED

1 the time, that it's become a rift in our relations with
2 Europe, that they might actually even step back from
3 sanctions or other commitments that they've made with us as a
4 government.

5 Now, when I got into the government, the administration,
6 I became actually more convinced that there was a thorough
7 plan, that our colleagues at the Pentagon had really thought
8 all of this through, and that General Abizaid and then, you
9 know, kind of his replacement, Keith Dayton, who had been
10 working on the behalf of the Pentagon as a special envoy of
11 the Secretary to work with Ukrainian defense, as one would
12 hope, they knew what they were doing.

13 And then they had a proper plan for the long-term
14 sustainability of the Ukrainian military, and that the intent
15 was that the Ukrainian defense sector would be able to get
16 itself back into shape again over time. Because you may
17 recall that Ukraine, as a republic of the Soviet Union, was
18 one of the locus, along with Belarus, of the majority of the
19 defense industrial base of the Soviet Union.

20 So many parts for helicopters and planes, all the heavy
21 lift capacity for the Russian forces, were still being made
22 in Ukraine up until the falling out between Ukraine and
23 Russia. So we were kind of confident that if Ukraine could
24 get its act together, especially if it could tackle some of
25 the energy issues as well, which, you know, were really

1 dragging it down, energy efficiency, and as we all know,
2 militaries are one of their biggest utilizers of energy, that
3 over time Ukraine, you know, could actually have a viable
4 military.

5 And given the size of the country and, you know, the
6 size of the population, Ukraine could actually potentially
7 over time become a formidable military power, like the Poles
8 were already becoming in Eastern Europe.

9 And so there was a plan there. So I, you know,
10 everybody changes their mind, you know, and kind of learns
11 things, I, you know, was basically persuaded that, you know,
12 this was actually worth doing, even though I still had qualms
13 about Russian escalation dominance and was worried about how
14 this would be provided and making sure not to provoke the
15 Russians.

16 Q So you came around to the view that it was --

17 A I did. I mean, I didn't want to use it as a way of
18 just, you know, sticking a finger up to the Russians, you
19 know, which is kind of -- you know, there were a few people
20 that wanted to say, hey, you know, here, Russians, you know,
21 kind of we're taking these actions, but it was very few. I
22 wanted to make sure that it was part of a well thought out
23 policy.

24 MR. CASTOR: I have about just shy of 10, 8 minutes.
25 Does anybody, any Members have any questions?

1 MR. ZELDIN: Dr. Hill, Ambassador Volker made it sound
2 like many in the U.S. Government working on these issues
3 really wanted the meeting with Zelensky to happen. And
4 earlier you're testifying a little bit about the desire for a
5 meeting between President Trump and Zelensky. Can you just
6 help me better understand your interest and your team's
7 interest in wanting to set up a meeting between President
8 Trump and President Zelensky?

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 [2:56 p.m.]

2 DR. HILL: Well, there was a bit of a split there as
3 well. You know, I think I've made myself clear, but I'll,
4 you know, be more clear. That myself and Ambassador Bolton
5 and, you know, some other parts of our team did not believe
6 we should be having a meeting with President Zelensky -- I
7 mean "we" writ large as the U.S. Government at the highest
8 levels -- until we were very sure how the Ukrainian Rada
9 parliamentary elections would play out. And also, then, we
10 could be really sure -- which, you know, nothing is ever
11 really sure -- about how much Zelensky was going to be under
12 the influence of various oligarchs.

13 And, again, I was concerned, as was Ambassador Bolton,
14 that there was all this extraneous activity going on that
15 would one way or another impact on this meeting in ways in
16 which -- and this is actually my worst nightmare, what's
17 happening now, that this could, you know, basically spin out
18 and put, you know, kind of the United States in a very bad
19 position because I did not know exactly what Mr. Giuliani was
20 doing. So we are now living my worst nightmare.

21 MR. ZELDIN: As far as people inside of the United
22 States Government working on the Ukraine issue, there was a
23 difference of opinion and desire of whether or not to set up
24 a meeting between President Trump and President Zelensky?

25 DR. HILL: Yeah, overall, we all wanted to have a

1 meeting, but under the right kind of circumstances, you know,
2 with the right messaging and the right discussion because it
3 was important for the legitimization of the new Ukrainian
4 Government and as a strong symbol of U.S. solidarity with
5 Ukraine.

6 I mean, Ukraine is in a really remarkable and very
7 difficult position. I mean, it first got its independence
8 after the collapse of the Soviet Union and -- Lee will
9 actually remember this. Back in 1994, we all worked on a
10 report called "Back in the USSR" when we were at the Kennedy
11 School that was basically documenting all of the efforts that
12 the Russian Government and Boris Yeltsin were actually making
13 to subvert the sovereignty of all of the new countries that
14 emerged out of the Soviet Union.

15 And we basically highlighted Ukraine as being the most
16 vulnerable at that particular juncture because this was the
17 period when Ukraine was being pushed to give up its nuclear
18 weapons. And we actually wrote in the report that Ukraine
19 shouldn't give up its nuclear weapons because there was a
20 good chance that they would then be predated upon by the
21 Russians. And this was then addressed by the Budapest
22 Memorandum in late 1994.

23 And there were all kinds of attacks on Ukraine taking --
24 this is a long time to go back -- but there were lots of
25 attacks on Ukraine, strange assassinations, all kinds of

1 threats of military action, including against Crimea, all in
2 this timeframe. And that's when the U.S. Government moved,
3 with others, to basically give guarantees to Ukraine of its
4 sovereignty.

5 So, when you now look at what's happened to Ukraine, you
6 know, basically 20 years on, exactly what we feared at the
7 time has happened. So Ukraine has basically lost its
8 sovereignty again. And our concern was to show that we were
9 looking at Ukraine as a sovereign country. And one of the
10 ways of expressing that sovereignty is obviously to show
11 respect to their head of state at the very highest levels in
12 our country. It's something that we traditionally do.

13 MR. ZELDIN: Ambassador Sondland seems to have a
14 reputation, from the conversations I've had outside of this
15 setting and from what we're hearing, that he really liked to
16 get his hands into everything. Even though he was the U.S.
17 Ambassador to the EU, someone told me that he really looked
18 at the entire European continent as his. And on his own
19 initiatives, he was just getting himself involved in
20 everything. Was that pretty much your observations too, or
21 did you have a different observation?

22 DR. HILL: Well, that was my observation. And I said,
23 you know, before that I was -- I had, you know, what I
24 thought was an unfortunate blowup with him at the time when
25 he told me he was in charge of Ukraine, which it was already,

1 you know, at the juncture where Ambassador Taylor was being
2 sent out as Charge. And when he said -- that was the first
3 time that he said to me that the President had told him he
4 was in charge of Ukraine.

5 But prior to that, he'd actually said to me repeatedly
6 when I challenged him, you know, on issues like this where,
7 you know, he was running around with, you know, [REDACTED]
8 appearing at the White House and, you know, all kinds of
9 other things that he was, you know, doing at the time that
10 were, you know, completely out of the ordinary process, I,
11 you know, said to him again: What's going on here?

12 And he said: The President has given me, you know, this
13 broad -- I am to be his point man on Europe.

14 MR. ZELDIN: Do you know whether or not he was actually
15 getting any of this guidance from a higher level, or is it
16 possible that he was just name-dropping the President?

17 DR. HILL: It is entirely possible that he was
18 name-dropping the President. There were many times where --
19 I mean, he was a shocking number of times in Washington,
20 D.C., to the point where several people said to me: Is he
21 ever in Brussels?

22 And I busted him a couple of times on the street in West
23 Executive where, I mean, if he was there, he would normally
24 come in through protocol, as all the other Ambassadors did.
25 They would have a meeting with me or with Ambassador Bolton.

1 And he would have some meetings with Ambassador Bolton
2 from time to time, but I'd often see him in West Exec coming
3 out of, you know, what looked like he was coming out of the
4 West Wing. And he'd say that he'd been in, you know, to see
5 the President, but I would find from talking to the staff
6 that he'd only been up to see Mick Mulvaney. I don't know
7 whether that's hearsay or presumption or --

8 MR. ZELDIN: But as far as him getting involved in other
9 countries outside of the EU, he came across as someone who
10 was trying to get his hands into everything on his own
11 initiative?

12 DR. HILL: If he met somebody in Brussels from another
13 country, they were fair game, is basically how it appeared to
14 be. He spent a long time working on [REDACTED] for a while and
15 actually made a huge mess-up because he was given a piece of
16 information from the [REDACTED] Prime Minister that he should
17 have actually handed over to State Department. He sat on it
18 for 3 months.

19 And people at the State Department had meetings that
20 were pertaining to that piece of paper, and it had never
21 actually been handed over. And the [REDACTED] thought that
22 their counterparts were either, you know, kind of insane or
23 deliberately obfuscating on the issues that they kept
24 raising.

25 THE CHAIRMAN: It's time, Mr. Zeldin.

1 MR. ZELDIN: The time is almost up, or it is up?

2 THE CHAIRMAN: It is up.

3 Mr. Goldman.

4 MR. WOLOSKY: Can we take a 5-minute break?

5 THE CHAIRMAN: Yes, take a 5-minute break and we'll come
6 back in.

7 [Recess.]

8 THE CHAIRMAN: All right, let's go back on the record.
9 Mr. Noble.

10 MR. NOBLE: Thank you, Mr. Chairman.

11 BY MR. NOBLE:

12 Q Dr. Hill, you said in the last segment of your
13 testimony that we're now living your worst nightmare. Can
14 you unpack that a little bit for us? What do you mean by
15 that?

16 A Well, I was extremely concerned that whatever it
17 was that Mr. Giuliani was doing might not be legal,
18 especially after, you know, people had raised with me these
19 two gentlemen, Parnas and Fruman. And also they'd mentioned
20 this third individual who, I mean, I guess is actually on the
21 list of names that you had because I didn't recognize all the
22 others of, Harry Sargeant and when I'd spoken to my
23 colleagues who, you know, were based in Florida, including
24 our director for the Western Hemisphere, and he'd mentioned
25 that these people were notorious and that, you know, they'd

1 been involved in all kinds of strange things in Venezuela
2 and, you know, kind of were just well-known for not being
3 aboveboard. And so my early assumption was that it was
4 pushing particular individuals' business interests.

5 Q Did there come a time when you understood, though,
6 that Rudy Giuliani was also pushing the Ukrainians to conduct
7 or reopen or open particular investigations?

8 A Yes. I mean, that was when Amos Hochstein had come
9 to talk to me in May. I think it was May 20th, May 22nd,
10 something like that. So all around the time of when we were
11 preparing for the inauguration. And he had said that a
12 number of Ukrainians had come to complain to him that they
13 were -- that this was starting to happen. I also had the --

14 Q Just to be clear, that Rudy Giuliani was in
15 Ukraine, trying to --

16 A Correct.

17 Q -- press Ukrainians?

18 A Or was talking to Ukrainians, I mean, in all kinds
19 of different settings, and was sending messages to
20 Ukrainians.

21 Q And was it about these investigations in
22 particular?

23 A Also about Naftogaz, again, the Ukrainian oil and
24 gas company. And the --

25 Q So those two. So Naftogaz and the investigations?

1 A Correct. And the board of Naftogaz in this same
2 time period had also come to have an official meeting with us
3 in the NSC because --

4 Q I think we're going to get to that a little bit
5 later.

6 A But they raised the same concerns, that they felt
7 that they were under pressure to change out their board.

8 Q And with respect to the investigations, I just want
9 to be very clear, did you have an understanding of which
10 investigations in particular Rudy Giuliani was pushing or
11 pressing the Ukrainians on, and when did you come to realize
12 that?

13 A It was really in that period of late May after
14 Masha Yovanovitch had been removed where it became clear that
15 it was Burisma. And it was being couched in the context of
16 energy investigations, but it was primarily focused on
17 Burisma.

18 Q And did you ever come to understand that Rudy
19 Giuliani was also pressing the Ukrainians to investigate
20 matters related to purported Ukrainian interference in the
21 2016 U.S. Presidential election?

22 A Only based on what he was saying himself on the
23 television.

24 Q And when, in what time period did you realize that
25 that was what Giuliani was pressing as well?

1 A Well, that began with the articles that I started
2 to see in The Hill and others, you know, from March onwards.
3 And I started to pay attention to this. There was also the
4 mentioning of George Soros, which, again, has become this
5 crazy trope where every time somebody mentions the name of
6 George Soros, there's a whole flurry of conspiracy theories,
7 and he seems to be basically orchestrating absolutely
8 everything.

9 Q Right. So, in your last segment of testimony, I
10 believe you said while you and other NSC officials in the
11 interagency were trying to make Ukraine policy the way that
12 you normally went about such things, there was all this
13 extraneous stuff going on?

14 A Correct.

15 Q What do you mean? Were you referring to what Rudy
16 Giuliani and others were doing --

17 A Correct.

18 Q -- as the extraneous stuff?

19 A Correct. And saying, yeah. I mean, so, you know,
20 every single day it seemed -- and that's probably an
21 exaggeration, but every single day it seemed that he was on
22 television, you know, basically spouting off, you know, one
23 thing after another.

24 Q Okay. And I believe you also said something along
25 the lines that you didn't actually know exactly what Rudy

1 Giuliani was going on, but did you have -- it seems that you
2 did have some understanding at the time of what he was up to.

3 A Well, I tried -- I worked extraordinarily long
4 days, so the last thing that I wanted to do when I went home
5 was watch television. And I watch FOX News just as much I
6 watch anything else, and I've appeared on FOX News, and
7 that's how I got to know K.T. I was often on her show. I
8 knew her through the Council on Foreign Relations.

9 So, you know, just to be kind of clear, I'm an omnivore
10 when it comes to watching the news, and -- but I would have
11 to go home in the evening and try to look on the news to see
12 what Giuliani was saying. And then I would have to go onto
13 YouTube or whatever else I could find, you know, kind of
14 replays of things because people were constantly saying to
15 me: My God, have you seen what Giuliani is saying now?

16 And it was clearly starting to create this, you know,
17 meta-alternate narrative about Ukraine --

18 Q And about Ambassador Yovanovitch?

19 A -- political articles and all these other things as
20 well.

21 Q And Ambassador Yovanovitch as well?

22 A Correct.

23 Q Now, so, when you saw Rudy Giuliani or you talked
24 to your colleagues about his appearances on the television,
25 part of what he was saying and part of what he was pressing

1 was for Ukraine to investigate Hunter Biden and his
2 connection to Burisma, correct?

3 A He was. He was.

4 Q So, at some point, did you come to realize that
5 what Rudy Giuliani was pressing, these investigations were
6 political in nature, that these were investigations that
7 could benefit the President in his reelection campaign?

8 A I came to realize that one way or another Ukraine
9 was being used as part of the discussions and debates around
10 the elections. And that's what I mean about my worst
11 nightmare because Ukraine and the national security aspects
12 of this and what the Russians have done and will continue to
13 do is something that we should all be -- it should be a
14 nonpartisan issue, and we should all be paying a lot of
15 attention to it.

16 And that's what I mean about my worst nightmare, is
17 having Ukraine become politicized -- I'm sure it's the
18 Ukrainians' worst nightmare as well -- to become politicized
19 in the way that Russia has become politicized in all of our
20 discourse.

21 And so, at that point, I saw all of the above being
22 bundled together: somebody's nefarious business interests,
23 conspiracy theories about George Soros or the alternate
24 retellings of what happened in 2016, and then also,
25 potentially, you know, digging up dirt on candidates, all

1 based on what Giuliani himself was saying, just to be very
2 clear.

3 Q Right. But did you also have an understanding that
4 Giuliani was working and self-proclaiming to be the agent,
5 essentially, of the President of the United States?

6 A Yes, of course, I was aware of that. I mean, he
7 said it all the time.

8 Q And did you have any conversations or did you hear
9 through other U.S. officials about how the Ukrainians were
10 reacting to this --

11 A Yes. I heard from --

12 Q -- to this essential shadow foreign policy?

13 A Yes, I heard from our Embassy staff. And this was
14 after Masha Yovanovitch had left as well. I mean, I was in
15 constant contact with Embassy staff. I heard from former
16 Assistant Secretary Wess Mitchell, the Deputy Assistant
17 Secretary, many others, and, of course, there's a whole think
18 tank world out there. You know, I'm reading articles, and
19 I'm hearing from people all the time.

20 As well, we had regular meetings with people from
21 Heritage, CSIS, you know, kind of -- Atlantic Council --
22 because they were doing a lot of work on energy. And I know,
23 you know, a lot of this gets politicized again, but we were
24 meeting with everybody from all of the think tanks. And I'll
25 just point out that our colleagues from Heritage were

1 complaining to us repeatedly about what they were really
2 concerned about what was going on with Ukraine.

3 Q Who at the U.S. Embassy in Kyiv were you speaking
4 with about this issue?

5 A The previous DCM. I mean, obviously Masha
6 Yovanovitch herself before, you know, she was removed, and
7 then, after she was removed, I mean, talking to Ambassador
8 Taylor, who had been reaching out and talking to -- in the
9 course of his work, you know, he'd been, you know, very
10 closely associated with all of the former Ukrainian -- U.S.
11 Ambassadors to Ukraine, who had also been talking to people
12 as well.

13 Q And the prior DCM, was that Mr. Pennington?

14 A That is correct. And he got moved on, you know,
15 kind of basically in this sort of timeframe as well.

16 Q So you said, you know, you were concerned about the
17 politicization of Ukraine. How does that impact our national
18 security, U.S. national security?

19 A Well, if Ukraine suddenly becomes, as it, you know,
20 certainly appears to be, on the track of being a partisan
21 issue, and we can't have a serious nonpartisan or bipartisan
22 discussion about what the U.S. national security interests in
23 it is, then that's a problem, especially as many of the
24 sanctions that we've put in place -- I'll give you a concrete
25 example about this.

1 I mean, we put sanctions, as a government and as the
2 U.S. Congress put in place, against Russia because of
3 Russia's annexation of Crimea and the starting of the war in
4 the Donbas. The Europeans came on board with those sanctions
5 and have been tightly coordinating with us since the downing
6 of MH17, the Malaysian airline flight over Donbas, by what
7 has been proven to be Russian operatives. And there's been a
8 very thorough international commission and investigation for
9 this.

10 The Europeans have started to see that many of these
11 issues, including sanctions that we've put on against Russia
12 from 2016 onwards and now many of our machinations about
13 Ukraine, are nothing more than our own domestic political
14 games now.

15 So I was very disturbed and distressed in my last few
16 weeks at the NSC in discussions that I had with Europeans.
17 One case in point was the CAATSA sanctions that you as the
18 Congress, you know, kind of put forward, and the decision to
19 basically sanction Mr. Deripaska and Rusal because the
20 Treasury Department did a completely aboveboard -- and this,
21 you know, is on everyone here -- process to really try to
22 deconflict because when -- we're presuming that when you all
23 put on sanctions under CAATSA, there wasn't an intention to
24 close down factories and, you know, major installations
25 across Europe. They're kind of collateral damage. And the

1 largest aluminum factory, manufacturing factory in Europe
2 happens to be in Ireland. There are major facilities in
3 France and Sweden and, you know, elsewhere.

4 And all of the Ambassadors came to talk to us, very
5 concerned about the impact that this was going to have on
6 their countries and on, you know, major workforces, massive
7 employment, if the sanctions were done to the narrow letter
8 of the law. So Treasury was talking, you know, with all of
9 them and trying to work on a supervisory arrangement and to
10 try to make sure that there could be no collateral damage.

11 And when, you know, Ambassadors would come to talk to
12 staff and people here, they got the impression that this was
13 just a political game between both parties and that we were
14 not taking seriously the implications of this.

15 So they began to believe that we were politicizing our
16 foreign policy, that we were doing it sometimes to target
17 them or that we were doing this, you know, to basically fight
18 out, you know, our own disagreements. And that means that we
19 cannot be effective in working together with our European
20 allies on pushing back against Russia or also trying to
21 enshrine Ukraine's sovereignty.

22 Q Okay. I want to -- I'm going to jump around just a
23 little bit to cover some topics that you already spoke about.
24 The July 10th and July 11th, 2019, meetings with Eisenberg,
25 are you aware of any documentation of the concerns that you

1 raised or Mr. Griffith raised with Mr. Eisenberg?

2 A I'm not.

3 Q You're not aware of anything?

4 A No.

5 Q Are you aware of whether Eisenberg wrote anything
6 down or made any written reports?

7 A I'm not. I mean, in the time when -- actually,
8 John has really great recall, as one would hope in a lawyer.
9 And -- I'm sorry. I'm making that shtick about poor Lee all
10 the time here.

11 But he was listening very intently, and he said that he
12 would follow up.

13 Q Okay. Was he taking notes?

14 A And I had every reason to believe -- he was very
15 familiar already with a lot of this because, again, like
16 everyone else, he was observing what was going on on the
17 television.

18 Q Had you had prior conversations with Mr. Eisenberg
19 about these issues?

20 A In passing, I believe that I had. I met with him
21 probably every day one way or another. His office was
22 opposite mine, so I would see him constantly. But also, just
23 to be clear in terms of process, we always had a legal
24 representative at all of our interagency meetings and -- you
25 know, as one would hope, you know, in terms of keeping us on

UNCLASSIFIED

216

1 the straight and narrow on many things.

2 Q So, going back to Ambassador Volker, his role was
3 limited to trying to bring peace to the Donbas, correct? He
4 wasn't -- he didn't have -- he wasn't in charge of Ukrainian
5 policy writ large, is that right?

6 A He was not, although I think, you know, you had a
7 reference before about special envoys. We often saw mission
8 creep with special envoys. And, frankly, it's a difficult
9 job for them anywhere because they're given a particular
10 slice of and are dealing with an issue, and they've got to
11 bring in, you know, so many other things as well.

12 Q Do you know whether Ambassador Volker ever had
13 direct one-on-one conversations with the President?

14 A He did not.

15 Q What about Ambassador Sondland?

16 A Well, Ambassador Sondland told me all the time that
17 he did, but I don't know if that was actually the case.

18 Q When was the first time you discussed Rudy Giuliani
19 with Ambassador Volker?

20 A I'm trying to think about which -- I think it might
21 have been in an unscheduled meeting where I saw him around
22 the time of Masha Yovanovitch's dismissal.

23 Q So that would have been late April 2019?

24 A Late April, yes.

25 Q And do you remember what that conversation was?

UNCLASSIFIED

1 A It was basically talking about, you know, kind of
2 basically the circumstances of her dismissal and that we
3 should be extraordinarily careful about dealing with
4 Giuliani.

5 Q Okay. And can you explain just a little bit more
6 what you said to him, what he said to you about Giuliani and
7 what he's up to in Ukraine?

8 A Well, he basically mentioned at this time, and I
9 can't say -- I mean, hopefully, he told you this -- exactly
10 when he had his first meeting with him. But he was
11 intimating that he was considering meeting with Giuliani or
12 perhaps he had some initial encounter with him so that he was
13 clearly trying to -- you know, getting back to the question
14 before -- try to figure out, you know, how he could do, you
15 know, the right thing, in terms of trying to smooth this over
16 and trying to deflect away because he was just as concerned
17 as the rest of us were about the, you know, kind of
18 politicization or the distortion of U.S.-Ukrainian relations
19 or, you know, of U.S.-Ukrainian policy.

20 Q And what did you say to Volker when he suggested he
21 may meet with Giuliani?

22 A I thought that it was futile. I mean --

23 Q Explain why.

24 A Because based on my -- look, I'm not a psychologist
25 or anything, but based on my assessment of what Mr. Giuliani

1 was saying on the television, it was all over the place. And
2 if that's what he's like in person, I have no way to judge
3 it, but if he was anything like he was on the television, I
4 didn't see the point in having a conversation with him. He
5 seemed at times to actually believe some of the things he was
6 saying that I knew to be untrue.

7 Q That what Giuliani was saying was untrue?

8 A Correct.

9 Q Are you aware that Ambassador Volker produced text
10 messages to us?

11 A I am aware because they were in the paper.

12 Q Okay. Have you read some of the text messages that
13 are in the paper?

14 A In the newspaper, yes.

15 Q Were you aware that those conversations were going
16 on at the time?

17 A I was not.

18 Q You never saw those -- you were never part of those
19 WhatsApp conversations?

20 A No. And, actually, the timing of it was after I
21 left the NSC. Most of those text messages seemed to have
22 been in the July-August timeframe, as far as I can tell.

23 Q But, in any event, you weren't aware that Volker,
24 Sondland, and Taylor were having text message exchanges?

25 A I was not. I would hope that they would be talking

UNCLASSIFIED

219

1 to Ambassador Taylor. In fact, that was also one of my
2 concerns when I was leaving, that they would not have
3 Ambassador Taylor in the loop.

4 Q And why is that? Why was that a concern?

5 A Because Ambassador Sondland had done this with our
6 Charge in [REDACTED]. I mentioned before he'd met the [REDACTED]
7 Prime Minister in Brussels and then decided that he was going
8 to be the point person to [REDACTED], because we were also
9 without an Ambassador in [REDACTED], but we had a very good
10 Charge -- like Ambassador Taylor, who had previously been an
11 Ambassador [REDACTED] and was retired, but had
12 come back to step up. And Ambassador Sondland just ignored
13 him and pretended he wasn't there.

14 Q Having reviewed the text messages that are in the
15 papers, what's your opinion of those? Is that normal
16 diplomacy, as you -- based on your experience?

17 A No.

18 Q And why not?

19 A Because of the content and the nature of, you know,
20 setting up a meeting in relation to this, to something that
21 is not a national security deliverable.

22 Q And can you explain that a little bit more? Like
23 what do you mean by this was not a national security
24 deliverable? What was not the national security deliverable?

25 A It was obvious from those text messages that they

UNCLASSIFIED

1 were referring to the investigations, and that was not
2 something that we were pushing from the national security
3 perspective, certainly not the National Security Council and
4 certainly not the State Department.

5 Q And they were pushing that in exchange for a White
6 House meeting?

7 A In exchange for a White House meeting.

8 MR. NOBLE: I'd like to show you what's going to be
9 marked majority exhibit 1, I guess.

10 [Majority Exhibit No. 1
11 was marked for identification.]

12 BY MR. NOBLE:

13 Q And this is --

14 A I'll put my glasses on.

15 Q -- one of the text message exchanges involving
16 Ambassador Volker and actually Andrey Yermak?

17 A Uh-huh.

18 Q And I direct your attention to the entry, the first
19 entry on July 25th, 2019.

20 A Uh-huh.

21 Q Do you see that?

22 A Yes, I do, yes.

23 Q Can you just read what that says?

24 A Which? Hang on. It's the one that --

25 Q Yeah.

UNCLASSIFIED

221

1 A -- starts with Kurt Volker.

2 Q Yeah, Kurt Volker writing to Andrey Yermak.

3 A It says: Good lunch. Heard from White House --
4 assuming President Z convinces Trump he will investigate/get
5 to the bottom of what happened in 2016, we will nail down
6 date for visit to Washington. Good luck. See you
7 tomorrow -- Kurt.

8 Q Okay. And just for the record, the Bates stamp is
9 KV-19.

10 A Uh-huh.

11 Q Dr. Hill, the message that Kurt Volker is relaying
12 to Andrey Yermak, President Zelensky's adviser, how does that
13 correspond or match up or not with the message that
14 Ambassador Sondland delivered during the July 10th meeting
15 that Ambassador Volker was in attendance at?

16 A It seems consistent with that. At least in that
17 case, he's talking about investigations. And in the context
18 of the July 10th/11th, you know, that was more on the energy
19 sector in the way that Sondland -- but in terms of saying he
20 will investigate and then, you know, get to the bottom of
21 what happened in 2016 is consistent, at least, with the way
22 that that was laid out in the July 10th.

23 Q But in July 10th in the Ward Room meeting, I
24 believe you testified you overheard Ambassador Sondland
25 specifically mention Burisma. Is that right?

UNCLASSIFIED

1 A He did.

2 Q And can you tell us a little bit more about what
3 he --

4 A But this seems, you know, somewhat -- well, this is
5 slashed so I don't know -- I mean, obviously, I don't know
6 exactly what they had in mind there.

7 Q But, again, it's the -- they seem to be exchanging
8 a White House meeting for a commitment by Ukraine to
9 investigate these matters that Rudy Giuliani had been
10 pressing?

11 A That's what it looks like. The "heard from the
12 White House" is interesting to me because I don't know,
13 obviously, who they heard from in the White House.

14 Q Was it you or anyone at the NSC that you're aware?

15 A It would not be me because I was not there. But, I
16 mean, this could be the Chief of Staff's Office.

17 Q Mick Mulvaney?

18 A I mean, that leans to speculation, but based on the
19 July 10th, which is 2 weeks prior to that, the only person
20 that Gordon Sondland referenced was Chief of Staff Mulvaney.

21 And, actually, getting to the point when you asked me
22 before about when did Sondland tell me he was in charge of
23 Ukraine, at that time, in that rather testy exchange I had
24 with him, you know, I was trying to impress upon him the
25 importance of coordinating, you know, with all of these

1 different individuals and others that, you know, you were
2 laying out. We had a fairly robust set of interactions with
3 Ukrainians.

4 And he retorted to me that if he was coordinating with
5 the President because, again, this is part of him saying he's
6 talking to the President, he was talking to Mulvaney, and he
7 was filling in Ambassador Bolton -- he didn't say he was
8 talking to him, Ambassador Bolton, he said filling in
9 Ambassador Bolton -- and then talking to, you know,
10 basically -- he said Brechbuhl, Ulrich, at the State
11 Department. He didn't actually mention Secretary Pompeo,
12 which I noted at the time I thought was a bit odd. Who else
13 did he have to inform?

14 And I said: Well, it would be nice to inform all of us
15 and, you know, the -- obviously, the Deputy Assistant
16 Secretary and others.

17 And he did not think that he needed to do that.

18 Q Did you have an understanding why he was --

19 A He was also, of course, talking to Ambassador
20 Volker and Secretary Perry, and he did mention that.

21 Q Why was he keeping Ulrich Brechbuhl in the loop?

22 A Ulrich is a special counselor to -- Brechbuhl -- to
23 Secretary Pompeo. And, of course, Secretary Pompeo at this
24 time is on the road all the time. So I'm -- you know, it
25 would be difficult to meet with Secretary Pompeo on a regular

1 basis. So that would actually make sense, I mean, but he's
2 the special counselor. He's not, you know, kind of in the
3 chain of command.

4 And that's actually what I pointed out to Gordon, that
5 he wasn't -- to Ambassador Sondland. He wasn't, you know,
6 kind of basically linked into anybody in the Embassy. He
7 certainly wasn't talking to Deputy Assistant Secretary George
8 Kent, who, you know, on the basis of, you know, the daily
9 interactions, would be managing that in the State Department.

10 And he wasn't aware of some of the larger policy threads
11 that were going on either. He simply just wasn't aware of
12 some of the elements of things we were trying to do with
13 Ukraine. He wasn't, again, getting a regular brief on any of
14 this either.

15 Q Do you know whether Ulrich Brechbuhl was generally
16 aware of what Rudy Giuliani was up to in Ukraine?

17 A I could not say.

18 Q Did you have any direct conversations with
19 Brechbuhl about Giuliani?

20 A Certainly not about Giuliani. I did not, no. I
21 mean, I did have conversations with him about coordination,
22 you know, trying to figure out how we could coordinate
23 better.

24 Q And did Rudy Giuliani come up in those contacts?

25 A He did not. No, he did not.

1 Q On the security assistance issue, I believe you
2 testified that the first time you learned that the President
3 had placed a freeze on the assistance was July 18th. Is that
4 right?

5 A Yes. But I learned that as OMB --

6 Q Oh, that OMB had put the freeze --

7 A -- and Mick Mulvaney had put a freeze on. So, just
8 to be clear, I never learned that the President had put a
9 freeze on this. And this is on -- what was happening at this
10 time was there was a freeze put on all kinds of aid and
11 assistance because it was in the process at the time of an
12 awful lot of reviews of foreign assistance.

13 Q But had there been any discussion within the
14 national security staff about freezing the Ukraine
15 assistance?

16 A No. I mean, it was at that point supposed to be
17 moving forward.

18 Q And did you ever get an explanation before you left
19 government for why the freeze was put in place?

20 A I did not. And I discussed with Alex Vindman, the
21 deputy, and with others that it would be important to follow
22 up on this, and they should work very closely with the Deputy
23 National Security Advisor Charlie Kupperman because he at
24 this point was also trying to keep tabs on everything that
25 was happening. So, I mean, I kept him fully apprised of all

1 of my concerns.

2 And, obviously, it was easier to meet with him often
3 than Ambassador Bolton. And, you know, we were aware that
4 Gordon Sondland was talking to Chief of Staff's Office.
5 They're all in the same corridor. And we were hopeful, at
6 least I was hopeful at that time, that Deputy National
7 Security Adviser Kupperman would be able to figure out what
8 was going on.

9 Q Did Kupperman or Vindman or anyone else you spoke
10 to in that timeframe express any views as to why they
11 believed there was a freeze in place?

12 A No. They were just wanting to find out. And they
13 were in touch with OMB, and they weren't getting much
14 information apart from the fact there was a freeze. So I'll
15 just say that my assumption at the time was that it was in
16 this general framework of many, you know, foreign assistance
17 items being put on hold.

18 Q And do you believe that the assistance that the
19 U.S. was providing to Ukraine should have gone through?

20 A Yes. I mean, it had all been agreed on and was
21 actually in train, but so had some of the other assistance,
22 just to be clear.

23 Q And were you aware that, at the time, DOD had
24 already certified that Ukraine was compliant with the
25 anticorruption requirement?

1 A I was aware of that, yes, because that's what I
2 mean; it was already on train, and our colleagues in the
3 Pentagon had been working on this, you know, very thoroughly.

4 Q Sitting here today, do you have any other -- has
5 your understanding changed about why the freeze was put in
6 place?

7 A It hasn't actually because, you know, as I said,
8 when I left, there wasn't an explanation, and foreign
9 assistance overall was being frozen. And I haven't seen
10 anything, at least in the public record, that would suggest
11 that it was -- that the foreign assistance was being frozen
12 for specific purposes at that point.

13 I mean, this was also, remember, again, at the point of
14 discussion about cutting back on lots of Pentagon projects
15 for the building of the wall for Homeland Security purposes,
16 the border wall.

17 Q After you left the National Security Council, did
18 you have any conversations with anyone about the freeze?

19 A I did not, no. I mean, I had a conversation with
20 Alex Vindman in the last couple of days. And I did also have
21 a conversation, as I reported before, with Ambassador Taylor.
22 But I said at that point that I had no insight as to why it
23 had been frozen, but I said, again, that I hoped that people
24 would be able to get to the bottom of it with Mick Mulvaney.

25 Q Did Ambassador Taylor say anything about why he

1 believed the freeze was in place to you?

2 A Well, at that point, he was asking me why it was,
3 and I couldn't answer that. And then, again, I was leaving.
4 So, I mean, I'd left that to Tim Morrison. And I believe
5 that the following week they had a meeting. So I left on the
6 19th. So, sometime on the 22nd or 23rd, there was a meeting
7 scheduled as I was leaving for them to pull everyone together
8 from the interagency to try to get to the bottom of this.

9 But I did think that if it was political for whatever
10 reason, the wall or, you know, you name it, it would have to
11 be resolved at high levels in the interagency, and that
12 Ambassador Bolton and Deputy National Security Advisor
13 Kupperman would have to sit down with Mick Mulvaney and try
14 to get to the bottom of what was going on. And, again, there
15 were other freezes of assistance because there was a move to
16 push out the new foreign assistance strategy.

17 Q There's been reporting that the President or
18 perhaps Mulvaney had tasked Ambassador Bolton to do a review
19 of the security assistance. Are you aware of --

20 A I'm not aware of that. Not when I left, I didn't
21 know about that.

22 Q If there were a freeze -- if a freeze were going to
23 be put in place like this, would it have been normal for the
24 National Security Council staff to have been involved in the
25 decisionmaking process leading up to the freeze?

1 A Well, if it was done from the perspective of OMB,
2 this has happened before, so define normal. I mean, you
3 know, in other settings -- actually, when General McMaster
4 was in place there was a lot more process, so a lot more
5 regular interactions. And he always made sure to have OMB
6 and everybody else present in meetings.

7 And there had been interventions by OMB previously, when
8 Mr. Mulvaney was only single-hatted as the head of OMB, to
9 hold things back and to review them. I mean, that had
10 happened before. But in terms of -- you know, by this point,
11 I have to say in this point in July, the process had somewhat
12 broken down.

13 Q You testified earlier about the scheduling of a
14 meeting between President Trump and President Zelensky, and
15 that --

16 THE CHAIRMAN: Can I just interject for a quick
17 question? Dr. Hill, you mentioned I think, when you left
18 your position, you didn't have any firsthand knowledge about
19 why the military assistance was being frozen.

20 DR. HILL: Correct.

21 THE CHAIRMAN: And you didn't subsequently personally
22 learn anything that would inform you as to whether it was --

23 DR. HILL: Correct.

24 THE CHAIRMAN: -- withheld as part of a broad
25 withholding or for a more insidious purpose?

UNCLASSIFIED

230

1 DR. HILL: I did not, no. I mean, the first I saw of
2 something suggesting otherwise was really in this exchange of
3 text messages and also in newspaper reports.

4 THE CHAIRMAN: And the text message you're referring to
5 is one in which --

6 DR. HILL: Ambassador Taylor makes the comment about
7 this.

8 THE CHAIRMAN: Yes. And have you had any conversation
9 with Ambassador Taylor --

10 DR. HILL: I have not. No, I have not been in touch
11 with him at all.

12 THE CHAIRMAN: So, if there were a hidden agenda here,
13 in terms of why that military assistance was being withheld
14 along the lines that Ambassador Taylor indicated, that would
15 have not come to your attention while you were there and --

16 DR. HILL: It would not have done, no. And, again,
17 though I did speak to Ambassador Taylor at great length on
18 the 19th of September, in which I reviewed a whole host of
19 issues that I wanted to hand over to him, so Ambassador
20 Taylor was very much alert to all kinds of concerns. And he
21 was going to, you know, basically -- because he had to in his
22 job as Charge -- you know, basically try to look into these
23 and to try to figure out, you know, how he could work, you
24 know, more closely with Ambassador -- well, he was already
25 working closely with Ambassador Volker but also with

UNCLASSIFIED

1 Ambassador Sondland to figure out what was going on.

2 MR. WOLOSKY: You referenced the 19th of September. I
3 think you meant July.

4 DR. HILL: July. I'm sorry. Thank you, Lee. I'm
5 sorry. My brain is now more shook up than my water. Sorry.

6 THE CHAIRMAN: Thank you.

7 DR. HILL: I apologize for that.

8 THE CHAIRMAN: You testified --

9 DR. HILL: How does this get corrected, by the way? I
10 mean, do you go back, do you do the whole, you know, kind of
11 correction back and forth of dates, you know?

