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# IMPEACHMENT OF PRESIDENT DONALD JOHN TRUMP

## THE EVIDENTIARY RECORD PURSUANT TO H. RES. 798

## VOLUME II, PART 3

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

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joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: P. MICHAEL MCKINLEY

Wednesday, October 16, 2019
Washington, D.C.

The interview in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 10:07 a.m.

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

Also Present: Representatives Wild, Lieu, Espaillat, Deutch, Raskin, Khanna, Wasserman-Schultz, Bera, Malinowski, Phillips, Rouda, Rooney, Bishop of Utah, Mullin, McCaul, Jordan, Meadows, Zeldin, Perry, Roy, Titus.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:



For the COMMITTEE ON OVERSIGHT AND REFORM:

[redacted]

For the COMMITTEE ON FOREIGN AFFAIRS:

[redacted]

For P. MICHAEL MCKINLEY:

JOHN D. CELLA
JOHN B. BELLINGER III
ARNOLD & PORTER KAYE SCHOLER, LLP
601 Massachusetts Ave, NW
Washington, D.C. 20001-3743

THE CHAIRMAN: Alrighty, let's come to order.

And before we begin, I just want to -- excuse me, members. Before I begin, I just want to confirm that all of the members and staff in attendance are either members and staff of the three committees -- the Oversight Committee, the Intel Committee, or the Foreign Affairs Committee. Is anyone present who is not a member or staff of those committees?

Okay. Seeing no hands.

Good morning, Ambassador McKinley, and welcome to the House Permanent Select Committee on Intelligence, which, along with the Foreign Affairs and Oversight Committees, is conducting this investigation as part of the official impeachment inquiry of the House of Representatives.

Today's voluntary transcribed interview is being conducted as part of the impeachment inquiry. We thank you for complying voluntarily with the committee's request on short notice that you provide testimony relevant to the inquiry in light of your resignation from the State Department on Friday, October 11.

Ambassador McKinley has served our country as a distinguished diplomat and four-time ambassador since 1982. Most recently, prior to resigning, he served since November 2018 in a unique role as senior advisor to the Secretary of State, a position reflective of his seniority, experience, and role as dean of the career Foreign Service.

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Ambassador McKinley, we will ask you to introduce yourself and your career experience more fully at the outset of today's interview for the benefit of the record and all of those present.

Given your unique position and vantage point, we look forward to hearing your testimony today, including your knowledge of the sudden removal of Ambassador to Ukraine Yovanovitch; the treatment of Ambassador Yovanovitch, Deputy Assistant Secretary of State George Kent, and potentially others; and the Department's response to congressional investigations, including the impeachment inquiry.

We will also seek your perspective on evidence that has come to light in the course of the inquiry, including the President's July 25, 2019, call with Ukrainian President Zelensky, as well as the documentary record about efforts before and after the call to get the Ukrainians to announce publicly investigations into the two areas President Trump asked Zelensky to pursue: the Bidens and the conspiracy theory about Ukraine's purported interference in the 2016 election.

Finally, given your experience and to restate what I and others have emphasized in other interviews, Congress will not tolerate any reprisal, threat of reprisal, or attempt to retaliate against any U.S. Government official for testifying before Congress.

It is disturbing that the State Department, in coordination with the White House, has sought to prohibit Department employees and discourage former employees from cooperating with the inquiry and has tried to limit what they can say. This is unacceptable. Thankfully, consummate professionals have demonstrated remarkable courage in coming forward to testify and tell the truth.

Before I turn to committee counsel to begin the interview, I invite the ranking member or, in his absence, a minority member of the Foreign Affairs or Oversight Committees to make any opening remarks.

MR. JORDAN: Thank you, Mr. Chairman.

Ambassador, thank you for appearing here today. Thank you for your service to our country.

On September 24th, Speaker Pelosi unilaterally announced that the House was beginning a so-called impeachment inquiry. On October 2nd, Speaker Pelosi promised that this so-called impeachment inquiry would treat the President with fairness. However, Speaker Pelosi, Chairman Schiff, and the Democrats are not living up to that basic promise. Instead, Democrats are conducting a rushed, closed-door, and unprecedented inquiry.

Democrats are ignoring 45 years of bipartisan procedures designed to provide elements of fundamental fairness and due process. In past impeachment inquiries, the majority and

minority had co-equal subpoena authority and the right to require a committee vote on all subpoenas. The President's counsel had the right to attend all depositions and hearings, including those held in executive session. The President's counsel had the right to cross-examine witnesses and the right to propose witnesses. The President's counsel had the right to present evidence, object to the admission of evidence, and to review all evidence presented, both favorable and unfavorable. Speaker Pelosi and Chairman Schiff's so-called impeachment inquiry has none of these guarantees of fundamental fairness and due process.

Most disappointing, Democrats are conducting this impeachment inquiry behind closed doors. We are conducting these deposition interviews in a SCIF, but Democrats are clear: These are unclassified sessions. This seems to be nothing more than hiding this work from the American people. If Democrats intend to undo the will of the American people just a year before the next election, they should at least do so transparently and be willing to be accountable for their actions.

With the chairman's indulgence, our counsel has a couple of points we'd like to raise on procedure as well.

MR. CASTOR: Just, respectfully, we request copies of the subpoenas, certificates of service. We don't know whether these subpoenas have been authentically signed or

stamped. The House Clerk, House counsel requires that the chairman sign these personally in ink, and the Clerk requires -- at least when we were in the majority for years, the Clerk requires that we comply with all the rules.

We request sufficient notice. We need to prepare our members. And so, in the minority, we don't always have the lead time that you do, and we don't know your queue. And so we just ask for a little bit more notice for some of these witnesses so we can prepare in a meaningful way and so we can participate.

And, you know, the word "consultation" is different from "notice." It's a different word; it has a different meaning under House rules. And so, to the extent there is a 3-day consultation requirement, we would just ask the majority to honor that.

Thank you.

THE CHAIRMAN: I thank my colleagues. We can have the opportunity to discuss these issues without taking up the witness's time.

The record should reflect, however, that Republican members and staff are present and able to ask all the questions they want and have been for all of the prior interviews, notwithstanding what the President and many of his supporters have been representing publicly. And that will be the case today as well.

And, with that, I recognize Mr. Goldman.

MR. MEADOWS: Mr. Chairman? Mr. Chairman, I have a parliamentary inquiry.

Obviously, we've talked about confidentiality in here. And my inquiry is, I am assuming that, based on the releases that some of my Democrat colleagues were quoted in various newspaper articles yesterday with specific facts that came from the hearing yesterday, that those releases are not deemed a breach of House rules. Is that correct?

THE CHAIRMAN: I would just say to my colleague, who has been present for many of these interviews, as you know, I have repeatedly admonished members not to discuss what takes place during the depositions.

We have had a problem with members coming in in the middle of depositions and leaving before they're concluded who may not have been present for the advisories that they're not to discuss what takes place. But members should not be discussing what takes place during the depositions.

MR. MEADOWS: So is that a violation of the House rules?

THE CHAIRMAN: I --

MR. MEADOWS: I mean, I just need to be -- listen, if we're going to play by the same set of rules, Mr. Chairman, we need to know what is fair for everyone. And I think that you will attest that there has not been a leak of information from the Republican side that would be to our advantage

written in any of the periodicals.

THE CHAIRMAN: I could certainly never attest to that, Mr. Meadows. And I think quite to the contrary, quite to the contrary --

MR. MEADOWS: So is it a violation of House rules or not, Mr. Chairman?

THE CHAIRMAN: Well, I will allow you to consult House rules. But I will say once again --

MR. MEADOWS: Well, the House rules would say that, indeed, you're the one that has to rule on that. And so I'm asking you to rule on it.

THE CHAIRMAN: And I have stated, if you were here, I think, yesterday as well, members should not be discussing what takes place during the depositions.

And so that is my response to your parliamentary inquiry, and I'm now recognizing Mr. Goldman.

MR. MCCAUL: Can I make an opening statement, Mr. Chairman?

THE CHAIRMAN: We were going to limit it to one opening --

MR. MCCAUL: And I'll keep it very short. I want to echo Mr. Jordan's --

THE CHAIRMAN: Well, just -- I will allow it, Mr. McCaul, but, in the future, one opening statement per side.

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MR. MCCAUL: Okay.

Well, I'd like to echo the same concerns about the -- and I'm disappointed that the Speaker didn't proceed with a resolution so that this could be more transparent and open. I, like my colleague here, share the concerns. We need clarification on the rules that apply to confidentiality. And, specifically, we've abided by these rules, as the chairman has requested.

There's a tweet that came out yesterday from Jeremy Herb that says: State Department Deputy Assistant Secretary George Kent told lawmakers that he was told by his supervisor to lay low after he raised complaints about Rudy Giuliani's efforts in Ukraine undermining U.S. foreign policy, according to Representative Gerry Connolly on House Oversight.

So do the rules apply or not? And what are the sanctions to violation of the rules?

THE CHAIRMAN: I thank the gentleman for his opening statement.

We're going to now move to the interview of the witness.

MR. MCCAUL: I guess that's a nonanswer.

THE CHAIRMAN: Well, you said you wanted to make an opening statement, not frame a parliamentary inquiry.

MR. MCCAUL: I would like to know, from the chairman's point of view, what the rules are.

THE CHAIRMAN: Mr. Chairman, as I just said to your

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colleague, I have repeatedly -- now, you haven't been here for all the interviews, but I have repeatedly admonished the members not to discuss what takes place during the depositions, and I will admonish them again today not to discuss what takes place during the depositions.

I will say this, though, to my colleagues, on the point of the investigation, which is a distinguishing factor which my colleagues seem to be willfully ignoring. Unlike Watergate and unlike the Clinton impeachment, there is no special counsel who has investigated the President's misconduct vis-a-vis Ukraine. We are, therefore, forced to do it.

The special counsel in the Clinton impeachment inquiry and the special counsel in the Watergate investigation did not conduct their investigations in open session. Congress did after it was handed to them. And, therefore, you cannot properly analogize this to either one of those prior impeachments.

Mr. Goldman, you are recognized.

MR. MEADOWS: Mr. Chairman, if you're going to make --

THE CHAIRMAN: There will be --

MR. MEADOWS: If you're going to make analogies to precedent, let's go ahead and make sure for the record that we're accurate with that reflection. I mean, when you start talking about special prosecutors and what happened and

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didn't happen, you, again, are willfully selecting facts and omitting others. So if we want to have a debate and a colloquy about what happened and what didn't happen --

THE CHAIRMAN: Mr. Meadows --

MR. MEADOWS: -- let's do that, Mr. Chairman.

THE CHAIRMAN: Mr. Meadows, I allowed two opening statements on your side.

MR. MEADOWS: Well, but then you opined --

THE CHAIRMAN: I have allowed myself two opening statements, and I'm now recognizing Mr. Goldman.

MR. GOLDMAN: Thank you, Mr. Chairman.

This is a voluntary transcribed interview of Ambassador Michael McKinley, conducted by the House Permanent Select Committee on Intelligence, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th.

Ambassador McKinley, could you please state your full name and spell your last name for the record?

MR. MCKINLEY: Peter Michael McKinley. I go by Michael, Mike. McKinley, M-c-K-i-n-l-e-y.

MR. GOLDMAN: Thank you.

Now, along with the other proceedings in furtherance of the inquiry, this transcribed interview is part of a joint investigation led by the Permanent Select Committee on Intelligence, in coordination with the Committees on Foreign

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Affairs and Oversight and Reform.

In the room today are majority staff and minority staff from all three committees, as well as members from the majority and minority from all three committees.

This is a staff-led interview, but members, of course, may ask questions during their allotted time, as has been the consistent format for the inquiry thus far.

My name is Daniel Goldman. I'm the director of investigations for the HPSCI majority staff. And I want to thank you very much for coming in today for this interview on such short notice. We greatly appreciate that you are willing to speak with us.

I will now let my counterparts from the minority introduce themselves.

MR. CASTOR: Good morning, Ambassador. Thank you for being here today. I appreciate your cooperation. My name is Steve Castor, staffer with the Republican -- the Committee on Oversight and Government Reform.

MS. CASULLI: Good morning, Ambassador. I'm Laura Casulli, deputy general counsel for the HPSCI minority.

MR. KOREN: Professional staffer with House Oversight Republicans.

THE CHAIRMAN: What's your name, sir?

MR. KOREN: Michael Koren.

MR. GOLDMAN: Now, this transcribed interview will be

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conducted entirely at the unclassified level. However, the transcribed interview is being conducted in HPSCI secure spaces and in the presence of staff with appropriate security clearances. We also understand that your attorneys have the appropriate security clearance as well.

It is the committee's expectation that neither questions asked of the witness nor answers by the witness or the witness's counsel will require discussion of any information that is currently or at any point could be properly classified under Executive Order 13526.

Moreover, EO-13526 states that, quote, "in no case shall information be classified, continue to be maintained as classified, or fail to be declassified," unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity.

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

Today's transcribed interview is not being taken in executive session, but because of the sensitive and confidential nature of some of the topics and materials that will be discussed, access to the transcript of the transcribed interview will be limited to the three committees in attendance. You and your attorney will have an opportunity to review the transcript as well.

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Before we begin, I'd like to go over some of the ground rules for this interview.

The way that this interview is conducted will proceed as follows: The majority will be given 1 hour to ask questions; then the minority will be given 1 hour to ask questions. Thereafter, we will alternate back and forth between majority and minority in 45-minute rounds until all questioning is complete.

We will take periodic breaks, but if you need a break at any time, please let us know.

You are permitted to have an attorney present during this interview, and I see that you have brought two. At this time, I would like to ask counsel to state their appearances for the record.

MR. BELLINGER: My name is John Bellinger at Arnold & Porter.

MR. CELLA: My name is John Cella, also at Arnold & Porter.

MR. GOLDMAN: There is a stenographer taking down everything that is said and every question that's asked and every answer you give in order to make a written record for this interview. For the record to be clear, please wait until the questions are completed before you begin your answer, and we will ask that all members and staff wait until you finish your answers before asking another question.