12 THE CHAIRMAN: Well, the transcript will read as you
13 said, and the correction will appear as you corrected it.

14 DR. HILL: Okay, good, thanks. That was just a slip,
15 based on, you know, the timing here. Yeah. Anyway, go
16 ahead. Sorry.

17 BY MR. NOBLE:

18 Q The meeting between -- scheduling the meeting
19 between President Trump and President Zelensky, I believe you
20 said that, in your opinion, you were waiting to see what
21 happened in the Ukrainian parliamentary elections --

22 A Correct.

23 Q -- which I believe were held on July 21st. Is that
24 right?

25 A That's right. And I left before that.

1 Q To date, though, there's been no meeting between
2 President Trump and President Zelensky, at least at the White
3 House, right?

4 A No, there has not. But there has been a meeting,
5 of course, in the --

6 Q At the U.N. General Assembly?

7 A In New York, yes. And, actually, I mean, again,
8 we'd been preferring those kinds of meetings in the past
9 because setting up a White House meeting, as one can imagine,
10 is a very heavy lift and, you know, the scheduling is always
11 very difficult. And, you know, basically, we always try to
12 have a serious meeting wherever we can.

13 And the initial -- even when I was there, there had been
14 kind of a scheduling aspiration for Warsaw on the 1st of
15 September because that seemed to be actually a very apt first
16 meeting. Because after Poland, you know, the lands that were
17 now modern Ukraine were pretty much run over by Nazi Germany,
18 and, you know, Ukraine suffered greatly during World War II.
19 And we thought it would be appropriate to, immediately after
20 the meeting with the Poles, to have the President meet with
21 Zelensky. So, I mean, that seemed to be kind of a nice
22 packaging.

23 Q But, as you said, after you left the White House,
24 you weren't privy to the conversations that were going on
25 behind the scenes --

1 A I was not, no.

2 Q -- by Ambassador Sondland, Ambassador Volker, and,
3 to a certain extent, Ambassador Taylor about the scheduling
4 of the meeting and linking it to the Ukrainian commitment to
5 investigate --

6 A I was not.

7 Q You did not see any of those messages?

8 A I did not see any of those messages.

9 Q I believe you said that you've reviewed a copy of
10 the July 25th call summary, the call between President Trump
11 and President Zelensky?

12 A The one that was published in the newspaper, yes.

13 Q I'd like to ask some questions about those.

14 MR. NOBLE: So we're going to mark this government
15 exhibit 2 -- I mean majority exhibit 2.

16 [Majority Exhibit No. 2
17 was marked for identification.]

18 DR. HILL: See, we all have things --

19 MR. NOBLE: Old habits die hard.

20 MR. CASTOR: Do you have a copy of that?

21 MR. NOBLE: We might have another copy.

22 THE CHAIRMAN: It's just the call record.

23 MR. CASTOR: Okay, gotcha.

24 BY MR. NOBLE:

25 Q So I direct your attention to page 3. You see at

1 the top there that President Trump says: I would like you to
2 do us a favor though --

3 A Uh-huh.

4 Q And then he goes on to mention: I would like you
5 to find out what happened with this whole situation with
6 Ukraine, they say CrowdStrike... I guess you have one of your
7 wealthy people... The server, they say Ukraine has it.

8 Do you know what the President -- what President Trump
9 was referring to when he was asking President Zelensky to
10 look into those things?

11 A I think some of this gets to some speculation here.
12 Clearly -- well, this seems to be the alternative theory for
13 2016 at the beginning here with the whole situation with
14 Ukraine when as you've been asking questions along that
15 Ukraine might have interfered in the election, particularly
16 in the references to CrowdStrike.

17 Tom Bossert has already spoken out publicly against
18 this, and we spent a lot of time with Tom and General
19 McMaster and others trying to refute this one in the first
20 year of the administration.

21 Q Can you say a little bit more about that? What did
22 Tom Bossert do in the first year?

23 A Well, Tom Bossert came out publicly and said that
24 he really regretted this reference after he read the
25 transcript as well because this was a debunked theory. And

1 this was also a muddle.

2 Q But you said there were some efforts early on in
3 the administration internally to debunk this theory. Can you
4 explain what you did?

5 A Basically, Tom and others who were working on
6 cybersecurity laid out to the President the facts about the
7 interference. Again, I can't say any more than that.

8 Q Okay. But to a certain extent, they advised him
9 that the alternate theory that Ukraine had interfered in the
10 election was false?

11 A Correct.

12 Q If you turn to the next page, the top of paragraph
13 4. I'm sorry. Page 4, the top paragraph.

14 A Uh-huh.

15 Q So the President is saying that he's going to have
16 Rudy Giuliani and the Attorney General call President
17 Zelensky about these investigations, and then he goes on,
18 lower in the paragraph, says: The other thing, there's a lot
19 of talk about Biden's son, that Biden stopped the prosecution
20 and a lot of people want to find out about that so whatever
21 you can do with the Attorney General would be great.

22 And then down in the next paragraph, President Zelensky
23 responds. Kind of middle of the paragraph, you see he says:
24 He or she, referring to the new prosecutor general that
25 Zelensky says he's going to appoint, will look into the

1 situation, specifically to the company that you mentioned in
2 this issue.

3 Do you have an understanding of, when President Trump
4 references investigating Biden's son, Hunter Biden, and
5 President Zelensky's response that they're going to look into
6 the company, what company President Zelensky was referring
7 to?

8 A Well, I think he means Burisma, President Zelensky
9 is referring to.

10 Q And why is that?

11 A Because that was the company that Hunter Biden was
12 on the board of.

13 Q So you had an understanding -- did you have an
14 understanding back at the time that when people like Giuliani
15 were talking about investigating Burisma, they were also
16 saying that Hunter Biden and Joe Biden should be
17 investigated, or Hunter Biden?

18 A That was becoming apparent. But, I mean, Mr.
19 Giuliani made it very apparent as well.

20 Q And going back up to that top paragraph, do you see
21 President Trump says: The former Ambassador from the United
22 States, the woman, was bad news and the people she was
23 dealing with in the Ukraine were bad news so I just want to
24 let you know that. Do you know who he's referring to there?

25 A He's obviously referring to Ambassador Yovanovitch.

1 And I know that, later on, President Zelensky runs her name
2 back again, although he mispronounces it.

3 Q I think it's spelled Ivanovich in the summary in
4 the next paragraph.

5 A Yes.

6 Q And in the next paragraph, President Trump says:
7 Well, she's going to go through some things. Do you know
8 what President Trump was referring to when he said that --

9 A I do not.

10 Q -- Ambassador Yovanovitch was going to go through
11 some things?

12 A I do not know what that meant.

13 Q Because at this point, July 25th, she'd already
14 been removed, ousted, as you said, from her position,
15 correct?

16 A Yes, correct.

17 Q How did you react when you read that, the
18 transcript, particularly the portions I pointed to about
19 President Trump pushing President Zelensky to investigate the
20 Bidens and investigate Ukrainian -- purported Ukrainian
21 interference in the 2016 election and as well as his comments
22 about Ambassador Yovanovitch?

23 A I was actually shocked.

24 Q Why?

25 A Well, particularly on Ambassador Yovanovitch, and

1 very saddened because, again, Ambassador Yovanovitch is a
2 great American, and I don't think any American citizen should
3 be disparaged by their President, just to put it out there.
4 So that made me very sad and very shocked and, yeah, not too
5 happy.

6 And on the other issue, it was pretty blatant. So, I
7 mean, I found that I couldn't really explain that away with
8 an alternate explanation. So that's what I mean about being,
9 you know, quite shocked.

10 And I was also very shocked, to be frank, that we ended
11 up with a telephone conversation like this because all of
12 the -- and, you know, this is obviously going into executive
13 privilege, and I'm not going to say anything more about this,
14 but I sat in an awful lot of calls, and I have not seen
15 anything like this. And I was there for 2 and a half years.
16 So I was just shocked.

17 Q And I'd like to ask you some questions, to the
18 extent you can answer, about the process of prepping for
19 these types of calls in a little bit.

20 So you just said that it was pretty blatant, what
21 President Trump was saying in this call. What do you mean by
22 that?

23 A Well, that it looks to me like it was in the
24 context of everything else that had come to my attention.

25 Q And what do you mean by -- you mean like what

1 Ambassador Sondland had brought up in the July 10th meeting?

2 A Correct. And then, you know, that Rudy Giuliani's
3 commentary -- I mean, again, Rudy Giuliani has been saying an
4 awful lot of things all the time, and he was pretty
5 inescapable. And after a while, you know, kind of he was
6 making it crystal clear what it was that he was pushing. And
7 this is very much repeating things that Rudy Giuliani was
8 saying in public on television.

9 THE CHAIRMAN: And by that, you mean that he wanted an
10 investigation done of the Bidens and of this debunked
11 conspiracy theory about 2016?

12 DR. HILL: Correct.

13 THE CHAIRMAN: And that this was a condition of getting
14 this White House meeting?

15 DR. HILL: That's certainly what this looks like, in the
16 context of this transcript.

17 BY MR. NOBLE:

18 Q And by "this," you mean the July 25th call summary?

19 A Correct. But, again, I only read this in the
20 context of the publication of it by the White House and
21 subsequently in the press.

22 Q And here it's -- I mean, this is essentially
23 President Trump adopting exactly what Rudy Giuliani had been
24 pressing since the spring of 2019 in this phone call. Is
25 that right?

1 A I mean, Giuliani has been relentless on this point,
2 you know, to the point where, you know, obviously, he has, as
3 Ambassador Volker said, shaped a very negative image.

4 Q But now it's President Trump pressing the President
5 of Ukraine to do exactly what Rudy Giuliani had been trying
6 to get other Ukrainian officials to commit to, correct?

7 A That is certainly how this reads.

8 Q With the assistance of Ambassador Sondland and
9 Ambassador Volker?

10 A Well, I can't say that it was, you know, directly
11 with their assistance.

12 Q But you've seen the text messages between them,
13 correct?

14 A I have.

15 Q Doesn't it seem that they were, if not assisting,
16 facilitating this scheme?

17 A They certainly seem to have been -- look, I wasn't
18 in the deposition that Ambassador Volker gave. I don't know
19 how many times he met with Ambassador -- I mean, with
20 Giuliani or Ambassador Sondland, for that matter. I know
21 that Ambassador Sondland talked repeatedly about
22 conversations -- and you have him coming to give a deposition
23 and, you know, I should leave it to him to speak on his own
24 behalf.

25 But he said to me repeatedly that he was going in

1 talking to the President. I mean, again, you can actually
2 ask him because he'll have to tell you all truthfully how
3 many times he really did meet with the President because I
4 have my doubts. I could be wrong, but there were often times
5 when he said he'd been in to see the President when other
6 staff indicated to me that they did not believe that he had.
7 He was certainly meeting with Chief of Staff Mulvaney on a
8 regular basis.

9 Q And how do you know that?

10 A Because I know that from Mulvaney's staff.

11 Q Who in particular told you about those meetings?

12 A Many people did. I mean, he has -- look, and there
13 are also lots of -- again, I keep telling -- well, I've said
14 this before. Any of you who have been into the West Wing,
15 into the entryway when you go in from West Executive, it's a
16 very small space. So lots of people can say that they have
17 seen people.

18 The front office of Ambassador Bolton, the door is
19 always open. It looks right down the corridor to the Chief
20 of Staff's Office, to the entryway to the foyer. People who
21 are sitting on the staff of Ambassador Bolton could see
22 Gordon Sondland going into Mulvaney's office. The guards
23 could see Ambassador Sondland going into Mulvaney's office.

24 I didn't have to be told secretly by, you know, some
25 high-ranking staff member. I could just say to someone, the

1 front desk receptionist: Hey, has Ambassador Sondland just
2 been in?

3 And I could just say: Did he see the President?

4 No, but he's been in to see Mulvaney.

5 So, I mean, I'm uncomfortable with answering, you know,
6 kind of the question the way that you put it because I don't
7 know, you know, to what extent Ambassador Volker, you know,
8 was talking -- I don't know whether when Ambassador Volker is
9 saying, you know, "the White House" whether he means the
10 Chief of Staff or whether he means that Ambassador Sondland
11 has told him that he's heard from the White House and he's
12 just relating that to Yermak.

13 Q Fair enough. Do you know whether Ambassador Bolton
14 or Secretary Pompeo ever tried to rein in Ambassador
15 Sondland?

16 A Ambassador Bolton complained about him all the
17 time, but I don't know whether he tried to rein him in
18 because, again, Ambassador Sondland isn't in his chain of
19 command. And Ambassador Sondland, you know, would
20 occasionally -- and I just say "occasionally" -- make an
21 appointment to see Ambassador Bolton, usually when he knew
22 that I or somebody else wasn't there, just to -- so I don't
23 know also what he said to Ambassador Bolton because I didn't
24 get a readout.

25 So, often what he did with me, I would find out later

1 Ambassador Sondland had told people that he'd called me and
2 spoken to me about an issue, but he wouldn't relate what I'd
3 told him. He'd just then proceed to go ahead on the way that
4 he wanted to proceed anyway by just simply saying: Oh, I
5 talked to Fiona, and, therefore, you know, kind of I'm doing
6 this.

7 And I'd find out after the fact that he'd used my name,
8 you know, as the basis of a phone call to just go forward and
9 proceed with doing something.

10 Q Right. Going back to the transcript just quickly,
11 the investigations that President Trump was urging President
12 Zelensky to undertake, is it fair to say that those were to
13 serve President Trump's personal political interests as
14 opposed to the national security interests of the United
15 States?

16 A I don't honestly see much national security
17 interest in what I've just read there, and I do not see and I
18 did not see at any point any national security interest in
19 the things that Rudy Giuliani was saying on the television
20 that I watched. Now, I could have missed many of his
21 appearances. Again, they were ubiquitous, and I couldn't
22 keep up with all of them, but I don't believe that he --
23 anyway, he's not a national security official at this
24 particular juncture.

25 Q Do you see anything that would benefit President

1 Trump politically?

2 A Well, I think it depends on how this all plays out.

3 THE CHAIRMAN: Our time has expired. The minority.

4 BY MR. CASTOR:

5 Q Do you know [REDACTED] [REDACTED]

6 [REDACTED]?

7 A I have, yes.

8 Q And what do you know [REDACTED] [REDACTED]?

9 A [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q What were [REDACTED] [REDACTED]?

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q What were [REDACTED] [REDACTED]?

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q And do you know what the circumstances of [REDACTED]
2 [REDACTED]?

3 [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 I mean, a similar thing happened with Ambassador Bolton.
12 [REDACTED]
13 [REDACTED] And a
14 couple of other people, there's just been a couple of people
15 who have -- Ambassador Bolton's, one of his key assistants,
16 [REDACTED], who would actually, you know, know a lot
17 about all of these comings and goings, [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED]
20 [REDACTED].

21 Q Did you have any discussions, communications with
22 [REDACTED]?

23 A I've kept in contact with most of the people that
24 I've worked with, in a general sense. And [REDACTED] --

25 Q When is the last time --

1

2

3

4

5

6

7

Q And so when was the last time [REDACTED] [REDACTED]?

8

A The last time [REDACTED] [REDACTED] would have been before

9

I went on vacation. I mean, in the last week. We did a lot

10

of wrap-ups with all of the people who were, you know,

11

pertinent. I did a lot of, you know, out-briefing in the

12

professional arena. I often met, as I said, with DAS Kent.

13

You know, I could run through, you know, all the people that

14

I met with in that week just to, you know, wrap things up

15

again.

16

Q Since you left --

17

A This was part of the whole briefing, you know, and

18

analytical -- I should actually clarify. When I mentioned

19

analysts before -- I'm an analyst myself, so I tend to use

20

that as shorthand. But, you know, obviously, we met with an

21

awful lot of analysts or, you know, subject-matter

22

individuals from around the agencies.

23

Q Since you left on July 19th, did you -- have you

24

had any communications with any of the individuals we've

25

discussed today about your --

- 1 A With all of my staff.
- 2 Q About your appearance here today?
- 3 A Well, they know I'm appearing, yeah. I mean --
- 4 Q Did any of them reach out to you, have any
5 communications with you?
- 6 A Well, a lot of them have reached out to me and, you
7 know, kind of in solidarity, you know, because, I mean,
8 obviously, this isn't a pleasant experience for everybody.
9 And I've had a few people who have reached out because
10 they're just very concerned about the future of the National
11 Security Council, and they're worried that, you know, all of
12 these issues will politicize what has, you know, up until now
13 been -- again, has certainly strived to be a nonpolitical
14 body.
- 15 Q Anyone try to influence your testimony?
- 16 A No, they have not.
- 17 Q And, again, please don't jump down my throat when I
18 ask this.
- 19 A I won't.
- 20 Q When was the first time that you knew you were
21 coming in today?
- 22 A When was the first time I knew I was coming in
23 today?
- 24 Q Yes.
- 25 A Well, for sure when I got the letter requesting me

1 to come in.

2 Q But today specifically, not that you were on a
3 generalized list.

4 A I don't know when the first day would be because I
5 gave Lee a sense of dates about when I was available.

6 Q But it was sooner than -- it was farther back in
7 time than last Wednesday, right?

8 A It might not have been. Actually, when was last
9 Wednesday? What was the date of last Wednesday? I'm sorry,
10 I'm --

11 MR. WOLOSKY: I'm not testifying. If you don't know the
12 date --

13 DR. HILL: Yeah. No, I'm sorry, I don't know the answer
14 to that.

15 And, look, and one of the reasons that I've been
16 basically -- [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]
18 [REDACTED] And

19 I don't have a laptop right now, which may sound bizarre,
20 because I've taken an extended leave from Brookings. So I
21 only have my iPhone. And I've been, you know, basically
22 trying to keep focused on the personal stuff.

23 And, also, I wanted to come here without any undue
24 preparation precisely for the reasons that you've said, so
25 that no one could influence my testimony. It's hard to

1 escape the news, and I've tried to keep on top of that, but I
2 haven't been, you know, completely keeping track of when I
3 knew what, you know, because I wanted to come in and just
4 make myself available, you know, and do my duty.

5 BY MR. CASTOR:

6 Q Okay. In terms of the universe of State Department
7 officials --

8 A Yes.

9 Q -- that you had communications with about these
10 relevant matters, I just want to make sure that we haven't
11 missed anybody. There was Wess Mitchell?

12 A Yes, who left in February of 2019, yes.

13 Q And Phil Reeker?

14 A Correct.

15 Q And George Kent?

16 A George Kent.

17 Q And Masha Yovanovitch?

18 A Kristina Kvien, who went out to be the DCM. I met
19 with her as she was going out. I also met with Catherine
20 Croft, who I mentioned had been our director previously and
21 replaced Chris Anderson, who was previously Kurt Volker's --
22 he's another individual you're probably aware of, Christopher
23 Anderson, who is Kurt Volker's deputy.

24 Catherine was actually in language training to be sent
25 out to Baghdad for all the period after she left, but then

1 the Embassy in Baghdad got downsized, as you're all aware, so
2 they started redeploying people. And given her work on
3 Ukraine, she was moved to work for Kurt Volker. And I would
4 have talked to all of, you know, the office, relevant office
5 directors. David Hale. I've also talked to Deputy Sullivan,
6 Under Secretary Hale. Brechbuhl only a couple of times.
7 I've talked to Morgan Ortagus, the press spokesman, and press
8 spokesperson -- and Robert Palladino -- I think he's moved
9 on -- press people, because we coordinated a lot of
10 statements in support of Ambassador Yovanovitch.

11 Q Ambassador Taylor?

12 A Ambassador Taylor, correct.

13 Q How about a former Ambassador Pyatt?

14 A No. I've obviously had contact with Ambassador
15 Pyatt because he's Ambassador to Greece. Is he still
16 Ambassador to Greece? He was, you know, last time when I --
17 yeah. And so, but I only dealt with him in the context of
18 things that we were doing in Greece. We didn't actually
19 speak about Ukraine, only with the exception of [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED]
23 [REDACTED] So, yeah,
24 I mean, that was the only -- and he's been very good about
25 keeping a separation from his previous work on Ukraine

1 because he got burned in that infamous phone call with
2 Ambassador Nuland.

3 Q Kathy Kavalec, do you know her?

4 A I do know her, yes. She was nominated to be our
5 Ambassador to Albania until an Albanian lobbyist group used a
6 very tenuous tie that she had to Chris Steele to have her
7 removed from the nomination. So this is another thing of
8 somebody who was treated rather disgracefully. She had been
9 instructed as part of her duties to meet with him. She
10 hadn't met him before. She had had very limited interactions
11 with him when he was [REDACTED] in official position. And she
12 was snarled up in all of these exchanges of emails when she
13 just reported that she'd met with him.

14 And an Albanian lobbyist group also started to accuse
15 her of being part of spurious conspiracies. And so her
16 nomination to Albania to be our Ambassador was shelved, even
17 though she would have been an excellent Ambassador and was in
18 Albanian language training.

19 Q Did you have any communications with her in regards
20 to the Ukraine matters?

21 A I have not. I mean, I've been in touch with her
22 more generally because she's now got a new position. She's
23 being sent out to the OSCE to do some work on the Balkans,
24 but I did not talk to her about Ukraine.

25 Q How many communications did you have with

1 Mr. Brechbuhl?

2 A Only a couple. I mean, these were in general
3 coordination-related issues.

4 Q Was it --

5 A I went out to meet with him, you know, first to
6 introduce myself when he was appointed. I happened to have
7 been in grad school with [REDACTED], so I had a connection.
8 I obviously had met him at some point in the distant past.
9 And I wanted to go and meet him so he'd know who I am and so
10 we could talk about trying to do better coordination.
11 Because Secretary Pompeo didn't have a chief of staff, and,
12 you know, given the incredible amount of travel that he
13 takes, it was important to be able to have some interactions.

14 And we were also concerned at this point about
15 coordination with a couple of Ambassadors, including
16 Ambassador Sondland. So I wanted to make sure that
17 Mr. Brechbuhl would feel free to reach out to me if there was
18 any issue.

19

20

21

22

23

24

25

1 [4:05 p.m.]

2 BY MR. CASTOR:

3 Q And forgive me if you said this. We've been here a
4 little bit. Did you have any discussions with Mr. Brechbuhl
5 about Sondland, Giuliani --

6 A I did not. But I --

7 Q So it was just Yovanovitch and the circumstances of
8 her departure?

9 A Correct. But, obviously, Mr. Giuliani seemed to
10 have had --

11 Q Right.

12 A -- even at the time, a big influence in her
13 departure.

14 Q Okay.

15 A And I expressed concern about that.

16 Q You expressed concern to Mr. Brechbuhl about --

17 A I probably said something about the circumstances
18 of her departure. But this is only in a general sense.

19 Q Was it a one-on-one meeting or telephone call?

20 A I think it was a telephone call.

21 Q Okay.

22 A But it was really about other issues. So, you
23 know, he may -- I took most of my concerns, you know,
24 directly to Under Secretary Hale, Ambassador Bolton, and to
25 Assistant Secretary Reeker. And I also spoke to Deputy

UNCLASSIFIED

254

1 Secretary Sullivan.

2 Q Uh-huh.

3 The fact that the foreign assistance was frozen, it
4 occurred on July 18th, which was the day before --

5 A Yeah, exactly.

6 Q -- you left. So you may not have a lot of
7 firsthand --

8 A Correct.

9 Q -- facts, but --

10 A And I already said that.

11 Q -- it's your understanding that it was subsequently
12 lifted?

13 A That's my understanding.

14 Q And Ukraine got their Javelins and, you know,
15 everything has been flowing in terms of the financial
16 assistance?

17 A I haven't any of the information on this at all.

18 Q But that's your understanding?

19 A That's my understanding.

20 Q Is it fair to say that this type of stops and
21 starts is sometimes common --

22 A Yes.

23 Q -- with foreign assistance?

24 A It is.

25 Q That there's different -- different power centers

UNCLASSIFIED

1 have questions and there are some starts and stops?

2 A That's correct. And as I mentioned before in
3 response to this question, OMB quite frequently would raise a
4 lot of questions about this at other meetings in the past
5 they had.

6 Q Right. And sometimes there's issues from the Hill.
7 You know, Members get concerned about something, and that has
8 to be sorted out and --

9 A Correct. And it wasn't clear, when I left, about
10 where was the provenance of this concern, but that Mulvaney,
11 presumably in his hat as sort of the head of OMB, you know,
12 not just as chief of staff, had put the hold on this.

13 Q So these holds can happen for any reason or no
14 reason?

15 A Well, there's usually a reason --

16 Q But good reason.

17 A -- as you just laid out. Well, it depends on one's
18 perspective of good reason.

19 Q Right.

20 A I mean, for some persons, it would be a good
21 reason; for others, it wouldn't be.

22 Q Right. I guess that's what I was trying to
23 establish.

24 A Yeah. Yeah.

25 Q Do you agree with that?

1 A I do agree with that.

2 Q And I have a couple followup questions from --

3 A Sure.

4 Q -- other rounds. And I know I asked you this
5 before, so forgive me.

6 You know, witnesses told us when we looked at the -- we
7 looked at the Hillary Clinton investigation, and we looked at
8 the beginnings of the Russia investigation last Congress with
9 Chairman Gowdy and Chairman Goodlatte. And so we had a lot
10 of firsthand testimony about --

11 A Right.

12 Q -- Christopher Steele and Bruce Ohr and so forth.

13 A Right.

14 Q And it was established -- I don't think anyone
15 really disagreed with this -- that Steele's mindset was that
16 he was desperate, or passionate, that President, you know,
17 Trump not be elected.

18 And so my question -- and forgive me if you've already
19 addressed this. I just want to be sure. Did you have any
20 idea whether he held that view?

21 A I had no idea whatsoever. I was shocked to find
22 out that he'd even been -- and undertaken this investigation,
23 honestly.

24 Q Okay.

25 A Because what I knew he was doing was, like,

1 political risk. I thought he was, like, doing, like,
2 controlled risks or Kroll.

3 Q Okay.

4 A And all in my discussions with him, I mean, he was
5 clearly very interested in building up a client base. I
6 almost fell over when I discovered that he was doing this
7 report.

8 Q Okay. So you have no idea whether he was desperate
9 and it related to his business interests or he was --

10 A I have no idea whatsoever.

11 Q Okay.

12 Do you ever have any communications with Bruce Ohr?

13 A No.

14 Q You ever met him?

15 A I mean, not since -- oh, I met him when I was NIO.

16 Q Okay.

17 A Because, I mean, he was at interagency meetings --

18 Q Right.

19 A -- given the nature of his position.

20 Q But did you ever have any communications with
21 Mr. Ohr about the Steele dossier?

22 A I did not.

23 Q Okay.

24 How about Mr. Simpson, Glenn Simpson, at Fusion GPS?

25 A I didn't know who he was until he was --

1 Q Okay.

2 A -- basically named in the press.

3 Q Okay. Fair enough.

4 President Trump has, from time to time, expressed
5 concern, among other descriptors, of Director Brennan,
6 Director Clapper, and their role, you know, in the run-up to
7 the 2016 election. Was there ever any friction caused by
8 that at the National Security Council between some of the
9 nonpartisan staff that had been serving under Director
10 Clapper and Director Brennan?

11 A Not that I noticed or was ever raised, you know, to
12 me. We did have discussions in the staff that we wanted to
13 see the nonpartisan depoliticization of intelligence. And
14 having been the National Intelligence Officer for Russia and
15 Eurasia previously, I personally didn't believe that
16 intelligence officials should take political stances. So we
17 did have a discussion about that. But there wasn't any
18 friction within, certainly, my directorate or with any other
19 directorates about this.

20 Q And did you ever have any discussions with Director
21 Brennan or Director --

22 A I did not.

23 Q You did not.

24 A I worked briefly --

25 Q About these --

UNCLASSIFIED

259

1 A -- with Director Clapper --

2 Q About these issues.

3 A -- when I was the NIO. But, no, I've had no
4 contact with Brennan. I don't think Brennan would know who I
5 am.

6 Q Okay.

7 And I think you've addressed this today on several
8 occasions, but I just want to be sure that, other than the
9 reference of Vice President Biden in the transcript, he has
10 never come up during the course of, you know, any NSC
11 activity regarding the Ukraine?

12 A He did not. No. It's only in the context of Rudy
13 Giuliani --

14 Q Okay.

15 A -- on the television repeatedly.

16 Q Okay. And, to your knowledge, Ambassador Volker or
17 Sondland -- nobody was encouraging the Ukraine to investigate
18 Vice President Biden?

19 A To my knowledge, no.

20 Q Okay. It was related to Burisma, and to the extent
21 the Vice President's son was a director on Burisma, that
22 could be a --

23 A Correct.

24 Q But it wasn't Vice President Biden --

25 A I did not hear that.

UNCLASSIFIED

1 Q -- himself. Okay. And you never heard of any
2 reason why anybody should be investigating Vice President
3 Biden?

4 A I also did not hear that, correct.

5 Q Okay.

6 A Yeah.

7 Q Do you have any concerns generally about the
8 circumstances of the transcript release of the July 25th
9 call?

10 A In what way would I have concerns?

11 Q Well, it lays bare the communications between, you
12 know, our leader and the --

13 A I have a lot of concerns now that I've read it,
14 but -- and, no, please, I'm not saying that joking. I mean,
15 it's raised an awful lot of concerns as a result of reading
16 it.

17 Q But as a more general matter, the declassification
18 of, you know, call records from heads of states, does that
19 concern you?

20 A Yes, it does, actually, as a general matter.

21 Q Because if --

22 A I mean, I was responsible for overseeing many of
23 these in my position, and I was deeply concerned at all times
24 that they would not be leaked.

25 And in the first period when I was at the White House

1 and the NSC in 2017 -- [REDACTED]
2 [REDACTED] -- there were a lot of leaks
3 of material, and I felt that this was incredibly damaging.

4 Q Uh-huh.

5 A Sometimes it was obvious it was being done to
6 settle scores internally, because there was blame apportioned
7 to people who were not responsible for the leakage. And I
8 firmly believe that one of the leakages of the preparation
9 packages for, basically, a phone call with Putin was used to
10 have General McMaster fired.

11 Q Okay. Is it due to that pervasive leaking that
12 these transcripts may have been moved to a different server
13 or placed under a different set of --

14 A I personally never heard of a transcript being
15 moved to a different server. That also -- those
16 circumstances trouble me. But we did move -- and I was
17 responsible for part of that, with our legal colleagues -- to
18 reduce the number of people who had access to any of these
19 transcripts --

20 Q Okay.

21 A -- including transcripts that I would write up from
22 meetings with heads of state.

23 Q Right.

24 A And I took that very seriously up to the records
25 office.

1 And there were a number of people who left, you know,
2 from the NSC because they felt very responsible for all of
3 these issues and felt that they couldn't continue with all of
4 this leaking going on. People were being accused, left,
5 right, and center, of having leaked documents. And I think
6 it's incredibly important for all of us to have integrity of
7 communications.

8 Q Uh-huh. And you're in favor of, if there is a
9 pervasive leak problem, to do something to fix it, correct?

10 A Yes, but not to put them on a system that isn't
11 designed for that. You can restrict the number of people who
12 have access to it fairly easily. I mean, we did a lot to
13 make sure that you could actually figure out who got access
14 to them. Having been, myself, accused multiple times of
15 leaking documents, we made sure that you could actually get a
16 record of who had --

17 Q Who accessed it.

18 A Who accessed it. Exactly. And, also, being very
19 mindful, and we were encouraging people to report if they saw
20 somebody trying to look at their computer, for example, if
21 they had access to something.

22 And then it was also -- usually, if there was some
23 concern about the sensitivity of the communication, having a
24 restricted number of people sitting in on the call.

25 Q And what do you know about the alternative server

1 arrangements?

2 A I'm not going to talk about it because it's
3 classified --

4 Q Okay.

5 A -- and it shouldn't be used for this kind of
6 material --

7 Q Okay.

8 A -- unless it has classified content. And very few
9 people have access to it.

10 Q Okay. And do you know -- can you tell us when the
11 migration occurred?

12 A I don't know anything about it. I only know what I
13 read in the paper, and, as I said, that raised concerns for
14 me as well.

15 Q Okay. Do you know if it occurred while you were --

16 A It couldn't possibly have done because I wasn't
17 there. I wasn't there for the call. So if the question was
18 could the transcript of the call be placed on the server
19 while I was there, the answer is no --

20 Q Oh, I'm sorry.

21 A -- because I had left.

22 Q My question was, the decision to move a certain
23 amount of information from one server to another, did that
24 occur while you were --

25 A Not related to transcripts. No.

1 Q Okay. So, if that did occur, it was after you
2 left --

3 A Correct. But it was -- I do not have any knowledge
4 of any transcript that came under my purview being moved to
5 that server.

6 Q Okay. There's been press reporting that there may
7 be other calls with, you know, other leaders dating back to
8 the earliest part of the administration.

9 A I cannot speak to that.

10 Q Okay.

11 The July 11th meeting with John Eisenberg you attended
12 with Secretary Perry's --

13 A Well, no. Our senior director for energy, Special
14 Assistant P. Wells Griffith, he used to work for Secretary
15 Perry.

16 Q Oh, okay.

17 A We had a lot of people detail from DOE. I mean,
18 again, you know, you need expertise.

19 Q Sure.

20 A And Wells is really a great energy expert.

21 Q So, if my recollection is correct, after the events
22 occurred, Ambassador Bolton referred you to Mr. Eisenberg.

23 A Correct.

24 Q And you walked across the hall --

25 A I had concerns myself -- well, I went out of the

1 building and up. John Eisenberg's office is in a separate
2 building from Ambassador Bolton --

3 Q Okay.

4 A -- and his office was opposite mine.

5 Q Right. So, on the 10th, you --

6 A I went over right away.

7 Q -- went to talk to him?

8 A Correct.

9 Q And you gave him the information?

10 A I mean, basically along, you know, the lines that I
11 said before, a quick summary, probably about in the same kind
12 of length and with detail that I gave to you.

13 Q Okay. And then he had you come back a day later
14 to --

15 A No, I asked if we could go back for a more lengthy
16 call and discussion and asked if we could include Wells
17 because he'd been in the meeting with me --

18 Q Okay.

19 A -- and I wanted to make sure that I wasn't, you
20 know, kind of, purporting things being said by Secretary
21 Perry to be part of this as well.

22 Q Uh-huh.

23 A Because Secretary Perry had been talking at great
24 length about energy sector and corruption. And at no point
25 did I think that anything Secretary Perry said referred to

1 any of these issues that are under discussion today.

2 Q Okay.

3 A And I wanted to make sure that I was 100 percent
4 correct and that when Secretary Perry had talking points,
5 that, you know, these were -- there was nothing in there
6 about any of these issues. Because, again, that would
7 explain the very abrupt response to Gordon Sondland's
8 interjection.

9 Q Okay. And nothing Secretary Perry --

10 MR. GOLDMAN: Mr. Castor, I'm sorry, do you mind? She
11 just said "these issues," and I want to make sure the record
12 is clear as to what she meant.

13 DR. HILL: Oh. Again, about Burisma and the
14 investigations on energy. I'm sorry. I should've been more
15 specific on that, yeah. And do you need any further
16 clarification?

17 MR. GORDON: No. Thank you.

18 DR. HILL: No? Okay.

19 MR. CASTOR: I'd like 30 seconds back. Just joking.
20 Just joking.

21 MR. GOLDMAN: It's all yours.

22 BY MR. CASTOR:

23 Q You didn't have any concerns about what Secretary
24 Perry was saying during that meeting?

25 A I did not. And I wanted to make sure that it was

1 very clear with John Eisenberg that, you know, kind of,
2 Secretary Perry was having one, kind of, set of discussions
3 and that, clearly, Ambassador Sondland seemed to be having a
4 different one. Because it was, you know, the --

5 Q Okay.

6 A -- disjuncture between the two that was what had
7 immediately got Ambassador Bolton alerted to it.

8 Q Okay.

9 A It also suggests that Ambassador Bolton --
10 Ambassador Bolton also, you know, suggested to me that this
11 was all related to the Rudy Giuliani discussions.

12 Q Right.

13 A So he had been, in the run-up to this -- every time
14 I was in his office, Giuliani was on the television. And I
15 told you he'd already told me that Giuliani was a hand
16 grenade that was going to blow everybody up.

17 Q Uh-huh.

18 Secretary Perry's, you know, involvement in this and his
19 issues with the LNG and the other, you know, gas issues, you
20 didn't have any issue with anything he was pursuing there,
21 did you?

22 A Not in the discussions that I had with him.

23 Q Okay.

24 A We always had discussions about -- I was the one
25 who often was pushing for Secretary Perry to show up around

1 Europe --

2 Q Okay.

3 A -- sending him off in a plane to Three Seas
4 Initiative meetings and other -- because he knew what we were
5 talking about. And we were trying to get him to integrate or
6 help us integrate --

7 Q Okay.

8 A -- all of the different aspects of European energy
9 to bring Ukraine into this so that it wasn't just the United
10 States trying to push on Nord Stream 2. So we got the
11 Germans, the Poles, the Romanians, and others to -- Czechs,
12 Slovaks -- to step up and to help the Ukrainians.

13 Q Uh-huh. And he led the delegation to President
14 Zelensky's inauguration?

15 A Correct.

16 Q And he was involved with, it's been reported, some
17 debriefing of the President about that --

18 A He was. Correct.

19 Q -- meeting. And with all of his involvement as it
20 relates to these issues with President Zelensky, you don't
21 have any concerns?

22 A I personally had no concerns.

23 Q Okay.

24 A I wasn't in all of the meetings, but there was
25 nothing in any of my interactions with Secretary Perry that

1 would lead me to think anything different.

2 Q Okay.

3 So getting back to the July 11th meeting with P. Wells
4 Griffith and John Eisenberg --

5 A Right.

6 Q -- and Michael Ellis, I think you said --

7 A I didn't say, actually, because I'm not sure that
8 Michael Ellis was in there.

9 Q Oh, okay.

10 A I did say that, on my last day in the office, on
11 September 3rd, that I met with both John Eisenberg and
12 Michael Ellis.

13 Q Okay. Okay. What was the final determination
14 of -- you gave a readout of what occurred in the meeting,
15 maybe what your concerns were, what Ambassador Bolton's
16 concerns were. What was the final --

17 A The final outcome of that was that John Eisenberg
18 said that he would talk about this further, and I presumed
19 that he meant with the White House counsel, with Pat
20 Cipollone, and that he would, you know, raise these concerns
21 about what Sondland had said.

22 Q Okay.

23 A And Wells Griffith, you know, obviously, was also
24 you know, concerned in the general sense about the
25 references, you know, that were going out with Giuliani and

1 the other two, Burisma. But he did not indicate that, you
2 know, Secretary Perry was following up on any of these
3 issues.