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The stenographer cannot record nonverbal answers such as "uh-huh" or shaking of the head, so it's important that you answer each question with an audible verbal answer.

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

We understand that you have received a letter from the State Department outlining some general concerns about privileges but that does not specifically invoke any privilege. You may only refuse to answer a question to preserve a privilege that is properly asserted and recognized by the committee.

If you refuse to answer a question on the basis of privilege, staff may either proceed with the interview or seek a ruling from the chairman on the objection, in person or otherwise, at a time of the majority staff's choosing. If the chair overrules any such objection, you should answer the question.

And, finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff. It is imperative that you not only answer our questions truthfully but that you give full and complete answers to all questions asked of you. Omissions may also be

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considered false statements.

As this interview is under oath, Ambassador McKinley, would you please stand and raise your right hand to be sworn?

Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

MR. MCKINLEY: Yes.

MR. GOLDMAN: Thank you.

And let the record reflect that the witness has been sworn.

And, with that, Ambassador McKinley, I will offer you the opportunity to make some opening remarks.

MR. MCKINLEY: Thank you for your invitation to appear before you today. My understanding is that I could best be of assistance by clarifying the circumstances of my resignation. The following is an account of what led to my decision to step down when I did.

I want to make clear from the start that Ukraine was not among the issues I followed with Secretary Pompeo. I was not aware at the time of the efforts of Ambassadors Volker and Sondland to work with the President's personal attorney, Rudy Giuliani, and I was not aware at the time of the President's phone call with President Zelensky.

I do think I can shed some light on how events have impacted State Department professionals and what motivated my resignation.

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The timing of my resignation was the result of two overriding concerns: the failure, in my view, of the State Department to offer support to Foreign Service employees caught up in the impeachment inquiry; and, second, by what appears to be the utilization of our ambassadors overseas to advance domestic political objectives.

I have served my country loyally for almost four decades in difficult environments. I've served as Ambassador to some of our largest missions in the world, including Peru, Colombia, Brazil, and Afghanistan. All my confirmations were unanimous, and I was nominated by both Democratic and Republican administrations.

I know there are difficult choices and compromises to be made on many of the issues we work. I also know that, as a Foreign Service officer, it is my duty to serve the incumbent administration faithfully, consistent with my oath to the Constitution. It was, therefore, also my duty to resign when I felt I could no longer do so.

By way of background, when Secretary Pompeo first asked me in May 2018 to return to the Department from my posting in Brazil as Ambassador, the pitch was to help rebuild the institution and restore State as the lead foreign affairs agency for the United States Government.

Although I still had 18 months to run in Brazil, and knowing full well the challenges of returning to a building

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many saw as broken and demoralized, I decided I had an obligation to the Foreign Service to accept.

Over the subsequent months, there were positive changes. Personnel cuts to the Department workforce ended, and the hiring freeze was lifted, to include for family members overseas. The Secretary selected distinguished Foreign Service officers to serve as the Under Secretary for Political Affairs and the Director General of the Foreign Service. While the other senior positions in the Department continued to be overwhelmingly held by political appointees, dozens of career Foreign Service officers were successfully nominated for ambassadorships.

The recruitment of the next generation of Foreign Service officers began again, and promotions returned to normal levels. State once again played the lead role on policy and in seeking negotiated solutions to long-running conflicts and crises in different parts of the globe. There was certainly room for further improvement, but the hollowing out of the Department under Secretary Tillerson was reversed.

Morale never entirely recovered, however. In August 2019, the State Department's inspector general released a critical report about the leadership of the Bureau of International Organizations. It became apparent, however, that the Department would not be taking the key corrective actions that many employees had anticipated.

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It was in this environment that the whistleblower account appeared in the press. I was disturbed by the implication that foreign governments were being approached to procure negative information on political opponents. I was convinced that this would also have a serious impact on Foreign Service morale and the integrity of our work overseas.

The initial reports were followed on September 25 by the release of the transcript of the President's telephone conversation with President Zelensky, which included negative comments on Ambassador Yovanovitch. The disparagement of a career diplomat doing her job was unacceptable to me.

Inside the building, meanwhile, there was no discussion whatsoever, at least in my presence, by senior State Department leadership on what was developing. At this point and over the coming days, I suggested to senior levels of the Department that a statement of support for Ambassador Yovanovitch's professionalism should be released. I received a polite hearing from officials I spoke to but no substantive response to the concern I was raising.

On Saturday, September 28, I sent an email to senior officials proposing a strong and immediate statement of support for Ambassador Yovanovitch's professionalism and courage, particularly to send a message to Department employees that leadership stood behind its employees in this

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difficult moment. I was told that the decision was not to issue a statement.

It was also that weekend of September 28-29 when I first spoke with Ambassador Yovanovitch about the situation. Ambassador Yovanovitch confirmed to me that she would welcome more public support from the Department, that no one had reached out to her from senior levels of the Department, and that she had retained private counsel.

I spoke with EUR Deputy Assistant Secretary George Kent, who had been deputy chief of mission in Ukraine under Ambassador Yovanovitch and who stated he, too, would welcome more Department support. He also noted that I was the first senior Department official to reach out to him.

Realizing that there was no change in the handling of the situation and that there was unlikely to be one, I decided to step down. I informed the Secretary on September 30 before he left for a trip to Italy and Greece, suggesting mid-November as the departure date.

During the Secretary's absence, however, I continued to raise my concerns with other senior Department officials. At a meeting with the Deputy Secretary and under secretaries, I mentioned the impact on Department morale of unfolding events. I also had conversations with the Under Secretary for Political Affairs, the counselor, and the Under Secretary for Management. They listened, but, again, I do not remember

receiving a substantive response.

On Thursday, October 3rd, I met with EUR Deputy Assistant Secretary Kent just after he had finished chairing a bureau meeting on how to collect the data requested by Congress. Kent noted his unhappiness with the tenor of the meeting in which a Department lawyer attended. He later wrote a memorandum to the file summarizing his experiences that day and sent it to me.

I forwarded it to the Under Secretary for Political Affairs, the Department's acting legal advisor, and the Deputy Secretary. I noted the seriousness of what was reported in the memorandum and raised the significant legal costs being incurred by our Department colleagues through no fault of their own. No one answered me.

Although my original intention had been to transition quietly out of the Department by mid-November, by the week of October 7th I no longer felt that I could be effective as the liaison to the seventh floor of the Foreign Service. I accelerated my departure, informing the Secretary that October 11th would be my last day.

In closing, I would like to say that no one wants to end a career on this note. I repeat: Since I began my career in 1982, I have served my country and every President loyally. Under current circumstances, however, I could no longer look the other way as colleagues are denied the professional

support and respect they deserve from us all.

Thank you.

[The statement of Mr. McKinley follows:]

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BY MR. GOLDMAN:

Q Thank you very much, Ambassador McKinley.

There are some that have called you the dean of the Foreign Service, so I would like to just go through briefly your career, distinguished career, with the State Department.

You mentioned you joined in 1982. What various posts have you served in during that time?

A If I can summarize, I have served about 10 years of my career in Washington, D.C., in the Department, and I've served the rest of those years overseas.

Unusual for a Foreign Service officer career, I haven't concentrated on one or two regions. I've spent a lot of time in Latin America, I've spent a lot of time working on Africa, I've spent a lot of time working in Europe, and I've spent the time in Afghanistan and in the Department, and so perhaps have had wider experience of policies and issues than I might otherwise have had if I'd stayed in one bureau.

I have also worked on issues related to supporting free-trade agreements across the years, particularly with Colombia and Peru, supporting our companies overseas in almost every posting I've been. I've worked on conflict negotiations in Africa, in Latin America, and most recently in Afghanistan, and placed a great deal of emphasis, as all of us as diplomats should, on supporting the American people overseas in the communities that live overseas in the

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countries I've served, but also protecting their interests in whatever way that presents itself overseas.

Q When were you in Afghanistan?

A I was there from 2013 to 2016, almost 3-1/2 years.

Q And as we understand it, you also served as the deputy chief of mission and charge d'affaires at the U.S. Mission to the European Union. Is that right?

A That is correct, between 2004 and 2007.

Q And at the time that -- is that the same office that Ambassador Gordon Sondland now oversees?

A That's correct.

Q And then in November 2018 you were asked to come back to Washington. And what role were you asked to serve?

A If I can make a correction, I was approached in May of 2018 --

Q Thank you.

A -- and interviewed with the Secretary in May of 2018. And starting in June of 2018, I alternated between Brazil and Washington on a roughly 65/35 percent basis, as I did the full transition back to Washington in November of 2018.

The role I was asked to fill was reflective of the moment the Department was living. Under Secretary Tillerson, somewhere in the region of 20 percent of our senior Foreign Service Officer Corps either left or was forced to leave the

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State Department, and the building really did not have senior positions filled. This has been well-publicized and discussed over the months of Secretary Tillerson's tenure.

And Secretary Pompeo came in with a mission of staffing up senior leadership in the Department as quickly as possible. He wanted Foreign Service officers to be part of that senior leadership. He reached out to me, he reached out to others, to come back to the Department, work with him, rebuild the building.

In my particular case, it was not a question of being brought back to be chief of staff. He wanted me in the capacity as an advisory role and, I believe, a connection to the building. And it was made clear from the start that, with my varied background, I could feel free to work on a range of issues and provide advice.

I was not meant to be operational. I made clear to the Secretary at the time that, as assistant secretaries were confirmed and under secretaries were confirmed, the line of implementing policy, developing policy came from other offices. And so, at no stage during the time I was senior advisor, did I envisage an operational role with him.

Q So, as the senior advisor, you were the link between the seventh floor, which is common parlance for the leadership floor, and the Foreign Service officers. Is that right?

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A It became an informal reality. Because, at the time, as I said, there were few Foreign Service officers at the senior levels of the Department. That began to change over the months, but during that period I was indeed someone that people in the Service, career people in the Service felt they could come and talk to.

Q And over the course of your slightly less than a year there, other than the issues that you raised as causing concern and ultimately your resignation, how did your role develop? Explain a little bit about what your day-to-day activities were like.

A The day-to-day work I did was related to staying on top of events. So I read voraciously to be able to see where there might be an interest in input or different thoughts or advice that I could provide the Secretary on what was happening around the world.

I didn't have a formal structure to the day other than attending the Secretary's morning meetings, which are held almost every day in his office with different constellations of senior officials. I did not participate in most of the Secretary's meetings, for example, with foreign dignitaries. That's just something I did not do.

But as the Secretary settled in and began defining issues he was working on, one of the areas that became a central focus of the work I did was with the special envoys

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that were being appointed to work different conflicts or crises in the world, including North Korea, Afghanistan. I did not do work on Syria or Iran. But when a special envoy was named for Venezuela, I worked on Venezuela as well and felt I had some added value, given my history working on negotiations and conflicts throughout my career.

I was also interested in seeing the Department regain some of the focus on economic policy which it had lost under Secretary Tillerson and trying to see areas where the Department could again have a seat at the table internationally, both in supporting our businesses overseas, but as we grew concerned, for example, about China's growing influence in different regions of the world, what would be the proactive response to trying to develop a different paradigm for engaging, for example, with Southeast Asia, with Pacific Compact islands, dealing with offers that were being made in different Latin American countries that faced difficult financial circumstances and were being approached by China.

I'm mentioning that at some length because it's actually something I was interested in and took on and discussed and worked with the Secretary.

But in the early months, I was also a person whom acting assistant secretaries came to to get a sense of, should we be presenting paperwork this way? How do we approach certain

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policy issues for the Secretary? And the fact is, what was happening was the Secretary was restoring process to the building, and paperwork just began to flow the way I've largely been familiar with throughout my career. But I played that sort of informal counsel role.

And, finally, I supported him on his trips overseas, again, in the capacity of staying abreast of breaking news in different parts of the world, but also joining him in a number of the meetings he might have in different locations.

Q And other than the Secretary, was there anyone else in leadership that you had regular communication with on a daily basis?

A I'd have to say the answer is probably no.

Q Now, you mentioned that you were particularly involved with some of the special envoys. I'm sure you're aware that Ukraine also has a special envoy, Kurt Volker. Did you engage with Ambassador Volker in any way in his role as the special envoy to address the eastern Crimea area of Ukraine?

A Although Kurt Volker and I were colleagues when we were in Brussels together in the 2000s -- he was at NATO, I was at the European Union mission -- I never saw Kurt when I returned to Washington.

Q Did you --

A I never spoke to Kurt. I never saw him. I may

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have shaken his hand in the corridor a year and a half ago. That is it.

Q Uh-huh. Was that your desire, or was that his?

A No, no. What I'm trying to suggest, again, is I wasn't operational. As the Secretary put in place or empowered -- what the Secretary also did was to empower acting assistant secretaries.

So, whereas, under Tillerson, there were questions about whether these individuals could actually take charge of their bureaus and carry forward the business of State, under Pompeo, while awaiting Senate confirmations of assistant secretaries that were being nominated, full authority was being given to front offices of bureaus to go ahead and do the business of the diplomacy in the regions and issues they were responsible for.

So I wasn't out there, you know, checking on bureaus, seeing what they were doing. There was a natural empowerment taking place over months.

On the European issues, I really didn't engage much on many of them, but I certainly never engaged on Ukraine across the timeframe I was there.

Q So you view it as a good thing that you didn't have much engagement with Ambassador Volker?

A No. It certainly wasn't a conscious decision at all. It just never came across my desk. I never ran into

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him, and I wasn't working Ukraine.

The issues I gravitated to, as I mentioned, were more focused on supporting the conflict negotiations that were developing in different parts of the world and particularly on national economic policy questions. And I also continued to work on issues like trying to support the reforms that were being put into place to strengthen the Foreign Service.

Q You said in your opening statement and you just reiterated that you were not particularly involved or had much visibility into matters relating to Ukraine in your role as senior advisor.

At any point over the last year or so, did you know in real-time, did you follow in real-time anything that was going on, including, perhaps, with Ambassador Yovanovitch's recall in April and May?

A I followed it in the sense that I was aware of what was happening in different parts of the world. In any given month, you could ask me, do you know what's happening somewhere, and I would've read about it. Did I work on it? Did I take any active stance on it? The short answer is no.