4 Q Okay. And was that loop ever closed? Did
5 Eisenberg ever reach out to you and tell you that he spoke
6 with Mr. Cipollone or any other officials?

7 A He said that he'd talked to Cipollone, but he
8 didn't then give me any further -- but, again, at this point,
9 having told so many people and also Charlie Kupperman, as
10 well as Ambassador Bolton, there was every indication that
11 they were all going to follow up on this.

12 Q Right. And presumably you articulated to John
13 Eisenberg --

14 A And, again, this is July 11th, and I'm leaving the
15 following week. So I don't have a lot of time --

16 Q Fair enough.

17 A -- to do, you know, followup.

18 Q Fair enough.

19 You related your other concerns about Sondland, not just
20 the --

21 A Well, I'd said multiple times to him and to others
22 that I was really worried about, you know, Sondland's
23 extensive potentially self-appointed portfolio and that this
24 could cause a whole range of problems, because we didn't have
25 any oversight or insight, often, into what he was doing.

1 And, again, it's like, you know, the guardrails were off and,
2 you know, kind of, there could be a lot of problems from
3 this.

4 And I'd already gone and spoken to our intelligence
5 directorate to ask them to reach out to the chief of station
6 at the EU mission to see if they could actually do a proper
7 briefing for him again.

8 And I'd expressed that to Eisenberg as well, because
9 that's also within Eisenberg's portfolio, to have these kinds
10 of concerns about, you know, kind of, inadvertent disclosure
11 or, you know, kind of, basically if somebody is being
12 targeted by foreign powers. And, basically, at this point,
13 Sondland has made himself a target for foreign powers,
14 because he's basically telling people, I can get you into the
15 White House, I can get you in to see Ambassador Bolton.

16 You know, you show up at the door, and, I mean, I think
17 all of you who have tried to show up at the door of the White
18 House will know it's actually not that easy to get in and you
19 have to go through all kinds of procedures. You can't just,
20 kind of, appear at the doorstep and be let in by the Secret
21 Service.

22 People were literally coming up at the door because
23 Sondland was -- and then he would, you know, literally call
24 up and shout at the assistants in the front office to make
25 sure that people were giving, you know, their passports or

1 any kind of information because he wanted to have meetings.

2 So he was already offering himself as a conduit to all
3 kinds of foreign officials to the White House for meetings.
4 And it didn't matter whether it was the President, but with
5 myself and others. I mean, that is, in itself, a problem.

6 Q And these are the concerns you related to
7 Eisenberg?

8 A Correct.

9 Q And he was going to talk to Pat Cipollone and he
10 was going to --

11 A Yeah. And, look, I'm sure from the point of view
12 of Ambassador Sondland, having never been in the diplomatic
13 service before, I mean, and being a business guy, I mean,
14 this is what you do. You kind of connect people, and you set
15 up meetings.

16 Q Uh-huh. Did you ever communicate to Sondland your
17 discomfort? I know you had talked about the one --

18 A I did. I mean, I had that -- which is probably why
19 Tim Morrison related to me that Ambassador Sondland was glad
20 to see the back of me when I had come back again.

21 Q Okay.

22 A Because we ended up with a kind of testy set of
23 final interactions, which, you know, kind of -- as I said,
24 you know, when I first started off, I had quite high hopes.
25 He was enthusiastic. He clearly wanted to serve, you know,

1 the -- he's a patriot. He wanted to serve the American
2 people. You know, I didn't get any indication, you know,
3 early off that he was going to go off on a tangent like this.

4 Q Uh-huh.

5 How did Volker deal with Sondland?

6 A I don't really know, because I also said to Kurt
7 that I didn't think he should be spending quite so much time
8 with Sondland. Because, again, if you recall, originally, I
9 was skeptical that Sondland was actually in charge of Ukraine
10 from any higher authority other than his own interest in this
11 issue.

12 Q Uh-huh. Okay.

13 MR. ZELDIN: Dr. Hill, you brought up the phone call
14 that President Trump had with President Putin and the leaks
15 that took place and the firing of General McMaster.

16 DR. HILL: Yes.

17 MR. ZELDIN: Do you know who leaked that information?
18 When you say that you believe that it was leaked in order to
19 get General McMaster fired, do you know who actually leaked
20 it?

21 DR. HILL: I don't know for sure, so I won't start to
22 speculate. But I'm pretty confident and, you know, kind of,
23 just from other discussions that I've had more recently, that
24 this was exactly what happened, that this was leaked to get
25 rid of him.

1 I was on, you know, kind of, phone calls after that with
2 General McMaster when he was being ripped open on this topic,
3 blaming his staff for leaking this. And I know that I did
4 not leak it and that my team did not leak it. And we offered
5 to resign on that day, because it had clearly been used as
6 part of an internal score settling.

7 MR. ZELDIN: You believe you know who leaked it --

8 DR. HILL: Could I just offer --

9 MR. ZELDIN: -- but you're not sure?

10 DR. HILL: -- to be clear, that this particular "do not
11 congratulate" card was not intended, even, to be briefed to
12 the President. So that's kind of part of the backstory that
13 isn't publicly known. Because we knew that the President was
14 going to congratulate him anyway, because that's -- you know,
15 the President always congratulates people. And we always
16 have a lot of people wanting to put things into, you know,
17 Presidential call packages for the historical record. And it
18 was the State Department that had requested that we write
19 that in.

20 MR. ZELDIN: I guess just due to the subject matter of
21 why we're here, I won't ask further on that, but in another
22 setting I'd have some followup questions.

23 DR. HILL: But this gives you the, kind of, sense of how
24 these things can be manipulated, you know, by people, which
25 is also deeply disturbing. Because, again, this is a

1 national security issue. And no matter what your views are
2 of General McMaster, he's an American hero who served his
3 country, you know, to great distinction. And to be pushed
4 out over the leaking of a stupid card that wasn't even
5 briefed to the President is pretty ridiculous.

6 MR. ZELDIN: Earlier --

7 DR. HILL: Whether he was the right person for the job
8 or not is another matter, you know, that you all can debate
9 at some point.

10 MR. ZELDIN: Earlier on, after you had referenced the
11 term "drug deal," Chairman Schiff asked a question
12 referencing it, where he used the word "illicit" in his
13 question. Do you recall that question and answer with
14 Chairman Schiff earlier?

15 DR. HILL: I clarified, of course, that the drug deal
16 was an ironic and sarcastic statement that Ambassador Bolton
17 made.

18 MR. ZELDIN: Yeah. Was your opinion that it was -- I
19 just want to be careful with the use of the word "illicit."
20 Do you believe that it was illegal or no?

21 MR. WOLOSKY: What are you referring to?

22 DR. HILL: What was illegal?

23 MR. ZELDIN: I just -- it was one question and answer
24 from earlier on --

25 MR. WOLOSKY: You can have it either read back --

1 MR. ZELDIN: That would be fantastic.

2 DR. HILL: Yeah, that would be, yeah, because I'm --

3 MR. ZELDIN: And I think that might serve everybody --

4 DR. HILL: I mean, clearly, Ambassador Bolton was
5 worried that something was going on, which is why he wanted
6 me to go to John Eisenberg.

7 MR. ZELDIN: We might get back to that. Just for sake
8 of time --

9 MR. GOLDMAN: It's going to take a long time to get back
10 to that. If you could just rephrase the question?

11 DR. HILL: I'm afraid I can't remember the exact
12 phrasing of Chairman Schiff's question.

13 MR. ZELDIN: You have a reputation, Dr. Hill, of being a
14 master note-taker. And I don't know if this reputation is
15 accurate --

16 DR. HILL: I haven't been doing all of it quite as much
17 as I normally do.

18 MR. ZELDIN: Apparently, you -- and you took a lot of
19 notes all the time, and you had books. The -- first off, is
20 that accurate?

21 DR. HILL: That's correct. I grew up in a town that was
22 very impoverished, and we didn't have textbooks. So I
23 learned to take notes from basically first grade onwards,
24 because, you know, otherwise, I wouldn't have learned
25 anything. And so it's a habit as much as anything else.

UNCLASSIFIED

277

1 MR. ZELDIN: The books themselves, were they --

2 DR. HILL: They're all in the records.

3 MR. ZELDIN: They all have been turned back in?

4 DR. HILL: Correct. On the 19th, I filled up more boxes
5 than I think is normal and spent lots of time putting in all
6 the forms about all the dating of all of those books, and I
7 handed them over to Presidential records.

8 MR. ZELDIN: And you don't have in your possession any
9 of those books or copies of those books?

10 DR. HILL: I do not, and that would be illegal.

11 MR. ZELDIN: Did you ever disobey any orders you
12 disagreed with or refuse to implement superiors' policies
13 that you disagreed with?

14 DR. HILL: I did not. And if I'd come to a juncture
15 where I'd been forced to do that, I would've left.

16 MR. ZELDIN: And earlier on, at the beginning of this
17 45 minutes, you were asked [REDACTED]. [REDACTED]
18 [REDACTED]?

19 DR. HILL: [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED]

UNCLASSIFIED

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED] I

19 did not start formally until April 3rd, and the
20 administration came in in January.

21 I had already been offered the job at that particular
22 point, but, as I mentioned before, General McMaster came on
23 board. I'd been hired by General Flynn and K.T. and General
24 Kellogg, and so we had to wait a period to see if General
25 McMaster wanted to continue with the hiring process.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 MR. ZELDIN: And I apologize for bouncing around a
8 little bit. Just some questions from earlier rounds.

9 September 3rd, you mentioned that you came back, spoke
10 to your team, and one of the people you spoke to was Tim
11 Morrison.

12 DR. HILL: Correct.

13 MR. ZELDIN: And that's when you first became aware that
14 there may be an issue?

15 DR. HILL: Well, I just noticed that everybody was not,
16 you know, kind of, as chipper as, you know, I was expecting.
17 Well, I mean, I was going in just very briefly --

18 MR. ZELDIN: Did you --

19 DR. HILL: -- but there seemed to be, you know, just --
20 people just seemed tense. And, you know, I put it down
21 initially to the fact that there was a transition, you know,
22 underway and, you know, all kinds of things. But I wasn't
23 exactly -- I was just being honest in saying that I felt at
24 the time that the atmosphere, you know, was different and
25 people seemed worried.

1 MR. ZELDIN: But you didn't speak to them specifically
2 as to what that issue was?

3 DR. HILL: No. I just said, how have things been? And,
4 you know, a couple of people said, not so great.

5 MR. ZELDIN: But nothing more specific than that?

6 DR. HILL: Correct.

7 But I had seen -- and I mentioned that before -- that
8 there'd been -- and this is what I did raise to Mr. Castor
9 when you asked about meeting with Michael Ellis and John
10 Eisenberg. As part of my out-briefing, I had to have a
11 meeting with them.

12 And I had seen an email sometime in the -- I don't know
13 what exactly timeframe it would've been -- maybe late August,
14 early September, just as I was, you know, coming back to
15 D.C. from my vacation, that said we had to retain all
16 documents pertaining to Ukraine.

17 And so I asked them, did I have to do anything? I also
18 told them I'd already handed in all my documents before I saw
19 this. So I was concerned about my own obligations, making
20 sure I'd done proper retention, because, you know, I hadn't
21 seen that before I left. And, obviously, I might have been
22 more extensive in even keeping some of, you know, the just
23 generic intel pieces you can often just, kind of, archive
24 electronically. Because I didn't know whether it meant, you
25 know, you had to keep anything that had, you know, "Ukraine"

1 on top and what that meant.

2 And they didn't tell me anything in particular. They
3 just said that I'd already done what I needed to do.

4 MR. ZELDIN: So, on July 25th, you were snorkeling
5 during the call. And at the end of the --

6 DR. HILL: I could've been sleeping, actually, in that
7 time, given the time difference, but anyway --

8 MR. ZELDIN: Hopefully not at the same time.

9 DR. HILL: Hopefully not, no.

10 MR. ZELDIN: At the end of August, you said you returned
11 home from vacation. Was that the same vacation from the end
12 of July --

13 DR. HILL: I'm afraid it was. I know that sounds
14 outrageous. But I didn't take much vacation in the time I
15 was at NSC, and they owed me 6 or 7 weeks of back pay, and
16 they said they'd prefer to do it as a vacation rather than as
17 a payout.

18 MR. ZELDIN: That communication --

19 DR. HILL: So I took an outrageous vacation.

20 MR. ZELDIN: That communication at the end of August is
21 the first communication that you received to alert you that
22 there may be some issue related to Ukraine?

23 DR. HILL: Correct.

24 MR. ZELDIN: And who was the --

25 DR. HILL: It was an NSC -- you know, from the office of

1 the legal counsel, so from John Eisenberg and his staff.
2 Very generic. We've had these before, you know, related to a
3 congressional inquiry or anything else, saying that we had to
4 retain all documents pertaining -- any kind of
5 communications.

6 And, you know, as I said, I'd already handed in my box
7 and, you know, did a big purge of my office. And I'd also
8 handed over things to colleagues that I thought would be
9 useful for them for continuity purposes. And that's why I
10 was nervous. You know, I thought, oops, did I retain
11 everything I was supposed to? And I didn't know what this
12 was about.

13 MR. ZELDIN: In an earlier round, we ran out of time. I
14 was asking about Ambassador Sondland --

15 DR. HILL: Yeah.

16 MR. ZELDIN: -- and how he had stated -- or you had
17 stated that he asserted himself as a lead for Ukraine?

18 DR. HILL: Correct.

19 MR. ZELDIN: And that his authority was --

20 DR. HILL: He said he was in charge of Ukraine.

21 MR. ZELDIN: And he stated that his authority was
22 granted to him by the President?

23 DR. HILL: Yeah, because I said, "No, you're not." And,
24 you know, I mean, sorry, it was kind of a bit of a rude
25 retort because I was just so, "What?" And I said, "Well, we

1 have Ambassador Taylor who's been sent out as Charge. Who
2 says you're in charge of Ukraine?" It wasn't exactly the
3 most diplomatic of responses on my part. And he said, "The
4 President." And I was like, "Oh."

5 MR. ZELDIN: But you don't know whether or not he
6 actually was given that authority from the President.

7 DR. HILL: I do not. And nobody else seemed to be aware
8 of that either.

9 MR. ZELDIN: There's a possibility that Ambassador
10 Sondland was appointing himself as the lead for Ukraine and
11 stating that it was --

12 DR. HILL: I think you should ask Ambassador Sondland
13 when he submits his deposition.

14 MR. ZELDIN: Yeah, I will. So we just don't know one
15 way or the other.

16 DR. HILL: I do not know. There was never any kind of
17 directive. Ambassador Bolton was not informed, and people at
18 the State Department did not seem to be informed about this.
19 I would've thought that Assistant Secretary Reeker, you know,
20 and others would've known, if that was the case.

21 MR. ZELDIN: One last question before I turn it back
22 over. The calendar that we got with your document
23 production, very detailed. You said it was prepared by
24 someone else. Who --

25 DR. HILL: My assistant. I mean, it wasn't prepared. I

1 mean, it's my schedule. It's just a schedule.

2 MR. ZELDIN: Your assistant post-leaving-the-White-House
3 or from when you were at the White House?

4 DR. HILL: No, it's actually only from the time that my
5 assistant was making the schedule. So my assistant, this
6 particular last assistant, [REDACTED], who I mentioned to
7 you before, he only worked with me for a year because, like
8 in many other positions, there was a rotation of detailees.
9 And the role of a special assistant is to keep the schedule.

10 MR. ZELDIN: Thank you.

11 DR. HILL: So, I mean, it wouldn't also have every entry
12 on it of everything I ever did either.

13 MR. CASTOR: Do you have something?

14 MR. JORDAN: Dr. Hill, Ambassador Yovanovitch said that
15 President Zelensky, you know, had one priority and ran his
16 campaign on ending corruption in Ukraine. Do you share that
17 belief?

18 MR. GOLDMAN: Mr. Jordan, I'm sorry to interrupt, but I
19 don't believe that was what Ambassador Yovanovitch testified.
20 And maybe if we could just ask -- she wasn't there for this,
21 so --

22 MR. JORDAN: I'm reading from her statement. She said,
23 "During the 2019" -- which I think has been public. And I
24 think Dr. Hill --

25 DR. HILL: The public statement. Okay.

1 MR. JORDAN: I think Dr. Hill said she read it.

2 DR. HILL: Yeah, I had read that. Yeah.

3 MR. JORDAN: "During the 2019 Presidential elections,
4 the Ukrainian people answered the question once again.
5 Angered by insufficient progress in the fight against
6 corruption, Ukrainian voters overwhelmingly elected a man who
7 said that any corruption will be his number-one priority."

8 DR. HILL: He did say that, yeah.

9 MR. JORDAN: Okay.

10 DR. HILL: I mean, that was his campaign pledge.

11 MR. JORDAN: But then, earlier, you also said that you
12 never know, right?

13 DR. HILL: Yeah. I said that we were concerned, as you
14 might recall, to an earlier question, about the potential
15 influence of Igor Kolomoisky, who was an oligarch, who was
16 the owner of the television and, you know, production company
17 that Zelensky's program, "The Servant of the People," was
18 broadcast on.

19 MR. HECK: Your time has expired.

20 I'm inclined to take a 5-minute bio break unless
21 somebody objects.

22 Hearing no objection.

23 [Recess.]

24 MR. HECK: Very good. Let's go back on the record.

25 Dr. Hill, I'd like to start, before turning it over to

1 Mr. Goldman.

2 DR. HILL: Certainly.

3 MR. HECK: You said in answer to an earlier question
4 from Mr. Noble that the President had been briefed early in
5 the administration that the Ukraine Government did not
6 interfere in the 2016 election in the U.S. How do you come
7 to know that?

8 DR. HILL: I know that from my interactions with General
9 McMaster and Tom Bossert and many of the National Security
10 staff.

11 MR. HECK: They both informed you that they had briefed
12 the President thusly. Is that correct?

13 DR. HILL: Well, they informed me that those briefings
14 had taken place. But I think, you know, part of those
15 briefings were also conducted by the intelligence services.

16 MR. HECK: Good. Very good. Thank you.

17 Mr. Goldman?

18 MR. GOLDMAN: I'll turn it over to Mr. Noble.

19 MR. NOBLE: Thank you.

20 BY MR. NOBLE:

21 Q Dr. Hill, just sticking on that point for a moment,
22 can you say anything about how Mr. Giuliani or others working
23 with him pursuing this theory that Ukraine interfered in the
24 2016, even though it's been determined that they did not, how
25 does that affect Russia? And can Russia take advantage of

1 that in any way?

2 A Of course Russia can take advantage of this. I
3 mean, actually, President Putin's whole schtick since 2016
4 has been, "We didn't do it."

5 Q And tried to pin it on Ukraine?

6 A Pin it on whoever, you know, kind of else, and
7 alternative theories.

8 Q Are you aware of any conversations between
9 U.S. Government officials and Russia or Russian officials
10 about this theory that Ukraine interfered in 2016?

11 A I'm not aware of that.

12 Q Okay.

13 Are you aware of -- well, did you watch any of the press
14 conference that was held between President Trump and
15 President Zelensky on the sidelines of the U.N. General
16 Assembly in September?

17 A I confess I did not.

18 Q You did not watch it?

19 A I was with my mother, and I did not watch it. I'm
20 sorry.

21 Q Okay. Well, during that press conference,
22 President Trump said something along the lines that President
23 Zelensky should meet with Vladimir Putin and settle their
24 disagreement. Was a Putin-Zelensky meeting ever part of
25 U.S. policy when you were working at the National Security

1 Council?

2 A I encouraged a Putin-Zelensky meeting to the
3 Russians when, you know, I was speaking to them as well.

4 Q To what end?

5 A To, indeed, have Putin -- because for a period of
6 time, Putin was refusing to acknowledge Zelensky as the new,
7 legitimately elected President of Ukraine. And we had been
8 encouraging -- we, writ large -- the Russians to adopt a
9 different strategy towards Ukraine.

10 And, ultimately, if Ukraine and Russia make peace, it
11 has to be on Ukraine's terms, and it would be much better to
12 be negotiated by Ukraine than, frankly, done by
13 intermediaries. I mean, I think that's the case in point for
14 most disputes and most conflicts. International mediation
15 can only do so much. We've still got Kosovo-Serbia, for
16 example, where we're trying to encourage them to have direct
17 talks. So I don't think that that, in and of itself, is
18 anything that anyone should be concerned about.

19 And I had gone out to Moscow in between the two rounds
20 of the Ukrainian Presidential election at a point where --
21 you know, there was an earlier question, you know, were we
22 sure that Zelensky was going to be elected? We were not.
23 But, certainly, between the two election rounds, Zelensky
24 looked like he had a pretty good chance of becoming the
25 President.

1 And I laid out to the Russians that, you know, maybe
2 they should take a fresh look at this, that, you know,
3 they're creating lifelong enmity with an otherwise fraternal
4 country, people who've been close to them, you know, for
5 hundreds of years of history, and that, you know, they would
6 be well-served to not be just so punitive with the Ukrainians
7 and to, you know, rethink over the longer term.

8 We also had in June a trilateral meeting with the
9 Russians and Israelis in Jerusalem just before the G-20 in
10 Osaka. And you're probably aware of that happening. And I
11 conducted meetings with my counterparts from the Russian
12 National Security Council, by which time, of course,
13 President Zelensky had already been elected, and I tried to
14 urge them to take a different approach.

15 Because there were two issues that one could immediately
16 refute with Zelensky's election. The first was the Russians
17 were saying that Ukraine was being run by a fascist
18 government and one that was also hostile to Russian speakers.
19 Well, Zelensky is a Russian-speaking Jew from basically
20 eastern Ukraine. All of his family ties are in Russia. He'd
21 spent an awful lot of time in Russia. He can neither be
22 described as a fascist or as somebody who is hostile towards
23 Russia or Russian speakers. And they couldn't argue with
24 that. And, basically, the point was, you know, this is a
25 time for reassessment.

1 But they were waiting, honestly -- and this is why it
2 gets back to before, where Russia was looking for as much
3 leverage over Ukraine as they possibly can. They were
4 obviously waiting to see how things unfolded with the Rada,
5 the parliamentary elections, which took place later on in
6 July, and to try to see there how much leverage they would
7 have over Zelensky. They were still holding on to the
8 sailors from the Kerch Strait incident, and we'd been trying
9 to push them to release them. And, in fact, we thought that
10 they might around Orthodox Easter in April, and they didn't.
11 We'd been given all kinds of signs that they might.

12 And it was very clear that the Russians were looking for
13 anywhere to, you know, basically put Ukraine in a weaker
14 position so that when they do finally sit down with them
15 they'll have the upper hand and Ukraine will have, you know,
16 little choice but to go along with, you know, many of the
17 issues that were already on the table, of maximum autonomy
18 for Luhansk and Donyetsk and basically having a veto over
19 Ukrainian foreign policy, including any chance that Ukraine
20 might have, somewhere off in the future, of their joining
21 NATO or even becoming, you know, kind of a member state of
22 the European Union at some point.

23 Q Right.

24 A So it was all very obvious, you know, at this
25 particular juncture, that Russia was looking for leverage.

1 But we were hoping that we could get, you know, kind of,
2 Putin to see it's somehow, you know, kind of, in his
3 interest, a recalculation and a recalibration of Russian
4 policy, to at least begin to engage with Zelensky.

5 Q Would a meeting between President Trump and
6 President Zelensky following Zelensky's election be something
7 that the Russians would be paying attention to?

8 A Sure.

9 Q Why is that?

10 A Well, first of all, they are very interested in
11 finding out whether they can drive a wedge between Ukraine
12 and the United States. I mean, President Putin has been out
13 in public -- this is not, you know, classified information or
14 anything from the course of my work, but you can look at any
15 public pronouncement of President Putin about Ukraine, and
16 it's unremittingly negative. And he also, himself, always
17 points to corruption in Ukraine. It's become, kind of,
18 shorthand for, "This is not a real country, this is not a
19 sovereign country, and this is not a country that deserves
20 support from the U.S. or the Europeans at all."

21 Q Okay.

22 I want to go back to the July 25th call summary. And we
23 were talking about, I believe in the last round, the transfer
24 of that summary into the NSC Codeword Classified System --

25 A Uh-huh.

UNCLASSIFIED

292

1 Q -- which I believe is sometimes referred to as
2 [REDACTED]. Is that -- are you familiar with that acronym?

3 A I am kind of familiar, yeah.

4 Q Okay. Do you believe there was any reason for this
5 particular call, the July 25th call, summary to be placed in
6 the [REDACTED] system?

7 A No.

8 Q Okay. And why not?

9 A Because that's not the appropriate place for these
10 kinds of transcripts. As I said before, they can be
11 restricted, in terms of their access, very easily, and you
12 can keep track of who has access to them.

13 Q And when you were at the NSC, were you aware that
14 some transcripts were being transferred to the -- or, not
15 transcripts -- summaries of meetings or telephone calls
16 between the President and foreign leaders were being
17 transferred to --

18 A I was not. And the only circumstances in which
19 that would be conceivable would be if it dealt with
20 classified information.

21 Q Highly classified information?

22 A Yes. But, I mean, we do occasionally talk to
23 counterparts about that kind of information.

24 Q Who would have the authority to order a call
25 summary like the July 25th call summary to be transferred to

UNCLASSIFIED

1 the [REDACTED] system?

2 A I'm not entirely sure, to be honest, because I've
3 never had to deal with that.

4 Q Okay.

5 A I imagine that -- well, I shouldn't imagine. I
6 basically -- I'm not really clear. I would have to refer you
7 back to, you know, other officials to ask for that.

8 Q Okay.

9 A That was not, certainly, in my purview. I would
10 never be able to, you know, make a determination to have it
11 in that system.

12 Q And I think I know the answer to this, but are you
13 aware of whether or not John Bolton or, before him,
14 H.R. McMaster was aware of this practice and that this was
15 going on?

16 A I don't believe that it happened on any occasion
17 when General McMaster was there. I'd never heard of anything
18 about it. You would have to ask Ambassador Bolton.

19 Q Okay.

20 There's been public reporting about the May 2017 meeting
21 between Ambassador Kislyak, Foreign Minister Lavrov, and
22 President Trump in the Oval Office. Did you participate in
23 that meeting?

24 A I did not.

25 Q You did not. Did you get a readout from that

1 meeting?

2 A I did.

3 Q Okay. And do you know whether the readout or the
4 notes or the summary of that meeting were placed in the [REDACTED]
5 system?

6 A To my knowledge, it was not.

7 Q Okay.

8 A But I don't know for sure.

9 Q Okay.

10 A There were concerns about that transcript being
11 leaked, and so it was certainly being preserved. And, also,
12 the fact that it was later on requested by Mr. Mueller in the
13 course of his investigation. So there was every effort made
14 to keep that transcript secure.

15 Q And what were the concerns about that being leaked?

16 A Well, I think there's concerns every time -- it's
17 been mentioned before -- about the integrity of
18 communications, of leaking information.

19 Q But was there anything in particular about the
20 conversation or the --

21 A Well, the conversation seemed to immediately end up
22 in the press.

23 And let me also just keep saying that, every time we get
24 bent out of shape on issues like this, remember, there are
25 foreign participants in all of these meetings who take just

1 as good of notes as I do or, in some cases, could very easily
2 be recording some of these meetings. Because when you go --
3 not in the White House, of course, but if you're in the G-20
4 or you're in some other public setting, UNGA, I am not
5 convinced that these things are screened.

6 And I'll just give you an example. When I was at one of
7 the G-20 meetings, a member of the Chinese delegation came in
8 with a big backpack which they left on the chair in one of
9 the meeting rooms, and it was there for the entire time.

10 Q When you got the readout of that May 2017 meeting,
11 was there anything that caused alarm for you?

12 A Can I ask why we're going over the May Oval Office
13 meeting? Because I don't see how it's directly related to
14 Ukraine.

15 Q Well, there's been public reporting about that
16 particular meeting being particularly sensitive within the
17 White House and it being -- the transcript or readout, the
18 summary being placed in the [REDACTED] system.

19 A I was not aware that it was placed in the [REDACTED]
20 system.

21 Q Right. And I understand that's your --

22 A Yeah.

23 Q -- testimony, but we're trying to figure out why
24 that meeting, in particular, could have been --

25 A Well, that meeting --

1 Q -- treated the same way as the July 25th
2 call summary.

3 A That meeting was scrutinized because of, again, the
4 press reporting that the President, who had the authority to
5 declassify information, had talked about something that was
6 previously codeword, in a general sense. And in actual fact,
7 if that was the case, then there would be a reason to put it
8 on [REDACTED]. Whether he'd said it to, you know, kind of,
9 unauthorized individuals or not, if he had declassified that,
10 but it would still technically be classified codeword.

11 Q Okay.

12 A And, indeed, when we had the readout, we had to
13 redact portions of it. So that actually would not be in any
14 way inappropriate on that occasion.

15 Q Okay.

16 Going back to the July 25th call summary, some of the
17 portions I read included ellipses. And there's been some
18 public reporting and speculation that there could be other
19 things that were said.

20 Are you aware of, in the process of creating this type
21 of call summary, whether there's a more word-for-word
22 transcript that's created?

23 A Transcripts that I produced often had ellipses in
24 them.

25 Q Okay.

1 A I put ellipses in.

2 Q Can you explain to us the process by which these
3 types of call summaries are created, from when the call
4 occurs to when this type of summary is drafted?

5 A There's been some public discussion of this, but I
6 feel that this might be verging into secure, you know --

7 MR. WOLOSKY: I'm sorry. Could you repeat --

8 MR. NOBLE: Yeah. I was asking her to explain the
9 process of creating a call summary. So there's a call that
10 occurs. What's the process by which notes are taken? Is
11 there a verbatim transcript created?

12 DR. HILL: Is that fine to talk about?

13 MR. WOLOSKY: You can talk about the process --

14 DR. HILL: Process. Okay.

15 I mean, some of this has already been --

16 MR. NOBLE: Right.

17 DR. HILL: -- made public. I mean, I saw a piece of it
18 on CNN or something that was reporting to say how the
19 transcript would've come into being.

20 But the White House Situation Room, they produce that
21 transcript. They actually talk in real-time through kind of
22 a -- I don't know, it's almost like -- I don't know whether
23 you have one as a stenographer, but they actually sort of
24 talk through a device in real-time as they're hearing the
25 speech and the exchange. And that's how --

UNCLASSIFIED

298

1 Q Who talks through the device?

2 A The White House Situation Room staff. And that
3 produces a kind of a word voice-recognition version of their
4 voice. So they are --

5 Q And they're repeating what the Presidents are
6 saying?

7 A And what the translator is saying on the other end
8 as well. And that's probably -- I mean, those of you who,
9 you know, are familiar with voice recognition -- is probably
10 to deal with the fact that translators and others have
11 accents. I have an accent. So, you know, it would make it
12 difficult for the voice-recognition software.

13 And, also, I think, at this point, we no longer tape our
14 President. That doesn't mean to say that the other party
15 don't tape all of these communications, just to be very clear
16 here.

17 So that rough transcript is then produced and then sent
18 to either the director or the senior director or both,
19 whoever is available, to look through, and then to others who
20 were on the call that's pertinent to their area of expertise
21 or who have taken notes --

22 Q Okay.

23 A -- to check this for accuracy. And sometimes there
24 can be some pretty hysterically funny misrepresentations of
25 what people heard.

UNCLASSIFIED

1 Q Okay. I won't ask about examples.

2 So once you or your director reviews the, kind of, raw
3 transcript created by the voice-recognition software and you
4 make all the corrections, are you the ones who draft the
5 summaries, like the one that we see for the July 25th call?
6 Who drafts that?

7 A This, to me, looks like the transcripts that we
8 would draft.

9 Q Okay. And then where does the transcript --

10 A It goes to our --

11 Q Are there further layers of approval?

12 A It goes through further layers of approvals. That
13 was managed by the Executive Secretariat of the NSC --

14 Q For the National Security Council?

15 A Correct.

16 Q Okay.

17 A And then with the White House review, and it goes
18 to the National Security Advisor and others as well -- and
19 the Deputy National Security Advisor -- to take a look at.

20 Q Okay.

21 Skipping around a little bit, are you aware of a
22 compilation of documents, you might say a dossier, that Rudy
23 Giuliani created about Ambassador Yovanovitch and --

24 A Only from news reports.

25 Q -- others? Okay. You weren't aware of that at the

UNCLASSIFIED

300

1 time --

2 A I was not, no.

3 Q -- that that was created that it came in a White
4 House envelope to the State Department?

5 A I had never heard anything about that.

6 Q Did you ever see those types of materials or a
7 similar dossier floating around the White House?

8 A I did not.

9 Q Okay.

10 I believe in the last segment of testimony you said that
11 you had some conversations with Deputy Secretary of State
12 Sullivan --

13 A Correct.

14 Q -- about Rudy Giuliani and your concerns?

15 A Uh-huh.

16 Q How many times did you speak with Deputy Secretary
17 Sullivan?

18 A I saw Deputy Secretary Sullivan quite a lot at
19 events, and I often talked to him on the sidelines of this.
20 So, often, these were conversations that I was just having
21 with Deputy Secretary Sullivan, who is a pretty wonderful
22 individual. And, you know, I know he's now been nominated to
23 be Ambassador to Russia. But he and I would talk a lot on
24 the margins of events and other meetings.

25 Q And did you raise the --

UNCLASSIFIED

UNCLASSIFIED

301

1 A I did.

2 Q -- concerns you had?

3 A Frequently. And he was also concerned.

4 Q Okay. Did he say anything in response when you
5 raised your concerns about Giuliani's activity?

6 A He just expressed that he was also concerned. He
7 didn't give any specifics, you know, back again. He just
8 gave me a good, you know, respectful hearing. And it was
9 clear that he was very upset about what had happened to
10 Ambassador Yovanovitch.

11 Q Did he ever say whether he ever tried to, himself,
12 do something about it or get Secretary Pompeo to do something
13 about it?

14 A He said that both he and Secretary Pompeo had tried
15 their best to head off what happened.

16 Q Did he explain how they had tried?

17 A He did not.

18 But I was also very much struck by the commentary in her
19 public statement, in Ambassador Yovanovitch's public
20 statement, that they'd been under pressure since summer of
21 2018. I had no idea. Because, for me, I only -- you know,
22 obviously, as I mentioned before, I just started to pick up
23 that there something after January of this year.

24 Q Uh-huh.

25 A And, most definitely, when I saw what I think was a

UNCLASSIFIED

1 March 20th article in The Hill by John Solomon, then I looked
2 back and saw that there were, you know, other similar
3 reports. And then, of course, I started to watch
4 Mr. Giuliani on television.

5 Q Okay.

6 Did you ever speak with Michael Ellis about your
7 concerns?

8 A I'm sure I did. But, I mean, not at the request
9 of, as I mentioned before, when I went in to talk to --

10 Q Mr. Eisenberg?

11 A -- Mr. Eisenberg. Yeah.

12 Q Okay. So these were --

13 A Because I saw all of them, both Michael Ellis and
14 John Eisenberg, pretty much daily, sometimes multiple times
15 in the day. Again, our offices were opposite each other.
16 And it was, kind of, they were with me working on a whole
17 range of issue. This was a big portfolio, and I needed a lot
18 of legal advice. We'd often looked at treaties and other
19 issues that we were trying to coordinate, and we needed them
20 to work with the legal staff at the State Department, for
21 example, or to reach out to DOD for us on a whole range of
22 issues.

23 And I just, you know, wanted to say that they were the
24 epitome of professionalism, and I've had a great working
25 relationship with them. And I had no hesitation in going to

1 express concerns to them about any issue.

2 Q And --

3 A So I probably talked to Michael on a number of
4 occasions about this, just in a general, hey, you know, this
5 is going on and I'm worried about it.

6 Q Uh-huh. Did you ever ask him to do anything in
7 particular about --

8 A I did not. I mean, I was raising concerns, but I
9 did do the official reporting to John Eisenberg.

10 Q Okay. And did Mr. Eisenberg or Mr. Ellis ever tell
11 you that they had taken steps to try to address the problem
12 or had reported it further up the chain in the White House
13 counsel's office or elsewhere?

14 A Yeah, I already responded to that, that I believe
15 that John Eisenberg talked to Pat Cipollone --

16 Q Okay.

17 A -- in the White House counsel's office.

18 Q What about Mr. Ellis?

19 A I do not know about that. And, again, you know,
20 July 11th is just -- 10, 11 -- is just the week before I'm
21 leaving.

22 Q Okay.

23 On the issue of the security assistance freeze, had
24 assistance for Ukraine ever been held up before during your
25 time at the NSC?

UNCLASSIFIED

304

1 A Yes.

2 Q For what -- and when was that?

3 A At multiple junctures. You know, it gets back to
4 the question that Mr. Castor asked before. There's often a
5 question raised about assistance, you know, a range of
6 assistance --

7 Q But for Ukraine specifically?

8 A Yeah, that's correct.

9 Q Okay. Even though there's been bipartisan support
10 for the assistance?

11 A Correct.

12 Q Okay.

13 A But there's been a lot of hold-up of other
14 assistance, you know, a lot of additional questions asked. I
15 mean, again, clarification. You know, new people -- again,
16 remember, also, there's a lot of turnover in staff at this
17 point. So, as Mr. Castor was sort of suggesting, a lot of
18 people suddenly want to know why is this happening, you know,
19 kind of, who authorized this, what's the nature of it.
20 Sometimes it was just informational.

21 Q But at this point in time, when you learned about
22 the freeze, July 18th I believe, everyone in the interagency
23 had blessed it, so to speak, and had signed off on the aid.
24 And so, as far as you know, there was nothing that
25 legitimately should be holding it up.

UNCLASSIFIED

1 A Correct.

2 Q Okay.

3 On the issue of security assistance for Ukraine, are you
4 familiar with the first sale of Javelins to Ukraine --

5 A I am.

6 Q -- back in 2018? March or April timeframe, is that
7 correct?

8 A Yes, that's correct.

9 Q Okay. Around the same time, are you aware that
10 Ukraine stopped cooperating with Special Counsel Mueller's
11 investigation?

12 A I was not aware of that.

13 Q Okay. Are you aware that they also stopped four
14 separate investigations of Paul Manafort around this same
15 time?

16 A I was also not aware of that.

17 Q Are you aware that Ukraine allowed Konstantin
18 Kilimnik, who was a witness in the Mueller investigation,
19 slip across the border to Russia?

20 A I was aware of that.

21 Q You were aware of that?

22 A Uh-huh.

23 Q What did you know about that?

24 A Well, Konstantin Kilimnik is somebody -- if we're
25 in the space of who knew people in the past, he used to work

1 for the International Republican Institute in Moscow. And
2 when I was working at the Kennedy School of Government on
3 technical assistance projects, you know, we had a lot of
4 interactions with IRI as well as NDI, and Konstantin Kilimnik
5 was there. And all of my staff thought he was a Russian spy
6 at the time that I was working with.