Q What do you remember knowing at the time about Ambassador Yovanovitch's recall?

A Only what I saw in the media. I never spoke about her recall with anyone in the Department.

I did run into her sometime after she returned to

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offer -- you know, we ran into each other, and we spoke about her transition. I offered her moral support. And that's where it stayed until the developments over the last few weeks.

Q Back in the spring, did you know why she was being recalled?

A Only from media accounts. So I can sit here and speculate, but it would be speculation. I saw nothing in writing. I heard nothing. I heard no Department official speaking about the reasons for her recall.

Q During the beginning part of this year, in the January-through-March/April timeframe, were you following news accounts and the media about nongovernment actors and interests in Ukraine?

A I certainly saw that being reported, yes.

Q And in particular, Rudy Giuliani?

A At the time, I -- you know, if you're going to take me back 6 months ago, I can't remember exactly who I was focusing on. But if his name was in the media at the time, of course I focused -- of course I noticed it.

Q Without necessarily placing a time on it, were you aware of --

A Yes.

Q -- Rudy Giuliani's efforts?

A I was reading -- absolutely. I was reading the

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media, and it was very evident.

Q Did you have any discussions with anyone at the State Department about Mr. Giuliani's --

A I don't think --

Q -- public pronouncements?

A I don't think his name ever crossed my lips. And no one spoke to me about Rudy Giuliani.

Q So when did you become aware of the reason for Ambassador Yovanovitch's recall?

A The details of it, I became aware as the information began to flow after the whistleblower account, and it became very evident just how much was political in her removal.

Q Were you aware of any documents that were submitted to the State Department's Inspector General's Office in or about May of this year related to --

A No, I was not. And the first time I was aware that these documents had surfaced was when Inspector General Linick approached the committees with a package of documents.

Q And have you reviewed those documents?

A No, not at all.

Q So what did you -- describe the circumstances around your coming to understand why Ambassador Yovanovitch was recalled.

A Well, it was a question of putting the pieces

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together.

So after the whistleblower account came out and I started reading in much greater depth what was happening in the media, it became evident to me that Masha had been caught up in something that had nothing to do with the way she performed her duties in Kyiv.

When the transcript of the call was released -- I'm just going to state it clearly -- as a Foreign Service officer, to see the impugning of somebody I know to be a serious, committed colleague in the manner that it was done raised alarm bells for me. It absolutely did.

And that's when I became, I think -- with the chronology I've tried to give you. And I've done the chronology mostly from recollection. I, frankly, became very concerned that we had to do something for her. That's when I took it on.

Masha had not reached out to me, for example, in the preceding weeks or even months. So this was very much a reaction to what was being revealed in the media.

Q Former Ambassador Yovanovitch actually has been with the Foreign Service almost as long as you had.

A Yeah. Yeah.

Q Did you come across her in your career?

A Yes, I did, but we were not close friends. And I think we interceded most when we were both in Europe in the 2000s. But, you know, I didn't go back and look up what her

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career track was, but I was certainly aware of her for a long time.

Q And what was her reputation as a foreign professional?

A Her reputation was as an excellent, serious, committed, up-and-coming back in the earlier years before any of us had ambassadorial or DCM positions. I certainly remember her being one of those people who seemed to be destined for greater things.

Q And you said that the call record raised alarm bells for you. What do you mean by that?

A Simply the reference to the Ambassador in a disparaging form in the call transcript. It's as simple as that.

When you're working overseas, every President has the right to remove an ambassador they don't have confidence in. And this is standard, and it's part of Department practice ever since I've come in. So, whatever the rationale, Presidents have the right to remove ambassadors and select other envoys for the post in question.

It was the issue of suggesting that she wasn't -- I don't have the transcript in front of me. All of you know what's in the transcript, so I'm not even going to try to paraphrase it. I mean, what is it? One sentence? Two sentences?

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But the fact of the matter is, as a Foreign Service officer who's worked in difficult situations, worked in difficult environments, where we have to deal with ugly people on the ground and where you're dealing with challenges, where you're dealing with threats that can become personal, when you're dealing with conflicts, when you're dealing with issues related to the security and welfare of Americans or the people who work for you in a mission, the one thing you don't want to have is questions being raised about how you're doing your job with the foreign government in question from your own government.

Q Right. And just so the record is clear, we will get into the call transcript, but I believe what you're referring to is the statement by President Trump in the July 25th call record where he says, quote, "The former Ambassador from the United States, the woman, was bad news. And the people she was dealing with in the Ukraine were bad news. So I just want to let you know that."

And then, later on, the President says, "Well, she's going to go through some things.

What did you understand him to mean when you read, "She's going to go through some things"?

A I didn't try to read into it or understand it. The words themselves spoke for themselves.

And my reaction was, well, there's a simple solution for

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this. We think she's a strong, professional career diplomat who's still on the rolls, who's still a full-time Department employee. It shouldn't be difficult to put out a short statement that's not political, stating clearly that we respect the professionalism, the tenure of Ambassador Yovanovitch in the Ukraine. Thank you.

That's pretty much as straightforward and simple a statement as I was proposing.

Q Did you view that comment as a threat to Ambassador Yovanovitch?

A I'm not going to interpret it. What I want to say is that a statement like that to a foreign government official creates difficulties for the Ambassador on the ground.

Q And how would a statement like this affect the morale of the career Foreign Service workers in the State Department?

A At this point, I'm going to give you my opinion based, obviously, on my experience and on speaking to people across the evolution of developments in the last several weeks.

It had a very significant effect on morale. And the silence from the Department was viewed as puzzling and baffling.

Q Approximately how many Foreign Service officers did

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you speak to about this transcript?

A I don't know. I spoke to 8, 10, a dozen.

You know, I need to make clear, I also saw the sensitivity of my position. And so, when you take a look at my decision to resign, I wasn't sitting there broadcasting it throughout the building. The fact is -- and I wasn't broadcasting the specific steps that I was proposing for support for her. Because, at the end of the day, what I wanted to see was a statement to come out. Moreover, I wasn't interested, because of all the positive work that has been done in the building, to see morale in the building sort of conflicted, decline, be confused about what was going on. So I wasn't sitting there going down the corridor, what do you think, what do you think about what has happened?

I did speak to, you know, a couple of acting deputy assistant secretaries. It was that sort of informal corridor conversation, but I asked them, did they think this was having an impact on the building.

I did not go out and sort of broadcast, you know, "Let's go out and support Ambassador Yovanovitch." That's not the way I work. That's not the way I was going to work for Secretary Pompeo, who I agreed to work with and serve. And I was looking for a solution, I thought, that could meet what was required without getting into the broader politics of the unfolding investigation.

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Q From those conversations and those questions that you asked, what sense did you get about the impact on morale?

A My sense was that the impact was significant, in that people were expecting some kind of statement of support for Yovanovitch.

I was not -- I repeat: It would've been unprofessional of me to go out there and start digging, "What do you mean? And what are you hearing?" I never go -- for example, there's these chat rooms or, you know, Foreign Service people or others, you know, people talk, people write, everything. I never go on them. I never read them. No one brings them to my attention. I went on instinct also on this. But I think it's very clear that this was an issue that needed to be addressed.

Q So let's talk about that proposed statement. Who did you speak to first about the possibility of making a statement?

A I spoke to the Secretary first. And I did so in the manner I normally do. I'll sort of raise an issue, and he'll decide whether he wants to react or not. So he listened. There was no pushback, no comment. It was just an acknowledgement that I was raising it.

Q Approximately how long do you think this conversation was, the first conversation with the Secretary?

A Three minutes. It was very short. The way I

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worked with the Secretary, I tended to be very crisp. He works very hard. He works on multiple issues. And I'm very concise when I'm presenting things.

Q What did you say to him?

A I said: We've seen the situation that's developing outside. Wouldn't it be good to put out a statement on Yovanovitch? Since my impression is the Department, you know, at least tried to keep her in Ukraine. I had gotten that from the newspapers.

Q What was his response?

A He listened. That was it. Sort of, "Thank you." That was the limit of the conversation.

Q Did you get the sense that he agreed that the Department was supportive or --

A I did not. I did not.

Q Sorry, one --

A Apologies.

Q Did you get the sense that he agreed with your assessment that the Department had supported Ambassador Yovanovitch?

A I did not get a sense one way or the other. I really did not.

Q Okay. And do you remember approximately what date this conversation was?

A It was towards the end of UNGA week -- sorry -- the

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U.N. General Assembly week in New York.

Q So the transcript was publicized --

A It came out on the 25th --

Q Right.

A -- which was while we were in New York, I guess.

Q Okay. And so --

A And that's what I was reacting to, on a personal level.

Q And so do you recall whether it was -- that was a Wednesday. Do you recall whether it was the Thursday or the Friday that you had this conversation with the Secretary?

A It was probably Thursday.

Q Okay.

After this conversation with the Secretary, what did you do next, in terms of advocating for --

THE CHAIRMAN: If I could just interject with a couple questions.

MR. MCKINLEY: Sure.

THE CHAIRMAN: At the time you spoke with Secretary Pompeo, were you aware that Secretary Pompeo had been on the call?

MR. MCKINLEY: No. Not at all.

THE CHAIRMAN: And when you raised this issue with him, did he give any indication that, in fact, he was on the call?

MR. MCKINLEY: No.

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THE CHAIRMAN: And, if you could, as best you can, tell us exactly what you relayed to him. And did he say anything at all in response or --

MR. MCKINLEY: No, he did not on -- I was raising issues related to, why can't we go out with a statement? This seems like an easy issue to address. My impression that Yovanovitch had received a level of support, because she did come back to the Department. And my understanding was that she was also extended or people were looking to extend her at one point. By the way, I didn't know any of that until very recently, but it was just my impression. And so I put it in those terms.

I wasn't, frankly -- and, again, I'm going to be very direct on this. I'm a career Foreign Service officer. This has been, as many administrations have been -- there's many moments that are highly political that spill over into, you know, sort of, State Department corridor gossip or discussions. The one thing I knew above anything when I accepted this job was I wasn't going to sit and become part of the political environment.

So I didn't sit and have discussions with Secretary Pompeo about what was happening with White House politics, you know, White House approaches. And I certainly was not going to make a comment, one way or the other, about things the President did. That's simply not the way I was working.

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It was, I wanted to focus and did focus on issues that needed to be addressed in the foreign policy arena or in the building. But I did not initiate conversations with him nor did he volunteer to me political comments on ongoing situations at any point in the time I worked with him.

THE CHAIRMAN: Ambassador, I understand, but I just want to get as clear a record as we can on what you said to the Secretary and what he said in response.

MR. MCKINLEY: Yeah. In response --

THE CHAIRMAN: Can you go back and, as best you can, tell us exactly what you told the Secretary?

MR. MCKINLEY: I said, are you aware of -- I'm sure you're following what is happening. Wouldn't it be good if we put out a statement on Ambassador Yovanovitch?

THE CHAIRMAN: When you said, I'm sure you're aware of what's happening --

MR. MCKINLEY: That's right. Of course he said, yeah. You know, it's that kind of exchange. I mean, to formalize it as something more --

THE CHAIRMAN: No, no. I'm just -- I'm not trying to formalize it. I'm just trying to get exactly what was said during the meeting. So you asked him if he was aware of the situation, and he indicated that he was.

MR. MCKINLEY: Yeah, that he was following it.

THE CHAIRMAN: That he was following it.

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MR. MCKINLEY: Okay? And I said, well, in this context, wouldn't it be a good thing if, you know, we say something quickly about, you know, Yovanovitch, given what was said about her in the transcript?

And I don't know whether he said he'd think about it. I don't even think I even got that level of response. It was a passing conversation.

And I repeat, whether you think this is appropriate or not, but across the time I've worked on the seventh floor in this latest iteration, I made a very conscious decision not to talk about anything that was political.

THE CHAIRMAN: No, I understand. But I just want to make sure we understand the full contours of the conversation.

So you asked him if he was aware of what was going on with Ambassador Yovanovitch. He said that he was aware, indicated he was aware.

You said, wouldn't it be nice if the State Department issued a statement of support. Did you relate anything else to him in the context of "wouldn't it be nice" --

MR. MCKINLEY: No. No.

THE CHAIRMAN: -- about the attacks on her or the impact on morale in the Department of the attacks on her. Did you relate anything along those lines?

MR. MCKINLEY: I don't believe I did it at that stage.

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THE CHAIRMAN: Did you have a subsequent conversation with him about that?

MR. MCKINLEY: Not that week. So that would've been whatever, the 26th, 27th. And as I said in my statement, by the 28th, there were numerous media articles appearing about Yovanovitch, and, frankly, I did grow concerned that we needed to say something forceful on her behalf. Because I worried that there would be a mischaracterization of what she had done, and we needed to be forceful, supporting her professionalism.

THE CHAIRMAN: So --

MR. MCKINLEY: And that is why, that weekend, I raised the issue again, but not with the Secretary.

THE CHAIRMAN: Okay. How many conversations did you have with the Secretary about this matter?

MR. MCKINLEY: Three probably. And the subsequent ones were in the context of -- because, if I can remind, I presented my resignation on Monday, September 30th. So it wasn't very long after the initial conversation.

And in presenting my resignation, I made clear that I was looking to leave the Department, I wasn't looking to create any news story out of it, but that he should be aware that, of course, part of the reason, people were very aware that I was concerned about what I saw as the lack of public support for Department employees.

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The --

THE CHAIRMAN: And what was the Secretary's response when you said that?

MR. MCKINLEY: On that subject, he did not respond at all, again.

What I -- if -- I know this is difficult to fathom or believe. Across the 8 or 9 days, whatever period it was, that I was seeking to raise this, nobody ever really said anything to me. It was, like, receive mode. And I just continued to raise the question in different ways, and I still would not receive a reaction.

I think once or twice -- somebody once said, "But we are protecting the staff. We're providing legal guidelines, which allows them the time to prepare their testimony, collect documents. We're looking at how to work with the congressional requests." And it would be left at that. But the central question I was raising about say something publicly just was not addressed.

And on the legal support --

THE CHAIRMAN: Ambassador, if I could, because --

MR. MCKINLEY: Yeah. I'm sorry.

THE CHAIRMAN: I'm going to turn it back to my colleague to go through the timeline in more detail, but I just want to make sure that we're clear on your conversation with the Secretary.

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In the first conversation you had with the Secretary, you essentially got no response to the request for a statement. Is that accurate?

MR. MCKINLEY: That's accurate.

THE CHAIRMAN: And in the final conversation with the Secretary where you raised the matter again, you again got no specific response to that issue when you raised it with the Secretary. Is that correct?

MR. MCKINLEY: That is correct, yeah.

THE CHAIRMAN: And was there a third conversation?

MR. MCKINLEY: Yeah. So I presented my resignation on September 30th. I spoke with the Secretary again when he called from Europe to discuss my resignation. And I think at that point I said, well, you know, we really -- I was pretty direct. I said, you know, this situation isn't acceptable. We need to -- you know, I've already made my recommendation, but I do -- I am resigning.

And that was the conversation. Again, I didn't get a reaction on that point.

THE CHAIRMAN: Okay. I yield back to Mr. Goldman.

BY MR. GOLDMAN:

Q So you initially submitted your resignation on the 30th, which was 5 days after the call was released.

A That's correct.

Q Okay. And this initial conversation with Secretary

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Pompeo was either on the 26th or 27th.

A Yeah. Probably on the 26th.

Q After this initial conversation with Secretary Pompeo, what did you do next in your efforts to procure a statement?

A So a number of articles began to appear on Ambassador Yovanovitch. I, frankly, grew concerned that, depending on circumstances, this kind of attention could attract negative commentary from people who were perhaps inclined to view her in a negative light.

And so it was, I do remember very clearly, a Saturday, and I just sat down and sent an email to four people, "We really need to do this."

Q Before we get to that email, did you indicate to Secretary Pompeo what the proposed substance of a statement might be?

A No.

Q Just a statement of support?

A Yeah, I -- no.

Q Okay. And did you learn from the media that Ambassador Yovanovitch had been offered an extension, or did you learn from the Department?

A No, I learned it from the media. I did not know about it at all.

Q Who did you --

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A She didn't tell me.
Q When you saw her in the halls back in --
A No. Well, when I saw her -- whenever she got back. I don't know whether we ran into each other in June or July. But, no, no, we didn't discuss that, not to my recollection.
Q Focusing on this email on September 28th, who did you write it to?
A I wrote it to the Under Secretary for Political Affairs, David --
Q David Hale?
A -- Hale. I wrote it to Carol Perez, the Director General of the Foreign Service. I wrote it to Morgan Ortagus, the Department spokesperson, and Lisa Kenna, the Executive Secretary.
I'm trying to think. Oh, Phil, the acting -- the senior bureau official, the Acting Assistant Secretary for Europe, Phil Reeker.
Q I'm sure you realize by now that we have received no documents from the State Department, so --
A Right.
Q -- we don't have this email.
A But I'm telling you the date that I sent it. I don't have Department documents.
Q No, we understand that.
A Yeah.

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Q And we'll get to that in a minute. But, because we don't have it, I need to ask you to summarize what you said in it.

A Yeah. So I wrote it deliberately, decided it was time to start creating a paper trail of my concern, and kept it short. It was, sort of, I think we need to issue an immediate statement of support for Masha's professionalism and courage -- because, frankly, I believe a lot of courage has been involved in dealing with the situation she has faced -- and send a message to the Foreign Service that we respect professionalism.

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[11:11 a.m.]

MR. MCKINLEY: And so I knew that putting it on paper was enough. I didn't have to go into, you know, a 10-paragraph sort of justification. Everybody knew what I was talking about. And I believe I tried to talk to a couple of them on the telephone as well to reinforce the point.

BY MR. GOLDMAN:

Q So we'll get to that in a second.

Did you receive -- do you recall anything else about what you said in the email?

A No it was really short.

Q Did you receive any response from --

A I did. At that point I did. I received support from -- in writing -- I think Carol and Phil Reeker supported. And I think others were supportive of it as well.

And so the idea was presented to the Secretary.

Q Let's wait. Let's just go through this step by step if we could.

A Sure.

Q So you received an email in support from Ambassador Perez in support of the idea?

A Yeah, absolutely, and Reeker as well.

Q Do you recall what Ambassador Perez said?

A It was like, okay, yes, I agree. I mean, it was that kind of -- conversational.

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Q Understood. I just want to make sure we cover everything.

A Absolutely.

Q And what was the response from Acting Assistant Secretary Reeker?

A The same. Maybe there were three more words, but the same.

Q And you said you also received additional support. From whom did you receive additional support?

A Well, additional support, you know, Lisa Kenna agreed, I think Morgan Ortagus agreed.

Q So everyone that you wrote to on that -- what about David Hale?

A I did not get an answer from David Hale.

Q Okay. You didn't get anything from David Hale. So four of the five responded in support of your idea?

A Positive terms.

Q All right.

Who did you reach out to on the phone from that group of five?

A From that, I think it was only Carol and Phil. That's what I remember.

Q Okay.

A Again, it's going to be difficult for everyone to accept this, I wasn't taking notes the whole time I was going

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through this. I was not envisioning sitting in this committee. I was not sort of compiling a record. I was trying to address a situation and I was also making a decision to leave.

Q Now, were you aware at this time that Ambassador Volker had resigned on that Friday, the 27th?

A If I was, it never crossed my mind. Was I following the news? Yes, I was. Do I remember that? It didn't matter to me.

You know, I wasn't focused on Volker. Volker left the Department over 10 years ago. And, you know, as is his right, he had become political in what he did. So, you know, I didn't sit there and think: Oh, Kurt's another Foreign Service officer. I didn't think of him in those terms at all.

Q All right. Let's go back to this email. Do you recall anything about the conversation that you had with Ambassador Perez following this email?

A No. I just said this is really bad. You know, it's the kind of conversation where you're just mutually reinforcing. So you're sitting there -- not sitting there, you're on the phone, you know. Reeker and Perez absolutely agree, we've got to say something, we've got to do something, this is -- this is going to impact the building. That's the approach. And we have to support Ambassador Yovanovitch.

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Q Did you speak with any of the others on the phone, Lisa Kenna or Morgan Ortagus?

A I may have spoken to -- I spoke to Lisa and I eventually spoke with Morgan.

Q All that weekend of the 28th?

A No, that day.

Q On the 28th?

A Yeah.

Q What did Lisa Kenna say to you?

A Just supportive, that's it. You know, it was not any -- any -- she really wasn't in the line of authority to get something done. I was just letting her know that I was sending this.

Q And, Ambassador McKinley, I don't mean for these questions to come up loaded. We're just trying to understand --

A No, no --

Q -- as many of the facts as we can here.

A Well, yeah. Certainly. Sorry.

Q If we had the documents and the emails it would be a lot easier for us.

A Yeah. Yeah. But, anyway, so I sent an email. I got a one-word answer or a five-word answer. And then I get on the phone and say: This is really important. Yeah, it is, we need to do something.

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Q And other than David Hale there was unanimous agreement?

A Yes.

Q You said that you also spoke with Ambassador Yovanovitch that weekend. Do you remember when?

A I don't know if it was on Saturday or Sunday, but I spoke to her. I wasn't going to bother her. But the answer came back that it was probably better not to issue a statement because it would draw further attention to Yovanovitch and wouldn't it be better to try to let this die down. So that was the response I got.

Q And so it was after you received a response that you reached out to Ambassador Yovanovitch?

A That's correct.

Q So let's go back then and figure out.

So we understand that you had emailed five people. Four responded positively. You spoke to all four and they all responded positively about a statement.

A Yeah.

Q What happened next?

A Probably a couple hours later Morgan reached out to me by phone and told me that the Secretary had decided that it was better not to release a statement at this time and that it would be in part to protect Ambassador Yovanovitch not draw undue attention to her. I dropped it.

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Q So do you know who was involved in this conversation with the Secretary on that Saturday, September 28th?

A No, I don't know who was in the room with him. The press people are -- it's Morgan Ortagus and I think [redacted].

Q Do you know if the counselor Ulrich Brechbuhl was involved in any of these discussions?

A No. I didn't even -- no.

Q And you didn't include him?

A No.

Q Why not?

A I was going -- my appeal at that point, frankly, was to mostly career people and to the spokesperson who would have to, you know, sort of issue a statement, get approval for it. That was my rationale at that point. It wasn't because I was thinking: Oh, they are going to say this, that, or the other. I was just trying to bureaucratically create a group of support for an idea to move forward.

Q Had you spoken to Ms. Ortagus before she reported back to you about the Secretary's wishes?

A No.

Q So you just received an email for her in support?

A Yeah, I received an email. And then -- and then -- and then -- and then a request to speak by telephone.

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Q So what did she said to you, in as much detail as you can recall, about what Secretary Pompeo said about the prospect of a statement?

A It was simply the Secretary thinks that a statement would draw undue attention to Ambassador Yovanovitch right now -- unwanted attention -- and it would be better to let this die down.

I didn't have a long conversation. I didn't talk --

Q Did you respond to her?

A I just said -- at that point, I just accepted it as given. And that's when I got off the phone and reached out to Yovanovitch.

Q What did you say to Ambassador Yovanovitch?

A I said, I'm under the -- I've been told that perhaps a statement is not something you would welcome. What is your view on that? And --

Q Wait. I'm sorry. So Ms. Ortagus told you that the Secretary was --

A Pardon?

Q Sorry. Just to be clear. Ms. Ortagus told you that Secretary was concerned --

A Not --

Q Just 1 minute.

A I'm sorry.

Q Was concerned that Ambassador Yovanovitch would not

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want a statement in support? Where did you get that idea that you understood --

A Probably from the conversation with Morgan. But -- you know, I can't remember exactly how I phrased it. Yeah, I think I did have the impression from Morgan, but I -- I repeat, I'm not sitting there taking notes, so I'm giving you a recollection. All I know is my direct question to Ambassador Yovanovitch was, you know, you would be -- would you or wouldn't you be interested in a statement of support?

Q And just to be clear, we're just asking for your best recollection.

A Yeah, no, because that's what it's going to be, I'll tell you.

Q And we understand that when you were having these conversations you were not expecting to have to recall word for word transcriptions of them.

What was Ambassador Yovanovitch's response when you asked her that question?

A She -- she's -- well, you've had her here, so you know she's very careful in the way she speaks and presents. And she said: Yes, I would welcome it. And it was pretty much that. But also I asked whether others in the building had reached out to her in the preceding days or weeks, and the answer was no.

And I said: What are you doing? And I remember her

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talking about private counsel. I never thought I'd have private counsel. And so I didn't follow up, ask questions about it, think about it.

Q Understood.

Did she indicate to you how she reacted to reading the transcript?

A No. Oh, there's one thing that I'd also learned over the years. I'm not sure, what stage did you send out the request for information -- sorry, the request for depositions? Do you remember the date?

Q I think it was the 27th, so it would have been on the Friday?

A Okay. So I would have been aware of that. And I want to underscore, and we can get into it later, I never asked Yovanovitch or Kent what they were going to say, because I realized I shouldn't be talking to them since they were embarking on a legal process. What I focused on in my conversations with them was, you know, what's the system doing for you?

Q What else do you remember from that conversation?

A Not much. It wasn't a long conversation.

Q Did she indicate whether she had spoken to any other career Foreign Service officers and had any sense of the morale with the Department?

A No. No. I mean, I was focused on her.

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Q What did you do after you got off the phone with her in connection with this matter?

A I believe, and that's the term I'm using, I don't know whether I reached out to George Kent that evening or Sunday, but I reached out to George Kent. I think I probably got a hold of him on the Sunday. But I don't remember exactly.

Q Did you report back to Ms. Ortagus that Ambassador Yovanovitch --

A No, I did not.

Q -- would welcome a statement?

A No, I did not. Sorry. No, I did not.

Q Why not?

A To me, the writing was beginning to be on the wall. And also was regrouping. And, frankly, it was that weekend that I made the decision to inform the Secretary on the Monday that I was leaving. So I was focused on that, too.

Q Were you aware that the committees issued a subpoena to the State Department on that Friday, the 27th, by the --

A I may -- I may have been, but it's not something that I was sitting there thinking about at all. It wasn't -- you know, was I watching the news every night, reading media reports? I was, but not with any design.

Q So you recall speaking to George Kent on the 29th,

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you believe?

A 28th or 29th. I can't remember exactly.

Q But before the Monday?

A Yes.

Q Over the weekend?

A Yes.

Q So tell us about that. Why did you reach out to him?

A I reached out to him because I think by then -- oh, thanks to the requests for depositions, I realized other Department people were being roped in. Call me naive, but I did not know.

And then the list of people you were asking to interview came out in some way, and George was on the list. And so I reached out to George.

And the conversation was extremely short, because we don't know each other. We hadn't met until a few days later. And so he wasn't going to open up to somebody he didn't know necessarily.

And I just said: Has anybody reached out to you? Would you welcome an expression of support? And that was pretty much the extent of the conversation.

Q And was that the purpose of reaching out to him?

A Yes.

Q Just to express some support?

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A Absolutely.

Q What did he say in response to your question as to whether anyone had reached out to him?

A No.

Q Did he give you any opinion about how he felt about that?

A There may have been a throwaway comment, but, no, we did not have a -- you know, we did not have a detailed conversation about it, no. I mean, it was so obvious that no one reaching out to him was unusual.

Q You thought that was unusual?

A I thought that was unusual, absolutely.

Q What did you think should have occurred?

A I think --

Q One second, sorry. Just so the record is clear, it's easier to --

A I apologize.

Q No, that's fine.

What did you think should have -- what did you think the State Department should have done with regard to Ambassador Yovanovitch and George Kent?

A I believe when -- you see, it's very easy with hindsight. So since I didn't pay attention, didn't focus on it particularly when events were developing in the late spring into early summer, I don't want to engage in hindsight

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gaming of this. I don't know what was done. And I have not asked specifically about what was done.

So -- and I don't want to -- clearly someone thought highly of her if she was being asked to extend only a month or two before she wasn't.

So I'm not going to do the hindsight game.