7 So Konstantin Kilimnik was somebody who popped up on the
8 radar screen from time to time. So, when his name came up, I
9 immediately had the, you know, reminders of the 1990s and of
10 people being somewhat suspicious of Kilimnik. And so, you
11 know, I did note that he'd --

12 Q How did you learn that Ukraine had allowed him to
13 exit to Russia?

14 A It was in a report that I read.

15 Q Okay. Are you aware of any connection between that
16 and the sale of Javelins to Ukraine?

17 A I am not.

18 Q Okay.

19 You said that sometimes in your transcripts that you
20 created or reviewed you'd use ellipses.

21 A I did.

22 Q Why would you use ellipses?

23 A When the sentence trailed off, it wasn't a complete
24 sentence. And that might be, you know, my English training,
25 because, often, the Exec Sec would correct sometimes and, you

1 know, change punctuation and things. I overuse commas, for
2 example, and --

3 Q Are you a fan of the Oxford comma?

4 A I'm confused, is kind of basically where I am.
5 Because when I was growing up, they changed the comma
6 formatting, and then when I came here, I found there was all
7 kinds of different comma formatting. So I tend to put commas
8 everywhere.

9 And I also do like ellipses. Because, you know, when
10 somebody trails off, like I just do sometimes, just dot, dot,
11 dot, finish that thought. So I wouldn't read too much into
12 the ellipses.

13

14

15

16

17

18

19

20

21

22

23

24

25

UNCLASSIFIED

308

1 [5:14 p.m.]

2 BY MR. NOBLE:

3 Q While you were working at the NSC, were you aware
4 of whether Kash Patel had any role in the Ukraine portfolio?

5 A I became aware of that by chance and accident. In
6 the last couple of weeks that I was there, probably in May,
7 just after the Presidential inauguration in Ukraine. I --

8 Q How did you learn?

9 A I'd gone over to the Exec Sec in the White House
10 just to pick something up, and this was around the time where
11 we were trying to -- there was going to be a setup to debrief
12 the President on the Presidential delegation. And just one
13 of the people in Exec Sec just as a routine, you know, just
14 said: Oh, the President wants to talk to your Ukraine
15 director.

16 And I was like a bit surprised by that because the
17 President has never asked to speak to any, you know, of our
18 directors ever before. And I said: "Oh?"

19 Yeah, to talk about some of the materials.

20 And I said, "Oh," again because I thought this is
21 strange.

22 And they said: Yeah, so, I mean, we might be reaching
23 out to Kash.

24 And I said, "Oh," because Kash -- the only Kash --

25 Q What was his role as far as you know?

UNCLASSIFIED

1 A -- I could think of was Kash Patel, and I thought,
2 well, he is in our International Organizations Bureau and,
3 you know, considerably he works on the U.N. and other related
4 issues but he's not the Ukraine director. The Ukraine
5 director, you know, after all the streamlining is only in our
6 office.

7 So I basically didn't engage any further because I was
8 wondering to myself: That's very strange.

9 And I went to talk to Charlie Kupperman, who was going
10 to be taking part on our behalf sitting in on the debriefing
11 for the President. And I said: Apparently, the President
12 may think that Kash Patel is our Ukraine director, and I just
13 want to make sure there's no embarrassment here. I'm not
14 quite sure why that might be, but I want to flag for you that
15 this is the case.

16 And I related what I related to you. And I said: That
17 probably means that Alex Vindman, our Ukraine director who
18 had actually been on the Presidential delegation, probably
19 shouldn't go into the debrief from the delegation.

20 Q And this was the May 23 meeting --

21 A Correct.

22 Q -- after the delegation got back?

23 A Correct. And then I went back to my office and
24 started looking at all my distro lists to see, you know, kind
25 of whether Kash was on any of the -- maybe I'd missed out,

1 you know, that he had some special, again, Ambassador
2 Sondland-like representational role on Ukraine that I hadn't
3 been informed about, and I couldn't elicit any information
4 about that.

5 Q Did you ever figure out what Mr. Patel was doing
6 with respect to Ukraine kind of behind the scenes?

7 A I did not, but I raised concerns with Charlie
8 Kupperman about that, and he said that he would look into
9 that, which is the appropriate course of action.

10 Q And did you ever learn what he learned after he
11 looked into it?

12 A I did not because, again, you know, it's difficult
13 always to follow up on these issues. But I did warn my
14 office to be very careful about communications with Kash
15 Patel until we figured out why it was that he was sending
16 clearly materials on Ukraine over to the -- because I didn't
17 know what kind of materials.

18 Q Did you ever see the materials?

19 A I did not.

20 Q Okay. Did you ever learn what materials Mr. Patel
21 was providing?

22 A I did not.

23 Q Okay. You said that you advised or told
24 Mr. Vindman not to go into the debrief on May 23.

25 A Well, particularly after it seemed to be the case

1 he's evidently not Kash Patel and that if there was some
2 confusion over who the director for Ukraine is, that could be
3 rather difficult and awkward.

4 Q Okay. But you knew this meeting was supposed to be
5 about briefing the President on --

6 A On the Presidential delegation.

7 Q -- the delegation to the inauguration?

8 A And Alex Vindman was also just there as the
9 representative of the NSC. He wasn't the lead of the
10 delegation in any case. And the whole point of the
11 debriefing was for Secretary Perry, Ambassador Volker, and
12 Ambassador Sondland, and Senator Johnson to talk about their
13 experiences and their views on Zelensky and to relay back the
14 meetings.

15 And Alex was only in those meetings as basically a
16 notetaker and, you know, again, as the representative of the
17 NSC because neither Ambassador Bolton or I were able to go
18 given the timing of the inauguration.

19 Q Do you know whether Kash Patel attended that
20 meeting?

21 A I do not. I had never heard any information to
22 suggest that he was there.

23 Q Okay. Did Mr. Patel have anything to do with
24 Ukraine after that meeting, to your knowledge?

25 A I'm not aware that he did. And I took him off our

UNCLASSIFIED

312

1 distro list because I was alarmed in thinking that, you know,
2 this is -- I mean, this is obviously just not appropriate,
3 and I'd already reported it to Charlie Kupperman.

4 Q Do you know whether any of the documents that
5 Mr. Patel was providing to the President relating to Ukraine
6 had anything to do with what Rudy Giuliani was doing?

7 A I really do not know. And I'll be also clear: I
8 never actually have ever had a conversation with Kash Patel.
9 I knew who he was. I knew he was at the international, you
10 know, organization group, and I'd seen him in meetings.

11 And I was, you know -- let's just say it's a red flag
12 when somebody who you barely know is involved on, you know,
13 one of your policy issues and is clearly providing, you know,
14 materials outside of the line that we don't even know what
15 those materials were.

16 And we were always very circumspect about the materials
17 that we provided, and we only ever sent them up the chain to
18 the Exec Sec to Ambassador Bolton. So, I mean, we never did
19 anything to the President's or to the Chief of Staff or
20 anything else except through the National Security Advisor.

21 Q And it's your understanding, though, that these
22 materials that Mr. Patel provided made their way directly to
23 President Trump?

24 A That's what I was led to believe from my very brief
25 interaction with the Exec Sec. And, again, I went

UNCLASSIFIED

UNCLASSIFIED

313

1 immediately and told Charlie Kupperman about this.

2 Q Okay.

3 MR. NOBLE: So, Dr. Hill, I do want to go through some
4 of the other meetings on your calendar, and I think we'd like
5 to mark your calendar as an exhibit. So it's going to be
6 majority exhibit No. 3.

7 [Majority Exhibit No. 3
8 was marked for identification.]

9 BY MR. NOBLE:

10 Q And we have an extra copy for you. And we're just
11 going to skip through some of the meetings and see if there's
12 anything --

13 A Sure.

14 Q -- relevant.

15 A And I just want to assure everybody that I was not
16 filing my nails or having spa treatments in all this black
17 space. I obviously don't look like I was very busy, but
18 there were a lot of other meetings.

19 And we also were very mindful of our calendars because
20 calendar information can obviously be used by outside
21 parties, meaning Russia, you know, kind of any others to kind
22 of figure out the kind of meetings that they should be
23 checking for people's communications with. So I would also
24 ask people to be very careful with this.

25 Q Okay. We appreciate that.

UNCLASSIFIED

1 Let's skip to page 36. It's Hill 36. These are the
2 entries for April 29th through May 3rd, 2019.

3 A April 29 to --

4 Q May 3. It's page 36.

5 A Yeah. We haven't got -- oh, yeah. I see.

6 Q Bottom right.

7 A Yeah. I got it. Yes.

8 Q Okay. So the meeting on May 1, I think we talked
9 about that with --

10 A We did.

11 Q That was with Phil Reeker and Ambassador
12 Yovanovitch?

13 A Correct. That's when she told me that she was
14 being removed as Ambassador.

15 Q Okay. The next day, on May 2nd, you had a meeting
16 with Rob Blair.

17 A Correct.

18 Q Who is Rob Blair?

19 A He is the deputy to Mick Mulvaney.

20 Q Do you recall what that meeting was about?

21 A Yes. And there was also a meeting with -- JRB was,
22 you know, Ambassador Bolton, and then with General Kellogg.
23 They were both to relate to them -- they were to relate to
24 all of them my meeting with Ambassador Yovanovitch and Phil
25 Reeker.

1 Q Okay. And what specifically about Ambassador
2 Yovanovitch?

3 A How disturbed I was by what had happened to her,
4 and I asked if there was anything that we could do.

5 Q And what did they say?

6 A That's when, you know, I mentioned to you that
7 Ambassador Bolton, who looked extremely pained, you know,
8 basically said there was nothing that could be done, but Rudy
9 Giuliani was a --

10 Q That's the hand grenade comment?

11 A -- hand grenade, yeah, that's going to blow
12 everybody up.

13 Q Okay. And who is General Kellogg?

14 A He is the now National Security Advisor to the Vice
15 President. And General Kellogg is the person who hired me
16 along with K.T. McFarland and General Flynn to work at the
17 National Security Council. He's had a number of positions.

18 Q What was his role at this time?

19 A He was the National Security Advisor to the Vice
20 President. And I wanted him to know that this very troubling
21 development had taken place because, I mentioned before in
22 the line of questioning, that we were always contemplating:
23 Was there a way that we could get the Vice President, you
24 know, to go to Ukraine at an appropriate time? And, you
25 know, we had been, you know, talking about, depending on the

1 timing of the inauguration or, you know, any of the potential
2 meetings.

3 Q Sure. Let's talk about that for a second because
4 there has been public reporting that originally Vice
5 President Pence was supposed to attend the inauguration, and
6 then President Trump, at least has been reported, ordered him
7 not to attend. Do you have any knowledge about that and how
8 that happened?

9 A Yeah. I already responded to that in regard to
10 Mr. Castor's question, and as I said, there was a lot of
11 scheduling issues. The Vice President can't be out of the
12 country at the same time as the President. And as I
13 mentioned, I'd already flagged that there were all kinds of
14 issues swirling around with Rudy Giuliani and Ukraine and,
15 you know, the ousting of our Ambassador.

16 And it was going to be very tight for the Vice President
17 to make it for the inauguration. So I, you know, have no
18 knowledge that he was actually ordered not to go, but it was
19 going to be very difficult for him to go.

20 Q Okay. And --

21 A And I had already put forward, you know, as I
22 mentioned before, Secretary Perry, who I, you know, was
23 always advocating to go and -- you know, go to things like
24 this.

25 Q Did you have conversations with General Kellogg

UNCLASSIFIED

317

1 about your concerns regarding Giuliani?

2 A I did.

3 Q Okay. And was that -- is that around this time?

4 A No. This is exactly -- that's what I'm saying.

5 These meetings with the three of them, and I know they look
6 like they were in the same time because they were both very
7 short with Ambassador Bolton, and then with Kellogg, it was
8 for somewhat longer because I had already expressed concerns
9 with Ambassador Bolton beforehand.

10 And I wanted to flag for Rob Blair, because often
11 ambassadorial issues come through the Chief of Staff's
12 Office, and Rob Blair is a, you know, very good professional,
13 knows foreign affairs, that this was all transpiring and that
14 this was going to have a massive backlash also at the State
15 Department and that it already had, you know, a chilling
16 effect, you know, with our Embassy in Kyiv and also among,
17 you know, many people that we were interacting with.

18 People were shocked. They'd already got word that she'd
19 been, you know, recalled for or summoned very abruptly for
20 consultations back at home, and she told me at this meeting
21 here that she'd already been dismissed, and it was looking
22 for a time for her to come back.

23 Q Okay. How did Mr. Blair respond when you raised
24 these concerns?

25 A He said that he would flag this for Mick and that

UNCLASSIFIED

UNCLASSIFIED

318

1 he would pay attention to it, for Mulvaney.

2 Q How about General Kellogg?

3 A General Kellogg didn't say that he would tell the
4 Vice President, but he said that he would talk to the team.
5 And I also had Jennifer Williams, his director who covered
6 all of Europe, who was our counterpart there -- I mean,
7 again, we talked about how small the Vice President's team
8 is -- and she was also in the meeting.

9 So I wanted to make sure that they knew that there were
10 issues and they should be very careful, you know, so that the
11 Vice President didn't, you know, get mired up in -- you know,
12 I was flagging, you know, in case Rudy Giuliani or anybody
13 who's sort of seeking meetings.

14 We did this frequently. I mean, that's what the Vice
15 President's staff would rely on us for sending red flags to
16 them for, you know, meetings they should avoid or, you know,
17 kind of things that they should be aware of because they
18 didn't have a big team to be able to track everything.

19 Q Okay. Let's skip to the next page, page 37, a
20 meeting on May 6th with, it looks like, the Ukrainian -- it
21 was a Ukrainian delegation along with --

22 A There was a Ukrainian delegation. I can't actually
23 speak about that one. This was arranged with our
24 intelligence directorate.

25 Q Okay.

UNCLASSIFIED

1 A And then the secure call with Phil Reeker was me
2 following up again on, you know, more of these related
3 issues.

4 Q Relating to Giuliani?

5 A Related to concerns about Ukraine and, you know,
6 how things were unfolding with Ambassador Yovanovitch. But
7 also, I mean, as Phil Reeker was the Assistant Secretary for
8 all of Europe, we always had a long agenda of items that we
9 needed to discuss about. And in this, you know, timeframe
10 there was also things related to -- and you'll see on the
11 next page -- Viktor Orban, the Prime Minister of Hungary was
12 coming, and Ambassador Reeker was in charge of obviously
13 Hungary in his portfolio. And we were doing a press
14 background briefing in this timeframe. He was doing one, and
15 I was doing one. So all of these issues would have been on
16 the agenda.

17 Q Okay. On May 23rd, it's not on your calendar, but
18 that's the day of the meeting we've been talking about when
19 the --

20 A That's right.

21 Q -- U.S. delegation came back.

22 A Yeah.

23 Q Did you get a readout from anyone about that
24 meeting?

25 A Yes. I got a readout from Charlie Kupperman.

UNCLASSIFIED

320

1 Q He participated in the meeting?

2 A He did.

3 Q And what did he say happened during that meeting on
4 May 23rd?

5 A He said that the other participants had made -- I
6 mean, he obviously wasn't on the delegation -- had made a
7 concerted effort to express -- and Senator Johnson can talk
8 to you about this because he was in that meeting -- about
9 their positive impressions about Zelensky, and that there had
10 been a lot of stress on energy reform, and that Secretary
11 Perry had been instructed that he had 90 days to see if we
12 could make some progress on the energy -- reform in the
13 energy sector.

14 And, again, this was all consistent with, as I mentioned
15 before, discussions that we'd been having with our energy
16 team, including with Wells Griffith and his staff and many
17 others, on how we would try to get Ukraine more embedded in
18 European energy security, not just look to some kind of
19 object vis-à-vis Russia or as a transit country for Russian
20 energy, but how we would get Ukraine in and of itself in a
21 better place in terms of its energy diversification and the
22 restructuring of its own energy sector.

23 Q Are you aware of President Trump saying anything in
24 that meeting along the lines that he believed that Ukraine
25 had tried to bring him down in 2016?

UNCLASSIFIED

1 A That was related to me by Ambassador Volker at a
2 later point.

3 Q Okay. What did Ambassador Volker tell you?

4 A He told me exactly that.

5 Q Okay. Had you ever heard -- did you ever hear that
6 on any other occasions, President Trump expressing belief
7 that he believed Ukraine --

8 A I think he said it publicly, but definitely
9 Mr. Giuliani has said things in that regard.

10 Q Turning to page 39, on May 24th, that Friday, it
11 looks like you had a meeting with Ambassador Taylor --

12 A That's right.

13 Q -- and Mr. Vindman?

14 A Yes. And I had a previous meeting with Ambassador
15 Taylor on the 13th. So this was when Ambassador Taylor, on
16 page 38, was, you know, basically in the process of -- he
17 wasn't able to go out to the inauguration. He was in the
18 process of going out as Charge.

19 And as I mentioned before, I've known Ambassador Taylor
20 for decades, and he and I talked, you know, very frequently
21 about some of the challenges he was going to face in this
22 position.

23 And I know he's going to come in and talk to you
24 himself, but he had made it very clear that if the State
25 Department didn't have his back on this, that he wouldn't

1 continue in the position. He was very reluctant to step into
2 a situation where the previous Ambassador had been ousted on
3 baseless charges. He was very well aware of all of the
4 dangers here.

5 Q Did that include the dangers of Giuliani?

6 A Yes.

7 Q Yeah. You discussed that with Ambassador Taylor?

8 A I did discuss that with Ambassador Taylor. And,
9 actually, initially, I thought he shouldn't do it. And then
10 over time we became, you know, more -- we needed Ambassador
11 Taylor, frankly, somebody of his stature. And he said that
12 he had an undertaking from Secretary Pompeo that they would
13 have his back and make sure that he wasn't subject to
14 baseless attacks either from inside of the Ukraine or from
15 the outside.

16 Q Why did you initially think he shouldn't do it?

17 A Because he was basically taking over what looked at
18 this point like a tainted, poisoned chalice. I mean, if you
19 have had your previous Ambassador ousted on no just cause and
20 somebody else has to step in and they have to basically clean
21 up a mess, I mean, would you do that?

22 Q I'm not testifying, but --

23 A Yes. But I think basically most of us would think
24 twice, three times, four times before agreeing to do this.

25 Q Yeah. On page 39, there's this meeting on the 22nd

1 with Amos Hochstein. Is that the meeting that you referred
2 to earlier?

3 A That's the meeting that I referred to. And I
4 related to Ambassador Taylor, who also knows Amos Hochstein
5 from the past, what he had told me and suggested that he
6 should, you know, also talk to him if he wanted to. But
7 Ambassador Taylor seemed to know a lot of this information
8 anyway. Ambassador Taylor is extremely well informed, and
9 he's, you know, kind of never stopped on his keeping track of
10 Ukraine, you know, since the time that he was an Ambassador.

11 Q Okay. What about this meeting on May 23 with
12 Kristina -- I'm going to --

13 A Kvien. She is the new DCM, deputy chief of
14 mission, in Ukraine.

15 Q And what was this? Was this meeting just a briefer
16 on --

17 A Correct.

18 Q -- before she went over?

19 A And for us to talk about, you know, kind of policy
20 issues. And I related to her, you know, the hopes that we
21 would be able to focus with the Ukrainians on this broader
22 energy sector reform and how we could work with other
23 European embassies there, the Germans, the Poles, the Czechs,
24 the Slovaks, you know, not just the usual, you know, suspects
25 of, you know -- we always work obviously with the EU or the

1 NATO allies in a general sense, but how we could be more
2 proactive in trying to get the Europeans to do more on
3 Ukraine.

4 And it wasn't just about military issues; it was also
5 about energy because, you know, the Germans -- we were in
6 this spat with the Germans about Nord Stream 2, but, you
7 know, the Germans also have the wherewithal to help Ukraine
8 refurbish its energy infrastructure and, you know, also to
9 work with the Poles and the Czechs and Slovaks for bringing
10 in LNG.

11 And the Germans were also at this point talking about
12 bringing through Bremen, and through a new port, LNG into
13 Germany that also could come into Ukraine if there was indeed
14 a building up of the infrastructure in that part of Europe.

15 Q Okay. On page 41, we're moving into early June,
16 you had a SVTC with Ambassador Volker, it looks like?

17 A Yes. That was for him to update the Europeans on,
18 you know, the Presidential delegation and some of the next
19 steps, you know, on -- and then, you know, the question still
20 at this point was, were the Russians going to be at all
21 willing to meet, you know, as we're getting now past the
22 inauguration of President Zelensky, or were we going to have
23 to wait until the larger elections were taking place?

24 And so this is a kind of occasion where the French and
25 German counterparts to Ambassador Volker would relay

1 information from meetings that they had participated in. I
2 have to confess, I was only in part of that meeting.

3 Q Okay. That's okay. We don't need to go into
4 detail. But I did want to ask you --

5 MR. HECK: [Presiding.] Your time has expired.
6 Minority.

7 DR. HILL: And just as a note, the Alex Ukraine thing
8 after this is to follow up to say, you know, to kind of make
9 sure that we were, you know, following up on any issues that
10 would pertain to us in terms of interagency coordination.

11 So, often, when we had a meeting, I would follow up with
12 our Ukraine director just to make sure that if we had any
13 do-outs that we had to be in charge of -- and, you know, at
14 his level, there's lots of working-level meetings that I
15 don't participate in -- just to make sure that everyone is on
16 the same page.

17 MR. NOBLE: Okay.

18 BY MR. CASTOR:

19 Q So you told Mr. Vindman not to go to the debriefing
20 with the President?

21 A We agreed with Charlie Kupperman that, given what
22 I'd just learned about this confusion about Kash Patel, that
23 it would not be best.

24 Q What if it was just a mistake?

25 A Charlie Kupperman led me to believe that it

UNCLASSIFIED

326

1 probably not was a mistake, and he didn't want to get into
2 personnel issues.

3 Q Okay. So --

4 A But he was clearly concerned by this as well.

5 Q What exactly was the issue? It sort of strikes us
6 as random that now we're talking about Kash Patel.

7 A Well, it was a bit random to me too. I'd never
8 talked to -- I would -- him, and I told you I didn't have any
9 meetings with him. And suddenly the Exec Sec, just, you
10 know, the regular guys, you know, who I'm picking up some
11 other material for are telling me that the President wants to
12 meet with this Ukrainian director about materials that they
13 had got from him and, you know, just to have -- an alert that
14 he'd be asking for Kash. And that's obviously what, you
15 know, for me --

16 Q Is it possible there was just a mixup, that --

17 A It didn't sound like it. That doesn't really
18 happen. I've not had that kind of mixup before. It's not
19 like the names of directors -- not everybody knows our
20 directors.

21 Q Any other reason the President would know Kash
22 Patel? I mean, maybe --

23 A I couldn't tell you. I think you'd have to ask
24 that yourselves. I don't know.

25 Q And you have never met Mr. Patel or you didn't --

UNCLASSIFIED

1 A I have met him. I know what he looks like, and I'd
2 been in meetings with him. But I'd never had any one-on-one
3 interaction with him, and he'd not been attending any of our
4 Ukraine meetings. He was on the general distro for his
5 directorate. But I started to worry that he'd been sending
6 some of our materials in an unauthorized fashion, so I made
7 sure that he wasn't on any of our distros that could have
8 been internally.

9 Q Did you communicate your issue with Ambassador
10 Bolton?

11 A Charlie Kupperman said he would speak to Ambassador
12 Bolton about this.

13 Q Okay. And did he ever get back to you about what
14 the --

15 A He said that he was dealing with it.

16 Q Okay. That's it? That was the end of it?

17 A Charlie Kupperman always dealt with issues that you
18 brought to him, and it was in discussion with him that he
19 said that he would go in and sit in and give us a readout of
20 the meeting, because it was another red flag at that point
21 that something was going on, because Kash Patel had not been
22 involved in the inauguration meeting. And I never raised
23 this with Kash Patel because, again --

24 Q Was this like a widely known fact at NSC? It just
25 seems like a rather random factoid.

UNCLASSIFIED

328

1 A When I told my office that this was the case, I
2 said: Has any of you had any interaction with Kash Patel?

3 It alarmed everybody.

4 Q Right. But now it's the subject of a Q and A being
5 raised by, you know, congressional staff. I mean, how would
6 that information get to congressional staff?

7 A Well, that suggests that Charlie Kupperman did
8 indeed raise it with people.

9 Q Including congressional staffers?

10 A I don't know about that, but he must have raised it
11 with other people because, you know, how else do you guys get
12 to know a lot of this stuff?

13 Q Okay. But you haven't communicated that
14 information --

15 A I have not.

16 Q -- in advance of today, right?

17 A I have not.

18 Q And the information conveyed to the majority has
19 been equal in terms of majority and minority get the same
20 information coming from you?

21 A I haven't spoken to anybody from any of the staff.

22 Q Okay. So this is the first time that you've been
23 here talking --

24 A About?

25 Q -- about these matters? You didn't have a

UNCLASSIFIED

1 pre-brief?

2 A That is correct, I did not.

3 Q Or any pre-felt telephone calls?

4 A I did not.

5 Q And to your knowledge, there was no proffer raised
6 by your representatives, whether your attorney or otherwise?

7 A What do you mean a proffer?

8 Q Proffer is when, you know, an attorney will call
9 and talk about the testimony that his or her client intends
10 to give.

11 A Not to my knowledge. Although, now, what I have to
12 say is that I've read a lot about my testimony, purported
13 testimony, and as you know, I don't have a written testimony
14 in the press.

15 Q Right.

16 A So, as I had raised Kash Patel as a concern in my
17 directorate and to other people, and I mentioned it to DAS
18 Kent, Deputy Assistant Secretary Kent, and to also Ambassador
19 Taylor, and after I'd put it up the chain asking them to be
20 aware if there was any communication from Kash Patel, I can
21 be, you know, fairly confident that they talked to other
22 people about this.

23 Q Okay. So it wasn't a mistake. It was something to
24 be handled, in your view?

25 A Correct. That's right.

UNCLASSIFIED

330

1 Q Okay. And --

2 A And based on my experience of 2 and a half years at
3 the National Security Council, something like this isn't
4 usually a mistake. We had an awful lot of people in the
5 early stages of the administration doing all kinds of things
6 that were not in their portfolio.

7 Q Okay. Did you talk with Mr. Patel's supervisor?

8 A I did not because they were in the moment of a
9 transition there as well. And Charlie Kupperman was the
10 person who was dealing with all personnel issues, so I went
11 to the appropriate channel.

12 Q And did he ever --

13 A I also was not, you know, at the time, you know,
14 going to, you know, basically throw Mr. Patel under anybody's
15 bus. I told Charlie Kupperman about it, and I said: I
16 barely know Kash Patel. I know what he works on.

17 But I did go back to my office and, again, flag for the
18 people who were working on Ukraine that they should just be
19 alert to make sure that they had no representation from him
20 and, you know, kind of suggested there may be some
21 confusion -- that is exactly what I said -- from our Exec Sec
22 for whatever reason about who is our Ukraine director. And I
23 just want to make sure that everyone knows it's Alex Vindman,
24 and there is no other Ukraine director at the NSC.

25 Q Okay. And Vindman wasn't in the May 23 debrief?

UNCLASSIFIED

1 A He was not.

2 Q Was anybody from NSC?

3 A Charlie Kupperman.

4 Q Okay. And Charlie Kupperman didn't get back to you
5 with a result of his --

6 A He gave me a readout, and I just, you know,
7 repeated that --

8 Q No, with the Kash Patel issue.

9 A He did not. But I wouldn't necessarily have
10 expected him to, but my experience with Charlie Kupperman is
11 he always followed up, always, on any issue that I brought to
12 him.

13 Q Well, if there's some confusion about somebody
14 operating in the Ukraine policy space --

15 A Then he would have dealt with this.

16 Q -- you would think that he would follow up with
17 you.

18 A From what I've heard most recently is that Kash
19 Patel has been moved to counterterrorism, where there's not a
20 lot of terrorism going on in Ukraine.

21 Q Okay. But I guess my point was, if there was an
22 issue that needed to be deconflicted and Mr. Kupperman went
23 and did that but didn't come back to you, I mean, what --

24 A He did not, but, I mean, he would not necessarily.
25 If there was any disciplinary or anything else as a result of

1 that, he would not come back to me on that. That's a
2 personnel issue that he would deal with.

3 Q Did he indicate to you that he had handled it?

4 A He said he would. He said he would handle it.

5 Q Okay. But you never had any closed loop --

6 A I did not, no.

7 Q I'm going to ask you about the Politico article
8 from January 17th again.

9 A Okay.

10 Q I just want to warn you in advance.

11 A All right. I mean, I have to go back and read that
12 all over again.

13 Q And we have copies if anybody wants one.

14 A You don't work for Politico, do you?

15 Q What's that?

16 A Well, it's just you're touting this, you know, kind
17 of Politico article.

18 Q I'm not touting it. No. I'm just -- you know,
19 this is, you know, a news account. It's rather in depth.
20 You know, this is a reporter that --

21 A Who's the reporter? Jog my memory.

22 Q Mr. Vogel, Kenneth P. Vogel. Do you know
23 Mr. Vogel?

24 A I mean, I know of him. I've seen his bio and other
25 things.

1 Q Right. I mean, he's gone on to The New York Times
2 at this point. And, you know, this article goes through
3 [REDACTED] -- entreaties to the Ukrainian Embassy, you
4 know, here in the United States. And Mr. Vogel interviews
5 and gets people on the record talking about what [REDACTED]
6 was interested in.

7 And I'm just -- all the guffawing over the veracity of
8 this article, I'm just --

9 A This is in January 2017, this article.

10 Q Yes. Yes.

11 A So, remember, I go into the government, into the
12 administration in April of 2017.

13 Q Right.

14 A By which time, I receive or when I go in an awful
15 lot of briefings --

16 Q Right.

17 A -- from the Intelligence Community, and I read all
18 of the documents pertaining to 2016. And I am then in
19 endless meetings about this to try to push back against the
20 Russians.

21 Q Right.

22 A And so all of the materials that I have from a
23 classified context, there is none of that, anything, you
24 know, related to [REDACTED].

25 Q Okay. But, I mean, it's -- you know, reporting is

1 a compilation of talking to sources. And you're not saying
2 the whole story is just --

3 A No, I'm not.

4 Q -- outright fabrication, right?

5 A No, I'm not.

6 Q Okay. Are you able to characterize what parts of
7 the story concerns you?

8 MR. WOLOSKY: I mean, we --

9 DR. HILL: I really -- yeah, I'd like to know why we're
10 doing this.

11 MR. WOLOSKY: Just wait before we get to that.

12 DR. HILL: Yeah. Okay.

13 MR. WOLOSKY: You know, I don't know what document
14 you're talking about.

15 MR. CASTOR: Okay. We can make an exhibit.

16 MR. WOLOSKY: I haven't read it. The witness hasn't
17 read it.

18 DR. HILL: Well, I read it a long time ago.

19 MR. WOLOSKY: A long time ago. It's not been entered as
20 an exhibit --

21 MR. CASTOR: I'm going to enter it.

22 MR. WOLOSKY: -- or offered as an exhibit. Do you want
23 us to sit and read the article? I mean we're here. We'll do
24 whatever you want.

25 MR. CASTOR: This is exhibit 4.

1 [Minority Exhibit No. 4
2 Was marked for identification.]

3 MR. WOLOSKY: If you are going to ask her about, you
4 know, generally what's accurate and what's not accurate, you
5 know, why don't you point her to specific portions of the
6 article.

7 MR. CASTOR: Yeah, I'd be happy to.

8 DR. HILL: Yeah, I remember, I mean, of course, this
9 article. And as I said before, I could give you a long list
10 of people who were reaching out on all kinds of different
11 fronts to all of the campaigns, all of the campaigns, from
12 all kinds of different sources who were trying to do
13 something like this.

14 MR. CASTOR: So you don't discount the fact that
15 [REDACTED] was probably doing what's reported here? I mean,
16 you're an expert --

17 DR. HILL: It's not -- well, what specifically are we
18 talking about?

19 MR. WOLOSKY: Well, what specifically are you referring
20 to because we're not going to have her answer -- you know,
21 affirm broad statements: Is this accurate? Is this 30-page
22 article accurate?

23 DR. HILL: Yeah. And it's also, you know, talking about
24 people in the Ukrainian American community, which is pretty
25 extensive, people with meetings at the Embassy. And as you

1 know, there were all kinds of peace projects that were being
2 put around at that time. I received about three of them from
3 different people.

4 I had people asking to talk to Colin Powell and would I,
5 you know, help set things up with that --

6 BY MR. CASTOR:

7 Q Sure.

8 A -- before, you know, for example, Jeb Bush, you
9 know, you name it. There were people coming forward trying
10 to use any contact that they possibly could to talk to
11 people. And there aren't articles about all of them.

12 So, when I go back to Brookings, perhaps I could start
13 writing a lot of articles about the people I knew previously
14 in the runup to the 2016 election who were trying to do some
15 of these things too. It does not amount to a large-scale
16 Ukrainian Government effort to subvert our elections which is
17 comparable to anything that the Russians did in 2016.

18 And if we start down this path, not discounting what one
19 individual or a couple of individuals might have done, ahead
20 of our 2020 elections, we are setting ourselves up for the
21 same kind of failures and intelligence failures that we had
22 before.

23 Q Okay. I --

24 A Look, and I feel very strongly about this.

25 Q Evidently.

UNCLASSIFIED

337

1 A I'm not trying to mess about here.

2 Q Evidently you do.

3 A Yes, and so you should, too, in terms of our
4 national security.

5 Q Well, let me help you understand here. I'm trying
6 to understand: Is it the whole thing, everything?

7 MR. WOLOSKY: Ask her a question about a specific thing
8 of which she has personal knowledge, and she'll respond.
9 She's not going to respond to an 18-page article based on
10 some general --

11 MR. CASTOR: I'm not asking her to respond to an 18-page
12 article. I marked it as an exhibit, and we're about to get
13 into it.

14 MR. WOLOSKY: Well, ask her something specific, Mr.
15 Castor.

16 DR. HILL: Are you trying to suggest -- sorry. Okay.

17 MR. WOLOSKY: Just ask her a question, and she will
18 respond.

19 BY MR. CASTOR:

20 Q Okay. Page two --

21 A All right.

22 Q -- a Ukrainian American operative -- this is the
23 third paragraph on page two -- who was consulting for the
24 Democratic National Committee met up with top officials of
25 the Ukrainian Embassy in Washington in an effort to expose

UNCLASSIFIED

1 ties between President Trump, top campaign aide Paul
2 Manafort, and Russia, according to people with knowledge of
3 the situation. The Ukrainian efforts had an impact in the
4 race helping to force Manafort's resignation.

5 MR. WOLOSKY: Answer to the limit of your personal
6 knowledge that you had.

7 DR. HILL: Well, this is the conclusion of Kenneth Vogel
8 and David Stone.

9 BY MR. CASTOR:

10 Q Right. And so --

11 A This is not the conclusion of the U.S. intelligence
12 agencies.

13 Q Okay. So --

14 A I cannot make that conclusion just based on that
15 article either.

16 Q Okay.

17 A This is an assertion, the conclusion that the
18 authors of this article are making.

19 Q Okay.

20 A Now, should we have been looking, all of us,
21 overall, at every effort to interfere in our election? Yes,
22 we should have been.

23 Q At my peril, I'm trying to figure out whether this
24 is just complete fiction that was pitched to a reporter and
25 has been completely debunked based on information you have or

1 whether there's any other explanation for this --

2 A It is a fiction that the Ukrainian Government was
3 launching an effort to upend our election, upend our election
4 to mess with our Democratic systems.

5 Q Okay. But there could have been some Ukrainians
6 that were interested in injecting information --

7 A And this appears to be a Ukrainian American, which
8 we're also talking about Mr. Fruman and Mr. Parnas are
9 Ukrainian Americans who were also trying to subvert our
10 democracy and who managed to get one of our ambassadors
11 sacked.

12 Q On page 11 is where it starts getting into
13 Leshchenko's involvement. Like, what do you know about
14 Leshchenko's efforts to expose the Manafort issue?

15 A Only what I have read in the press.

16 Q Okay. So there is nothing that you have --

17 A Again, this is in January of 2017, and the period
18 in which I entered into the government and, you know, the
19 period in which you're working there, we unearthed more and
20 more information on what the Russians were doing.

21 Q Okay. I'm not --

22 A And it's not to --

23 Q -- trying to compare what they're doing --

24 A Yes, but I'm not sure where we're going with this
25 line of inquiry here --

1 Q I'm just asking you about --

2 A Because if you're also trying to peddle an
3 alternative variation of whether the Ukrainians subverted our
4 election, I don't want to be part of that, and I will not be
5 part of it.

6 Q I'm not trying to peddle anything. I'm trying to
7 ask you about what information you have regarding these.
8 And, you know, frankly, if we didn't have such a --

9 A But you're asking me about an article that was
10 written in Politico in January of 2017.

11 Q And I probably wouldn't have returned to it, but it
12 was just such a passionate rebuke of this article that
13 just --

14 A Well, it's of the thrust of the question that
15 you're asking here, which is to basically -- you know, what
16 we're dealing with now is a situation where we are at risk of
17 saying that everything that happened in 2016 was a result of
18 Ukraine in some fashion.

19 Q Yeah, I'm not saying that. I'm not --

20 A Well, that's certainly what it sounds like to me.

21 Q I'm not going down that path. I'm just simply
22 trying to understand the facts that are discounted -- or
23 recounted in this story.

24 On page 13, it talks about the Ambassador Chaly penning
25 an op-ed. Do you have any familiarity with the op-ed that

UNCLASSIFIED

341

1 the Ambassador wrote that was negative to the President, the
2 President when he was a candidate?

3 A There were an awful lot of people from every
4 imaginable country at this particular point trying to game
5 out where things were going to go in our election. We can
6 find an awful lot -- we had to do this, by the way, before
7 every head of state visit. We had to comb through what any
8 of them might have said in the course of the election
9 campaign that might be negative toward the President, and
10 there were an awful lot of people who said negative things.

11 You might remember a moment in public in the Rose Garden
12 with Prime Minister Tsipras of Greece, and I got my ass
13 chewed out for this one afterwards because we hadn't
14 noticed -- because I don't happen to speak Greek and didn't
15 have on hand a Greek-speaking staff member, but John Roberts
16 of CNN did a gotcha moment for Tsipras in public, full
17 view -- I remember it very vividly -- pointing out to Tsipras
18 negative things that he had said about the President and how
19 much he hoped that President Trump was not basically elected
20 during the Presidential campaign.

21 And the President was not at all happy, and the press
22 staff said to me: How could you have missed that?

23 Well, it was all in Greek. So I presume that CNN has a
24 whole Greek staff on board who are poring over things at, you
25 know, vast expense. Well, we don't have lots of

UNCLASSIFIED

1 Greek-speaking staff members poring over everything.

2 So, getting back to this again, many individuals were
3 trying to game out our political system, many other
4 governments. The Russians are the government that have been
5 proven from the very top to be targeting our democratic
6 systems.