What I do believe is that as this developed over this very short period, the appropriate thing would have been for senior management to reach out. Whether it was the legal advisor, the under secretary for management, the under secretary who was responsible for Europe, there should have been at least let us know if there is or we can't help you because, whatever. Some sort of conversation.

So, you know, I was flying solo, I didn't know what the rules of engagement were. But I did know that, as a Foreign Service officer, I would be feeling pretty alone at this point. And so I reached out.

I was surprised when I found out that I was the first senior person they had been in touch with.

Q Did you discuss with anyone else in leadership that weekend any -- about this matter?

A No.

Q And then September 30th you gave in your -- you gave your resignation notice.

A That's correct.

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Q Is that right?
A Yeah.
Q Describe how you did that.
A I think it was less than a 5-minute conversation. I saw the Secretary. At the time, I wasn't prepared to go into any great details. I said: It's time to move on, look at a next phase of my life, I don't believe this will have any major impact, but you are aware that -- people are aware that I've been concerned about what is the lack of support for Department officials.
And I gave the mid-November sort of exit date, thinking, you know, transition out, do my paperwork in a reasonable timeframe, and so on.
Q Was this meeting in person on Monday?
A Yes, it was.
Q And did you bring up the statement again?
A No. I said: As you're aware, I have been -- I've also been concerned about these -- this issue.
Q Did he respond in any way --
A No.
Q -- to that comment?
A No.
Q How did he respond to your resignation?
A I mean, there -- it was disappointment that I was resigning. So, you know, I can't -- on the resignation

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discussions it's typical of discussions that anybody has when they've worked with somebody. And I went in and made my point. It was obviously a surprise. And as I said, it was a very short conversation.

Q Did you make it clear that part of the reason you were resigning was your concerns over --

A At that point --

Q Sorry, 1 second. Over this Ukraine matter?

A No. As I mentioned, I made the conscious decision to go in and to just say: Time for me to go, time for me to look at something else to do with my life. As you're aware. I have expressed my views on the lack of support for Foreign Service officers in this situation. That may be part of the story at some point. And, you know, we'd figure out how we'd announce my -- you know, do the usual little Department two-liner "thank you for your service" and out the door.

Q And he didn't address your concerns at all or this issue with Ambassador Yovanovitch --

A No.

Q -- in any substantive way?

A No.

MR. GOLDMAN: I believe our time is up, so yield to the minority.

THE CHAIRMAN: Ambassador, do you need a break?

MR. MCKINLEY: No, I'm fine. Thanks.

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BY MR. CASTOR:

Q Ambassador, thank you again for your service. We're honored to be here with you today. By my calculation, 37 years with the State Department. That is truly an extraordinary career. We appreciate your willingness to participate in the oversight process. This may come as a surprise to you, but not always are administration officials willing to participate eagerly in the congressional oversight process. So you are --

A I assumed I was going to be up here one way or the other.

Q You indicated in your opening statement that you were encouraged when Secretary Pompeo took over the State Department. Could you just walk us through that a little bit, your thinking, and how you were encouraged by some of the decisions he made in the wake of Secretary Tillerson's exit?

A I'm happy to, but please stop me when I get too much into the weeds.

What happened in the year of Secretary -- or 15 months of Secretary Tillerson's tenure was an extraordinary hollowing out of the building. Not only did we lose 20 percent of our senior leadership, not only did he freeze hiring, he announced an intention to reach an 8 percent cut in staffing levels.

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He froze what we call employee family member hiring overseas, which affects about 2,000-plus jobs. These are jobs that are filled by family members, usually spouses or partners, in embassies oversees that otherwise you would be hiring locally for, and which sometimes even involved sensitive positions with at least low level clearance requirements, and had a devastating impact on morale in embassies around the world, as families had to begin -- in the modern world many couples both look to have some kind of career moving forward.

It's not just a question of money. It's a question of life goals and fulfillment. And that one was -- I was sitting as ambassador in Brazil and we were looking at filling, I can't remember the exact number, but it was dozens of positions, and all of a sudden we didn't have authority to move ahead.

And you add all the positions around the world that were being frozen, we were running in into the hundreds of jobs that were disappearing that had become a central part of how we staff, work our embassies, but also how we support the modern American family oversees in deployment.

Promotions were cut by 40 to 50 percent. This was devastating to mid-level officers. Mid-level officers, because of a hiring surge in the 2000s, already had a very slow promotion track. By cutting back the number of

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available slots for promotion, you were essentially condemning a generation of next leadership Foreign Service to toiling at a certain level when they would obviously have reached the point where they were ready to work in positions of greater responsibility.

If I remember correctly, only 1 out of 9 Under Secretary positions were filled in that 15 months in a confirmed position. Out of 23 equivalent -- assistant secretary equivalent positions, I think we were at 3. And so senior leadership in the building was nonexistent.

I worked in the Latin America Bureau, but the experiences was mirrored in other bureaus, in which no one felt any authority to move paperwork forward or initiatives and were constantly rethinking, looking over their shoulder, how to work and what to do.

I could go on, but I think you get the picture.

And so when I came in -- sorry, not the when I came in -- let me make this clear, when Secretary Pompeo came in, he came in with a completely different optic and it was let's make the Department work. And many of the initiatives I enumerated in my statement were products of the work he did. I never had anything to do with that. It just began to work with the people he was working with. And he does deserve credit for rebuilding the institution, processes, creating opportunities, and, frankly, ambitions for the Foreign

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Service.

And so that was the environment I came into. It wasn't immediate. I still felt in the first 3 to 4 months: Are we going to get there or aren't we? But by the fall, by late 2018, it was beginning to have a really positive impact.

Q And the job that he asked you to do, what were the duties?

A There weren't any specific duties. When I interviewed with him, I said: What is it you expect me to do? Because there wasn't going to be a chief of staff position. And traditionally the advisor kind of position is the counselor position in the Department, so I was wondering, well, there's a counselor, and once you start filling the positions, what am I really there to do?

And he made clear that I would have the freedom to raise issues with him directly, anything I saw that should be focused on or that was of concern, and to follow what was happening in the world.

And what became the pattern of work was I did exactly that and where I thought I had added value with an opinion and or working with bureaus or working with special envoys I participated.

I, a couple of times, was asked by bureaus to help out. I remember during the DRC Congo electoral transition I ended up representing the Africa Bureau at the deputies meeting at

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the White House. I was asked by WHA to go talk to the Ortegas in Nicaragua to see if we could restart a national dialogue.

But those were few and far. I was approached by the bureau that supports educational exchanges around the world to make a case for funding, greater funding for the initiatives they were proposing. But I really didn't become operational very often.

Q And you mentioned that you in part became a liaison for the career Foreign Service?

A Yeah. I mean, it's a grand term. I don't want to make this sound like it was formal. People came and talked to me.

If I can just go back to my career. I have been in front offices since 1994. 1994 was my first deputy chief of mission job in Maputo, Mozambique. And so I have been in front offices continuously probably longer -- I don't know anybody who's been as long as that. And you meet a lot of people. And you meet a lot of people throughout the career. And so I knew a lot of people, and people would come talk to me, of all ranks.

Q And the Secretary of State travels more than any other U.S. official. How did you, during the rollout of your new job, influence the Secretary and influence his inner circle? Which may just be Mr. Brechbuhl. But how did you go

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about bringing yourself into their sphere of influence?

A On the travel schedules and decisions on where to go? The bureaus.

Q Just in the management. I mean, you --

A No, on the management, zero.

Q Okay.

A I was invited to join most of the trips. I didn't go on all of them, but I think maybe 65, 70 percent. But I never got into the management, the scheduling, who was being met, preparation of paperwork. I went on as staff support, if you will, on keeping abreast of events.

And then, depending on the places we were, if I had added value on the issues that were being worked, you know, I might be in a meeting and you're sitting around talking, what did you think of that, what did you think of this, and give a view.

Q You mentioned that you weren't going to be the chief of staff, but you were brought in to be a senior voice within hopefully the inner circle of the Secretary?

A On the seventh floor, yes. And I repeat, at the beginning I think I was -- in the early -- in the early stages I was, I think, the only person in that capacity from the Foreign Service. That changed.

Q Right. And part of your duties were to help the Secretary and Mr. Brechbuhl understand the viewpoints of the

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career Foreign Service officers?

A If I can suggest --

Q If concerns were --

A -- I never had the formalization of duties. But, yes, I thought it was what I should do, is as they worked on different issues.

I want to emphasize, they were very proactive in pushing for many of the measures that I've outlined.

Q And with a Cabinet secretary that didn't travel as much as the Secretary of State, if you were there engaging with the Secretary on a daily basis, you'd be able to develop a rapport, an ability to influence the decisions of the day, but not as much with the Secretary of State given his travel schedule. Is that fair to say?

A I don't like the word, you know, influencing in one way or the other.

Q Help inform --

A You know, help inform the decisions is a much better way to describe it. So, you know, depending on the issues, where I thought I had something of value to offer I'd speak up.

Q And did you have success in imparting your knowledge and the information you were receiving from the building to the Secretary and Mr. Brechbuhl?

A I absolutely believe I did. But I want to repeat,

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you know, a lot of what I did was, you know, focus, say, as we're getting ready to build up towards the beginning of negotiations on Afghanistan, having spent 3-1/2 years there, having spent a lot of my career on conflict negotiations, I'd sit in meetings with Ambassador Khalilzad (ph) or with the Secretary, what are we going to do, how are we going to game this, that sort of thing.

So there was that part of my work, which took up a lot of the time. I didn't spend my day worrying about the building every day. And especially once all these changes were carried out, it seemed to me the institution was moving ahead.

I'd also like to underscore the work that was done by the Secretary, by Mr. Brechbuhl, by others, to push Foreign Service officers for ambassadorship positions overseas. They absolutely were engaged on a direct and personal level in making things happen and go forward for the Foreign Service.

So my appearance here today isn't to sit and slam the Secretary. That's not what I'm here for. I've talked about a specific instance which led me to a conclusion.

Q To the contrary, you've been very complimentary of the Secretary. I think we can note that for the record.

Did you have regular telephone conversations with Mr. Brechbuhl?

A No. But he's a person who I spoke to on a regular

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basis. He's very approachable. So we worked a lot on a couple of issues together. But we're on the same corridor, so you run across each other, you say hi, you have a corridor conversation on whatever the issue is of the day. But we didn't have weekly formal -- I didn't have weekly formal meetings with anyone.

Q Okay. When you decided to formalize your concerns in the email you mentioned that you transmitted to Under Secretary Hale, Director General Perez, Lisa Kenna, Phil Reeker, you mentioned that you kept it to the career senior people and you didn't loop in Mr. Brechbuhl. And I just wonder what your -- like why you decided not to --

A I wanted to take the temperature with people who I knew.

Q Right.

A Who I knew well from previous years. These aren't people I had just met. In the case of Reeker, in the case of Carol Perez, David Hale, we knew each other.

Q And so I think you said four of the five seemed to be in agreement with you --

A Yeah. And perhaps David Hale was as well. I'm just -- what I said was I didn't get a response one way or the other.

Q Right. And so was there ever a discussion among that group --

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A No.
Q -- of trying to --
A No.
Q -- bring this issue to Mr. Brechbuhl's attention that maybe the Secretary needed to think this through from a number of different vantage points?
A Not certainly in that group. I don't know if it happened separately. I simply have no idea.
Q So the communication back was right now, at this time, it was not a good idea, the Secretary thought it wasn't a good idea?
A That's what I was told. I'm not going to put words -- this was not communicated to me by the Secretary.
Q And who --
A It was communicated by spokesperson Ortagus.
Q Okay. And did you have any additional conversations with that group to maybe overturn or revisit the decision?
A No.
Q Okay. And in hindsight, do you which you did?
A [Nonverbal response.]
Q I mean, if the communications officer, the press person essentially for lack of a better term, comes back and says, no, we're not ready to do the statement, the Secretary is not interested in that, did you have any discussions

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with --

A That's an excellent question. But, again, no, I didn't do it.

Q Okay.

A And if I can suggest that everybody was working in their own, I won't say silos, on their issues, and I did feel I was trying to drive this more than others.

Q Right. And did you get any feedback from Perez, Kenna, Reeker, other than what you've described so far?

A Not really.

Q Okay. And did you have any phone conversations with them, any of the other folks?

A No, not that weekend. No, not at all.

Q Into the next week, did you?

A The next week -- and I'm now beginning to get confused, so bear with me.

Q Oh, okay.

A But the next week would have been the week of September 30th. Yeah, that week, I remember -- that week was the week that I presented my resignation. And at that point I did -- by that point I did let the under secretary -- I let everybody know -- not everybody -- I let the counselor, Brechbuhl, know, the under secretary for management, Bulatao, know that I was resigning, I let David Hale know.

And I believe on all three occasions, because the

question inevitably was why, and I said, you know, that I, as I said in my opening statement, I was looking to resign at a slightly later date, but the situation, the lack of support, that I really believed the statement should go out, that it still wasn't too late to put a statement out, that this was critical for the Foreign Service, this was having an impact on morale.

So I talked to each of them individually during that week. And I also remember just in a general staff meeting of under secretaries when the issue didn't come up at all I said: And by the way, there's a lot of news out there and this is having a really negative impact inside the building.

And the response was essentially we do have a large mission to continue working on in supporting American diplomacy overseas, which is a legitimate point, but it didn't answer the question of why don't we also do something to signal that we're supporting our people.

Q Did any of the folks that you signaled your intent to resign, did any of the folks express alarm, dismay?

A Everybody expressed regret. Nobody asked me to stay. And at the time, I was expecting some form of traditional State Department, a little message, thank you for your service, out the door. But that -- but there were questions about why was I leaving.

Q One of the things that's puzzling, I think, is

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you've spent your almost 40 years working complex, worthwhile issues, many of which certainly in your ambassador posts take time to work, correct? And this sort of seems like came together so quickly.

A If didn't come together so quickly. And I --

Q I mean, it was 8 days, right?

A That's right. And I'm going to be very direct here.

Q Yeah.

A It wasn't just the situation inside the building and the lack of a statement of support.

Q Right.