7 Q Okay. Fair enough.

8 A And I'm sorry to be very passionate, but this is
9 precisely --

10 Q I'm just trying to get your --

11 A -- why I joined the administration. I didn't join
12 it because I thought the Ukrainians had been going after the
13 President.

14 Q I didn't say you did. I'm just trying to get your
15 reaction to --

16 A Well, my reaction obviously is pretty strong
17 because, again --

18 Q I know. It's proven very interesting.

19 A -- I'm extremely concerned that this is a rabbit
20 hole that we're all going to go down in between now and the
21 2020 election, and it will be to all of our detriment.

22 Q I'm just asking you to give your reaction and if
23 you have any firsthand information given your area of
24 expertise.

25 A My firsthand reaction is exactly -- of certain

1 information -- is exactly what I've said, that there may be
2 [REDACTED], and I
3 can name lots of other American citizens with various
4 appellates to them who were running around trying to do
5 similar things with similar embassies.

6 Q Okay. But you don't have any firsthand information
7 about Ambassador Chaly? Was that ever a point of discussion?

8 A It was not. But Ambassador Chaly was always trying
9 to obviously push President Poroshenko's interest and, you
10 know, obviously has now been removed by President Zelensky.

11 Q Right.

12 A He was the former chief of staff to President
13 Poroshenko.

14 Q Was President Poroshenko, you know, in favor of
15 Hillary Clinton over President Trump to the extent you know?

16 A I do not know. I do know that President Poroshenko
17 spent an inordinate amount of time in the early stages of the
18 administration trying to create as good a relationship as he
19 possibly could with both the Vice President and the
20 President.

21 Q On page 14, Ukraine's Minister of Internal Affairs,
22 Avakov --

23 A Mr. Avakov, yeah.

24 Q Yeah. He had some disparaging remarks about the
25 President on Twitter and Facebook. Do you have any firsthand

1 information about that, or can relate any additional
2 information?

3 A I can't. As I said, we found disparaging remarks
4 made by pretty much every world leader and official at
5 different points about the President. So, you know, this is
6 not surprising but, again -- you know, and the fact of this
7 was in the course presumably of the campaign. Again, this is
8 January of 2017, this article.

9 Q Okay. And this will be my last passage that I
10 point you to, page 15, a Ukrainian Parliamentarian Artemenko?

11 A Artemenko. Yeah, I don't really know him.

12 Q It was quoted -- you know, it was very clear that
13 they, presuming the Poroshenko regime, was supporting Hillary
14 Clinton's candidacy. They did everything from organizing
15 meetings with the Clinton team to publicly supporting her to
16 criticizing Trump. I think they simply didn't meet -- that
17 is with the Trump Organization because they thought Hillary
18 would win.

19 A Well, I think that this is the kicker here. As you
20 well know and as we all know, there was an awful lot of
21 people who actually thought that Secretary Clinton would win
22 the election. So an awful lot of countries and individuals
23 were already preparing for that eventuality by trying to
24 curry favor with the campaign.

25 Q Okay.

1 A And certainly, as I said earlier on, before
2 President Trump was selected as the candidate, I mean, if
3 you're at all interested, at some point, I can sit down with
4 you privately and go through all of the people I know who
5 tried to go through every single one of your colleagues'
6 campaigns from every kind of different people who came up to
7 us, because I had colleagues who were working on Senator
8 Rubio's campaign, on Bush's campaign, on Jeb Bush's campaign.

9 And, believe me, there were Ukrainians, Ukrainian
10 Americans, Russians, all of whom wanted to talk to those
11 campaigns too because they didn't think that President Trump
12 would become the candidate.

13 Q Fair enough. Yeah. And at the end of today, I am
14 pretty certain you and maybe your lawyer won't want to see me
15 again, but --

16 A No. No. It's totally fine. I'm just trying to
17 basically say here that I have very -- you know, obviously
18 strong feelings about our national security. And I just want
19 to, if I've done anything, leave a message to you that we
20 should all be greatly concerned about what the Russians
21 intend to do in 2020. And any information that they can
22 provide, you know, that basically deflects our attention away
23 from what they did and what they're planning on doing is very
24 useful to them.

25 Q The bottom of exhibit 3, on each page there's a

1 date stamp July 31.

2 A That was when my assistant printed it out. As you
3 can be aware, I was not actually there at the time.

4 Q And do you have any firsthand information about why
5 this was printed then?

6 A Because that was his last day in the office. And
7 before I left, after I'd been in to talk to our legal team, I
8 asked if I could have a copy of the contacts and the calendar
9 for reference purposes so that I could help Tim Morrison with
10 transition.

11 And I wasn't actually able -- the contacts is also
12 date-stamped the same time because I wasn't savvy enough to
13 be able to print it out. Every time I printed it, it didn't
14 print.

15 Q Fair enough.

16 And then it was printed --

17 A Simple incompetence.

18 Q It was printed on the 31st and then --

19 A And he held onto it, and I picked it up --

20 Q When you came in in September?

21 A Basically, yep. My printer -- picked it up from
22 him, yep.

23 Q To the extent that the information that
24 Mr. Giuliani was communicating to the various persons, to the
25 extent the individuals he was communicating that information

1 to --

2 A That was a lot of us, I think, you know, but anyone
3 who was watching.

4 Q -- took it at face value --

5 A Right.

6 Q -- and didn't undertake their own fact checking --

7 A Right.

8 Q -- or own investigation. If they simply took it at
9 face value, you know, is it fair to say that if people
10 genuinely believed what was being provided, I mean, is it
11 fair to say that that could have yielded some of the results
12 that we saw?

13 A What results?

14 MR. WOLOSKY: I don't understand. Too much breadth in
15 that question. Could you sort of maybe break it down?

16 DR. HILL: Yeah. What results?

17 BY MR. CASTOR:

18 Q Well, some of the results about the information
19 Mr. Giuliani was proffering --

20 A Right.

21 Q -- you testified yielded the unpleasant result of
22 Ambassador Yovanovitch being recalled?

23 A Oh, Ambassador Yovanovitch being recalled. Well,
24 yes, if you believe in conspiracy theories and, as you said,
25 you know, and you don't have any --

1 Q Right.

2 A -- alternative ways of fact checking or looking
3 into issues, if you believe that George Soros rules the world
4 and, you know, basically controls everything, and, you know,
5 if you --

6 Q Was Mr. Giuliani pushing that?

7 A He mentioned George Soros repeatedly, and The Hill
8 article as well did and many others.

9 Q But just the March 24th Hill article?

10 A I think it was the 20th or something like that,
11 that I saw.

12 Q Okay.

13 A And I was very sensitized to this issue because in
14 the whole first year at the NSC --

15 Q Right.

16 A -- more people, myself included, were being accused
17 of being Soros moles. And, indeed, I'm out on InfoWars again
18 with Roger Stone, Alex Jones purporting that indeed from the
19 very beginning I've been involved in a George Soros-led
20 conspiracy.

21 Q Okay.

22 A So, if you believe things like that, I mean, in
23 general, and a lot of people seem to do, or some people seem
24 to do --

25 MR. WOLOSKY: I just wanted the record to reflect that

1 Mr. Castor laughed in response to that question.

2 MR. CASTOR: Well, no. No.

3 MR. WOLOSKY: Let me finish. And this is a very serious
4 matter, okay. This is a matter where people are being
5 targeted and people --

6 MR. CASTOR: That is an outrageous -- that is outrageous
7 to say that I laughed at that.

8 MR. WOLOSKY: You did laugh, and I want the record to
9 reflect it because this is a very serious matter where
10 people's lives potentially are in danger. And it's not a
11 laughing matter.

12 MR. CASTOR: She discussed a number of individuals and
13 situations that I have no familiarity with, and so to the
14 extent you think that --

15 MR. WOLOSKY: And when she mentioned Soros and InfoWars
16 and the fact that she is now back into that cycle, you
17 laughed about it.

18 MR. CASTOR: I didn't bring up InfoWars.

19 DR. HILL: I did. I did.

20 MR. WOLOSKY: And you laughed. So the record will
21 reflect it.

22 MR. CASTOR: Well, that is, you know, an absolutely
23 ridiculous characterization.

24 DR. HILL: Look, I think the unfortunate thing that
25 we're all in at the moment -- and as I said, you know, I try

1 at all times to, you know, maintain this nonpartisan, you
2 know, expert approach, but we're in an environment where
3 people believe an awful lot of things.

4 I mean, Mr. Soros and a whole lot of other people were
5 sent pipe bombs. I had a call from one of the detailees from
6 the FBI who was in my office previously, my previous special
7 assistant, who told me to seal up my door slot today before I
8 came down here because he's been following the alt right out
9 of those -- and white supremacists.

10 BY MR. CASTOR:

11 Q Who was that?

12 A My colleague back at the FBI, who was detailed, my
13 special assistant, and he said I'm lighting up the
14 Twittersphere.

15 Q Okay. I have no --

16 A I don't follow all of this stuff, so I have to rely
17 on other people tipping me off about this.

18 Q Okay. I know nothing about Alex Jones or anything
19 like that. I'm simply interested in The Hill reporting and,
20 you know, what Lutsenko may or may not have said to Solomon
21 and --

22 A But it's become part of what's become a very large
23 universe of information and stories that are out there on the
24 internet that is really affecting an awful lot of people's
25 judgments.

1 MR. CASTOR: Mr. Jordan?

2 MR. JORDAN: Okay. Dr. Hill, I just want to go back to
3 where I was last hour, if I could. Again, Ambassador
4 Yovanovitch in her statement last week talked about
5 corruption is not just prevalent in Ukraine but is the
6 system. And then along comes this guy, Zelensky, who is
7 running a campaign on -- you know, totally on cleaning up the
8 corruption, I mean, it's a central issue of his campaign, and
9 wins. And my understanding is he won rather big.

10 DR. HILL: He did win big, yeah.

11 MR. JORDAN: But as you indicated earlier, you still
12 don't know. You know, people run campaigns and say things,
13 and then they get elected and sometimes they do things that
14 aren't consistent with what they told the voters they were
15 going to do.

16 DR. HILL: Right.

17 MR. JORDAN: So you wanted to wait, see how things
18 happen in the parliamentary elections --

19 DR. HILL: Yep.

20 MR. JORDAN: -- see how he handled himself. And so you
21 wait and the parliamentary elections go well for his party,
22 right?

23 DR. HILL: Well, this happened, you know, in July,
24 July 21st, by which I had already left, but that is correct,
25 yeah.

1 MR. JORDAN: Right. You're kind of waiting. And you
2 also said earlier that -- I guess you were probably also
3 waiting to see what happened -- what kind of feedback you got
4 from the folks, Secretary Perry, Senator Johnson, who went to
5 the inauguration, see what their feedback was. And my
6 understanding, that feedback was positive for President
7 Zelensky.

8 And you testified earlier that --

9 MR. GOLDMAN: Sorry to interrupt, but if that's a --
10 you're nodding, so I just want the record to reflect you're
11 saying yes.

12 DR. HILL: Oh, I'm so sorry. Yes. I forgot the
13 first -- yes. That is correct. Yes. I'm sorry.

14 MR. JORDAN: And then you said earlier that, you know,
15 OMB holds up dollars all the time.

16 DR. HILL: Uh-huh.

17 MR. JORDAN: It happened -- in your, you know, extensive
18 experience, it's happened several times, even happened with
19 Ukraine, right?

20 DR. HILL: That's correct.

21 MR. JORDAN: Yeah. And then, in the end, it sort of all
22 worked out, the Javelins happened, the security assistance
23 dollars happened, continued to flow. And then, when
24 President Trump and President Zelensky meet, like many people
25 have told us, it seems to me they actually hit it off when

1 they met in New York.

2 So we've got all this stuff going on, and I get it, and
3 we've spent several hours talking about it all. But as I
4 look at it all, in the end, it kind of worked like it
5 normally does. I understand there were different people
6 talking and doing different things, and you talked a lot
7 about Ambassador Sondland and Mayor Giuliani and different
8 things.

9 But in the end, what needed to get done, everything you
10 have said -- you agreed with the Javelins going there. You
11 agreed with the security assistance happening. You felt, I
12 think, like the rest of the folks that we have spoken to,
13 that if President Zelensky and President Trump get together,
14 they're actually going to get along.

15 And you felt that when the Senator and the Secretary
16 went there for the inauguration, they liked this guy too.
17 All that kind of worked out. Is that fair to say?

18 DR. HILL: Well, it depends on what you mean about
19 working out. The President and President Zelensky did, in
20 fact, meet at the U.N. GA. That is correct. The military
21 assistance appears to have been delivered, to the best of my
22 knowledge and also to yours.

23 But in terms of the overall U.S.-Ukrainian relationship,
24 no, I wouldn't say that this has worked out because we're in
25 the middle of now what is a scandal about Ukraine. So the

1 manner in which we got to this point has been extraordinarily
2 corrosive, the removal of our Ambassador and what we have
3 done, which is laying open what appears to have been an
4 effort in which a number of unsanctioned individuals,
5 including Ukrainian American businesspeople, seem to have
6 been involved in these efforts --

7 MR. JORDAN: Dr. Hill, why do you think President
8 Zelensky was in favor of a new Ambassador to Ukraine from the
9 United States?

10 DR. HILL: I only see what I see in the transcript, in
11 which he's talking to the President. He didn't say that he
12 was necessarily in favor. He's just responding to what he
13 has been told in this transcript.

14 MR. JORDAN: I mean, I can look at this transcript
15 again, but I think he said he favored it 100 percent. He was
16 pretty emphatic about --

17 DR. HILL: He's responding to what the President said,
18 as far as I can tell here. I can't speak to what President
19 Zelensky is thinking. I really can't.

20 MR. JORDAN: You think he's simply responding to the
21 President's suggestion? It seems to me, if that was the
22 case, he would say: Okay. I think that would be fine.

23 He says: No, I agree with you 100 percent. She was for
24 Poroshenko.

25 DR. HILL: He also says that he agrees 100 percent,

1 actually 1,000 percent, on, you know, Angela Merkel and other
2 European countries not helping Ukraine, which actually isn't
3 true. It is true, as the President has asserted, that
4 they're not helping on the military front, but the Germans
5 and the French and other Europeans are giving an awful lot of
6 technical assistance and funding and money to Europe. We
7 were trying to get them to do more, but it's not true that
8 they're not doing much.

9 Look, I can't speak to what either of the Presidents
10 were thinking in this moment. I can only read and respond to
11 the transcript.

12 MR. JORDAN: Well, okay, fine. I mean, we have what
13 President Zelensky said. He obviously wanted a new
14 Ambassador just like President Trump did.

15 DR. HILL: Well, he doesn't say he wanted a new
16 Ambassador here. He wants his own new Ambassador. President
17 Zelensky also removed Ambassador Chaly because he's newly
18 elected, and Ambassador Chaly used to be President
19 Poroshenko's National Security Advisor and Special Assistant,
20 Special Diplomatic Advisor.

21 MR. JORDAN: I'm just reading what President Zelensky
22 said. I agree with you 100 percent -- page four, second
23 paragraph, President Zelensky, near the bottom: I agree with
24 you 100 percent. Her attitude towards me was far from the
25 best as she admired the previous President and she was on his

1 side.

2 DR. HILL: Look, I can't speculate about why President
3 Zelensky was saying this and about what he was thinking about
4 at this particular time. He also doesn't have her name
5 correct.

6 MR. JORDAN: You don't think --

7 DR. HILL: And he says: It was great that you were the
8 first one who told me that she was a bad Ambassador.

9 He said: It was great that you were the first one who
10 told me that she was a bad Ambassador.

11 MR. JORDAN: I understand. I'm not saying --

12 DR. HILL: No. But I'm just saying that this seems to
13 suggest something else, so perhaps all of us shouldn't be
14 speculating on what they were basically both thinking or
15 saying.

16 MR. JORDAN: I'm not speculating. I'm just saying what
17 he said. I'm asking you --

18 DR. HILL: Well, he says: It was great that you were
19 the first one -- the first one -- who told me that she was a
20 bad Ambassador because I agree with you 100 percent.

21 That doesn't mean to say that he thinks that she was a
22 bad ambassador. He's responding to what the President has
23 said to him.

24 MR. JORDAN: So, when he said, "I agree with you 100
25 percent," he's not agreeing with the President 100 percent?

1 DR. HILL: Well, he's agreeing with the President
2 100 percent if the President has told him that she is a bad
3 Ambassador, as the first one who is telling him.

4 MR. JORDAN: All I'm --

5 DR. HILL: I'm just saying to you what I'm reading here
6 as well. And, look, I don't want to start parsing what
7 either the President is saying or President Zelensky --

8 MR. JORDAN: I didn't posit why he wanted her. I just
9 said what he said. You're the expert on Ukraine, not me.

10 DR. HILL: Look --

11 MR. JORDAN: I'm asking you what you think --

12 DR. HILL: I am saying that he --

13 MR. JORDAN: -- why did President Zelensky, the guy who
14 ran on corruption, the single biggest issue, that was his
15 campaign, he wins, he gets elected. He wins the
16 parliamentary races, and he says -- he wins overwhelming in
17 his Presidential election, he says he wants a new Ambassador.
18 I'm just asking you --

19 DR. HILL: You'll actually see here that there's an
20 error in translation here. So, remember, President Zelensky
21 doesn't really speak English. He speaks some English but not
22 a lot of English. I would like to actually know whether this
23 was, you know, fully interpreted or whether he himself was
24 attempting to speak in English for this because you'll
25 actually see it's quite garbled.

1 So, if you start to actually look at this paragraph
2 here, and I worked as a translator as well, as an
3 interpreter, just to be clear here, and I do speak Ukrainian,
4 although not as well as I speak Russian, and what he's saying
5 here is he has got confused between the Ambassador to the
6 United States from Ukraine, which could, in actual fact, be
7 his Ambassador, the Ukrainian Ambassador to the United
8 States. So he's getting himself confused in this particular
9 point here.

10 MR. JORDAN: What was her name -- or his name, excuse
11 me?

12 DR. HILL: That's Ambassador Chaly. But you see, he
13 says here: It'd be very helpful for the investigation to
14 make sure that we administer justice in our country with
15 regard to the Ambassador to the United States from Ukraine.

16 So that's already a confusion.

17 MR. JORDAN: Well, but he didn't say --

18 DR. HILL: So what I'm saying here is -- he didn't, but
19 he's getting confused.

20 MR. JORDAN: He said Yovanovitch.

21 DR. HILL: Yes, but as I say, he's getting confused
22 because he's talking about the Ambassador to the United
23 States from Ukraine.

24 MR. JORDAN: Okay. Fine.

25 DR. HILL: So what I'm saying here is, and then he said:

1 It was great that you were the first one who told me -- the
2 first one who told me -- that she was a bad Ambassador
3 because I agree with you 100 percent. And then he says her
4 attitude to me was far from the best as she admired the
5 previous President and she was on his side.

6 And this is what we understand as being said by Rudy
7 Giuliani. Because I know from working with Ambassador
8 Yovanovitch that she wasn't personally close to Poroshenko.

9 MR. JORDAN: Dr. Hill, that is fine.

10 DR. HILL: And let me just tell you this, there's been
11 two instances -- just let me finish -- there's been two
12 instances in which ambassadors have been refused agreement or
13 been refused consideration by the countries because they've
14 been accused of being close to the previous incumbent
15 President.

16 This happened with our Ambassador to Georgia, and she'd
17 been previously serving in the Embassy in Georgia under
18 Saakashvili, and the current President said that she was
19 close to him and purported to provide information to me and
20 to others, and this wasn't true. Again, as I've said before,
21 anyone who had worked with President Poroshenko --

22 MR. JORDAN: Doctor, I'm not asking about Georgia. I'm
23 asking about Ukraine.

24 DR. HILL: No. But I'm pointing out to you that this is
25 a common refrain that we get from other embassies in other

UNCLASSIFIED

360

1 countries when they don't necessarily, you know, want to
2 either have an ambassador that we're trying to send to them
3 or that they want to curry favor with many of our officials.
4 They will often refer to things like this.

5 MR. JORDAN: All right. Thank you.

6 MR. ZELDIN: Dr. Hill, do you have a relationship with
7 former Assistant Secretary of State Victoria Nuland?

8 DR. HILL: In what way, a relationship?

9 MR. ZELDIN: Professional.

10 DR. HILL: A professional relationship, yes, when I was
11 working in the previous capacities as the national
12 intelligence officer. She's a long-term, you know, Foreign
13 Service officer. She'd been the National Security Advisor to
14 Cheney, for example, to Vice President Cheney at that time.
15 I do not have a personal relationship with her beyond the
16 professional relationship.

17 MR. ZELDIN: Are you aware of her directing anyone at
18 State to talk to Christopher Steele during her tenure as
19 Assistant Secretary?

20 DR. HILL: I was aware from the exchanges that she asked
21 Kathy Kavalec to talk to him after we had this discussion
22 already, when I suppose Christopher Steele had asked to talk
23 to her, and she asked Kathy Kavalec to talk to him instead.

24 MR. ZELDIN: In your opinion, would that be proper?

25 DR. HILL: I wouldn't have talked to him in that

UNCLASSIFIED

UNCLASSIFIED

361

1 position, but whether it's proper or not, I think, is a
2 judgment for Assistant Secretary Nuland and others.

3 MR. ZELDIN: This was in the midst of the 2016 election,
4 correct?

5 DR. HILL: I believe that's the case. I mean, I read
6 about this later, and Kathy Kavalec told me that she'd been
7 instructed to go and talk to him.

8 MR. ZELDIN: Has anything been stated so far today that
9 you would describe as classified, or would you say everything
10 up to this point is unclassified?

11 DR. HILL: I don't think that anything that I have said
12 is classified. Or are you referring to just questions that
13 you have asked? I mean, I think that when we've got into --
14 and this is why, you know, perhaps I've been a little harsher
15 in my responses to the questions about the Politico piece and
16 things about Ukraine because I have a lot of classified
17 information that leads in other directions, and, obviously, I
18 can't share those.

19

20

21

22

23

24

25

UNCLASSIFIED

1 [6:15 p.m.]

2 MR. ZELDIN: But it's your --

3 MR. BITAR: Just as a matter of record for the
4 interview, this interview, as we said at the outset, has been
5 conducted at the unclassified level. We have not flagged
6 anything at this moment in time as classified.

7 DR. HILL: No, and I have confined all my answers to the
8 things that have either been in the public discussion --

9 MR. BITAR: I just don't want to leave any ambiguity, in
10 light of the question

11 MR. ZELDIN: That's why I'm asking the question.

12 So specifically with regards to the first round of
13 questions, you stated something about Venezuela and Russia.
14 Do you recall talking about some type of --

15 DR. HILL: Yes. I said that the Russians signaled,
16 including publicly through the press and through press
17 articles -- that's the way that they operate -- that they
18 were interested in -- they laid it out in articles, I mean a
19 lot of them in Russian -- but, you know, obviously, your
20 staff and Congressional Research Service can find them for
21 you -- positing that, as the U.S. was so concerned about the
22 Monroe Doctrine and its own backyard, perhaps the U.S. might
23 also be then concerned about developments in Russia's
24 backyard as in Ukraine, making it very obvious that they were
25 trying to set up some kind of let's just say: You stay out

1 of Ukraine or you move out of Ukraine, you change your
2 position on Ukraine, and, you know, we'll rethink where we
3 are with Venezuela.

4 And I said that I went to Moscow. It wasn't a
5 classified trip because I was going to meet with Russians.
6 And in the course of those discussions, it was also apparent,
7 including with a Russian think tank and other members, that
8 the Russian Government was interested in having a discussion
9 about Venezuela and Ukraine.

10 MR. ZELDIN: And just for my own knowledge then, so
11 that's something that it's all been publicly reported,
12 everything's unclassified there?

13 DR. HILL: It's been reported and that the Russians, the
14 Russians themselves made it very clear in unclassified public
15 settings that they were interested at some point in -- and,
16 in fact, it was even reported in the press that I had gone to
17 Russia, by someone that asked a question of our State
18 Department officials in doing a press briefing: Had I gone
19 to Russia at the time to make a trade between Venezuela and
20 Ukraine? It was asked as a question to Christopher Robinson
21 during a press briefing at the State Department.

22 MR. ZELDIN: Did you state earlier that there was a
23 nexus between Rudy Giuliani associates and Venezuela?

24 DR. HILL: I was told that by the directors working on
25 the Western Hemisphere. I didn't have a chance to look into

1 this in any way. I was told that the same individuals who
2 had been indicted had been interested at different points in
3 energy investments in Venezuela and that this was quite
4 well-known.

5 MR. ZELDIN: Have you maintained -- after you left the
6 U.S. Government, have you been in contact with any Ukrainian
7 Government officials?

8 DR. HILL: I have not.

9 MR. ZELDIN: Have you had contact with any U.S.
10 Government officials sharing any information with you about
11 when Ukraine became aware of a hold on aid?

12 DR. HILL: I have not. I've only read about it in the
13 paper.

14 MR. ZELDIN: So the sole source of information that you
15 have with regards to the hold on aid to Ukraine has been
16 based on press reports?

17 DR. HILL: No. Well, you said about Ukrainian
18 officials, when they knew about when the aid had been put on
19 hold.

20 MR. ZELDIN: With regard to Ukrainian officials, solely
21 through press reports?

22 DR. HILL: I only know about that from press reports.
23 When I left, it had just been announced internally, and I was
24 not aware at that point whether the Ukrainians knew about
25 that. So I left on July 19th.

1 MR. ZELDIN: And you were snorkeling on July 25th?

2 DR. HILL: I was snorkeling quite a bit in that
3 timeframe, yeah.

4 MR. ZELDIN: How much time do we have left?

5 MR. HECK: Three minutes.

6 MR. ZELDIN: We yield back.

7 MR. HECK: Turn now to the gentleman from California,
8 Mr. Rouda, who has a couple of questions.

9 MR. ROUDA: Thank you very much.

10 Dr. Hill, thank you for a long day of testimony.

11 MR. GOLDMAN: Mr. Rouda, can you use the microphone?

12 MR. ROUDA: Just a couple quick questions. You talked a
13 little bit about the aid that was approved in a bipartisan
14 fashion that it is typical for the agencies and departments
15 involved to slow down and move forward, step back as the
16 process goes through for them to get to their final
17 approvals.

18 If I understood your testimony correctly, it did appear
19 that all approvals had been made at the time that this aid
20 was delayed and that that would be characterized as unusual.

21 DR. HILL: That is correct.

22 MR. ROUDA: And equally unusual that the communication
23 from Mulvaney to the respective departments, that there was
24 no specific reason for it. Would you characterize that as
25 unusual as well?

UNCLASSIFIED

366

1 DR. HILL: That is correct.

2 MR. ROUDA: Thank you. And then I just want to get a
3 little bit of better understanding on the voice memorandum --
4 the call memorandum, excuse me. And if I understand
5 correctly from your testimony, we have individuals who are
6 repeating exactly what the President of the United States has
7 said as well as what the President of Ukraine has said that's
8 going into voice analytics, and that that is more than one
9 person, is that correct, that's doing that activity?

10 DR. HILL: I think there may be more than one person at
11 times.

12 MR. ROUDA: So do we know in this --

13 DR. HILL: I know -- I personally myself know of one
14 person who usually does this, but there could be two at the
15 same time, particularly if it's, you know, kind of a long
16 call or, you know, maybe one person does one person, one
17 person does another.

18 MR. ROUDA: So, in this situation, we don't know as we
19 sit here right now whether there was one or more people
20 who --

21 DR. HILL: I do not know.

22 MR. ROUDA: But, regardless, it's being dictated into
23 the voice recognition, and then there's a process to go back
24 and check against people's notes to make sure that the
25 memorandum is as close as possible to what they believe they

UNCLASSIFIED

1 heard during that call?

2 DR. HILL: That's right.

3 MR. ROUDA: And then, once that's completed, various
4 individuals, including members of the White House staff, have
5 the ability to review that memorandum as well and make any
6 additional edits?

7 DR. HILL: Say again. Members of the --

8 MR. ROUDA: Members of the White House staff would have
9 the ability to look at that call summary?

10 DR. HILL: Only the Executive Secretariat would.

11 MR. ROUDA: Okay, the Executive --

12 DR. HILL: But usually for punctuation or, you know,
13 kind of style punctuation-related issues.

14 MR. ROUDA: And is it possible that the memorandum that
15 was circulated could have had redactions from it?

16 DR. HILL: It's possible, but it doesn't necessarily
17 indicate this in looking at this. This is not inconsistent
18 with other transcripts that I've worked on.

19 MR. ROUDA: Thank you, Chairman. I yield back.

20 MR. HECK: Mr. Goldman.

21 MR. GOLDMAN: Mr. Noble will take it.

22 BY MR. NOBLE:

23 Q So I'd like to go back and ask about some more of
24 the meetings on your calendar.

25 A Sure.

UNCLASSIFIED

368

1 Q Actually, this one is not on your calendar, but the
2 day before the meeting on the 5th that we were talking about,
3 there was a dinner or some kind of celebration hosted by
4 Ambassador Sondland in Brussels to celebrate independence 1
5 month early. Were you aware of that?

6 A I was. Yeah, that was in June. And this was the
7 dinner that he had invited President Zelensky to attend.

8 Q Right. Do you know why he invited President
9 Zelensky?

10 A Yes. Basically, this was in the course of, you
11 know, the discussions that it would be very difficult for us
12 to necessarily get a high-level meeting scheduled with
13 President Zelensky, you know, immediately after his election.

14 We'd already talked at great length about, you know,
15 kind of all the back-and-forth about what we were going to do
16 about trying to have a Presidential meeting or a meeting with
17 the Vice President.

18 And the Germans and the French and others were already
19 inviting President Zelensky to visit. And Ambassador
20 Sondland, what was traditionally -- well, I guess the United
21 States Embassy always traditionally has a July Fourth party.
22 For whatever reason, Ambassador Sondland was going to have
23 his a month early.

24 You know, it was within the respectable period after the
25 election of President Zelensky. We all wanted to have a

UNCLASSIFIED

1 touch of some description at a high level with him, something
2 that would, you know, show that the United States was paying,
3 you know, attention to him. And Gordon Sondland came up with
4 that idea and, in fact, we all supported it.

5 Q Who else attended the dinner, do you know, on the
6 U.S. side?

7 A I never saw a full invitation list. I mean, I read
8 that Jay Leno was there, which was quite interesting and I
9 guess makes sense. He's one comedian, you know, and another.
10 And I do know that Jared Kushner was there. There was even a
11 discussion about that because he was going to Europe for
12 other business. And it was discussed that this would be a
13 signaling, you know, on the part of the White House that, you
14 know, Zelensky was being treated seriously by having a member
15 of the President's family and also another senior White House
16 official attending that dinner. So we did not see this as
17 untoward in any way.

18 Q Did you get a readout from the meeting?

19 A I did not get a readout. I mean, this was being
20 billed more as something social, and it was to introduce
21 Zelensky to the European Diplomatic Corps and other European
22 heads of state. And I believe that he -- President Zelensky
23 had some other meetings around that with European officials.

24 Q Okay. On page 42, on June 13, you had a meeting
25 with Ambassador Volker and Ambassador Bolton.

1 A Yes.

2 Q Do you recall what that meeting was about on the
3 13th?

4 A Yes. That meeting was, again, looking forward to
5 where we were going to try to go with Ukrainian policy,
6 whether there was going to be any hope of having the Russians
7 revisit some kind of process again with Ambassador Volker.

8 I mean, at this point, he's been waiting for some
9 response from Sokov as to whether he's intending to meet with
10 him again and whether we should anticipate the Russians doing
11 anything before the Rada, the parliamentary elections. And
12 he was relating to Ambassador Bolton, you know, all of his
13 efforts to talk to the Europeans and to others at that time.

14 Q Did you recall that that, on June 13th, that was
15 the same day that President Trump told George Stephanopoulos
16 in an interview that he'd be willing to accept dirt from a
17 foreign government on a political opponent?

18 A I did not make that connection. No, I did not
19 recall that.

20 Q So you didn't discuss that with Ambassador
21 Volker --

22 A No.

23 Q -- and Ambassador Bolton?

24 Did you ever discuss that statement by the President
25 with Ambassador Bolton?

UNCLASSIFIED

371

1 A I did not, no.

2 Q Did that raise any concerns for you when you heard
3 the President say that?

4 A I mean, it raised general concerns about, you know,
5 what does that mean? I mean, obviously, you know, I'm sure,
6 based on my responses to some of these questions, you can be
7 sure I don't approve of that kind of thing because, again,
8 this is where we've all got ourselves into a predicament.

9 Q And did you discuss that concern with anyone else
10 at the NSC?

11 A I did not.

12 Q On the next page, on the 17th, you met with General
13 Kellogg about Ukraine.

14 A Yes.

15 Q Do you recall what that meeting was about?

16 A Yes. This was, again, you know, following up with
17 him on my previous concerns and also trying to check to see
18 if there was any more chance that perhaps the Vice President
19 might consider, you know, going to Ukraine at some point in
20 the summer.

21 Q And the next day you met with Ambassador Sondland?

22 A That is correct. That was the day that I was told
23 by Ambassador Sondland that he was in charge of Ukraine.

24 Q Okay. We've gone over that. Skipping forward to
25 the 3rd of July, it's on page 45, you had a meeting with

UNCLASSIFIED

1 Michael Ellis and John Eisenberg, and it looks like you
2 handwrote this transition and question mark?

3 A Yes, because I think that was my first initial
4 transition meeting, and I just wanted to, you know, kind of
5 double-check for myself because, you know, this is already in
6 the month that I'm leaving, and there was an awful lot of
7 things I had to make sure that I was complying with. I was
8 also asking them, were there any of the issues that we'd all
9 worked on together that I should specifically think about
10 handing off to others, other individuals.

11 Q This was a week before the meeting on July 10th
12 that we talked about earlier where Sondland blurted out about
13 pushing --

14 A That is correct. And that hadn't -- actually
15 hadn't been fully scheduled at that particular time. We were
16 working on having Oleksandr Danylyuk and Andrey Yermak come,
17 but we didn't at that moment actually know that Ambassador
18 Sondland and Ambassador Volker were going to participate as
19 well.

20 And in actual fact, they weren't on the initial list to
21 participate because I'll just say it was actually highly
22 unusual for both of them to be at a meeting with a senior
23 Ukrainian official that was with Ambassador Bolton. I mean,
24 the normal thing would have been to have Ambassador Volker
25 have his own meetings with them at State Department, but

1 Ambassador Sondland was pretty insistent on getting into the
2 meeting along with Ambassador Volker.

3 Q Was he admitted to the meeting over the objection
4 of --

5 A And then that's actually when we also determined
6 that Secretary Perry should be there as well, because
7 obviously we were having Ambassador Volker and Ambassador
8 Sondland, and Secretary Perry was having -- you know,
9 basically, was really in the process of initiating work on
10 the Ukrainian energy sector. Then, if we were going to have
11 the two of them, we should then have Secretary Perry as well
12 and cover the whole range of issues. It also seemed, to be
13 frank, to be an opportunity for coordination that we
14 obviously sorely needed at that point.

15 Q Fair enough. The May 20th inauguration, the U.S.
16 delegation, its composition, was there ever any debate about
17 whether or not Ambassador Sondland should attend the
18 inauguration?

19 A Yes. He wasn't on our initial list.

20 Q Okay. How did he --

21 A We were trying to determine -- and the Chief of
22 Staff's Office kept putting him back on. And Ambassador
23 Sondland, in any case, said he was going.

24 Q Mick Mulvaney's office kept putting him back on?

25 A That's right.

UNCLASSIFIED

374

1 Q So did Ambassador Bolton essentially get overruled?

2 A Essentially. I mean, that actually is not uncommon
3 for us to put forward a list and then others to put forward
4 lists. The State Department often puts lists forward of
5 people that they want to be attending as well. And
6 Ambassador Sondland also got the State Department, Lisa
7 Kenna, who is the Executive Secretary at the State
8 Department, to make it clear that he should attend.

9 Q What do you mean, he got Lisa Kenna to make it
10 clear that he should attend?

11 A He contacted me when he wasn't on the list that
12 Ambassador Bolton had put forward and said he wasn't on the
13 list and that he would be contacting Lisa Kenna to write to
14 the NSC to make sure that he was on the list. And he wanted
15 to know why he wasn't on the list. And I related to him that
16 the list had been drawn up according to people who were
17 responsible for, you know, Ukrainian affairs.

18 This is before -- remember, this is May 20th, before
19 he's announced to me that he's in charge of Ukraine on June
20 18th -- and that there was, you know, kind of no reason to
21 see at that point why he should be going to the Presidential
22 inauguration of the Ukrainian President as Ambassador to EU.
23 It was just simply -- as simple as that.

24 And he said that he had been instructed by the State
25 Department and that he would have Ulrich Brechbuhl, you know,

UNCLASSIFIED

1 if necessary, call, but he was going to have Lisa Kenna send
2 a note to the Executive Secretariat.

3 Q Of the National Security Council?

4 A Of the National Security Council.

5 Q Do you know whether she sent that note?

6 A I believe she did. We'd also invited quite a lot
7 of people. I think, you know, Senator Portman as well as
8 Senator Johnson and a range of other people. But the
9 scheduling was so tight that very few people were able to
10 come.

11 Q Was Sondland, Ambassador Sondland originally on the
12 list of attendees for the July 10th meeting?

13 A No. Initially -- I mean, this is a meeting that
14 was requested with Ambassador Bolton, and they asked if they
15 could attend, Ambassador Sondland and Kurt Volker. Then we
16 decided to -- that we should also have Secretary Perry come.

17 Q Who did they ask to attend, Ambassador Bolton?
18 Whose permission did they have to get?

19 A They went through Ambassador Bolton's office. And
20 we were also then asked to push forward if they wanted to
21 attend. So we had some back-and-forth with Ambassador Bolton
22 about this. Because, again, in the spirit of coordination at
23 this particular juncture, it seemed like actually a good
24 thing to do.

25 Q Okay. We may have talked about this one, so

1 forgive me, but on page 46, there was a meeting with George
2 Kent --

3 A Yes.

4 Q -- on Monday, July 8th. What was that about?

5 A That was basically in the course of my -- you know,
6 I mentioned before I was trying to do handover meetings. And
7 I wanted to fill in DAS Kent about the -- Deputy Assistant
8 Secretary Kent -- about the fact that we were working very
9 closely with Secretary Perry on trying to promote
10 energy-related issues. And given his portfolio, I asked him
11 if he would take the lead in making sure that there was full
12 coordination with Secretary Perry on the energy issues.