A I read the news. I read what is happening. I think I tried to say clearly in my statement that -- I think I used the words "deeply disturbed" or "disturbed" by the implication that foreign governments were being approached to procure negative information on political opponents.

Well, actually that was another issue of concern to me and one that threw into question exactly what you're saying. I have spent 37 years being a diplomat. Being a diplomat for the United States means supporting millions of Americans overseas. It means supporting our companies to create jobs at home. It means resolving conflicts that impact the United States. It means keeping the homeland safe. It means working with our military, the agency, all of our civilian

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agencies on projecting our interests and influence overseas. It means projecting American values.

In Afghanistan I worked with three four-star generals, with General Dunford, General Campbell, General Nicholson. I've worked in conflict areas the world over. And by diplomats doing what they do overseas, they help keep this country secure and prosperous and also offer us the possibility of being linked to the outside world.

In terms of supporting our values, we're also the front line in promoting issues of human rights, democracy, and cooperation internationally.

In this context, frankly, to see the emerging information on the engagement of our missions to procure negative political information for domestic purposes, combined with the failure I saw in the building to provide support for our professional cadre in a particularly trying time, I think the combination was a pretty good reason to decide enough, that I had -- I had no longer a useful role to play.

Q Is it possible that the Secretary and his people hadn't fully come to grips with how they were going to respond to this inquiry?

A It is entirely possible. Since I never had a conversation with any of them about the Ukraine it would be silly of me to try to speculate what the reasons for their

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approach was. All I knew was, in terms of the building, that this approach was not producing -- was having a negative impact.

Q The issue of impeaching the President has been at the forefront of political dialogue since the moment the President took office, correct?

A I'm not going to make -- I'm not going to make comments on the political situation.

If I can underscore, throughout my career, and I came in in 1982 under President Ronald Reagan, there have been controversial moments right the way through that. There have been controversial domestic political moments. There have been moments when American citizens, Foreign Service officers, anyone sits there and questions what's happening, what's the impact of this or that development.

In my experience in the Foreign Service, and I don't need to go back 37 years, I don't remember occasions when in the workplace, certainly since I've been a front office person since 1994, I don't remember people raising politics, questioning who was President.

What everyone focused on, where they sat was supporting the agenda of the administration. And if we look at the role the State Department has played over the last 3 years in supporting the President's agenda, I think we have a pretty strong record of positive engagement supporting the agenda.

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So we're not sitting around talking about impeachment, impeachment inquiries. In fact, when I was raising these issues, you think I was just saying, "Oh, yeah, and the President's going to be impeached or they're talking about" -- no one was doing that sort of thing.

Q No, I understand. It took the White House a little bit of time to develop their position. They wrote to the Hill on October 8th, I think, which was after you had already -- those 8 or 9 days had already elapsed. And I'm just wondering whether the Secretary was hamstrung by decisionmaking that was out of his control?

A And it could well be. I can't comment on that since I didn't speak with him about it and he didn't speak about it with me.

I also mentioned in my statement, I tried to put what was happening in the context of what happened in the Bureau of International Organizations. You may recall that that investigation was sparked by complaints, allegations of politicization, improper personnel practices, whatever. There's a big title on the report produced by the inspector general.

When that report came out, and the expectation was that there'd be change in the leadership of the International Organization Bureau, it was as simple as that. When it didn't happen, it certainly had a knock on effect on the

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Bureau.

You don't have to take my word for it because somebody sat there and leaked a townhall that the deputy secretary and the under secretary -- doing the right thing, by the way, and being open and honest -- it was still leaked. But they also made clear that it would be difficult to move ahead with certain changes that had been expected; for example, the removal of the assistant secretary in charge.

So when you look at the timeframe I'm talking about, I'm not working from sort of, you know, I woke up one morning and gee, you know, no statement for Masha Yovanovitch, I wonder what's happening?

I've been following the IO saga since I came into the Department in the summer -- since I began to work with the Secretary in the summer of 2018. I also came into the Department with the cumulative impact of watching what Secretary Tillerson did to the building. You do reach a point, and I'm 65 years old, where maybe, just maybe I should consider doing something else.

So you combine everything, but it wasn't -- it really shouldn't be cast in I woke up one day. I was concerned about the building. I was concerned about how they handled the IO investigation. I raised my concern about the impact of the IO report and the failure to follow through with more obvious courses of action.

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And so I was already developing the sense of, well, I guess I'm not really effective anymore inside the building in one of the two key jobs I think I have here, so perhaps maybe it's time to move on.

Q Right. One of the interesting and complicated issues facing interbranch conflict, whether it relates to -- in the context of a congressional investigation, is that, you know, every matter presents different facts. Every single oversight initiative develops its own rules of engagement, rules of the road, and there's reasons for that. The courts require accommodations, accommodations process requires understanding each side's interests, whether it be protecting deliberative materials or the like.

And so consequently, at the outset of any congressional investigative matter, there is a period of -- paralysis might be a good word to describe it, where each side is trying to figure out how they are going to get to what they need to do their job.

And this matter is different from Benghazi and I'm sure it's different from Iran-Contra and some of the other high profile, important congressional inquiries. Some of the embassy bombings had some extraordinary back and forth. And eventually a, you know, back and forth does settle in. I mean, when the Congress sends a subpoena, you know, it's not an "easy" button, the documents don't just magically appear.

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And they don't appear in -- even if the State Department wanted to turn over all the documents, it's not as simple as collecting them, photocopying them, and turning them over. They have to review the documents, they have to understand what positions they're going to take.

And so consequently, I mean, is it fair to say in your experience that it just takes a little bit of time for these conflicts to settle into a point where each side can begin to work with each other?

A You've raised a number of issues here, and perhaps if I can answer it coming at it with a slightly different optic.

You suggest that every engagement has different rules of the road. Well, let's expand that and suggest that everybody who's involved in an issue has a different level of experience with what is happening and has a different view on what is happening. And then some people have more facts or different facts about what is happening.

If I can come back to why I did what I did, which is why I'm here, I may not know everything that was being thought through on the seventh floor. It's absolutely obvious I did not. But what I do know is that good commanders support their troops in moments of crisis.

And the cumulative impact of what I'd seen in the building, notwithstanding everything else that is happening

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in with this inquiry, seemed to dictate what was a very simple course of action: Say something.

As for the issue you raise about settling into in effect a battle rhythm and figuring out, especially over a long-term sort of set of engagement, whether it's on the foreign policy issue, to answer your question, or whether it's with the work of the committee at this moment, you're absolutely right, of course it takes time.

Q Do you feel like you would have been able to influence things if you stayed a little longer?

A No. That's why -- if I can sort of be clear on this, it's not that I got a reaction or a particularly negative reaction. I didn't get a reaction.

And so to me it was very clear that I really didn't have a role to play on this. But that's fine. I don't run the Department. I don't make the decisions on how policy should be handled. And but --

Q But your viewpoint is so valuable?

A Well, I don't make the decisions on how issues should be handled. But I felt that on the central question on which I've built much of my career, which is supporting our people in the Department, if I wasn't able to make any sort of impact in arguing for something I saw that is extremely straightforward and rather limited, then perhaps there were questions about whether I could continue to

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influence things, and so I decided to separate.

Q You mentioned Phil Reeker was in agreement with you. He wanted to do a statement like you suggested, right?

A Yes.

Q And Carol Perez?

A Yes.

Q And Lisa Kenna?

A Yeah, but she doesn't get involved in policy.

Q I'm just talking about --

A Yeah, yeah. But, yeah, I mean you talk to people. I mean, yeah.

Q But you sent your email to these folks, you talked to them.

A That's right.

Q And this is the beginning of a consensus-building exercise of taking everyone's temperature, these senior people, that collectively if you -- you would hope you'd have an ability to combine yourselves to maybe talk to Mr. Brechbuhl and maybe reverse the decision. And I'm just wondering, it just sort of seems lining a disconnect that you sent this --

A Well, it's since I did speak with Mr. Brechbuhl and I did speak to Mr. Bulatao on the following day.

I don't quite see the disconnect. Did I gather a group together?

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Let me say another thing. My experience in bureaucracy is that people don't tend to speak out on certain issues or don't raise their heads on certain issues. And so if it was clear that there was a decision to see how things developed, to use the approach you're suggesting, see how things settle into place, perhaps their view was, well, you know, let's see how far Mike gets.

And I've been in the bureaucracy long enough to know that you don't put guns to people's heads to try to generate support for an initiative. So that was that.

Now, what you're suggesting, why would I not say it's not the sensible approach, of course it is.

Q I'm not -- let me just be -- I'm not suggesting you should do one thing or the other. You've been with the State Department for 37 years, you've served our country, you can do whatever you want to do. So whatever course, you know, you took I'm not questioning that. I'm just trying to ask you some questions to see --

A Sure.

Q -- about your thought process, because it seems like you could have been an influential voice to help the State Department move through this challenging time.

You said rather clearly the President can remove an ambassador at any time for any reason or no reason. When Ambassador Yovanovitch was recalled, did you -- I forget if

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you mentioned it, but did you like reach out to her or have any communications with her when she was recalled in April or May when you first learned about --

A No, I did not.

Q Did any other State Department Foreign Service officers come to you? I mean, you had sort of -- you were in a role that sounds like a bit of an ombudsman. Is that a fair characterization?

A I don't know. No, I don't -- you know, if I remember anything, maybe somebody would mention in passing, terrible what happened to Masha, it would be that level of conversation. Nobody came to me formally on this question.

Q Okay.

A No.

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[12:10 p.m.]

BY MR. CASTOR:

Q Was your concern primarily then when you saw the call transcript and you saw the --

A That's correct. Yeah. You know, because if you take a look at the history of the State Department, you know, across time, people do get removed for different reasons. And what you do want to ensure is that, you know, their careers aren't ended by a decision like that, that there is a soft landing or some support.

And so it seemed, when I ran into Masha, that she was getting on with her life. So I did not engage on that at the time, no, I did not. May I should have, but I didn't. I can't go back and rewrite that chapter.

Q The fact that she was recalled, had that issue begun to pass, or was it still a bubbling --

A No. I mean, I don't remember it being raised with me one way or the other.

Q When did you first learn about the call? Was it when the transcript was made public?

A That's correct.

Q So --

A Well, you know, whenever -- I think, you know, if we go back and look in the newspapers, everything that came out from the whistleblower account onwards. Oh, but when did

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I learn about the reference to Ambassador Yovanovitch?

Q Right.

A Through the call -- through the --

Q -- seen the transcript in the news?

A -- release of the transcript, yeah, that's correct.

Q And was there any -- before the transcript was released, was there any State Department meeting where you discussed this is a big news story --

A No, not at all.

Q So you probably read it the same time we did?

A Absolutely. And maybe not even then because we were at the U.N., and there were lots of meetings taking place and work throughout the day.

Q And I think you've told us about all your communications with Ambassador Yovanovitch, and then I understand you also spoke with Deputy Assistant Secretary Kent?

A Yes.

Q And could you relate to us what he told you and you told him?

A On October 3rd, you know, I decided it was time to meet the person I'd talked to on the phone. I think I'd try -- anyways, so, you know, because I remember I did the phone call the previous weekend.

So I went down to his office and sat with him, and what

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he told me was that he had been in the starting throes of pulling together documentation, whatever. I didn't pay attention exactly, you know, data, documentation, whatever that had come with a congressional request for documents.

And he told me there were 10 or 15 people in the room and that among those who participated was a lawyer from the legal office. I don't have the memo because I don't -- but I can tell you, he sent it to me that night, okay. But in the memo -- forget the memo. I mean, he told it to me and then he wrote it up.

And if I remember correctly, he challenged the deadline they were working against, why weren't they given the request for documents on a timely basis and why were they having to pull together whatever they were pulling together days after the congressional request had come in.

He also raised what he saw -- there was a response, which I never read, from State Department to Congress on parameters for the whatever you were going to do. And he also raised that there were inaccuracies in there, in particular about protecting or providing legal support or services.

And you're going to have to bear with me. I'm trying to remember the chronology on this. I think we also discussed, you know, the lack of financial support for paying for private counsel, which appalled me. It absolutely appalled

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me.

And he made a passing reference to, you know, we'll see what happens, you know, when we -- when, you know -- I think he basically said he would have to wait for a subpoena from the committee before he could appear but that he had been engaged in trying to support Ambassador Yovanovitch earlier in the year.

He also mentioned that he thought that the lawyer was trying to shut him up, and so I didn't tell him to write it up. He wrote it up as a memorandum to the files, and he sent it to me. That was that Thursday night. And I felt absolutely obliged to send it to other people on the 7th floor. I thought it was a serious memorandum. I thought it indicated a lack of support that was broader than simply a question of statements.

What was going to happen to other State Department people who might be drawn into the inquiry? It seemed that it was urgent to address the allegations that there was bullying tactics, et cetera. So I passed the memo on, and I didn't get any answer from anybody.

Q Is the letter that Deputy Assistant Secretary Kent was referring to, was that a letter that the Secretary had sent?

A It was a memo.

Q It was a memo?

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A Yeah. Yeah. You know, it's simply, you know, you write up: This happened. This happened. This happened. This happened.

And it was a memorandum to the files. You just have a record.

Q Right. But he -- you related to us that he was concerned about inaccuracies that the --

A That's correct.

Q -- Department had. And was that a letter that the Secretary had sent?

A Yeah. I think it's what was sent up here -- I'm sorry. I don't have the timeline on that, but I think, didn't you say --

Q The Secretary had sent a letter.

A Had sent a letter to you. Was it the Secretary sent a letter --

Q Yeah.

A -- on conditions and expressing his concern --

Q Right.

A -- over how individuals were being bullied and subpoenaed --

Q Correct.

A -- and all this? Right?

Q Uh-huh.

A Okay. So I believe what Kent was referring to was

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that letter.

Q Okay. And did he --

A I never read that letter.

Q Other than identifying the fact that he believed there were inaccuracies, did he tell you what they were?

A Not in any detail, no. And, frankly, to me, the mere fact that somebody feels strongly enough about what they've heard and what they're sensing about what they're saying to somebody who's working on the impeachment inquiry that they need to write it down and have a record of what was said was significant enough. And he definitely characterized it as bullying tactics.