13 Q Okay. On page 47, we may have talked about this
14 one as well, July 19th, your meeting with Ambassador
15 Taylor --

16 A Yes.

17 Q -- about Ukraine. Was that another -- that was a
18 transition meeting?

19 A It was a secure phone call with him.

20 Q Okay.

21 A He wasn't at this point in -- he was actually in
22 Kyiv. This was actually a secure phone call.

23 Q And is this the conversation you had where you went
24 through the laundry list of concerns with him?

25 A That is correct.

1 Q Okay.

2 A And this was because, you know, obviously, the
3 previous week we had, you know, had this -- these episodes,
4 and I hadn't been able to talk to him since. I was trying to
5 schedule a call with him.

6 And as you can see, I've also got Phil Reeker. We had
7 lunch and I basically was trying to hand off. It wasn't
8 just, again, about Ukraine in his case. All these issues
9 that I was worried were loose threads that needed to be
10 wrapped up, and I was worried there wouldn't be coordination
11 on.

12 Q Got it.

13 A And then, as you can see here, Mr. Danylyuk called
14 me as well, because he was still worried about not having
15 reached a conclusion on who he should engage with to work on
16 the National Security Council reform in Ukraine. And I
17 suggested to him again that he work with Deputy Assistant
18 Secretary Taylor -- Kent and also with Ambassador Taylor,
19 because that would be appropriate, because normally the State
20 Department carries out this kind of technical assistance or
21 advisory role. And we'd already done this, of course, with
22 the Ukrainian military, with General Abizaid and also with
23 Keith Dayton.

24 Q Did Danylyuk raise anything about the -- any
25 concern about setting up a meeting between President Zelensky

1 and President Trump?

2 A He kept expressing concern that there was no sign
3 of the meeting. And I assured him that Ambassador Bolton was
4 treating it seriously and that we would do it, you know, when
5 it was appropriate in terms of the schedule. I also stressed
6 again that, at this juncture, we needed to wait for -- you
7 know, as I've said to our colleagues, that we needed to wait
8 for the Rada elections and then to see about the formation of
9 the government.

10 Q Which were scheduled for the following week at that
11 point?

12 A The following week, correct.

13 Q Okay. And then, on July 23rd, the next page,
14 there's a Ukraine PCC meeting?

15 A Yes.

16 Q I take it you did not attend that meeting?

17 A I did not. And I actually didn't attend the
18 meeting that's also on the calendar for the 18th, because I'd
19 already handed over to Tim Morrison. The last series of
20 meetings that I went to in my formal capacity were on the
21 15th, the redacted meetings.

22 And after that, we'd agreed with Ambassador Bolton and
23 Charlie Kupperman that, you know, because of the short nature
24 of the -- that we should hand over to Tim. But Tim had been
25 traveling in this period. He did return on the Thursday, you

1 know. And then the point was to have this meeting on the
2 Tuesday, which was actually supposed to be where they started
3 to discuss what was going on with the hold on the military
4 assistance.

5 Q Did Mr. Morrison, do you know, did he attend that
6 meeting on the 18th, or was he still traveling?

7 A I would have to check. He might have -- I remember
8 he came back I think on the Thursday, but he might have
9 missed the meeting. But this, looking at this, you know,
10 often when it says Vindman, this is a meeting that is being
11 held at the director level, which could have been, you know,
12 kind of preparing for the larger meeting on the Tuesday,
13 which Tim Morrison in that new role would have been --

14 Q Would have attended?

15 A That's right.

16 Q Okay. That's it on the calendar. Thank you.

17 MR. GOLDMAN: Mr. Jordan, with your consent, would you
18 mind if I took over this round, even though ordinarily we
19 understand the rules are that counsel, just since we don't
20 have a time limit?

21 MR. JORDAN: Are you guys planning on using all 45?

22 MR. GOLDMAN: I don't know.

23 MR. JORDAN: Go ahead.

24 MR. GOLDMAN: Thank you.

25 BY MR. GOLDMAN:

1 Q Briefly, you mentioned earlier Dmytro Firtash. I
2 don't want to get into too much detail about him. But I'm
3 curious whether you know, whether you learned at any point
4 whether Parnas and Fruman had any association with Firtash?

5 A I did not learn that, no.

6 Q And do you know whether Rudy Giuliani had any
7 connection to Firtash?

8 A I also do not know that.

9 Q Do you know who represents Firtash in his
10 extradition to the United States?

11 A I actually didn't know that either. Who was it?
12 Do we know that?

13 Q I mean, the public reporting right now is that it's
14 Joe diGenova and Victoria Toensing.

15 A I see. No, I don't know either of those names. I
16 mean, all of my knowledge of Firtash comes from my time when
17 I was at the DNI and then, you know, subsequently, to some
18 degree, when I was in the think tank world because, of
19 course, his role in RosUkrEnergo and the, you know, various
20 middleman dealings between the Russian and Ukrainian energy
21 sectors was very well-known. But he didn't really come onto
22 the radar screen very much in my time in the administration.

23 Q Are you familiar -- I'm going to switch gears now
24 to Naftogaz again. Are you familiar with the public
25 reporting that Secretary Perry tried to convince Naftogaz to

1 change members of their board?

2 A I was not familiar in the way that it's been
3 publicly reported. I know that, you know, we were focusing
4 on Naftogaz. Secretary Perry hadn't opposed Amos Hochstein
5 being on the board initially, but there was definitely a
6 discussion about how was Naftogaz going to be moving forward
7 into the future. And part of that would have required
8 probably getting, you know, kind of a pretty robust oversight
9 board. And there were concerns expressed to me by the
10 Naftogaz executives when they came to visit that they were
11 under a lot of pressure at that particular point.

12 Q Pressure from whom?

13 A They did mention to me that there was pressure
14 coming from Ukrainian Americans. They didn't get into any
15 details because they clearly felt uncomfortable about this.
16 But one of the women on the board who actually at that point
17 was potentially slated to be Deputy Foreign Minister told me
18 that it was coming from these Ukrainian Americans who were
19 dealing with Giuliani.

20 Q Fruman and Parnas?

21 A That's exactly the case, yes.

22 Q Did you ever become aware of a memo or an open
23 letter written by Dale Perry?

24 A No. I don't know who that is.

25 Q Did you ever come to learn whether there was a

1 meeting in March of this year in Houston between an executive
2 on Naftogaz, with Naftogaz, Andrey Favorov, and Parnas and
3 Fruman?

4 A I did not know, but this could be what they were
5 referring to, because it's after that time when they came in
6 to see me. And this is around the time when Amos Hochstein
7 came in and said the Naftogaz people being on the board are
8 coming under an awful lot of pressure.

9 Q So just one last little bit on this. What was the
10 rationale, that they would need a stronger board, you said,
11 or -- I don't want to -- I don't know that that was your
12 exact terminology, but --

13 A Well, I mean, that was part of the discussion about
14 how Naftogaz was going to become self-sufficient. They had
15 debt issues. This is, you know, kind of a company that
16 really needed an overhaul, and although the people who had
17 been involved there had, you know, been trying to be very
18 professional -- this is, you know, a far cry from, you know,
19 some of the days of Russian and Ukrainian energy interactions
20 -- there's obviously still a lot of work to be done.

21 I also just want to reiterate here that, as the National
22 Security Council, you know, we weren't having a major role in
23 a lot of these issues. I mean, we were really trying at that
24 point, you know, at the direction of Ambassador Bolton and
25 others, beginning back at the beginning of the

1 administration, to play more of a coordinating role. And in
2 terms of the energy sector reform, this was really Department
3 of Energy in conjunction with the State Department.

4 So, when people were approaching me with these concerns,
5 I was referring them back at all times. Hence, why I was
6 having regular consultations with Deputy Assistant Secretary
7 Kent and also to then, now Charge Ambassador Taylor in Kyiv,
8 because that would be the appropriate place for them to
9 follow up. There wasn't any expectation, even on the
10 National Security Council reform, that we would play some
11 kind of meaningful role in that.

12 MR. HECK: Dr. Hill, I have to step out. I'm going to
13 make every effort to return, but in the event that I am not
14 able to return before you conclude, which I think everybody
15 is aspiring to at this point, it is important to me that I
16 express my personal appreciation for your presence here
17 today.

18 Indeed, I would say that, in the years that I've been in
19 the Congress, I've never seen anybody testify for 9 straight
20 hours and have every bit as much energy and recall in the
21 ninth hour as they did in the first hour. And I'm very, very
22 grateful to you for your presence today and for your
23 considerable public service.

24 DR. HILL: Thank you, sir. Thank you.

25 BY MR. GOLDMAN:

1 Q Did you understand how the Naftogaz executives
2 could feel pressure from two businessmen, Parnas and Fruman,
3 in such a meaningful way?

4 A Well, I think there were lots of efforts in the
5 Ukrainian energy sector, as in the Russian energy sector at
6 many times, to, you know, move away from, you know, the sort
7 of state supervision, to hive off parts of different
8 companies.

9 In my previous guise in the think tank world, I've
10 written a lot of articles and publications on the energy
11 sector. And when I was at the DNI, I was involved very
12 heavily in analysis of the energy sector in Ukraine and in
13 Russia and elsewhere. This was, you know, an area,
14 obviously, there's a lot of money to be made.

15 And, you know, as you know, in the Russian energy
16 sector, a lot of the people who are in charge of that sector
17 are very close to President Putin. He himself has taken a
18 personal interest in this.

19 And RosUkrEnergo, Mr. Firtash and others, all of the
20 oligarchs involved in these energy sectors, have been close
21 one way or another to the Kremlin, because, in many respects,
22 the Ukrainian energy sector is dependent on Russian energy,
23 both as a transit route to the rest of Europe and also
24 because an awful lot of the energy exploitation was taking
25 place in areas close to Russia, and at different points,

1 Russians were invested in energy sector development.

2 And, of course, after the annexation of Crimea, a number
3 of potentially promising Ukrainian gas and oil fields were
4 actually annexed by the Russians as well.

5 So, you know, this is a kind of fairly complicated
6 procedure, and there's a lot of opportunity for a number of
7 individuals, you know, kind of be they Ukrainian American
8 businesspeople or people who have been -- you know, Western
9 businesspeople who have been involved in the energy sector,
10 to get involved in investments there.

11 I also came across, I just have to say, people who were
12 not Ukrainian American but Americans who I was also wondering
13 what they were up to, in terms of their own interest in the
14 energy sector.

15 Q Right. But that doesn't necessarily answer the
16 question as to how two businessmen from Florida could make
17 the Naftogaz executives feel significant pressure.

18 A Their connections. The connections that they were
19 either imputing or purporting in the context of these
20 meetings.

21 Q The connections to whom?

22 A To Rudy Giuliani, and through that by, you know,
23 usurpation, I presume, of some kind of Presidential
24 authority, or purporting to be doing this on the kind of
25 behalf of, in some way, of Rudy Giuliani.

1 Q Was it not the case that Naftogaz had significantly
2 reduced its dependence on Russia?

3 A It had, but there's still, you know, kind of a way
4 to go. And they were also having financial problems at this
5 particular juncture, and they were hoping that the United
6 States and other international entities would help them with
7 funds that they needed, both for restructuring but also for
8 purchases of gas, you know, for the winter.

9 Q So do you believe that two oil and gas executives
10 or finance executives from Texas was the solution to
11 revamping the board?

12 A I am not quite sure who you're talking about there,
13 again.

14 Q I'm sorry. That was the public reporting.

15 A Oh, I see.

16 Q That Secretary Perry was advocating for --

17 A I wasn't familiar at all with who Secretary Perry
18 and others might be advocating. I'm just relating that the
19 Naftogaz executives told me that they felt under pressure.
20 And, again, I referred them to the State Department and to,
21 you know, obviously, our colleagues at Department of Energy.
22 And I did talk to Ambassador Taylor, Deputy Assistant
23 Secretary Kent, and also Phil Reeker about this.

24 Q Because it wouldn't necessarily be your area of
25 focus?

1 A Correct.

2 Q Understood. I have a few final questions a little
3 bit later, but I'm going to turn it over to Mr. Raskin to see
4 if he has any questions.

5 MR. RASKIN: Thank you very much, Dr. Hill. Thank you
6 for your remarkable service to our country. And speaking as
7 one Member, I can say I'm extremely proud of you, especially
8 because you're my constituent. And thank you for the way
9 you've conducted yourself through this very difficult process
10 as well.

11 One of the reasons that you've taken umbrage at being
12 led down a path which looks like the conspiracy theory that
13 it was Ukraine and not Russia that interfered in our election
14 in 2016 is that you said that it undermines our capacity to
15 respond to 2020 properly, to understand what's happening or
16 what's about to happen in 2020.

17 And I wonder if you would expound upon that a little
18 bit. What is about to happen, best you can tell, in terms of
19 Russian interference in our current Presidential election?

20 DR. HILL: I think, as we have gone on over the past,
21 you know, 2 and a half years, and since the whole proceedings
22 and the Mueller report, you know, in terms of press reporting
23 and more in-depth investigations by social media, we realize,
24 you know, how sophisticated and how extensive the Russian
25 interference has been.

1 But the Russians, you know, can't basically exploit
2 cleavages if there are not cleavages. The Russian can't
3 exploit corruption if there's not corruption. They can't
4 exploit alternative narratives if those alternative
5 narratives are not out there and getting credence. What the
6 Russians do is they exploit things that already exist.

7 And if you look at actually how President Putin himself
8 has responded to what he fears would be our, or other
9 interference in his elections, you can see, you know, what he
10 has done. He's made it impossible to have foreign money into
11 his elections. He's cut down NGOs and other foreign
12 entities, you know, from everything from Transparency
13 International to IRI and NDI and other entities.

14 He has basically designated anyone with any kind of
15 foreign experience as a fifth column and as a traitor to the
16 country. He has gone after people like Alexei Navalny and
17 Vladimir Kara-Murza, both people who you here as Members of
18 Congress know -- Vladimir Kara-Murza has been here and met
19 with congressional staff -- as stooges of the West and as
20 people who are being played.

21 And, also, he has, you know, created a good degree of
22 plausible deniability by sending out patriotic hackers to --
23 from, you know, for example, Mr. Prigozhin, his, you know,
24 erstwhile cook or kind of catering oligarch, who has been
25 paying for and sponsoring the IRA, the Internet Research

1 Agency, that has been basically doing the same kind of
2 research on all of our campaigns and all of our individuals,
3 to dig up dirt and to, in fact, exploit any weakness in our
4 system and to throw back all kinds of information on our
5 candidates.

6 So the more that we denigrate ourselves, the more that
7 we end up in across-the-aisle screaming matches, the more
8 dirt that we put out on our own political candidates in the
9 course of our own race, the more that the Russians will use
10 that to amplify this.

11 And I think it's been very well documented right now how
12 they've tried to exploit race. They've tried to exploit
13 religious differences. And if you look very carefully at
14 what Putin does, he never does anything like this in his own
15 establishment. Putin presents himself as the President to
16 everybody. He never singles anybody out on the basis of
17 their race or their religion or their ethnic background. He
18 lets other people do that, and he plays with it, but he has
19 basically harnessed -- he's the first populist President, and
20 he has harnessed that populism very effectively.

21 And I made a mistake when I did my research on Putin in
22 the book that I wrote, because I actually wrote that he
23 doesn't really fully understand our system and how it
24 operates. I meant that from a positive point of view. But
25 my mistake was in not fully understanding that he understands

1 all the negative aspects of how our system works, and he's
2 playing that right back at us.

3 MR. RASKIN: He understands the weaknesses?

4 DR. HILL: Correct. And the more divisive our politics
5 are, the more that he can pick partisan differences apart and
6 encourage people to go out and exploit that, the more
7 vulnerable that we are.

8 MR. RASKIN: So partisan rancor and division is one of
9 the weaknesses he's exploited, but you also said that
10 corruption is our Achilles' heel. And I don't know whether
11 you were thinking specifically about Mr. Parnas and
12 Mr. Fruman, but --

13 DR. HILL: I was.

14 MR. RASKIN: You were -- will you explain --

15 DR. HILL: Because the failure of imagination for
16 myself, again, in writing this book -- and I've forced Lee to
17 buy a copy now -- is if you read the epilogue and, you know,
18 the final, you know, chapter -- and I'd be happy to send
19 everybody, you know, this -- is basically Putin was a case
20 officer in the KGB. He has said many times that his
21 specialty is working with people, which means manipulating
22 people, blackmailing people, extorting people. He looks at
23 people's vulnerabilities.

24 And this is why I was concerned about the Steele report
25 because that is a vulnerability. Christopher Steele going

1 out and looking for information. He's obviously out there
2 soliciting information. What a great opportunity to,
3 basically, you know, present him with information that he's
4 looking for that can be couched some truth and some
5 disinformation.

6 So he's looking out there for every opening that he can
7 find, basically, and somebody's vulnerability to turn that
8 against them. That's exactly what a case officer does. They
9 get a weakness, and they blackmail their assets. And Putin
10 will target world leaders and other officials like this. He
11 tries to target everybody.

12 So a story from when I was working on the book, I was
13 also looking for information for the book to write about
14 Putin. And my phone was hacked repeatedly, and the Brookings
15 system was hacked repeatedly. And at one point, it was
16 clearly obvious that someone had exfiltrated out my draft
17 chapters. I mean, you know, they were in draft form.

18 And then, mysteriously, after this I started to get
19 emails from people who purported to have met me at different
20 points in my career, people I kind of vaguely remember. I'd
21 look online, and there would be these, you know, LinkedIn
22 pages or there might be, you know, something I could find out
23 some information for them. And they'd start offering me
24 information, you know, that somehow purported to, strangely
25 enough, some of the chapters that I was actually working on.

1 And when I would go to meetings in Russia, people would
2 basically, you know -- so that I was being played, or they
3 were attempting to play me as well. And I've seen this time
4 and time again.

5 So the more that people are looking for business
6 opportunities, the more that they're doing something that is
7 illegal or certainly shady and nefarious, the more that Putin
8 can step forward and the people around him to exploit this.

9 And you can see this time and time again in every one of
10 the former Soviet republics and really across Europe as well.
11 They've given money to political parties, to all kinds of
12 political operatives, or sometimes they've just simply given
13 access to people.

14 MR. RASKIN: The firing or the recall of Ambassador
15 Yovanovitch followed upon a sequence of events that looks to
16 me very much like a political hit and propaganda, that there
17 was a campaign out to get her. Please give me your sense of
18 if I'm right about that. And have you ever seen an
19 Ambassador removed in similar circumstances before in your
20 career?

21 DR. HILL: Well, that's what I said, that I believe as
22 well that that was also a political hit on her. And I
23 mentioned in reference to the question about do I know Kathy
24 Kavalec that I believe that there was a hit done on her as
25 well by the Albanian Democrats, who picked up on information,

1 including the fact that she'd been mentioned in these
2 exchanges with Bruce Ohr and Toria Nuland on Chris Steele,
3 and used that to denounce her and to basically force the
4 State Department to pull back her name. She was already in
5 Albanian language training, which mustn't have been a lot of
6 fun, I can imagine, but she was already well progressed on
7 this. And she's now going out to have some role in the OSCE.

8 And there was also something similar done to our
9 Ambassador-designate, Bridget Brink, to Georgia by the
10 Georgians, also, you know, purporting to create a dossier and
11 material.

12 And I was also -- Connie Mack, not the Congressman but
13 his son, went to Vice President Pence's staff and asked for
14 me being removed, providing as an exhibit the InfoWars and
15 all the other information, saying that I was a Soros mole in
16 the White House.

17 MR. RASKIN: In answer to a kind of all's well that ends
18 well suggestion about this situation, you said, in fact, the
19 U.S.-Ukraine relationship is now covered in scandal.

20 I wonder to what extent is the Ukrainian Government
21 still looking to see how it should respond to the request for
22 political dirt on the Bidens. Is that story over, or are
23 they still waiting to see what happens in the United States
24 now?

25 DR. HILL: I'm sure they are still waiting to see how

1 that happens. But I'm sure that they also want to find out
2 for themselves if there's any, you know, kind of thing there
3 that they should be scared about or concerned about in any
4 way. Not scared, let's just say concerned about.

5 And I was struck by the fact that their prosecutor
6 announced that they were, you know, reviewing all of this
7 again. And I think if I were President Zelensky and his new
8 team, having been unfamiliar in actual fact with what was
9 going on before -- remember, President Zelensky was engaged
10 in making, you know, programs and playing a President on
11 television. He wouldn't necessarily be familiar with all of
12 this as well. So it's not actually, you know, completely
13 ridiculous that he would actually be asking to have some
14 investigations for his own purposes to see, you know, quite
15 what has transpired here.

16 MR. RASKIN: Finally, the inspector general of the
17 Department of State gave us a package, essentially, of
18 propaganda materials and conspiracy theory, which I think
19 Rudy Giuliani took credit for later. You've emphasized a lot
20 the role that propaganda has played in attacking certain
21 people and advancing this agenda in Ukraine, and I just
22 wonder if you would expound generally on this.

23 Do you think we're in a period where political
24 propaganda is playing a very seriously role in undermining
25 the legitimacy of government, undermining the legitimacy of

1 public officials, and what are your thoughts about what needs
2 to be done about that?

3 DR. HILL: Well, I do. Look, I mean the issue -- I
4 mean, this is, you know, obviously a big debate that we're
5 having nationally about campaign finance and about the role
6 of political action committees.

7 But what President Putin and others have seen -- and
8 this gets back, you know, to be fair to you and your kind of
9 question here about, you know, individual efforts by
10 Ukrainian Americans or anybody to, you know, kind of get into
11 campaigns, is they see an opportunity through the existence
12 of these kinds of entities to play out something similar
13 themselves.

14 I've often described Vladimir Putin as heading up a
15 Super PAC, but he's not an American citizen. It's not part
16 of a legitimate campaign, and it's not part of our democracy.
17 But what he's doing is using exactly the same tactics and
18 using, in fact, the campaign research that we all produce as
19 part of our, you know, political efforts, to turn it right
20 back at us. So that is, again, exactly the kind of actions
21 that people like Putin take.

22 So the only way that we can keep the Russians out of our
23 politics is to clean up our own act.

24 MR. RASKIN: Ma'am, we don't allow our own government to
25 spend money on our politics. Why should we allow other

1 people's governments to spend money on our politics?

2 DR. HILL: That's exactly right. That's the kind of
3 question, that's why I was getting so testy. You know, and I
4 apologize again for getting a bit testy. I've got a bit of a
5 headache now. You know, kind of a long day here.

6 But that's the kind of point that I am trying to get
7 across here, that, you know, these are, you know, as you
8 rightly point out, foreign governments, be they Ukrainian or
9 Russian or others. The scale of what the Russians have done,
10 they've also opened it up for the Chinese. And when
11 President Pence said that the Chinese make the Russians look
12 like junior varsity and he got pooh-poohed somewhat, you
13 know, out in the press on that, he was absolutely right.

14 The biggest thing that I was most disturbed about in the
15 course of my work is really the scale of Chinese efforts.
16 The Chinese have a lot of money. They've infiltrated all of
17 our universities. They've infiltrated a lot of our
18 companies. And we can't get too carried away and, you know,
19 start with a mass hysteria about China. But I was completely
20 shocked, frankly, when former Senator Lieberman was basically
21 signed up to represent a Chinese company at this particular
22 juncture.

23 We should all be extraordinarily careful about our
24 former senior officials and others going on to foreign
25 companies of this nature. It's one thing to go and work with

1 American companies or allied companies, the Netherlands and
2 Norway, Sweden, you know, the United Kingdom, but it's
3 another entirely when we know that a country has some
4 adversarial intent towards us, and also from anyone who has
5 had a security clearance to go into lobbying efforts.

6 And I was deeply disturbed to find out that my resume
7 could be put in a filing of a FARA report by Connie Mack and
8 could be used as an exhibit to try to create a case against
9 me to ask the Vice President and his staff to have me fired
10 for being a Soros mole in the White House. I mean, they
11 laughed him out of a hearing and, you know, basically didn't
12 listen to this, but this was, unfortunately, the kind of
13 actions that were taken against Masha Yovanovitch. And if
14 you also see with Kathy Kavalec, the Albanian Democratic
15 Party, where they took on an advocacy group and put out her
16 information, also in a FARA.

17 So we have permitted open season on our diplomats, and
18 it could happen to anybody. It doesn't matter whether
19 they're a noncareer official. It happened, rather
20 disturbingly to me, to rather a lot of women, but it can
21 happen to any political person as well. Any one of us here
22 could be subject to this kind of claims and these kinds of
23 attacks, any single person who gets crosswise with any of
24 these individuals or any of these countries, if they think
25 that any of us are in the way. And I've been extraordinarily

1 concerned about this.

2 And, again, that's the only reason that, you know --
3 again, Mr. Castor, I don't mean to jump down your throat, but
4 I'm really worried about this. And, you know, one of the
5 reasons that I actually decided that I wanted to also come
6 out of the administration during the campaign was to be able
7 to speak about this publicly.

8 Now, in the case of right now, I think that, you know,
9 what you're all doing here -- I know that there is debate
10 about this -- is actually very important to get to the bottom
11 of what has really been happening. If nothing else, we
12 should all agree that what happened to Ambassador Yovanovitch
13 is unacceptable, and we should not be letting this happen to
14 our public servants across the board because it could happen
15 to congressional staff. It could happen to absolutely
16 everybody.

17 And I will, you know, try to, as I said, keep my head
18 down and, you know, try to keep out of the public spotlight
19 while this process is underway because I want to see that
20 it's done in as nonpartisan and as serious a way as possible,
21 but I eventually want to be able to speak out against this
22 kind of activity.

23 I'm not a Russia hawk. What I am is a critic of the way
24 that this government, led by a KGB former case officer who
25 specializes in manipulating people's vulnerabilities and

1 exploiting corruption -- it's what Putin did in the 1970s,
2 when he joined the KGB in Leningrad and St. Petersburg. They
3 went after American businessmen and set up sting operations.
4 He's been targeting the business community.

5 I firmly believe he was also targeting President Trump,
6 and he was targeting all of the other campaigns as well. And
7 I think that that was the mistake when the 2016
8 investigations were launched, not to take it from the point
9 of view what Russia was doing to target Americans, no matter
10 who they were in the system.

11 MR. RASKIN: Based on what you just said, one final
12 question. Why do you believe that Putin was targeting Donald
13 Trump from his days as a businessman?

14 DR. HILL: Because that's exactly what President Putin
15 and others were doing. Again, he was part of a directorate
16 in the KGB in Leningrad. That's what they did exclusively
17 was targeting businessmen.

18 And as a result of that work that he had there, he was
19 then the deputy mayor in St. Petersburg under Anatoly Sobchak
20 back in the period when, actually, Lee and I were working
21 together for [REDACTED], and we had delegations coming
22 over from Sobchak. As deputy mayor, he was in charge of the
23 liaison with all of the businesses in Leningrad and St.
24 Petersburg. And that was filthy, the politics there at that
25 particular juncture, as we recall.

1 BY MR. GOLDMAN:

2 Q We just have a couple minutes in this round, and,
3 unfortunately, we are going to need to go to another round on
4 our end, but it won't be a full round. But I do just want to
5 circle back to one thing. You've said earlier today that you
6 have -- you are aware of no credible evidence that Ukraine
7 was involved at all in the 2016 --

8 A As the Ukrainian Government.

9 Q The Ukrainian Government, right. And are you aware
10 of any evidence that Vice President Joe Biden in any way
11 acted inappropriately while he was Vice President in
12 connection --

13 A I'm not.

14 Q -- to Ukraine?

15 A I'm not.

16 Q So you're not actually endorsing the idea of
17 reopening these investigations by the Ukrainian Government.
18 Is that right?

19 A As a personal endorsement? I think if the
20 Ukrainian Government wants themselves to figure out -- this
21 is a new government -- wants to figure out, you know, what
22 may have happened for their own informational purposes,
23 they're perfectly within their rights to do that.

24 Q So are you referring then to sort of a review of
25 what has happened in the past, or are you talking about

1 actually reopening this investigation?

2 A I think what their prosecutor has announced is
3 somewhat ambiguous. He has said that they are going to look
4 into this. He didn't say very specifically in the direction
5 that they're going.

6 Q But you're not aware, at least, of any evidence
7 that either of --

8 A I am not.

9 Q -- these investigations should --

10 And so whether or not they want to look into Burisma for
11 their own purposes, in terms of any political investigations
12 related to U.S. politics, you're not suggesting that that's
13 something that they should do?

14 A I am not suggesting that, no.

15 MR. GOLDMAN: All right. I will yield to the minority.

16 MR. CASTOR: I've got a couple questions.

17 MR. JORDAN: Can I go first then?

18 MR. CASTOR: Sure.

19 MR. JORDAN: So, Dr. Hill, you said that the Russians
20 and particularly Putin uses propaganda to go after people and
21 it could happen to anyone. They can target --

22 DR. HILL: Yes, and also kompromat, which is, you know,
23 basically, you know, what the Steele dossier was, which was,
24 you know, kind of compromising information on individuals.

25 MR. JORDAN: And that is my question. Did it happen to

UNCLASSIFIED

402

1 the President in 2016, 2017?

2 DR. HILL: I think that there's a good chance that was
3 the case and that, you know -- and, again, compromising
4 material was being collected on a whole range of individuals.
5 And it was most definitely being collected on Secretary,
6 former First Lady and Senator Clinton as well.

7 And I did, in the course of public speaking at the time,
8 you know, point this out, that we should be investigating,
9 you know, what the Russians were trying to do against all of
10 our political candidates.

11 MR. JORDAN: And the material that was used against the
12 President, you don't think that in any way was accurate? You
13 think it was this propaganda, this kompromat, this -- that
14 was contained in the now somewhat famous Steele dossier?

15 DR. HILL: I said that I wasn't in a position to assess
16 that, obviously, from my private capacity then. But I said
17 that I felt that it also be looked at and investigated, the
18 kind of information that was being collected.

19 Now, I believe that the Mueller report and Mr. Mueller
20 and his team did look at some of this information. But,
21 again, they were looking at, you know, information in a more
22 general sense. I would have much preferred to see, from my
23 own perspective, the Mueller report focusing at the outset on
24 what was it that the Russians were doing and then, as the
25 course of that, following the investigatory leads, which, you

UNCLASSIFIED

1 know, they did in any case, to find out what doors were
2 opened for them into our political system.

3 I think they would have still, to be quite frank, come
4 down where they did on Mr. Manafort, because, again, these
5 are all back doors, of people who are doing, you know,
6 political dealings in other countries of the nature that he
7 was -- that open up the door for Russians and others to step
8 in.

9 MR. JORDAN: You just -- you know, and I get it. You
10 were very emphatic about this could happen to anyone, this
11 propaganda machine that Russia engages in using. And then in
12 the, I think, earlier rounds and based on the story that was
13 written about you last month, you said you believe Steele
14 could have been played by the Russians.

15 And it seems to me like if we're talking about
16 propaganda being used to target a political figure, there is
17 probably no bigger, better example than what happened with
18 the dossier targeting the President of the United States.
19 There's no bigger political figure anywhere. So that seems
20 to me to be example number one.

21 DR. HILL: At that point, though, remember he was a
22 candidate, as was Secretary Clinton, to be the President.
23 This was before the election when this dossier was being
24 produced.

25 MR. JORDAN: I understand.

1 DR. HILL: There was also information on other
2 candidates as well, you know, who weren't ultimately selected
3 to be, you know, the two Presidential candidates. So, again,
4 I just want to reiterate I think the Russians were targeting
5 everybody, and they were trying to get as much information as
6 possible -- and what --

7 MR. JORDAN: Fair enough, but we --

8 DR. HILL: What the Russians do, again, is they get
9 information that's not just plausible but often is factual.
10 That's the way that they operate with a story. And then they
11 will sprinkle into that disinformation.

12 MR. JORDAN: Fair enough. But the fact that the dossier
13 was used to go after the individual who won the election, now
14 President, seems to me to be example number one.

15 DR. HILL: Well, it was done before he was elected as
16 President.

17 MR. JORDAN: No, I understand.

18 DR. HILL: But I think it's also -- there are two
19 examples. Also, what the Russians did to target Secretary
20 Clinton.

21 MR. JORDAN: Thank you.

22 DR. HILL: So I think that both of those issues are the
23 case. And, again, that's what I would like to flag to make
24 sure that we're all aware that everyone is a target because
25 their goal was to discredit the Presidency. Whoever was

UNCLASSIFIED

405

1 elected President, they wanted to weaken them. So, if
2 Secretary Clinton had won, there would have been a cloud over
3 her at this time if she was President Clinton. There's been
4 a cloud over President Trump since the beginning of his
5 Presidency, and I think that's exactly what the Russians
6 intended.

7 BY MR. CASTOR:

8 Q The documents that Mr. Patel purportedly gave to
9 the President, I can't remember whether you --

10 A I didn't know what they were.

11 Q There was never closure on that?

12 A There was no closure on that.

13 Q And you learned that information from, was it staff
14 in the Executive --

15 A It was staff in Exec Sec.

16 Q It wasn't the Exec Sec?

17 A It was not. No, I just simply went down to pick up
18 something else. I would often go over myself because I was
19 worried about, you know, kind of the, you know, the command
20 and control of valuable documents if I needed something to
21 get signed, and I would, you know, kind of take it back, you
22 know. And often, when I was going over to see Ambassador
23 Bolton, so I just popped in, basically, to pick up a document
24 that I needed, and that was when -- it was just an aside.
25 They assumed that I knew.

UNCLASSIFIED

UNCLASSIFIED

406

1 Q And my colleague David Brewer has a quick question
2 as well.

3 A Sure.

4 BY MR. BREWER:

5 Q Dr. Hill, thanks for your patience today.
6 Following up on Mr. Castor's line of questioning, how many
7 times during your tenure at NSC did you communicate with
8 Mr. Patel, by email or by phone?

9 A I didn't communicate with him at all.

10 Q Okay.

11 A He was on a distro list at one point for the --
12 just some of the Ukraine issues, but he was on multiple
13 distro lists because he was in the International
14 Organizations. So the U.N. and other International
15 Organizations fell under his purview, as far as I understood.

16 Again, to be honest, I didn't really know him at all. I
17 knew what he looked like. I knew his name. And he'd sat in
18 some meetings. I had no reason up until that point, really,
19 to think that I needed to know him. And he never introduced
20 himself to me.

21 Q I understand. Ma'am, have you ever spoken with any
22 members of the media about Mr. Patel?

23 A I have not.

24 Q Ma'am, today at 1:16, Manu Raju, who I understand
25 is a reporter for CNN --

UNCLASSIFIED

UNCLASSIFIED

407

1 A Who?

2 Q Manu Raju.

3 A I don't know who that is. Manu Raju?

4 Q He's a reporter, I understand, from CNN. He
5 tweeted some substance of your testimony here today.

6 A I don't know how that was possible because I've
7 been in here with you the whole time.

8 Q That's what I was going to ask you. Have you
9 spoken --

10 A There's been lots of people in and out, so I
11 suppose you should ask your colleagues if somebody's been
12 talking to CNN.

13 Q So, just for the record, you have not spoken to
14 Manu Raju since you've been here today?

15 A I have not had my telephone. I have been in your
16 full -- and I have not met with Manu Raju in the bathroom
17 here. And I think you can attest you saw me in the bathroom.
18 And they have had full custody of me at all times.

19 Q And just one last question, ma'am: Have you
20 directed anyone on your behalf to speak with Mr. Raju about
21 your testimony?

22 A No. I don't know who Mr. Raju is.

23 Q Thank you.

24 A And I also -- as you know, I didn't have a written
25 testimony, and I have just been subject to your questions,

UNCLASSIFIED

UNCLASSIFIED

408

1 and I did not know what you were going to ask me.

2 MR. BITAR: Thank you for that.

3 DR. HILL: Although I did suspect that you might ask me
4 about was I Anonymous, because my attorney here -- I decided
5 to get ahead of it -- picked up some threatening phone calls.
6 So there you are.

7 MR. BITAR: And just to be clear, the committee is not
8 in any way suggesting, I would hope, that you or anybody
9 around you has been, quote/unquote, leaking any information.

10 MR. BREWER: No, I am not suggesting that at all. I
11 just want to get the facts, that you have not spoken to Mr.
12 Raju or directed your attorney or anyone on your behalf to
13 speak to Mr. Raju.

14 DR. HILL: That is correct.

15 MR. BREWER: Thank you. I think we're ready, yes.

16 BY MR. GOLDMAN:

17 Q I just have a few, but I do want to go back. We're
18 almost done.

19 A Okay.

20 Q Honestly, you did say you --

21 A He has to get a plane. He's already, you know, I
22 think had his office -- he said if he didn't appear outside,
23 his office, he intends to --

24 Q Well, we appreciate you guys' willingness to stay
25 here and to stay late and to answer all of our questions.

UNCLASSIFIED

1 It's been a long day. And your -- I think, as one of the
2 Congressman said, your recall and attention has been
3 remarkable, and we are greatly appreciative.

4 I want to go back to this somewhat unusual circumstance
5 regarding Kash Patel. Am I correct that he had no
6 involvement in the Ukraine portfolio?

7 A Apart from, you know, whatever interaction there
8 would have been, you know, on the U.N. and other kind of
9 front. I mean --

10 Q In what way would that have manifested?

11 A I'm trying to actually think. At the time, I
12 thought, well, what involvement does he have? You know, is
13 he the point person in IOA for Ukraine? And I asked one of
14 my colleagues who interacted with the IOA on a regular basis.

15 MR. BITAR: For the record, can you clarify IOA?

16 DR. HILL: Oh, sorry, the International Organizations --
17 and I've forgotten what the acronym stands for.
18 International Organizations and Agencies. I mean, basically,
19 the directorate that covers the United Nations and other
20 multilateral organizations, and covers human rights and at
21 different points also dealt with, you know, our responses to
22 public health crises and foreign assistance and things like
23 this as well.

24 MR. GOLDMAN: And that was his directorate?

25 DR. HILL: It was his directorate. I mean, again, to be

1 very clear, I didn't really know him very well. I'd seen him
2 in a couple of meetings, but then there would be -- you know,
3 large meetings like this, where everyone would be invited. I
4 was not aware that he had -- was running point on any issues
5 related to this.

6 MR. BITAR: And just to clarify again for the record,
7 you're not suggesting he was the senior director for that
8 directorate, right?

9 DR. HILL: No, he's not. He was not the senior
10 director.

11 MR. BITAR: So he was a director among several?

12 DR. HILL: He was a director at that time, among
13 several. And I had more interaction with two other, you
14 know, directors in that directorate.

15 MR. JORDAN: Dr. Hill, you used the term "distro." Is
16 that distribution or --

17 DR. HILL: Distribution list, I'm sorry.

18 MR. JORDAN: I just want to make sure. I figured that
19 was the case.

20 DR. HILL: That's a shorthand for when you, you know,
21 are kind of sending -- I'm sure you do it here internally,
22 you know, various distribution lists. But I didn't usually
23 send those out. So, again, you know, I was kind of also
24 worried about what kind of documents, you know, might have
25 been, you know, sent, beyond talking points for meetings. I

1 mean, again, I -- to be honest, I'm a bit surprised that
2 you've raised his name, because beyond after going to talk to
3 Charlie Kupperman, I mean, I hadn't done anything to kind of
4 follow up on this again.

5 BY MR. GOLDMAN:

6 Q We're a bit surprised to hear that the President
7 thought he was the Ukraine director. So that's why we're
8 trying to figure out --

9 A So was I. That was why I went to speak to Charlie
10 Kupperman.

11 Q Right. No, I understand the course of action you
12 were taking and that you did take, and I understand that
13 there was no follow-on to you from the Deputy National
14 Security Advisor who handled employment matters. What I'm
15 trying to understand is what his actual role was at that
16 time.

17 A I'm not entirely clear. I just basically asked my
18 staff to find out: Was he being asked to be the point person
19 within the agency for that directorate for any particular
20 reason on Ukraine?

21 Q And what was the answer?

22 A As far as they could tell, no.

23 Q Had your Ukraine director, I think it's Alex
24 Vindman, had he --

25 A He had never spoken to him beyond seeing him in a

1 meeting. And it was the same with most of my colleagues.
2 Others knew him, but didn't know that he was -- thought he
3 was a perfectly nice person and interacted with him. They
4 were just as surprised as I was.

5 Q And just to be clear, you were the senior director
6 overseeing, among other countries, Ukraine?

7 A Correct.

8 Q So in --

9 A And a lot of directorates have a point person for
10 Ukraine, you know, in defense issues, for example. I
11 mentioned before that Alex Vindman was initially supposed to
12 be covering a whole gamut of defense issues that intersected
13 with Russia. And, you know, obviously, defense issues are
14 very much related to Ukraine, given the fact that there's a
15 war going on between Russian proxies and the Ukrainian
16 forces. And then it was determined, as part of the
17 streamlining, that most of those defense issues would be
18 within our defense directorate.

19 So, you know, there would be interactions with the
20 people in our defense directorate on issues related to this
21 and, you know, representatives coming from international
22 economics if there was, you know, something purporting to the
23 Ukrainian economy. So there were people who had within their
24 bundle of responsibilities issues that would pertain to
25 Ukraine or other countries.

1 [7:15 p.m.]

2 BY MR. GOLDMAN:

3 Q But would all of that information flow ultimately
4 through you on up the chain?

5 A Normally. That's why it attracted my attention.
6 And it's also because the Exec Sec staff member clearly
7 thought that this was reporting through me.

8 Q Right. But I'm just trying to understand that.
9 Even if he were to have had some sort of involvement with
10 Ukraine from another directorate, that it still, ultimately,
11 in normal channels, will get funneled up through you, on up
12 the chain --

13 A Normally. Although, you know, I'm sure [REDACTED]
14 [REDACTED] and others will, you know, recall those often
15 jurisdictional spats between directorates, particularly if
16 something was overlapping.

17 This happened repeatedly with CT, or the
18 Counterterrorism Directorate, that they felt that they ought
19 to have, you know, for example, the direct reporting on an
20 issue that fell into their purview.

21 And we had a few disputes sometimes between some of our
22 directors and the CT directors about who had responsibility,
23 you know, for a particular issue.

24 Q But you knew what they were doing on those
25 disputes.

UNCLASSIFIED

414

1 A I did know what they were doing, correct.

2 Q So can you give us an assessment of how unusual it
3 was that, as you understood it, someone outside of your
4 directorate was providing information to the President about
5 Ukraine? Had that happened about any of your countries that
6 you oversaw in your 2-1/2 years there?

7 A Yeah, I think -- you know, normally, there was
8 also, you know, a very extensive clearance process. So
9 anything that was going to the President would have been, you
10 know, fully vetted and cleared, you know, across the NSC
11 directorate if there'd been a request. And, normally, the
12 request would've come through Ambassador Bolton.

13 Q And let me ask you something else. If something
14 were to come through other channels, related to Ukraine, on
15 up through Charlie Kupperman or Ambassador Bolton, would you
16 have expected them to loop you in on it and ask you about it?

17 A I think it would depend on the nature of the
18 material. I mean, if it fell into the purview of, say, our
19 cyber and it might have been, you know, related to something
20 that was classified and that, you know, perhaps I was not
21 read into, then, you know, it's possible that I would not
22 necessarily have known about that. But, in this case, this
23 seemed to be talking about some routine materials.

24 Q And just to be clear, this was --

25 A And, again, I did not want to put the Exec Sec

UNCLASSIFIED

1 person, who was totally a staff member, in a difficult
2 position. They --

3 Q Understood.

4 A -- clearly were just relating to me this request or
5 just thinking that I already knew and were giving me a
6 heads-up.

7 Q Relating the request from the President?

8 A That they just were, you know, kind of -- I think
9 they thought they were reminding me that the President, you
10 know, wanted to speak to the Ukraine director about the
11 materials.

12 Q Okay.

13 A And just to give me a heads-up and to say that, you
14 know, they might be contacting Kash. And that's when,
15 obviously, I thought, whoa, okay.

16 Q When you mentioned this to Charlie Kupperman, did
17 he --

18 A He was surprised.

19 Q I was going to say, did he know about this at all?

20 A He did not.

21 Q Okay. Did he indicate to you whether he understood
22 that Ambassador Bolton knew of this at all?

23 A He indicated that Ambassador Bolton did not know
24 about this as well. He acted very surprised.

25 Q And that seems -- is that outside of the normal

UNCLASSIFIED

416

1 operating procedures within the National Security Council?

2 A Yes. This was unusual, which is why I flagged it.

3 Q Okay.

4 A I mean, there have been cases of, you know, general
5 mistaken identity, you know, in the past that have been not
6 particularly a big deal. But this is, of course, happening
7 in this context in which all kinds of other things are going
8 on as well.

9 Q And just to be clear, you don't believe this is a
10 case of mistaken identity.

11 A No. I mean, it was clear -- I mean, Kash is not a
12 usual name. And Kash is not Alex.

13 Q Oh.

14 A I mean, it wasn't clear to me, though, that
15 everybody in Exec Sec would know who Alex Vindman was anyway.
16 I mean, yes, he'd been on the delegation as a representative,
17 but he wasn't, you know, someone who was particularly
18 well-known.

19 Q During your 2-plus years there, how frequently did
20 the President ask to meet with any directors on any of the
21 countries that you oversaw?

22 A Not on any of my countries, he had not.

23 Q Never.

24 A He had not. But it's possible that he had asked
25 for other people. I mean, we had people with, you know,

UNCLASSIFIED

1 various specific areas of expertise on other issues that he
2 could easily have asked for and I wouldn't know about that.

3 But he had not on any of my -- other staff members at
4 high levels would request a director to attend a meeting, you
5 know, given the serious nature of meetings, and a number of
6 our directors did go to, you know, high-level meetings and
7 sit in with them. And, often, if I wasn't there, one of our
8 directors would go.

9 Q But not the President?

10 A They might be there in the context of a
11 Presidential head of state meeting if I --

12 Q Sorry. I just meant the President had never --

13 A No.

14 Q -- specifically requested --

15 A Never.

16 Q -- a director within any of your portfolios.

17 A Not in my portfolio, he had not.

18 Q Okay. And did you -- I would imagine it was
19 relatively important for you to understand what information
20 the President was reviewing related to Ukraine, given that
21 that's part of your portfolio.

22 A That's correct, which is why I took it to Charlie
23 Kupperman.

24 Q And did you ever figure out what it was?

25 A I did not.

1 Q After having brought it the first time, did you go
2 back and make a subsequent request, given the importance for
3 you to understand what the President was seeing related to
4 Ukraine?

5 A Well, I started to be concerned around this, that
6 then it was obviously, you know, material that was not part
7 of the national security process. And if --

8 Q What do you mean by that?

9 A Well, obviously, it wasn't related to the issues
10 that we were working on. It had to be something else. And
11 then, you know, as I expressed -- Charlie had already -- I'd
12 already expressed to Charlie Kupperman my concerns about the
13 Giuliani accusations, and I had no idea whether this was
14 related to this or to any other issue. Again, I don't want
15 to speculate. But I was confident that if I needed to know
16 what this was, Charlie Kupperman would tell me and would
17 inform me.

18 Q And he did not.

19 A He did not.

20 Q Are you aware of whether Kash Patel ever met with
21 Rudy Giuliani?

22 A I do not know.

23 Q How about with Mick Mulvaney?

24 A I don't know that either.

25 Q And Ambassador Sondland?

UNCLASSIFIED

419

1 A I also don't know that.

2 Q And so, after that initial conversation with
3 Charlie Kupperman, you heard nothing else about this?

4 A I, at one point later on, asked Charlie Kupperman,
5 you know, what was generally going on with Kash Patel, and he
6 told me that he was going to be transferred to
7 Counterterrorism.

8 Q And did you understand that there was a reason for
9 that?

10 A I inferred from that that it was to -- basically in
11 response to what had happened.

12 Q Was that perceived -- how was that in response?

13 A He said to me that that was more fitting with the
14 issues that he was interested in, that Patel was interested
15 in. I mean, again, look, these are personnel matters.
16 That's --

17 Q Right.

18 A -- normally handled by Charlie Kupperman. And Kash
19 Patel was not in my directorate. And I flagged my concern.
20 I also did not want to start, you know, jumping down the
21 throat of the Exec Sec staff person, who clearly had just
22 told me something that they did not realize, you know, I did
23 not know. And I immediately went upstairs to flag it.

24 Q Are you aware of whether any other United States
25 Government officials ever engaged any Ukrainian officials in

UNCLASSIFIED

1 any way to request that they initiate these investigations
2 that Rudy Giuliani was -- and President Trump referenced on
3 the July 25th call?

4 A I'm not aware of that, no.

5 Q Okay. Are you aware whether any Congressmen or
6 Senators were involved at all in this effort?

7 A I'm not. I mean, I've only read, you know, what's
8 been reported in the press most recently about some of the
9 involvement including Congressman Sessions. I was surprised.

10 Q Related to Parnas and Fruman?

11 A Correct. And Ambassador Yovanovitch. I mean, I
12 did not expect that that was, you know, the originating
13 source for the pressure against her.

14 Q Uh-huh.

15 And is there anything more about Mr. Mulvaney's role in
16 this whole Ukraine issue in connection with, you know,
17 Mr. Giuliani's efforts?

18 A Not beyond what I've already told you.

19 Q Okay.

20 You, obviously, left July 19th. And you've exhaustively
21 answered our questions today, and we are very appreciative of
22 that. You've mentioned repeatedly concerns that you had
23 about, in particular, Mr. Giuliani and his efforts.

24 When you read the call transcript of July 25th, the call
25 record, which you must have done just a couple weeks ago, did

1 it crystallize in your head in any way a better understanding
2 of what was transpiring while you were there?

3 A In terms of providing, you know, more information
4 with hindsight, unfortunately, yes.

5 Q And in what way?

6 A The specific references, also juxtaposed with the
7 release of the text messages by Ambassador Volker -- you
8 know, what I said before -- really was kind of my worst fears
9 and nightmares, in terms of, you know, there being some kind
10 of effort not just to subvert the national security process,
11 but to try to subvert what really should be, you know, kind
12 of, a diplomatic effort to, you know, kind of, set up a
13 Presidential meeting.

14 Q This may --

15 A There seems to be an awful lot of people involved
16 in, you know, basically turning a White House meeting into
17 some kind of asset.

18 Q What do you mean by "asset"?

19 A Well, something that was being, you know, dangled
20 out to the Ukrainian Government. They wanted the White House
21 meeting very much. And this was kind of laying out that it
22 wasn't just a question of scheduling or having, you know, the
23 national security issues worked out, that there were all of
24 these alternate discussions going on behind.

25 Q And you have discussed the July 10th meeting where

1 Ambassador Sondland indicated that. We've gone through the
2 Kurt Volker text on July 25th. You've now read the
3 transcript of the Presidential call between President Trump
4 and President Zelensky.

5 Would you agree this doesn't seem to be a one-off; this
6 seemed to be a fairly considered campaign over a period of
7 time?

8 A Well, it certainly dovetails with the activity that
9 we started to see after the ouster of Marie Yovanovitch, of
10 Masha Yovanovitch. So, for me, Masha Yovanovitch's ouster
11 was some kind of tipping point or turning point.

12 Q And this wasn't --

13 A Because it was after she was removed from her
14 position that you started to see, you know, more of this
15 activity.

16 Q And, even then, I believe you said that you
17 understood, at least from Ambassador Yovanovitch, that she
18 was told that the President had ordered her removal. Is that
19 right?

20 A She didn't tell me that at the time when I saw
21 her --

22 Q I'm sorry.

23 A -- May 1st. She was being discreet, but she told
24 me that there had been a lack or a loss of confidence in her
25 position and that, although they told her that she wasn't

1 being removed for cause, her position was no longer
2 tenable --

3 Q But --

4 A -- and that she had wrap up her -- she stated this
5 in her public testimony.

6 Q Right. And Deputy Secretary Sullivan told you,
7 though, that the State Department was quite supportive of her
8 and it had nothing to do with her work performance.

9 A That's correct.

10 Q So --

11 A And I was also surprised to read in her public
12 testimony that there'd been a pressure campaign, that she'd
13 been told there was a pressure campaign going back to the
14 summer of 2018.

15 Q Okay. Well, Rudy Giuliani doesn't have the
16 authority to remove the Ambassador, correct?

17 A I don't believe that he does. That's correct.

18 Q Right. So did you infer at the time who made the
19 decision to remove her?

20 A I actually inferred at the time that it had been
21 made at the top of the State Department --

22 Q So you think it was Secretary Pompeo?

23 A -- in response to, you know, obviously, concerns
24 that had been raised against her which one could trace right
25 back to what Mr. Giuliani had been saying and he had been

1 building up into a crescendo of criticism about her in that
2 period.

3 Q And now having read the call transcript, do you
4 have a different view of what occurred?

5 A Well --

6 Q The call record.

7 A Well, based on what I read in the transcript and
8 what she said in her testimony, which was obviously told to
9 her, then I have a different view -- well, I have the view
10 that we're now discussing, that the President asked for her
11 to be removed.

12 Q Okay.

13 And I don't mean to belabor this, but Rudy Giuliani was
14 not a government official. And so, did you have an
15 understanding of for whom he was acting on behalf of?

16 A I did not, actually. I mean, I was often worried,
17 in listening to him, that he was acting on his own behalf.

18 Q Right. Now, I'm sort of saying, now that you're
19 looking back at the text messages, the call record, and
20 putting it together with all the meetings and other
21 interactions that you saw --

22 A I still have questions of whether he was acting on
23 his own behalf, particularly after the indictment of
24 Mr. Parnas and Mr. Fruman.

25 Q Understood. But do --

1 A I think --

2 Q -- you also understand that the President adopted a
3 lot of Rudy Giuliani's views, to the extent they are Rudy
4 Giuliani's?

5 A Well, given the drumbeat of Rudy Giuliani's views
6 on the television, I think if you listen to that long enough,
7 you know, it kind of -- God knows what anybody would think,
8 getting back to, you know, questions that have been posed
9 before. He seemed to be, you know, basically engaged in a
10 concerted effort to propagate these views.

11 Q Uh-huh.

12 A But I cannot say that this was -- all of the things
13 that he was doing was at the direction of the President. I
14 can't say that.

15 Q But you did notice in the call transcript that the
16 President said several times that President Zelensky should
17 speak with Rudy Giuliani, right?

18 A I did.

19 Q So did that give you an understanding --

20 A But that suggests that Rudy Giuliani has all of the
21 information. I mean, again, he's being directed to talk to
22 Rudy Giuliani. And, you know, when we refer to the ellipses,
23 you know, the President isn't laying out in full all of these
24 issues. So, you know, kind of, a lot of this information is
25 coming from Rudy Giuliani, and Rudy Giuliani seems to be, in

1 some fashion, orchestrating a lot of these discussions.

2 Q If Ukraine actually did initiate these
3 investigations, who would they have benefited?

4 A Well, they might have benefited Mr. Giuliani and
5 his business colleagues just as much as anyone else.

6 Q How so? An investigation into Joe Biden, how would
7 that have helped --

8 A It's an investigation, but it wasn't just into
9 that. There was investigations writ large. So if there's
10 upheaval in the Ukrainian energy sector and people are
11 removed, perhaps this gives the opportunity for these
12 individuals and other individuals to get investments or
13 lucrative board positions.

14 Q Did President Trump mention the energy sector or
15 corruption in the energy sector in the July 25th call?

16 A He doesn't seem to have done so. I mean, he refers
17 to directly, as I stated -- but, overall, we were -- again,
18 there have been lots of references to energy sector and to
19 corruption in the energy sector. And, technically, Burisma
20 is part of the energy sector in Ukraine.

21 Q Right. But you understood -- as we discussed, you
22 understand Rudy Giuliani and, clearly, President Trump's view
23 of the Burisma to the extent that they wanted an
24 investigation related to the Bidens?

25 A I see what was in the transcript, but I'm also

1 referring to all of the discussions that were out there in
2 public on the television and all the statements by
3 Mr. Giuliani. They seemed to cover a lot of ground and a lot
4 of territory. I think it's entirely possible -- and, again,
5 I'm presuming that this is what you're all trying to get to
6 the bottom of -- that many things were being put onto this
7 set of issues. This is --

8 Q So it's not just one thing.

9 A This is a bundling of a number of issues.

10 Q So am I correct in understanding that there could
11 be a number of different interests that are --

12 A My view, in looking at this, is that individuals,
13 private individuals, like Mr. Giuliani and his business
14 associates, are trying to appropriate Presidential power or
15 the authority of the President, given the position that
16 Mr. Giuliani is in, to also pursue their own personal
17 interests.

18 Q But the President was willing to provide the
19 Presidential power in that July 25th call.

20 A Well, that's the July 25th call, but before that it
21 seems to me that there was a lot of usurpation of that power.

22 Q But you do agree that in that July 25th call the
23 President was --

24 A That's what it seems to suggest.

25 Q Okay.

1 A And, again, I'm reading that in a context in which,
2 you know, I've been looking at other information -- and I
3 don't have a complete picture of what transpired between when
4 I left and when the call was made -- and then subsequently to
5 all the information that we're seeing out in the press as
6 well. I'm learning things from the press, if indeed all of
7 this is accurate, for the first time.

8 Q Right. I understand that.

9 A And I guess the final question I have is, you indicated
10 earlier on today that this was sort of your worst nightmare
11 and that these requests for investigations appear to be
12 political in nature. Is that accurate?

13 A Correct. My worst nightmare is the politicization
14 of the relationship between the U.S. and Ukraine and, also,
15 the usurpation of authorities, you know, for other people's
16 personal vested interests.

17 Q Right. But whose --

18 A And there seems to be a large range of people who
19 were looking for these opportunities here.

20 Q If the Ukraine -- I think you used this term -- dug
21 up dirt on Joe Biden, whose political prospects would that
22 assist?

23 A Well, depending on how it plays out, that could
24 assist a wide range of people.

25 Q Potentially. Is it going to assist Rudy Giuliani's

1 political campaign, or is it going to assist President
2 Trump's?

3 A Well, again, it depends on how this all plays out.
4 At this particular -- look, this is now, kind of -- everybody
5 could be damaged by all of this, which basically gets back to
6 my point. Everybody's campaign could be severely damaged by
7 how this plays out now. Or it could be benefited.

8 I think what you're saying is, was the intent to promote
9 the campaign of President Trump. Yes. But you're asking the
10 question, also, about how this might play out.

11 Q That was really just the former, but I understand
12 what you're saying.

13 Can I have 1 minute?

14 All right. I think we're done here. I don't know if
15 you guys have anything.

16 MR. CASTOR: Who was the staffer in the Exec Sec that
17 brought up Kash Patel?

18 DR. HILL: I'll be honest, I actually can't remember.

19 MR. CASTOR: Okay.

20 DR. HILL: Because it was one of the front office --

21 MR. CASTOR: Thank you.

22 DR. HILL: -- staff, and it wasn't someone who -- it was
23 just simply they were relaying to me a piece of --

24 MR. CASTOR: Thank you.

25 DR. HILL: -- information. And I honestly can't

1 remember.

2 MR. JORDAN: Doctor, who's on this distribution list
3 that you reference? I don't know how that operates and how
4 that works.

5 DR. HILL: Well, it's usually for, you know, meetings
6 related to Ukraine. So if we're having one of these
7 interagency meetings at the directors level or, you know,
8 kind of, a political coordination committee, you would add on
9 everybody who you thought would be, you know, related to this
10 in some way.

11 MR. JORDAN: And would the individuals --

12 DR. HILL: So I asked them to parse through and see, you
13 know, what individuals were on and then to see what it would
14 be about follow-on materials.

15 So, just to be kind of clear about this, I mean, a lot
16 of these distribution lists are on our classified system, not
17 just on our unclass system. And sometimes they have attached
18 to them a lot of background materials.

19 MR. JORDAN: That was my next question.

20 DR. HILL: And this gets back to our, you know, concerns
21 about leaking in the past. I mean, you asked me about this
22 question about CNN. Just an enormous amount of our material,
23 before you've even had a meeting, is out on CNN or Politico
24 or BuzzFeed. And I would lose my mind, sometimes, before
25 routine meetings by the fact that, before I'd even started

1 the meeting, some of the background material with some of the
2 deliberations already seemed to be somebody publishing it.

3 MR. JORDAN: Yeah. No, I've --

4 DR. HILL: So, you know, I mean, obviously, you've been
5 familiar with that, and I'm sure it's an occupational hazard
6 for people here as well.

7 MR. JORDAN: It sure is.

8 DR. HILL: So I started to worry about, you know, kind
9 of: Were materials that were just meant for the interagency,
10 you know, for people, that were deliberative drafts of, you
11 know, policy memorandum going backwards and forwards, you
12 know, that weren't intended for, you know, kind of, other
13 people, being distributed or information that was attached to
14 that?

15 But, in actual fact, when I looked at this, there'd been
16 very little information that we'd been sending out that
17 wasn't, you know, kind of, fairly routine in these documents.

18 MR. JORDAN: Okay. That was my question. So the
19 distribution list is not just to individuals telling them
20 about a schedule or a meeting. It's also some material that
21 is actually being transmitted --

22 DR. HILL: That's right, that they need to use to
23 prepare for the -- and, often, it would be sent, you know, to
24 individuals in different directorates to prepare their senior
25 director or themselves, if they were just attending, you

1 know, to basically, like we're doing here, you know,
2 exhibit A, the Politico thing, or the transcript, for
3 example.

4 MR. JORDAN: Right. And was Mr. Patel on the
5 distribution list that was receiving this information?

6 DR. HILL: In some cases, he was on the larger
7 distributive list for his directorate.

8 MR. JORDAN: Okay.

9 DR. HILL: And, in some cases, he was there with a few
10 other people from his directorate, perhaps because, again, if
11 some of the meetings overlapped with things that he was
12 working on, or there had also been a lot of changeover,
13 again, in the directorate, so there were sometimes just two
14 or three directors --

15 MR. JORDAN: So was he getting the information that --
16 he was getting the same information that everyone else was
17 getting?

18 DR. HILL: From what I'm recalling, I think that was the
19 case.

20 MR. JORDAN: Okay. So just like everyone else on the
21 distribution list, he was getting that --

22 DR. HILL: That's right.

23 MR. JORDAN: -- exact same information --

24 DR. HILL: And, as I said, I went --

25 MR. JORDAN: -- at the exact same time in the

1 meetings --

2 DR. HILL: Correct.

3 MR. JORDAN: -- everything the same?

4 DR. HILL: But as you're looking back, you know, over --
5 and I'm looking back on my schedule, there weren't a lot of
6 other -- there weren't a lot of meetings taken, but there's a
7 lot of background materials. So I also wanted to know from
8 Alex and others if there was some other distro list that they
9 had for other communications for materials. Basically, you
10 know, directors often have their own distro people that
11 they're working with.

12 MR. JORDAN: I guess my concern was, you said -- I think
13 a littler earlier you said you were concerned about the
14 material he may have and may present to whomever he was
15 presenting it to in whatever meeting. And I'm just trying to
16 figure out, if he's on this same distribution list and he's
17 getting it just like everyone else and he's getting the same
18 material, why would you be concerned about the material he'd
19 be presenting in April, May --

20 DR. HILL: Well, because I wasn't sure -- when they
21 referred to materials, I thought, what on Earth materials
22 could they be talking about? So I wanted to see, is there
23 any way that any of these background materials that were
24 being prepared -- updates on Ukraine, in other words --
25 could've been in the mix and then were being given off to

1 Exec Sec? Because they weren't being prepared for the Exec
2 Sec or to be handed on, certainly, to the President. I mean,
3 it would do something in a totally different nature if you're
4 preparing a background briefing for the President or a
5 background briefing for Ambassador Bolton. They do it in a
6 very different way, if I'm preparing a background briefing --

7 MR. JORDAN: Okay.

8 DR. HILL: -- for a routine directors meeting, which
9 might have, you know, all of the comments of the directors,
10 you know, back and forth --

11 MR. JORDAN: Yeah.

12 DR. HILL: And I thought to myself, you know, what
13 materials could this be?

14 MR. JORDAN: Yeah. So, just to be clear, though,
15 Mr. Patel is on the same distribution list as everyone else
16 on the list and getting the same material.

17 DR. HILL: That's correct.

18 MR. JORDAN: Okay.

19 DR. HILL: But then again, I'm trying to figure out, why
20 would that material and what could that material be that
21 could be getting --

22 MR. JORDAN: Thank you.

23 DR. HILL: -- you know, sent up to the President?

24 MR. ZELDIN: The next piece of evidence -- what's the
25 next number?

1 DR. HILL: And, again, just to be very clear, I did not
2 know what that material would be. I did not know at any
3 time, I was not told, what that material was that was sent to
4 the President.

5 MR. JORDAN: I wasn't asking about that. I was asking
6 about what was sent to Mr. Patel was exactly what everyone
7 else was getting.

8 DR. HILL: That's correct.

9 MR. JORDAN: Got it.

10 [Minority Exhibit No. 5
11 Was marked for identification.]

12 MR. ZELDIN: Dr. Hill, we're passing around exhibit
13 No. 5. This is -- I'll wait for a second until it gets
14 distributed.

15 This is a May 4th, 2018, letter sent to Mr. Lutsenko
16 from three Democratic United States Senators. Are you
17 familiar with this letter?

18 DR. HILL: I'm not, actually.

19 MR. ZELDIN: You have never seen this letter before?

20 DR. HILL: I don't believe that I have, no.

21 MR. ZELDIN: Okay. This is a letter that three
22 Democratic United States Senators sent to the prosecutor
23 general at the time in Ukraine, demanding that Ukraine assist
24 with the Robert Mueller probe targeting the President.

25 DR. HILL: Was this letter made public? Was it sent to

1 the NSC and the public offices?

2 MR. ZELDIN: I don't know the distro of the letter,
3 which is --

4 DR. HILL: Right. Because I --

5 MR. ZELDIN: -- one of the reasons why I wanted to ask.

6 DR. HILL: -- have not seen this letter before.

7 MR. ZELDIN: Okay.

8 Did any of the people in the NSC ever articulate to you
9 any anti-Trump political positions?

10 DR. HILL: They did not, no.

11 MR. ZELDIN: Do you believe that it was appropriate for
12 the Clinton campaign and the DNC to hire Christopher Steele
13 to create the dossier against the Trump campaign?

14 DR. HILL: As I understand, they didn't hire him
15 directly. I don't have any personal knowledge about how he
16 was hired. I don't know that he was hired directly by the
17 DNC. Was he?

18 MR. ZELDIN: Well, they hired a law firm, Fusion GPS.
19 It was through an intermediary, but the money originated from
20 the Clinton campaign and DNC.

21 But if you're not familiar with the source of funding,
22 let's put that aside.

23 DR. HILL: No, I'm not. I'm not familiar with that.

24 MR. ZELDIN: Funding aside, do you think it is
25 appropriate for Christopher Steele to have been hired as a

1 foreign spy to be collecting information from foreign
2 governments to gain an advantage against the Trump campaign?

3 DR. HILL: Well, he's a former foreign spy. But,
4 nonetheless, a foreign national. I don't believe it's
5 appropriate for him to have been hired to do this. And,
6 again, I think I already expressed my shock and surprise when
7 I learned that he had been involved in this.

8 MR. ZELDIN: We've spoken about Burisma a lot today.
9 Are you familiar with the fact that Hunter Biden was paid for
10 this position with Burisma?

11 DR. HILL: I remember seeing the reports about this when
12 he was first taken onboard. I was still at the Brookings
13 Institution, and I remember there were press reports about
14 this.

15 MR. ZELDIN: Has his employment with Burisma come up at
16 all in any of your official government positions?

17 DR. HILL: It did not, apart from the discussion with
18 Amos Hochstein where he informed me that some of these
19 discussions in Ukraine were centered around Burisma, and he
20 reminded me that Burisma was the company that Hunter Biden
21 sat on the board of. And, as you may also recall, Amos
22 Hochstein had expressed concern about that when that
23 appointment went through in the course of his own official
24 duties.

25 MR. ZELDIN: Do you know Hunter Biden?

1 DR. HILL: I do not.

2 MR. ZELDIN: Are you aware of any experience or
3 qualifications that he would have for that position?

4 DR. HILL: I am not aware. I don't know him.

5 MR. ZELDIN: And you worked with Vice President Joe
6 Biden at all in any of your official capacities?

7 DR. HILL: When I was the National Intelligence Officer
8 for Russia and Eurasia in the first year of the Obama
9 administration, yes, I mean, in the same context as I worked
10 with Vice President Cheney for the 3 years of the Bush
11 administration that I was NIO. I was often asked to do
12 briefings.

13 MR. ZELDIN: When did your official interactions with
14 Vice President Biden end?

15 DR. HILL: In November of 2009 when I returned to
16 Brookings after spending my time as the National Intelligence
17 Officer.

18 MR. ZELDIN: So the remainder of the Obama
19 administration you were out of the United States Government.

20 DR. HILL: That's correct. I was, as an expert, invited
21 to a couple of dinner briefings on Russia hosted by Vice
22 President Biden, but that's the totality of my interactions.

23 MR. ZELDIN: It's been widely reported that he doesn't
24 have Ukraine experience, he doesn't have energy experience --

25 DR. HILL: Who are we referring to?

1 MR. ZELDIN: Hunter Biden.

2 DR. HILL: Oh, Hunter Biden.

3 MR. ZELDIN: Sorry. Hunter Biden --

4 DR. HILL: Yeah.

5 MR. ZELDIN: -- it's been widely reported he doesn't
6 have any energy experience, doesn't have any Ukraine
7 experience, but was hired by Burisma, which is a -- let me
8 digress a minute.

9 From your knowledge of Burisma, are they a corrupt
10 company?

11 DR. HILL: I don't know a lot about Burisma, I'll be
12 frank.

13 MR. ZELDIN: Are you familiar with Zlochevsky?

14 DR. HILL: I'm not very familiar with him either, just
15 more in a general sense.

16 MR. ZELDIN: Are you familiar with the investigations
17 into Burisma or Zlochevsky?

18 DR. HILL: I was aware that there were investigations
19 underway, yes.

20 MR. ZELDIN: And these were corruption investigations
21 into Burisma and Zlochevsky?

22 DR. HILL: And into the particular individual. So,
23 again, the fact that there is investigations into corruption
24 in the energy sector in Ukraine, as well as Russia or many
25 other countries, is not a surprise.

1 And, also, on this point, I have to also say there were
2 an awful lot of people with political connections and not
3 expertise on particular issues that were being hired by all
4 kinds of entities.

5 MR. ZELDIN: It's been widely reported, as I started to
6 state, with regards to a lack of energy experience --

7 DR. HILL: Right.

8 MR. ZELDIN: -- with a lack of Ukraine experience, he
9 was paid at least \$50,000 a month. There are reports that
10 his company -- he has a partner -- were paid a substantially
11 higher figure.

12 Vice President Joe Biden was the point man for the Obama
13 administration with Ukraine. Being the point man for the
14 Obama administration, what power comes with that, as far as
15 pursestrings, as far as funding that United States provides
16 to Ukraine?

17 DR. HILL: The Vice President didn't have a role in
18 that. I mean, this is, again, the determination of Congress
19 and also of the State Department and Defense Department and
20 others. I mean, the Vice President has no role in
21 determining the pursestrings. The Office of Management and
22 Budget do as well.

23 MR. ZELDIN: Are you familiar --

24 DR. HILL: And Vice President Pence also wanted to play
25 a role on Ukraine in this administration.

1 MR. ZELDIN: To that point, are you familiar with a
2 video from January 2018 where Vice President Biden spoke
3 about his efforts to have Prosecutor General Shokin fired?
4 Have you seen that video?

5 DR. HILL: I have not seen that video.

6 MR. ZELDIN: Okay. That video -- I won't ask a question
7 directly to that. I'll ask a different question. But for
8 background, that video, Vice President Biden is speaking
9 about his efforts, threatening Ukraine with the loss of
10 \$1 billion if they didn't fire Shokin, and then they
11 instantly fired Shokin.

12 But the question is, you're saying that the Vice
13 President doesn't have the ability to be delegated any
14 authority from a President to make those types of threats?

15 DR. HILL: To make those types of threats? You were
16 talking about money earlier.

17 MR. ZELDIN: Does a Vice President have the power to
18 make a threat to a foreign government of the loss of United
19 States support?

20 DR. HILL: If he is being asked to do that on the behalf
21 of the government, on behalf of the President or the State
22 Department and others.

23 So, when I was working in the Bush administration, Vice
24 President Cheney was the heavy on all of these issues. And
25 he certainly issued plenty of threats to a whole range of

1 countries, including Russia, that, you know, I was privy to,
2 at the direction or the request of other parts of the
3 government.

4 So I think, you know, putting forward the idea that, you
5 know, there could be forfeited an assistance and that Vice
6 President Biden was conveying that information on behalf of
7 the government, well, yes, of course, he could do that. But
8 he does not make the determination about funding.

9 MR. ZELDIN: Do you have any concerns about any member
10 of the United States Government being delegated the authority
11 to make a threat if their son is receiving \$50,000 a month
12 from --

13 DR. HILL: I think you might be --

14 MR. ZELDIN: -- a company targeted by an open --

15 DR. HILL: -- starting to go into some very dangerous
16 territory --

17 MR. ZELDIN: I'm sorry. Let me finish the question.

18 DR. HILL: -- at the moment for everybody.

19 MR. ZELDIN: I'm sorry. Do you think that it would be
20 appropriate for a -- do you have any concern with a Vice
21 President being delegated the authority to make a threat like
22 that if their son is receiving \$50,000 a month from an entity
23 of that foreign country being targeted by having an open
24 investigation?

25 DR. HILL: I think that there is a problem with

1 perceptions of conflicts of interest and ethics for any child
2 of any senior official to be involved in anything that their
3 parents are involved in, period. So this goes not just to
4 Hunter Biden and Vice President Biden but across the board.

5 And I think, getting back to the question that
6 Congressman Raskin asked about before about corruption and
7 perceptions of it, this is exactly the problem we have right
8 now in our politics. The rank and file have to sign all
9 kinds of ethical agreements to make sure that members of our
10 family are not involved in anything that we are involved in
11 or to recuse ourselves.

12 And across the board, Members of Congress, the Senate, I
13 mean, this is what you spend your time looking at. Vice
14 Presidents, Presidents, Secretaries of State, Secretaries of
15 Commerce, Secretaries of Transportation, Secretaries of
16 Interior -- I could just go on -- should not have their
17 children involved in anything that they're involved in as
18 well.

19 And that's why I'm saying it's a dangerous territory,
20 because I'm not going to start on giving the long list of
21 things that I personally think are a real problem.

22 MR. ZELDIN: There was an open investigation into
23 Burisma at the time of that trip that Vice President Biden
24 made to Ukraine and that President Trump was concerned with.
25 Are you aware of that?

1 MR. GOLDMAN: Do you have any support --

2 DR. HILL: I wasn't aware of the information too. I
3 wasn't in the government.

4 MR. WOLOSKY: Congressman, she wasn't in the government.

5 DR. HILL: No, and I'm --

6 MR. ZELDIN: Actually, the question was -- I'm sorry.
7 Excuse me. The question was, are you aware of that? And if
8 the answer is no, then --

9 DR. HILL: The answer is no. Because I'm also not aware
10 of all of this timeline, in terms of the issues that you're
11 raising here.

12 MR. ZELDIN: Okay.

13 DR. HILL: I was not -- I will be, you know, quite open.
14 I was not monitoring and following exactly what Vice
15 President Biden and Hunter Biden were doing in this time
16 period.

17 MR. ZELDIN: Well, let me ask you what you do know.
18 With regards to Burisma, do you know when that investigation
19 was closed?

20 DR. HILL: I do not. And as I said, when Amos Hochstein
21 came in to talk to me again about this and mentioned Burisma,
22 I had to get him to remind me again about why Burisma was
23 significant. In the back of my mind, I knew that there was
24 some issue with Burisma, but it had not come up, up until
25 then, at any point in the work that I was doing in the

1 administration.

2 MR. ZELDIN: Okay. Do you know if the case against
3 Burisma was closed at any time?

4 DR. HILL: From what I have read and been told, that the
5 case was closed or dropped or that the case stopped.

6 MR. ZELDIN: What do you know about when that case
7 was --

8 DR. HILL: I don't know when that was stopped. I mean,
9 again, I'll just say that I had to be reminded by Amos
10 Hochstein about why Burisma was significant. I remembered,
11 from when I was at the Brookings Institution, reading about
12 Hunter Biden being appointed, thinking this was not a bright
13 idea, and then I did not continue to follow this issue for a
14 long period of time.

15 So it came up again in the context of all the things
16 that we're discussing basically around the time that Masha
17 Yovanovitch was removed from her position. My knowledge is
18 more general, about the state of the Ukrainian energy sector.
19 My knowledge in depth is really about Russia and Russia's
20 energy sector.

21 MR. ZELDIN: Are you aware of the case -- the criminal
22 investigation against Zlochevsky?

23 DR. HILL: I was aware that there had been one. But,
24 again, I didn't ask for any details of this in the position
25 that I was in, because it did not seem relevant to the work

1 that we were doing.

2 And, again, in the NSC, my job was to coordinate. And
3 the real action was being taken, in terms of our Ukrainian
4 policy and implementation, by the State Department, the
5 Embassy, the Defense Department, and the Department of
6 Energy.

7 MR. CASTOR: I think we're all done.

8 DR. HILL: You're sure?

9 MR. CASTOR: Thank you so much.

10 DR. HILL: You don't want to continue?

11 MR. GOLDMAN: Dr. Hill, on behalf of Chairman Schiff,
12 I'd just like to thank you again for coming in and answering
13 all of our questions.

14 DR. HILL: Thank you. Thank you.

15 MR. GOLDMAN: We are adjourned.

16 [Whereupon, at 7:55 p.m., the deposition was concluded.]