Q So I think you said that was October -- nobody's holding you to these dates.

A Yeah. No, October 3rd I actually remember. The days I remember is when I actually put something on paper, which --

Q Thursday, the 3rd?

A Thursday, the 3rd, it was sent to me. I think my email -- I don't believe I sent it that -- I don't think I even saw that night. I think I -- I don't remember when I saw it. I sent it on Friday, October 4.

Q Okay. So just unpacking the timeline, the call transcript is put out, I think, Wednesday, September 25th. The committees evinced an interest in taking depositions on

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Friday, September 27. Presumably, Deputy Assistant Secretary Kent developed his concerns on, you know, Monday, Tuesday, or Wednesday of that week.

A What he was reacting to was the meeting he had that day but also how he felt he had been treated by the Department up to that point.

Q Right. And do you remember, was he disappointed or mistreated because he was unable to provide documents or testimony or --

A No. No. I don't remember at all. To me, the key issue at that point was he felt that he was being bullied. To me, you know, I took the headline --

Q Right.

A -- because if we can go back to why I did what I did, I didn't need to sit there and, you know, memorize the details for a simple reason, because once I heard it, once I read the memorandum -- by the way, having it in writing in the system it was already a record which should cause concern to the legal adviser's office and to management in the building. And so, for me, that was enough. This is happening. You know, the issues I've been trying to raise about impact on the Department are real. We need to do something.

Q Okay. But, as you sit here today, you don't remember whether he was disaffected by not being able to

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produce documents or --

A No. No, I don't even believe -- oh, disaffected? No, sorry, but that's not the word.

Q Angry?

A No. On the documents, sorry, it was whatever they were being asked to do, all right, that they weren't going to have enough time to do whatever it is they were being asked to do. That's what he was angry about, okay, concerned about.

Q Okay. But they had tried to set up a tight timeline?

A Oh, I don't know.

Q Okay. I'm just trying to understand --

A Yeah. No, I understand the questions, and I wish I had better answers. I wish -- but I don't because I don't remember the details on that. What I do remember is what he saw as accusatory behavior from the L lawyer in question, and he put it on paper. That is an usual thing to do.

Q Right. So writing a memo to file about an interaction like that, is there relative --

A He didn't just talk about the interaction. He talked about the letter, the content of the letter, and then the interaction, yeah. There was a lot on the interaction.

Q So that would be an extremely rare occurrence --

A Yes, absolutely.

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Q -- for someone to create a memo --
A Absolutely.
Q -- to the file about something of that sort?
A Yes.
Q And so the fact that he did that caused you to take it very seriously?
A That's correct.
Q And when you pass that information on, do you remember who you passed it to?
A Yes. I passed it on to the Under Secretary For Political Affairs and to the legal advisor. That was my first step. And then I decided to add the Deputy Secretary. And no one, I mean, literally, not one word was said to me about it.
Q Okay. So you passed it on Thursday, the 3rd, or Friday, the 4th?
A I think it was Friday, the 4th. I'm pretty sure it was Friday, the 4th.
Q Okay. And so nobody from the legal adviser's office called you?
A Nobody contacted me. I called the acting legal advisor on Thursday to -- or did I call him on -- I can't. I apologize. Wait a minute. No. I tried all day Friday to reach -- to get a minute with the acting legal advisor. And so I did let him know this was coming. I thought it was

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courtesy.

Q Okay. And did you relate your concerns to the other group of officials that you had been --

A I put it in writing.

Q But did you talk to Phil Reeker, Lisa Kenna?

A No. By that stage -- sorry, by that stage, I'd already decided, well, this is the way it is. Whatever is going to happen is going to happen, but I'm not going to be in the building much longer. So I'm passing on the concern for general review.

Q We just have a couple of minutes left.

A Please.

Q Before our round is out, I like to pivot to our members to see if they have anything they want to ask you. That's what we've been doing in these.

A Yeah. Sure. Sorry.

MR. JORDAN: What exactly did you put in writing?

MR. MCKINLEY: So get the memo to the files, right, the memo to the files that was sent to me. And so, on top of it, I said, I'm forwarding the following report, which is of concern on a number of levels. It includes allegations of intimidation and bullying and questions accuracy -- I don't know whether I used the word -- and raises questions about whether there are lies in statements, you know. And then I said: And this is why we really need to do something

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forcefully for our colleagues in the Foreign Service.

And I also mentioned, frankly, the legal fees concern that I had.

MR. JORDAN: Yeah. Because you were going to have to hire outside counsel, and you would not be able --

MR. MCKINLEY: Oh, yeah, well, that's a nice question, but, no, absolutely not. Until I received -- when was it got the note from Mr. Noble? It was Saturday, midday, afternoon, I hadn't talked to any lawyer. You can check with anybody who knows me.

MR. JORDAN: I'm not --

MR. MCKINLEY: I had to be talked into approaching a lawyer. I didn't want to deal with legal. My approach to coming to this was -- I saw the request. I answered it before I even talked to any legal counsel. And my approach was, why should I need legal counsel to come here and talk about this? But that's not the way Washington works, apparently.

MR. JORDAN: No, I understand that.

In your opening statement, Ambassador, just so I know --

MR. MCKINLEY: Sure.

MR. JORDAN: -- third paragraph, you talk about the State Department Foreign Service employees caught up in the inquiry on Ukraine. And so it's plural, and I just -- and we've talked about Ms. Ambassador Yovanovitch. You've talked

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about Secretary Kent. Is there a bigger list there? Is that --

MR. MCKINLEY: Apparently, there is. Sorry. Apologies.

MR. JORDAN: I just want to know who you're talking about when you say "employees."

MR. MCKINLEY: Well, I understand Bill Taylor is coming back, our Charge in Ukraine. And, you know, by the way, to show you that I wasn't sitting there trying to look at every document that was coming out, I hadn't looked at what was sent over by the committee, that George Kent referenced, and he showed me the communication from the committee, and I just glanced at it and I saw Taylor's name on it and the suggestion that there might be others. And so that's why I put that there. Sorry.

MR. JORDAN: Okay. So your concern with State Department employees is that the employees refers to folks that have been subpoenaed by --

MR. MCKINLEY: That's correct, sir.

MR. JORDAN: -- and asked to come testify? Okay. I just want to be clear.

MR. ZELDIN: Ambassador McKinley, earlier on, I believe you were testifying with regards to a hollowing out of the State Department under Secretary Tillerson. Is it accurate -- did you use the term "forced to leave" or "forced out" in describing that hollowing out? I just want to

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understand your earlier testimony.

MR. MCKINLEY: Yeah, I did. And my understanding is there were people -- do I know firsthand that people were -- sort of said, "Your services are no longer needed here"? I probably don't. But, you know, I heard, you know, stories of people sort of being told, "Your services are not needed," particularly at the more senior levels. So that's what that was a reference to.

If you want me to take the word back and say everybody resigned on principle -- sorry. Actually, I don't take it back. I remember when I first started using the term, when they cut the promotion rates 40 to 50 percent for senior ranks. Yep, that's a way to get people to leave. And it's just using the system by changing the rules of engagement, and there's nothing illegal about it, but you can certainly bring numbers down very quickly.

MR. ZELDIN: But you don't have any firsthand knowledge of any individual members of the State Department being forced out?

MR. MCKINLEY: You know, I could go and dig, but right now, given that we're talking about a process that took place some time ago, no, I don't, and I'm not going to try to gild that.

MR. ZELDIN: Thank you. I believe we're out of time.

THE CHAIRMAN: Why don't we take a half-hour lunch break

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and resume at 1 o'clock?

MR. MCKINLEY: Sure.

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[1:10 p.m.]

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

Mr. Ambassador, I want to briefly follow up on some of the questions that my colleagues on the minority asked, and then I'll hand it back to Mr. Goldman to continue through the timeline.

You made reference to an inspector general report whose recommendations were not followed. Can you tell us a little bit about what that inspector general investigation was about, what the inspector general found, and what their recommendations were?

MR MCKINLEY: Going back to the, I think, summer of 2018 there were allegations that individuals, particularly from in front office of the International Organizations Bureau, were being targeted on political grounds by the Assistant Secretary, if not the Assistant Secretary, one of his key assistants, somebody -- if I remember correctly, her name is Mari Stuhl (ph).

And at the time, that was when I was coming into the building, and at least two of the three Deputy Assistant Secretaries I spoke with and raised the issue. But it was an issue which was already well known inside the building, and there was a decision to refer the matter to the inspector general.

My impression across the many months that followed was

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whatever had happened before in the Bureau and perhaps throughout the building, we're still waiting for the second iteration of the inspector general's report on the similar subject, that concerns about politicization pretty much disappeared and with the focus on returning to systems and professionalism in the management of the building. That was my impression. That's what I'm suggesting to you.

When the report came out, I will be frank, I just glanced at the headlines, but the assumption was that the Assistant Secretary would be asked to step down.

THE CHAIRMAN: And I'm sorry, who was that assistant secretary?

MR MCKINLEY: Moley, Kevin Moley. And when that didn't happen there was a significant reaction among people in the building. I repeat, it's not me saying so. This came across in the townhall, which Under Secretary Hale and Deputy Secretary Sullivan held with an International Organization staff.

Marie Stuhl, I think, was long gone from the building at that point, but the expectation was to be able to have a completely clean sheet going forward, that it would be helpful for the Assistant Secretary to move on. And when that didn't happen, this reaction set in.

I'm going to say again: I worked on many different issues. I took the headline of the report, which is that

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there were indeed improper personnel practices and targeting of individuals, and I didn't sit and look at and basically organize offices differently or meetings differently, that sort of thing, you know, I didn't get into that level of detail. Sorry I didn't.

THE CHAIRMAN: When you say that individuals were targeted improperly or politically, what do you mean by that?

MR MCKINLEY: Well, that's what the report's entitled. So what I was aware of when I first came into the building and started speaking to my colleagues at the time, back in the June/July timeframe of 2018, and I spoke to colleagues in the International Organization Bureau, they felt that tabs were being kept on them in terms of whether they were loyal, whatever that means, to the administration or not.

I can't get more specific than that because the specifics might be related to individual policies and questions of how policies were being pursued, but that was certainly the very strong impression I think of all -- of three of the Deputy Assistant Secretaries, career Deputy Assistant Secretaries who were in position at the time.

And that was the documented both in the media before the report came out. When the initial report started coming out on this was sometime last year, and it was documented in the report. Now, but I -- so I'm sorry, again --

THE CHAIRMAN: Yeah.

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MR MCKINLEY: -- I can't give you the specifics.

THE CHAIRMAN: That's fine. I just want to understand what you knew of this report and the recommendations.

MR MCKINLEY: Could I underscore that when the issue came to light last summer, one of the -- at least two of the individuals, one of them stayed on in the front office. So I want to underscore that under Secretary Pompeo, there wasn't an effort to remove anybody that was involved in raising the concerns and were supported for ambassadorships and so on.

So I want to make a clean break, if you will. What I can't make a clean break on is that the expectation, however long the inspection would take, was that there would be a conclusion that would lead to a decision to retire the Assistant Secretary. That didn't happen, and that certainly made people, again, think, what's going on?

THE CHAIRMAN: So, when the Assistant Secretary running that bureau, that Office of International Organizations, wasn't removed notwithstanding the inspector general's findings of politicization or targeting of individuals in a political way, was it your sense that this was having an adverse impact on morale in the Department?

MR MCKINLEY: Absolutely. And it wasn't only my sense; it was certainly a sense shared by the director general and the Under Secretary For Political Affairs.

THE CHAIRMAN: Now, you raised at least a couple issues,

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it sounds like, with the 7th floor you've talked about today. One of them was obviously your concern about a statement supporting this career public servant, Ambassador Yovanovitch. And I think you said that the response essentially you got from the Secretary himself was silence. Is that fair to say?

MR MCKINLEY: It is. I did not get anything that would approach a substantive response from anyone.

THE CHAIRMAN: And, likewise, when you raised with the 7th floor the seriousness of what Ambassador Kent or Secretary Kent put in a memo complaining about, among other things, false statements by the State Department in response to Congress, that was also met with silence, wasn't it?

MR MCKINLEY: That characterization is to the best of my recollection. We'd have to look at the memo again, but it is to the best of my recollection, and, yes, it was met with silence.

THE CHAIRMAN: And silence is a kind of response in and of itself, isn't it, when you raise a serious issue and there's no action taken and you're not given an adequate explanation for why no action was taken?

MR MCKINLEY: Yes, it is. And if you'll allow me, I don't want to leave the impression here that the decision to resign was a sudden one based on 72 or 96 hours or, you know, I don't get a response, and, therefore, I decide to take off

without allowing the time for resolution. The reason I mentioned the IG report was this was definitely something that was already hanging over the Department in that period.

But, second, I don't need weeks to recognize what the impact of having the President of our country state certain things about one of the career officers to know what the impact of that can be on the service without some kind of correction or reaffirmation from the leadership of the Department.

THE CHAIRMAN: I want to ask you more about that, but before I do, I want to ask you a little bit more about the discussion with Secretary Kent. And, you know, you're hamstrung and we're hamstrung because the State Department has refused to give us the memo that he wrote. Otherwise, we would show it to you and ask you about it.

But let me ask you about this because you mentioned that he was concerned about bullying. One of the representations apparently made in that letter from the State Department was that State Department witnesses like Mr. Kent or perhaps yourself or others were being bullied, not by the State Department but by Congress. But what Mr. Kent was raising with you was his concern that he was being bullied by the State Department. Is that correct?

MR MCKINLEY: That's correct.

THE CHAIRMAN: And he felt that what the State

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Department had represented to Congress included something that he thought was a lie.

MR MCKINLEY: "Inaccurate" is the term I'll use because, again, without looking back at the memo word for word, I do want to be, on a subject like that, as accurate as possible. He did question the way it was being presented, absolutely.

THE CHAIRMAN: And I think you said he conveyed to you that he thought that the State Department lawyer, perhaps among others, was trying to shut him up. Is that right?

MR MCKINLEY: He did, and he focused specifically on the lawyer.