17

18

19

20

21

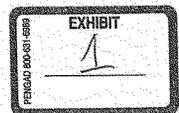
22

23

24

25

(7/23/19, 11:05 PM) Andrey Yermak: We have breakfast and lunch with Gordon Friday?
(7/23/19, 11:54 PM) Andrey Yermak: And phone call between Presidents Thursday?
(7/23/19, 11:52 PM) Kurt Volker: I am pretty sure the phone call is going forward for Thursday -- will keep monitoring.
(7/23/19, 11:53 PM) Kurt Volker: For Friday -- I could do 7:30am at the Hyatt. Alternatively, are you free Saturday morning?
(7/23/19, 12:01 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, 2:31:49 PM) Andrey Yermak: When you can, let me know. I need Z min by phone.
(7/23/19, 2:33:05 PM) Kurt Volker: Ok -- is 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 in meet w me, so I will rearrange schedule
(7/23/19, 2:34:54 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 2018, we will nail down date for visit to Washington. Good luck! See you tomorrow - Kurt
(7/25/19, 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. Mayor to share the Madrid's dates
(7/25/19, 10:18:42 AM) Kurt Volker: Great -- thanks and will do!
(7/26/19, 8:22:28 AM) Kurt Volker: 180730 Deployment Timeline * 2 pages (attached: 00000075-180730 Deployment Timeline.pdf)
(7/26/19, 8:26:23 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, 8:26:00 AM) Kurt Volker: Also -- Rudy Giuliani says he arrives in Madrid on August 1 and departs August 5.
(7/27/19, 3:01:40 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, 1:30:36 PM) Andrey Yermak: We asked for White House meeting during week start 16 Sept. Waiting for confirmation. May be you know the date?
(8/2/19, 1:30:46 PM) Andrey Yermak: When we can talk?
(8/2/19, 1:31:04 PM) Andrey Yermak: Will be 1.5 hours in plane
(8/2/19, 1:38:44 PM) Kurt Volker: Hi Andrey -- sorry I missed you. Will be in Iraq when you land
(8/4/19, 12:38:54 PM) Andrey Yermak: Hi Kurt. How are you? Do you have any news?
(8/4/19, 11:37:37 PM) Kurt Volker: Hi Andrey -- speaking w Rudy in about 2 hours -- call you after?
(8/4/19, 11:47:17 PM) Andrey Yermak: Yes, of course
(8/4/19, 4:20:55 PM) Kurt Volker: Have still not heard back -- other than a text saying "great meeting"
(8/4/19, 4:21:11 PM) Kurt Volker: I think it is late in Spain now so will try again first thing in the morning
(8/5/19, 11:18:18 PM) Kurt Volker: Hi Andrey -- had a good long talk w Rudy -- call anytime - Kurt
(8/11/19, 1:32:10 PM) Andrey Yermak: Hi Kurt. How are you? Do you have some news about White House meeting date?
(8/11/19, 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...
(8/11/19, 1:55:09 PM) Andrey Yermak: Thank you!
(8/11/19, 1:55:07 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 -- How 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 had some about date of visit and about our expectations and our guarantees for future visit. Let discuss it
(8/10/19, 5:02:32 PM) Kurt Volker: OK! It's late for you -- why don't we talk in my morning, your afternoon tomorrow? Say 11am/5pm?
(8/10/19, 5:02:16 PM) Andrey Yermak: I agree with your approach. Let's iron out statement and use that to get date and then Pres. can go forward with it?
(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 reborn of US-Ukraine relationship, including among other things Borisma and election meddling in investigations
(8/10/19, 5:42:30 PM) Kurt Volker: Sounds great!
(8/11/19, 9:49:08 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, 10:15:01 AM) Andrey Yermak: Missed voice call
(8/11/19, 10:27:26 AM) Andrey Yermak: Missed voice call
(8/11/19, 10:27:33 AM) Andrey Yermak: Missed voice call
(8/11/19, 10:27:38 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



~~SECRET//ORCON//NOFORN~~**UNCLASSIFIED**

[PkgNumberShort]

Declassified by order of the President

September 24, 2019

~~EYES ONLY~~~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(S//NF)~~ Telephone Conversation with President
Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

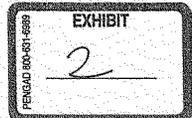
DATE, TIME July 25, 2019, 9:03 - 9:33 a.m. EDT
AND PLACE: Residence

~~(S//NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S//NF)~~ President Zelenskyy: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

Classified By: 2354726
Derived From: NSC SCG
Declassify On: 20441231

UNCLASSIFIED~~SECRET//ORCON//NOFORN~~

~~SECRET//ORCON//NOFORN~~

2

UNCLASSIFIED

achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S//NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S//NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S//NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.

~~(S//NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

UNCLASSIFIED~~SECRET//ORCON//NOFORN~~

~~SECRET//ORCON//NOFORN~~

3

UNCLASSIFIED

~~(S//NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S//NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S//NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

UNCLASSIFIED

~~SECRET//ORCON//NOFORN~~

~~SECRET//ORCON//NOFORN~~

4

UNCLASSIFIED

call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.

~~(S//NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S//NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S//NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

UNCLASSIFIED

~~SECRET//ORCON//NOFORN~~

~~SECRET//ORCON//NOFORN~~

5 UNCLASSIFIED

Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S//NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S//NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S//NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S//NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S//NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S//NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

UNCLASSIFIED

~~SECRET//ORCON//NOFORN~~

August 27, 2018 -
August 31, 2018

August 2018						September 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	27	28	29	30	31
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					



September 3, 2018 - September 7, 2018

September 2018							October 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
	3	4	5	6	7	
7 AM	[Redacted]					
8						
9						
10						
11						
12 PM						
1						Ulrich Bre Secretary's Hill, Fiona I
2						
3						
4						
5						
6						

September 10, 2018 - September 14, 2018

September 2018							October 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY					
	10	11	12	13	14					
7 AM										
8										
9										
10										
11						Meet DAS George Kent Room 393 Ehredt, David J. EOP/NSC				
12 PM										
1										
2										
3										
4										
5										
6										

September 17, 2018 - September 21, 2018

September 2018

Su	Mo	Tu	We	Th	Fr	Sa
					1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2018

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	17	18	19	20	21
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

Ukraine A

September 24, 2018 - September 28, 2018

September 2018						October 2018								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
						1			1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13	
9	10	11	12	13	14	15	14	15	16	17	18	19	20	
16	17	18	19	20	21	22	21	22	23	24	25	26	27	
23	24	25	26	27	28	29	28	29	30	31				
30														

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	24	25	26	27	28
7 ^{AM}					
8					
9					
10					
11					
12 ^{PM}					
1					
2					
3					
4					
5					
6					

**October 1, 2018 -
October 5, 2018**

October 2018						November 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4	5
7 ^{AM}					
8					
9					
10					
11					
12 ^{PM}					
1					
2					
3					
4					
5					
6					

**October 8, 2018 -
October 12, 2018**

October 2018

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2018

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

October 15, 2018 - October 19, 2018

October 2018							November 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
	15	16	17	18	19	
7 AM						
8						
9						
10						
11						AMB Volker; 393; Hill, Fi
12 PM						
1						
2						
3						
4						
5						
6						

**October 22, 2018 -
October 26, 2018**

October 2018						November 2018								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th			
		1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13		4	5	6	7	8	9	10
14	15	16	17	18	19	20		11	12	13	14	15	16	17
21	22	23	24	25	26	27		18	19	20	21	22	23	24
28	29	30	31					25	26	27	28	29	30	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	22	23	24	25	26
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

October 29, 2018 - November 2, 2018

October 2018							November 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13		4	5	6	7	8	9	10
14	15	16	17	18	19	20		11	12	13	14	15	16	17
21	22	23	24	25	26	27		18	19	20	21	22	23	24
28	29	30	31					25	26	27	28	29	30	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY		
	29	30	31	1	2		
7 AM	[REDACTED]			[REDACTED]			
8							
9							
10							
11							
12 PM						Volker Sync; 393; Hill, Fir	
1							
2							
3							
4							
5							
6							

November 5, 2018 - November 9, 2018

November 2018						December 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	5	6	7	8	9
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

Ukraine PCC
SMS Large
Hill, Fiona EOP/NSC

November 19, 2018 - November 23, 2018

November 2018

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2018

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
	19	20	21	22	23	
7 AM	[REDACTED]					
8						
9						
10						AMB Yova
11						
12 PM						
1						
2						
3						
4						
5						
6						

November 26, 2018 - November 30, 2018

November 2018						December 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	26	27	28	29	30
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

December 3, 2018 - December 7, 2018

December 2018						January 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	3	4	5	6	7
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

December 17, 2018 - December 21, 2018

December 2018						January 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	17	18	19	20	21
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

December 24, 2018 - December 28, 2018

December 2018

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2019

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	24	25	26	27	28
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

December 31, 2018 - January 4, 2019

December 2018							January 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	31	1	2	3	4
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**January 14, 2019 -
January 18, 2019**

January 2019							February 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY					
	14	15	16	17	18					
7 AM										
8										
9										
10										
11										
12 PM										
1										
2										
3										
4										
5										Kurt Volker; 393; Hill, Fic
6										

January 21, 2019 - January 25, 2019

January 2019						February 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY		
	21	22	23	24	25		
7 AM							
8							
9							
10						Ukraine PCC SMS Large	
11							
12 PM							Sondland Call; 393; Hill,
1							
2							
3							
4							
5							
6							

January 28, 2019 - February 1, 2019

January 2019						February 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	28	29	30	31	1
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

February 4, 2019 - February 8, 2019

February 2019						March 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2					1	2	
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
							31						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	4	5	6	7	8
7 AM	[REDACTED]				
8					
9					
10					
11					
12 PM					
1					
2	[REDACTED]				
3					
4					
5					
6					

Ukraine Huddle /w (t
393
Vindman, Alexander S.

February 11, 2019 - February 15, 2019

February 2019						March 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2						1	2
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
													31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	11	12	13	14	15
7 ^{AM}					
8					
9					
10					
11					
12 ^{PM}					
1					
2					
3					
4					
5					
6					

February 18, 2019 - February 22, 2019

February 2019						March 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2						1	2
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
													31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	18	19	20	21	22
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

February 25, 2019 - March 1, 2019

February 2019						March 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2						1	2
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
							31						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	25	26	27	28	1
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**March 4, 2019 -
March 8, 2019**

March 2019							April 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
				1	2				1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13	
10	11	12	13	14	15	16	14	15	16	17	18	19	20	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	
24	25	26	27	28	29	30	28	29	30					
31														

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	4	5	6	7 Czech PM Babis visit	8
7 ^{AM}					
8					
9					
10					
11					
12 ^{PM}					
1					
2					
3					
4					
5					
6					

March 11, 2019 - March 15, 2019

March 2019					April 2019								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	11	12	13	14	15
7 AM					
8					
9					
10					
11					
12 PM					
1					Kurt Volker Main State - 6517 Hill, Fiona EOP/NSC
2	Ukraine Election Brief				
3					
4					
5					
6					

**March 18, 2019 -
March 22, 2019**

March 2019						April 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	18	19	20	21	22
7 ^{AM}					
8					
9					
10					
11					
12 ^{PM}					
1					
2					
3					
4					
5					
6					

**March 25, 2019 -
March 29, 2019**

March 2019						April 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	25	26	27	28	29
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**April 1, 2019 -
April 5, 2019**

April 2019						May 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4	5
7 ^{AM}					
8					
9					
10					
11					
12 ^{PM}					
1					
2					
3					
4					
5					
6					

**April 8, 2019 -
April 12, 2019**

April 2019						May 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th		
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	8	9	10	11	12
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**April 15, 2019 -
April 19, 2019**

April 2019						May 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	15	16	17	18	19
	← From Apr 14		Hold for trip to Moscow		
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**April 22, 2019 -
April 26, 2019**

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	22	23	24	25	26
7 AM	[Redacted]				
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

Ukraine PCC
SMS EXEC
Vindman, Alexander, S.
EOP/NSC

April 29, 2019 - May 3, 2019

April 2019						May 2019								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11	
14	15	16	17	18	19	20	12	13	14	15	16	17	18	
21	22	23	24	25	26	27	19	20	21	22	23	24	25	
28	29	30					26	27	28	29	30	31		

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	29	30	1	2	3
7 AM					
8					
9					
10					
11					
12 PM					
1				JRB Lets E Rob Blair	
2	Naftogaz i EEOB 476 Derentz, Le			LTG Kellog	
3					
4			Phil Reoker/AMB Yo Greenberry's/E Street- Hill, Fiona EOP/NSC		
5					
6					

**May 6, 2019 -
May 10, 2019**

May 2019

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2019

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	6	7	8	9	10
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

Phil Reeker
Secure Call; Hill, Fiona EC

Ukraine: Dep. NSDC/Di
SMS Large
Vindman, Alexander S. EC

May 13, 2019 -
May 17, 2019

May 2019							June 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	13	14	15	16	17
7 AM					
8					
9					
10					
11					
12 PM					
1			Ukraine Discussion 393 Vindman, Alexander S. EOP/NSC		
2	Orban HoS visit				
3					
4	Ambassador Taylor 393 Vindman, Alexander S. EC			Hale/Reeker/Hill Discussion Main State Hill, Fiona EOP/NSC	
5					
6					

May 20, 2019 -
May 24, 2019

May 2019							June 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
	20	21	22	23	24	
	Ukraine Presidential					
7 AM	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	
8						
9						
10						Amos Hochstein 393
11						
12 PM						
1						
2						
3						
4						
5				Kristina Kvien meeting	Amb. Taylor 393 Vindman, J	
6						

May 27, 2019 -
May 31, 2019

May 2019						June 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	27	28	29	30	31
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**June 3, 2019 -
June 7, 2019**

June 2019						July 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1	1	2	3	4	5	6	
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	3	4	5	6	7
7 AM	<div data-bbox="493 684 658 777" style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> Volker-France-Germany SVTC on Ukraine Room 374 SMS Small Vindman, Alexander S. EOP/NSC </div>				
8					
9					
10					
11					
12 PM					
1					
2					
3	<div data-bbox="658 1037 834 1063" style="border: 1px solid black; padding: 2px; display: inline-block;"> Alex/Ukraine </div>				
4					
5					
6					

**June 10, 2019 -
June 14, 2019**

June 2019						July 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	10	11	12 Poland HoS visit	13	14
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

**June 17, 2019 -
June 21, 2019**

June 2019							July 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	17	18	19	20	21
7 AM					
8					
9					
10					
11					
12 PM					
1					
2				AA/S Reeker et al. State Department Hill, Fiona EOP/NSC	
3					
4			Dan Fried 393 Hill, Fiona EOP/NSC		
5					
6					

Hill, Fiona EOP/NSC

June 24, 2019 - June 28, 2019

June 2019						July 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	24	25	26	27	28
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

July 1, 2019 -
July 5, 2019

July 2019						August 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY					
	1	2	3	4	5					
7 ^{AM}										
8										
9										
10										
11										
12 ^{PM}										
1										
2										
3						U/S Hale Secure Call Ukraine Sync 393 423, Fiona EOP/NSC		Meeting with Michael Ellis and John Eisenberg		
4										
5										
6										

July 8, 2019 -
July 12, 2019

July 2019							August 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
	8	9	10	11	12	
7 AM	[REDACTED]					
8						
9						Hold for Alex Danylyuk meeting Room 234
10						George Kent 393 Hill, Fiona EOP
11						
12 PM						
1						
2			McSinder Danylyuk, Ukrainian Office Belton, John R. EOP/WHC			
3						
4						
5				Meeting - Fiona Hill 394, Eisenberg, John A. EOP/WHC		
6						

July 15, 2019 -
July 19, 2019

July 2019							August 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	15	16	17	18	19
7 AM		<i>Handover to Tim M</i>			
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

Handover to Tim M

Did not attend

HOLD:
Ukraine
WHSR E
Vindmar

AMS
Taylor/Ukraine

Phil Reeker Lunch
District Commons

Danylyuk call
393: Hill, Fiona EOP/NSC
Follow-up with Alex Vindman

July 22, 2019 -
July 26, 2019

July 2019							August 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	22	23	24	25	26
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

Gone from office.
On Vacation

← →

Ukrainian PCC
WHSR EXEC
Vindman, Alexander S. EOP/NSC

July 29, 2019 - August 2, 2019

July 2019						August 2019							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	29	30	31	1	2
7 AM					
8					
9					
10					
11					
12 PM					
1					
2					
3					
4					
5					
6					

POLITICO



POLITICO



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.

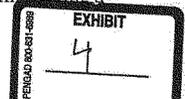
By KENNETH P. VOGEL and DAVID STERN | 01/11/2017 05:05 AM EST



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 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

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 released 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.

...

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 Yanukovich. Boyko, who like Yanukovich 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.”

[About Us](#)

[Advertising](#)

[Breaking News Alerts](#)

[Careers](#)

[Credit Card Payments](#)

[Digital Edition](#)

[FAQ](#)

[Feedback](#)

[Headlines](#)

[Photos](#)

[POWERJobs](#)

[Press](#)

[Print Subscriptions](#)

[RSS](#)

[Site Map](#)

[Terms of Service](#)

[Privacy Policy](#)

© 2019 POLITICO LLC

United States Senate

WASHINGTON, DC 20510

May 4, 2018

Mr. Yuriy Lutsenko
General Prosecutor
Office of the Prosecutor General of Ukraine
13/15 Riznytska St.
Kyiv, 01011
Ukraine

Dear Mr. Prosecutor General:

We are writing to express great concern about reports that your office has taken steps to impede cooperation with the investigation of United States Special Counsel Robert Mueller. As strong advocates for a robust and close relationship with Ukraine, we believe that our cooperation should extend to such legal matters, regardless of politics. Ours is a relationship built on a foundation of respect for the rule of law and accountable democratic institutions. In four short years, Ukraine has made significant progress in building these institutions despite ongoing military, economic and political pressure from Moscow. We have supported that capacity-building process and are disappointed that some in Kyiv appear to have cast aside these principles in order to avoid the ire of President Trump. If these reports are true, we strongly encourage you to reverse course and halt any efforts to impede cooperation with this important investigation.

On May 2, the New York Times reported that your office effectively froze investigations into four open cases in Ukraine in April, thereby eliminating scope for cooperation with the Mueller probe into related issues. The article notes that your office considered these cases as too politically sensitive and potentially jeopardizing U.S. financial and military aid to Ukraine. The article indicates specifically that your office prohibited special prosecutor Serhiy Horbatiuk from issuing subpoenas for evidence or interviewing witnesses in four open cases in Ukraine related to consulting work performed by Paul Manafort for former Ukrainian president Viktor Yanukovich and his political party.

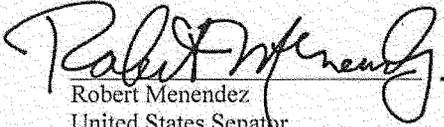
This investigation not only has implications for the Mueller probe, but also speaks to critically important investigations into the corrupt practices of the Yanukovich administration, which stole millions of dollars from the people of Ukraine. Blocking cooperation with the Mueller probe potentially cuts off a significant opportunity for Ukrainian law enforcement to conduct a more thorough inquiry into possible crimes committed during the Yanukovich era. This reported refusal to cooperate with the Mueller probe also sends a worrying signal—to the Ukrainian people as well as the international community—about your government's commitment more broadly to support justice and the rule of law.

We respectfully request that you reply to this letter answering the following questions:

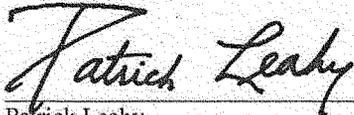
1. Has your office taken any steps to restrict cooperation with the investigation by Special Counsel Robert Mueller? If so, why?

2. Did any individual from the Trump Administration, or anyone acting on its behalf, encourage Ukrainian government or law enforcement officials not to cooperate with the investigation by Special Counsel Robert Mueller?
3. Was the Mueller probe raised in any way during discussions between your government and U.S. officials, including around the meeting of Presidents Trump and Poroshenko in New York in 2017?

Sincerely,


Robert Menendez
United States Senator


Richard J. Durbin
United States Senator


Patrick Leahy
United States Senator



VIA EMAIL

October 13, 2019

Michael M. Purpura, Esq.
 Patrick F. Philbin, Esq.
 Deputy Assistants to the President and Deputy Counsel
 The White House
 1600 Pennsylvania Avenue NW
 Washington, D.C.

Dear Messrs. Purpura and Philbin:

I write to follow-up on our telephone conversation on Friday, October 11, 2019. In that conversation, I confirmed that our client, Dr. Fiona Hill, will attend a transcribed deposition on October 14 to be taken by the House of Representatives' Permanent Select Committee on Intelligence, Committee on Foreign Affairs, and Committee on Oversight and Reform (the "Committees").

As I told you by phone, Dr. Hill is mindful of her legal obligations with regard to any classified information she possesses or has knowledge of, and she intends to strictly abide by those obligations.

You also raised the issue of executive privilege. While you represented on the phone call that the White House does not believe that the entirety of Dr. Hill's testimony is subject to executive privilege, you noted your position that certain areas of her potential testimony may be subject to that privilege. The first area consisted of "direct communications with the President". The second area consisted of "diplomatic communications," such as "meetings with other heads of state" or "staffing the President on calls with foreign heads of state". After the call, you sent us four documents supporting your view.

We have reviewed those documents and are mindful of the discussion therein. We understand that executive privilege is a qualified privilege that may be overcome by an adequate showing of need. *See, e.g., In re Sealed Case*, 121 F.3d 729, 737, 745 (D.C. Cir. 1997). We also understand that executive privilege likely does not apply to information which is no longer confidential and has come within the sphere of public knowledge through broad disclosures. *See Nixon v. Sirica*, 487 F.2d 700, 761 n.128 (D.C. Cir. 1973) ("Naturally, if a document or a tape is no longer confidential because it has been made public, it would be nonsense to claim that it is privileged" (quoting Prof. Alexander Bickel, *Wretched Tapes (Cont.)*, N.Y. Times, Aug. 15, 1973, at 37, <https://www.nytimes.com/1973/08/15/archives/wretched-tapes-cont-wretched-tapes.html>)).

The White House has publicly released the Memorandum of Telephone Conversation of President Trump's July 25, 2019 phone call with President Zelensky of Ukraine. And President

BOIES SCHILLER FLEXNER LLP

BSF

October 13, 2019

Page 2 of 2

Trump has extensively and publicly discussed that call. *See, e.g.*, Remarks by President Trump and President Niinistö of the Republic of Finland Before Bilateral Meeting, The White House (Oct. 2, 2019), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-bilateral-meeting/>. The August 12, 2019 whistleblower complaint and information discussed therein are also now a matter of public record, having been affirmatively declassified and thrust into the public domain by the White House itself. Michael D. Shear, *Complaint Asserts a White House Cover-Up*, N.Y. Times, Sept. 27, 2019, at A1, <https://www.nytimes.com/2019/09/26/us/politics/whistleblower-complaint-released.html>. President Trump has extensively and publicly discussed that report. *See, e.g.*, Remarks by President Trump Before Marine One Departure, The White House (Oct. 3, 2019), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/>. It is our view that these and other matters which have been made public through affirmative actions of White House and/or media reports are likely not protected as confidential by executive privilege because they are, by their very nature, no longer confidential.

Finally, we understand that deliberative process privilege “disappears altogether when there is any reason to believe government misconduct occurred.” *Sealed Case*, 121 F.3d at 746. And as lawyers with the Justice Department’s Office of Legal Counsel have previously written, prior presidents have largely agreed that executive privilege operates differently in the context of an impeachment inquiry. *See* Office of Legal Counsel, U.S. Dep’t of Justice, *Legal Aspects of Impeachment: An Overview*, app. 3, 22-32 (1974). This appears to be a foundational principle of our nation’s constitutional system of governance. For example, President James K. Polk stated in 1846 that “[i]f the House of Representatives is the grand inquest of the Nation and should at any time have reason to believe that there has been malversation in office and should think proper to institute an investigation into the matter, all the archives, public or private, would be subject to the inspection and control of a committee of their body and every facility in the power of the Executive afforded them to prosecute the investigation.” *Id.* at 12-13, 23-24.

We understand and are mindful that there may be disagreement on these legal issues. To that end, we would welcome your views, including any potential areas of disagreement you may have with our analysis.

Finally, during our call, I noted that any discussion regarding the possible attendance of agency counsel at Dr. Hill’s interview is a matter for resolution between the White House and the Committees. Please keep us advised of any developments in that regard.

Thank you,

/s/ Lee S. Wolosky

Lee S. Wolosky

THE WHITE HOUSE

WASHINGTON

October 14, 2019

BY EMAIL

Lee S. Wolosky, Esq.
Boies Schiller Flexner LLP
55 Hudson Yards, 20th Floor
New York, New York 10001

Dear Mr. Wolosky:

Thank you for speaking with us this past Friday and for your follow-up letter this afternoon. We understand that your client, Dr. Fiona Hill, former Senior Director for European and Russian Affairs for the National Security Council (“NSC”), plans to appear on Monday, October 14, 2019, for a non-public deposition conducted by the U.S. House of Representatives Permanent Select Committee on Intelligence, Committee on Oversight and Reform, and Committee on Foreign Affairs (the “House Committees”).

We appreciate that Dr. Hill is aware of her continuing obligation not to reveal classified information or information subject to executive privilege. As we discussed, that information includes but is not limited to the content of communications between the President and foreign heads of state and other diplomatic communications.

It has been the longstanding position of Administrations of both political parties—indeed, dating back to the very first presidential administration¹—that such diplomatic communications are protected by executive privilege. 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 communications to and from the President and Vice President and to White House and NSC deliberative communications.²

¹ 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).

² *Assertion of Executive Privilege for Documents Concerning Conduct of Foreign Affairs with Respect to Haiti*, 20 Op. O.L.C. 5, 6 (1996) (citation and paragraph break omitted).

Lee S. Wolosky, Esq.
Page 2

Two points in your letter suggesting that there may be exceptions to executive privilege with respect to Dr. Hill's testimony merit some response.

First, you note that executive privilege does not apply to otherwise privileged matters that the White House itself has made public, thereby waiving the privilege. It is true that the President has authorized the public disclosure of the contents of the July 25, 2019 telephone call with President Zelenskyy and thus that call is not privileged. The privilege has not been waived, however, with respect to any other diplomatic communications or to deliberative processes related to the call. The subject-matter waiver doctrine does not apply to executive privilege; thus, matters not expressly disclosed remain privileged.³ Moreover, other than the July 25 call, the President has not authorized the public disclosure of any other of his conversations with foreign leaders, and therefore executive privilege continues to apply to all of those communications. In addition to the protection of executive privilege, calls and discussions with foreign heads of states are almost always classified, as Dr. Hill is aware, and she should treat them as such.

Second, with respect to the component of executive privilege protecting deliberative processes, Dr. Hill may not discuss privileged communications based on the assertions of certain members of the House of Representatives that her deposition will occur as part of an "impeachment inquiry." As the White House Counsel has explained, there is no valid impeachment inquiry underway.⁴ The House of Representatives as a whole delegates authority to each standing committee in the House.⁵ Yet the House has not authorized any committee to conduct an impeachment inquiry. The three committees that seek Dr. Hill's testimony have jurisdiction solely under House Rule X, which does not provide the power to initiate or investigate impeachment to any of them.⁶ Absent a delegation by House Rule or a resolution of the House, none of these committees has been delegated jurisdiction to conduct an investigation pursuant to the impeachment power under Article I, Section 2 of the Constitution. Thus, even if it were the case that executive privilege operates differently in connection with an impeachment inquiry, there is no ground for Dr. Hill to believe that she may disclose privileged information on

³ As the D.C. Circuit explained in *In re Sealed Case*:

It is true that voluntary disclosure of privileged material subject to the attorney-client privilege to unnecessary third parties in the attorney-client privilege context waives the privilege, not only as to the specific communication disclosed but often as to all other communications relating to the same subject matter. But this all-or-nothing approach has not been adopted with regard to executive privileges generally, or to the deliberative process privilege in particular. Instead, courts have said that release of a document only waives these privileges for the document or information specifically released, and not for related materials. This limited approach to waiver in the executive privilege context is designed to ensure that agencies do not forego voluntarily disclosing some privileged material out of the fear that by doing so they are exposing other, more sensitive documents.

121 F.3d 729, 741 (D.C. Cir. 1997) (internal citations and quotations omitted).

⁴ See Letter from Pat A. Cipollone, Counsel to the President, to Nancy Pelosi, Speaker, House of Representatives, *et al.* (Oct. 8, 2019).

⁵ See H. Res. 6, 116th Cong. (2019).

⁶ See H. Rule X, cl. 1(i), (n); cl. 11.

Lee S. Wolosky, Esq.
Page 3

that basis to the House Committees.

It is likewise incorrect to suggest that the deliberative process prong of executive privilege may “disappear[] altogether” based on a belief that government misconduct has occurred. As the D.C. Circuit noted in *In re Sealed Case*: “In regard to both [the deliberative process and presidential communications privileges], courts must balance the public interests at stake in determining whether the privilege should yield in a particular case, and must specifically consider the need of the party seeking privileged evidence.”⁷ Any showing of the House’s need for access to privileged information must be addressed through the constitutionally required accommodations process between authorized representatives of the Executive Branch (the holder of the privilege) and the House Committees. It 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. Indeed, that is what makes it especially unfortunate that Chairman Schiff has demanded that Dr. Hill appear and testify on matters that will undoubtedly touch on privileged information without allowing her the benefit of having Administration counsel present, who may raise objections to ensure that she does not breach her obligations with respect to privileged and classified material.⁸

Because the House Committees are refusing to allow counsel from the Executive Office of the President to attend Dr. Hill’s deposition to protect core Executive Branch confidentiality interests, it is incumbent on Dr. Hill and you, as her counsel, to guard against unauthorized disclosure. To be clear, Dr. Hill is not authorized to reveal or release any classified information or any information subject to executive privilege.

⁷ 121 F.3d at 746. The Obama Administration has similarly explained that “the D.C. Circuit already has decided that ... a claim of ‘misconduct’ does not invalidate an assertion of Executive Privilege.” Mem. in Supp. of Def.’s Mot. for Summ. J. at 36 (Jan. 21, 2014), *Comm. on Oversight & Gov’t Reform v. Holder*, No. 12-1332, 2014 WL 298660 (quoting *Senate Select Comm. on Presidential Campaign Activities v. Nixon*, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc)). The privilege asserted by the Obama Administration, despite a claim of misconduct, was one of deliberative process.

⁸ The House Committees have made clear, in writings and in meetings and discussions with Administration counsel, that they will not permit counsel from the agencies or offices at which witnesses were employed to be present during their depositions, despite the determination by the Department of Justice that it is unconstitutional to exclude them. See, e.g., 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25, 2019); Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to John J. Sullivan, Deputy Secretary of State at 2 (Oct. 1, 2019) (citing 116th Congress Regulations for Use of Deposition Authority); *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. 1-2 (May 23, 2019).

Lee S. Wolosky, Esq.
Page 4

Please do not hesitate to contact me if you have any further questions or would like to discuss this matter further. We would be happy to speak with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael M. Purpura". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael M. Purpura
Deputy Counsel to the President

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

Opinions of the Office of Legal Counsel in Volume 31

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.¹ 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

¹ 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.")

Opinions of the Office of Legal Counsel in Volume 31

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.² 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

²During 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. Myers, 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).

Assertion of Executive Privilege Concerning Dismissal of U.S. Attorneys

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

Opinions of the Office of Legal Counsel in Volume 31

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.").¹

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

¹ 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.

Assertion of Executive Privilege Concerning Dismissal of U.S. Attorneys

deliberative, and clearly fall within the scope of executive privilege.⁴ 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,

⁴ 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).

Opinions of the Office of Legal Counsel in Volume 31

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.*,

Assertion of Executive Privilege Concerning Dismissal of U.S. Attorneys

498 F.2d at 732.⁵ 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

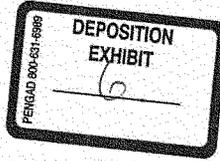
⁵ See also *Senate Select Comm.*, 498 F.2d at 732 (explaining that Congress "frequently legislates on the basis of conflicting information provided in its hearings"); *Congressional Requests for Confidential Executive Branch Information*, 13 Op. O.L.C. 153, 159 (1989) ("Congress will seldom have any legitimate legislative interest in knowing the precise predecisional positions and statements of particular executive branch officials.")





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."

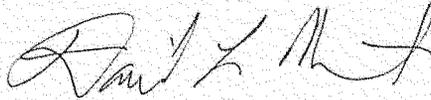
This letter informs you and Ms. Cooper of the Administration-wide direction that Executive Branch personnel "cannot participate in [the impeachment] inquiry under these circumstances" [Tab C]. In the event that the Committees issue a subpoena to compel Ms. Cooper's appearance, you should be aware that 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.

Attachments:
As stated

LEGISLATIVE
AFFAIRSOFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

OCT 15 2019

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.

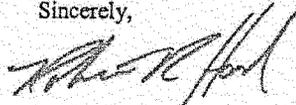
The House also has not delegated such authority to any of your three committees by rule. *See* H. Res. 6, 116th Cong. (2019). To the contrary, House Rule X is currently the only source of your three committees' jurisdiction, and that rule does not provide any of the committees the power to initiate an 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.¹ 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-

¹ 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).

Opinions of the Office of Legal Counsel in Volume 43

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-

Opinions of the Office of Legal Counsel in Volume 43

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.

Attempted Exclusion of Agency Counsel from Congressional Depositions

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,

Opinions of the Office of Legal Counsel in Volume 43

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

Attempted Exclusion of Agency Counsel from Congressional Depositions

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-

Opinions of the Office of Legal Counsel in Volume 43

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).² Protection of such information is "fundamental to the operation of Government and inextri-

² 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").

Attempted Exclusion of Agency Counsel from Congressional Depositions

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-

Opinions of the Office of Legal Counsel in Volume 43

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.³ 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

³ *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).

Attempted Exclusion of Agency Counsel from Congressional Depositions

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.

Opinions of the Office of Legal Counsel in Volume 43

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*

Attempted Exclusion of Agency Counsel from Congressional Depositions

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

Opinions of the Office of Legal Counsel in Volume 43

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.

Attempted Exclusion of Agency Counsel from Congressional Depositions

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

Opinions of the Office of Legal Counsel in Volume 43

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-

Attempted Exclusion of Agency Counsel from Congressional Depositions

tees.”). There is no basis for believing that this routine practice diminishes the Committee’s ability to acquire any information it may legitimately seek.⁴

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

⁴ 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.

Opinions of the Office of Legal Counsel in Volume 43

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.⁵

⁵ 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 Adam B. Schiff
Chairman
House Permanent Select Committee on
Intelligence
Washington, D.C. 20515

The Honorable Eliot L. Engel
Chairman
House Foreign Affairs Committee
Washington, D.C. 20515

The Honorable Elijah E. 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.”¹ 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.

¹ 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."² 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."³ Your contrived process is unprecedented in the

² Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

³ Press Release, Nancy Pelosi, *Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019).

Speaker Pelosi, and Chairmen Engel, Schiff, and Cummings
Page 3

history of the Nation,⁴ and lacks the necessary authorization for a valid impeachment proceeding.⁵

The Committees' inquiry also suffers from a separate, fatal defect. Despite Speaker Pelosi's commitment to "treat the President with fairness,"⁶ 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."⁷ 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.⁸ Indeed, it has been recognized that the Due Process Clause applies to impeachment proceedings.⁹ And precedent for the rights to cross-examine witnesses, call witnesses, and present evidence dates back nearly 150 years.¹⁰ 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.

⁴ 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).

⁵ 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*.

⁶ Press Release, Nancy Pelosi, Transcript of Pelosi Weekly Press Conference Today (Oct. 2, 2019).

⁷ *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).

⁸ *See, e.g.*, *Watkins v. United States*, 354 U.S. 178, 188 (1957); *Quinn v. United States*, 349 U.S. 155, 161 (1955).

⁹ *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).

¹⁰ *See, e.g.*, III Hinds' Precedents § 2445.

Speaker Pelosi, and Chairmen Engel, Schiff, and Cummings
Page 4

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.¹¹ 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.”¹² 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.¹³

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

¹¹ H.R. Res. 581, 105th Cong. (1998); H.R. Res. 803, 93rd Cong. (1974).

¹² 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).

¹³ 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).

Speaker Pelosi, and Chairmen Engel, Schiff, and Cunnings
Page 5

following such instructions.¹⁴ 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.¹⁵ In addition, any attempt to withhold an official's salary for the assertion of such interests would be unprecedented and unconstitutional.¹⁶ 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.¹⁷ 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

¹⁴ 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.")

¹⁵ *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. ___, *1-2 (May 23, 2019).

¹⁶ 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).

¹⁷ See Malca 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 . . .").

Speaker Pelosi, and Chairmen Engel, Schiff, and
Cummings
Page 6

politics for years to come, and will call into question the very legitimacy of our political institutions.¹⁸

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.¹⁹ 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.²⁰ 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.²¹ 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.²² 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.²³

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.²⁴ This

¹⁸ 144 Cong. Rec. H11786 (daily ed. Dec. 18, 1998) (statement of Rep. Jerrold Nadler).

¹⁹ The Federalist No. 65 (Alexander Hamilton).

²⁰ See *id.*

²¹ Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

²² *President Trump Meeting with Ukrainian President*, C-SPAN (Sept. 25, 2019).

²³ 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.").

²⁴ See *Whistleblower Disclosure: Hearing Before the H. Select Comm. on Intel.*, 116th Cong. (Sept. 26, 2019) (statement of Rep. Adam Schiff).

Speaker Pelosi, and Chairmen Engel, Schiff, and
Cummings
Page 7

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.”²⁵

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.²⁶ As a result, *The Washington Post* concluded that Chairman Schiff “clearly made a statement that was false.”²⁷ 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

²⁵ Interview with Chairman Adam Schiff, MSNBC (Sept. 17, 2019).

²⁶ Julian Barnes, et al., *Schiff Got Early Account of Accusations as Whistle-Blower's Concerns Grew*, N.Y. Times (Oct. 2, 2019).

²⁷ Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

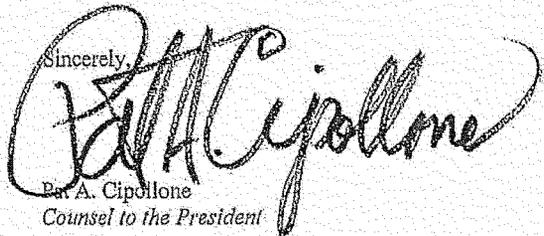
Speaker Pelosi, and Chairmen Engel, Schiff, and
Cummings

Page 8

as a matter of the established oversight process.²⁸ 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.”²⁹ 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,



Paul 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

²⁸ 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).

²⁹ *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.