THE CHAIRMAN: Just a couple of questions about your resignation, and I don't think anyone here is under the impression that this was a hasty decision that you made but a principled decision. And I think at the outset of your testimony, you said that this was not how you expected or had hoped to end a decades-long career in the Foreign Service. Is that right?

MR MCKINLEY: That's accurate.

THE CHAIRMAN: And I think you've articulated a couple of reasons, but I want to make sure that I understand them, for why you made this decision after 30 or 40 years. And is it fair to say a significant part of the reason you made that decision was the failure of the State Department to back a dedicated public servant, Ambassador Yovanovitch, when she

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was being unfairly maligned?

MR MCKINLEY: That is correct.

THE CHAIRMAN: I think you've also said that part of the reason why you decided to resign was that you couldn't be blind to what was happening, and what was happening was efforts to use the State Department to dig up dirt on a political opponent. Is that fair as well?

MR MCKINLEY: That is fair. And if I can underscore, in 37 years in the Foreign Service and different parts of the globe and working on many controversial issues, working 10 years back in Washington, I had never seen that.

THE CHAIRMAN: And I think you've just said also that you didn't consider these two acts or motivations in isolation but rather in the context of a department that also wasn't adequately responding to politicization within one of its bureaus?

MR MCKINLEY: I would like to recast that because I do believe the Secretary substantially changed the environment inside the building. Following the start of the inspector general's investigations, as far as I can tell, because once these investigations start, you're not talked to again and you shouldn't be. It's a very separate, independent institution within the building.

But what was clear to me across the months was that the Bureau began to return to functionality without complaints

coming back up to me directly or indirectly about politicization, that the individuals who are -- I believe were interviewed for and referenced in the report, did not suffer consequences and, in fact, were supported in either staying in position or moving onto positions of greater responsibility.

So I do want to make very clear, in my timeframe with the Secretary in the building, I have not seen politicization of the building per se. What I was trying to reference in my statement -- and we do have to speak about special envoys and an ambassador in the field, and I'm referring to Ambassadors Volker and Sondland, as part of the State Department.

And it's certainly nothing I knew about before the revelations began, but once they did, it was extremely clear to everyone -- I don't think it's in dispute on any side of the debate -- that they were State Department officials being used in a way that certainly didn't fit into any past example we can think of.

THE CHAIRMAN: Because they're being used to dig up political dirt on an opponent?

MR MCKINLEY: That's correct.

THE CHAIRMAN: And just to summarize then, is it fair to say that, but for those actions, the use of State Department personnel to dig up dirt on an opponent and the failure to come to the defense of a dedicated public servant, but for

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those two factors, you would have been very happy to continue your career --

MR. MCKINLEY: I would have considered -- no, I wouldn't have considered. I was planning to stay until the end of the year. I was planning to retire before the end of the year, absolutely. I thought that I did need to start thinking about other parts of my life. But, no, I had no intention of resigning when I resigned, no.

THE CHAIRMAN: Thank you.

Mr. Goldman.

BY MR. GOLDMAN:

Q Thank you, Mr. Chairman.

Just so we all understand the sort of framework, I just want to go back to kind of the sequence of events. I won't reiterate some of the things you covered, including Mr. Kent -- your meeting with Mr. Kent and the meeting on October 3rd.

But where we left off last round was your meeting with Secretary Pompeo on September 30th when you notified him of your intent to resign. And I believe, correct me if I'm wrong, that you testified that he gave no meaningful or substantive response to your concerns about the support for Ambassador Yovanovitch or Mr. Kent. Is that right?

A That's correct. But I don't remember using names. Specifically, it was support for our career professionals. I

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made a generic point.

Q Understood.

Did you meet with anyone else or speak to anyone else that day about this issue on September 30th? Do you recall?

A No. On the resignation I only told two people because I had to begin, you know, sort of looking at processing paperwork. So I spoke to the director general, and I spoke to the executive secretary, who I worked with and saw every day.

Q Lisa Kenna?

A Yeah. But I did not tell other people at that point. When I realized -- I don't have to realize. It's like any bureaucracy. Once the paperwork begins to flow, people begin to talk. And certainly by the end of the week, that's when I made the decision to talk to the counselor of the Department, Mr. Brechbuhl, and the Under Secretary For Management and let them know as well, and the Under Secretary For Political Affairs.

Q Okay. Did you explain to Lisa Kenna or Director General Perez why you were resigning?

A Yeah. I made the point that I didn't feel I could continue and be effective, no. I made the point, yes.

Q The same point about the statement?

A The same point, yeah.

Q And what was their response?

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A Well, they didn't want to see me leave. But, I mean, these conversations were no longer -- I was just talking with colleagues. The decision is made. I'm not sitting there re-debating, you know, can we do this, can we do that.

It was pretty clear to me that -- and they certainly weren't going to be the decisionmakers if I did continue to pursue it, which I did in the conversations with Brechbuhl, Bulatao, and Hale. But I pursued it in short conversations.

I mean, you know, you can read when you're not going to get a response. And you can sit there and grandstand, or you can sort of accept the decision is made, and it's now beyond -- my concerns have been listened to, and I need to move on, make my own decisions.

Q You described bringing up the idea of the concerns -- bringing up the concerns about support and the idea of a statement at an Under Secretary's meeting. Is that --

A Yeah. But I did it in exactly the way I told you, a throwaway sentence and on -- you know, look at what's happening out there. It's having a dramatic impact on the morale of the building. That was the extent of my statement. And the Deputy Secretary sort of underscored the importance of continuing to have people focus on the mission of State, that that continued regardless of what was happening. That

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was the end of the conversation.

Q Do you --

A I mean, it's a legitimate thing for the Deputy Secretary of State to say. I'm not questioning that.

Q Just so we get the timeline, do you remember when that meeting was?

A I don't know if it was -- I think it was October 1st, or was it September 30th. I don't remember. It's one of those 2 days.

Q Okay. And before you met with Mr. Kent on the 3rd, did you have any additional conversations where you advocated for a statement of support or something similar?

A No. No. So, you know, I was trying to recollect last night, you know, how many times did I raise it? And when I say "raised," I wasn't sitting there, you know, sort of coming in with a sledgehammer to, you know, belabor the point. I was raising it just consistently. But that October 3rd is also the day I believe I spoke with Brechbuhl and Bulatao as well as Kent. That's my recollection.

Q And did you speak with Brechbuhl and Bulatao together or separately?

A Separately. And it was first in the context of "I'm resigning, by the way," and then, you know, they questioned why. And then I went over what I believed needed to happen. And, you know, I think -- I don't know which one

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or maybe both suggested that the steps that were being taken were the appropriate ones for providing support given an evolving situation, whatever -- nothing specific but not addressing the immediate concern, which I felt very strongly, which was needing to message the Department as a whole and the individuals in question.

They weren't hostile discussions. They were perfectly friendly, in the sense that there was no berating me for my decision to step down, just questions about it. So that's the context those took place in.

Q Do you remember if those meetings were before or after you met with Mr. Kent?

A I'm pretty convinced -- I'm sorry.

Q Don't apologize. To the best of your recollection.

A To the best of my recollection, they were before.

Q Okay. And are what was Mr. Brechbuhl's response to you reiterating your concerns?

A He just listened carefully. That's all.

Q Did he empathize at all or sympathize?

A No, there were no expressions one way or the another. Like I said, I can't remember who said, you know: We're trying to, you know, make sure people have time to do things, this, that.

But I'm not going to put -- since I can't remember who said it to me, somebody said it to me in the context of those

two conversations. And so -- but, you know, again, nobody was being belligerent with me about it.

Q Understood.

Were there any specifics as to what those other procedures were that they were referencing?

A No. I mean, I think it was just a variation on the theme: Give people time to get organized and prepare for the testimonies to come, et cetera.

It was pretty much what's already been said publicly, I think.

Q Did you know about the subpoena for documents before you met with Mr. Kent on the 3rd?

A Before lunch break, I think I tried to answer that I knew from the news about the subpoenas, right. And I'm sure I assumed that it included requests for documents as well as for depositions. I had not seen it. And so George had a copy of the -- I guess it's the subpoena. I didn't even sit there and look. He just showed me.

Q Right.

A You know, and that's where I saw the additional names that you were intending to call.

Q And were you aware that the committees had sent a letter to the Department on September 9th just requesting --

A No, not at all.

Q -- documents?

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A Not at all.
Q So you said that --
A In fact, I just learned that now, so, okay.
Q You said that you sent your memo -- or, sorry, you sent Mr. Kent's memo to Mr. Hale, the legal advisor, Mark String, and Deputy Secretary Sullivan, right? Did you do that all at once or --
A No. I sent to Hale and String first, and then thought about it and figured the Deputy Secretary should have it too.
Q And just so we are clear, none of the three actually responded to your email?
A They didn't respond to the email. They didn't talk to me about it. They didn't telephone.
Q Okay. And you said that, on the 4th, you were trying to get a minute of time with Mr. String. Is that right?
A Only to tell him that I would be sending that. Sorry. So I sent -- I forwarded the document, but I didn't forward it until I had a chance to tell the legal advisor I was sending it because I thought that was courtesy.
Q Were you able to get in touch with him?
A Yes, eventually. I think that day I was able to reach him late, late in the afternoon. By the way, he wasn't avoiding me; we were missing each other on calls and so on.

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Q Okay. And what did he say when you indicated you were sending this?

A Just that he would have preferred to have it in hard copy, and I said I preferred to send it electronically.

Q Why did you prefer to send it electronically?

A Because I wanted a record.

Q And did you get the sense that he didn't want a record?

A No. I'm not going to characterize because I don't know, and so -- but I certainly felt it was important to have this on record.

Q Did you expect a followup to referring this memo to these individuals?

A No, I did not.

Q Why not?

A Because my assumption -- and, yes, it's a concentrated period of time, but when people are not really willing to talk to you about an issue you're raising, people are not really willing to respond as you explain the reasons for your resignation.

And I had good personal -- good professional relationships, I think, with all of these individuals. So I am not here to, you know, question whether there's second layers of how they dealt with me. So I interpreted the lack of a response as a response, that this wasn't something they

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were going to engage on me with.

Q And did you have any further conversations on Friday, October 4th, before the weekend that you can recall on this topic?

A No.

Q All right. Just so we understand clearly, from the time that -- or from September 26th or 27th, when you fist had the conversation with Secretary Pompeo, until October 4th, you made your feelings known about your desire for a statement to support Ambassador Yovanovitch because of your concerns about morale to Secretary Pompeo, Deputy Secretary Sullivan, Counselor Brechbuhl, Executive Secretary Kenna, Under Secretary for Management Bulatao, the communications director Ortega, Director General Perez, and Under Secretary Hale, correct?

A [Nonverbal response.]

Q And at no point did you receive a -- sorry. Can you say -- you nodded.

A I said that's -- the list is correct, but the -- I certainly -- Carol -- I think I already said earlier that a number of people were absolutely supportive of doing a statement.

Q Fair enough.

A And doing a statement. I mean, you know, we're focused on statement. I was looking at expressions of

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support. It can take many forms. It can take townhalls. It can take just a message inside the building. It doesn't have to be a press release. It's just a signal that the building has the back of its employees.

Q Would an internal email from the Secretary have been meaningful to you?

A Yes.

Q And even that wasn't done?

A No.

Q Did you have any additional conversations over that weekend of October 5th or 6th with anyone?

A I had one phone call, October 6th, Sunday evening with the Under Secretary For Management, who said, you know, did I, you know, want to perhaps put on paper some ideas of how this might be approached in terms of messaging, and that he was prepared to perhaps raise this with the Secretary.

I decided not to put it on paper because I thought it was an unusual request, and I just discussed it with him the following morning, October 7th, in the same terms, a message which says, you know, got your back, you know.

I may have mentioned at that point, and our policy on Ukraine is well known. We support, you know -- you know, I think the Department, Secretary Pompeo has been very forthright over the time he has been there in supporting Ukraine against Russia, you know, just simple things, a

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couple of things like that. So that was it. It was another 2-minute conversation. And that was probably --

Q Just before we move on, you mentioned a few -- there were a few other things as well that you might have --

A No. Well, to me, I would have thought it important to cooperate with a congressional inquiry, but anyways -- but that's simply -- that's a personal view, and, obviously, the Department has a legal position on this.

So it would have been the support for the troops, you know, perhaps looking at, you know, yeah, we're doing the right thing on policy, and we will work methodically on responding to Congress within, you know, the rule of law. It was generic, I mean, taking as long as I'm saying it now. It wasn't something I was sitting there: And this is why and this is why and this is why.

It was simply, you know, a quick, short list of suggestions. That was it.

Q Why did you not want to put that in writing on the evening of the 6th?

A Well, I'd spent a week with people not answering me, and so I've been a bureaucrat long enough. That's a message, and I'm not going to be the one initiating again a trail. For what purpose?

Q Were you --

A And I had already explained to people I was

resigning. You know, I think it was, perhaps, you know, just a legitimate outreach, but that's the way I handled it.

Q Were you frustrated at the lack of response?

A I don't have emotions like that anymore. It was a reality and --

Q You've been in a bureaucracy too long.

A And so the fact of the matter is -- I'll repeat what I said earlier -- I don't get to decide, make the final decisions. I can present a point of view. It can be accepted or not accepted, but I think I can read when it's not accepted.

And then I, in this case, for some of the reasons we've already discussed, I felt that it required a more forceful reaction. And if I can also repeat, I do feel that inside the building there was an expectation of, sorry, not a -- a dismay that there was no reaction from anybody in the career Foreign Service at senior ranks to do something more public in support of our colleagues.

Q Did you feel that an email would be futile?

A I didn't think about it. I just decided: Not tonight, and I'll talk about it in the morning.

Q You mentioned one thing about the rule of law and complying with the subpoena in your conversation with Mr. Bulatao on Monday. Was --

A But it was a throwaway, you know. It's, yeah,

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shouldn't we respond, you know. I can't build this up into something it isn't, you know. It's a throwaway thought, that sort of, doesn't it make sense to just sort of work through the issues and see how we can move forward in response to Congress. That's it.

Q Understood.

A Yeah.

Q It's just the first time you had mentioned --

A Yeah, okay.

Q -- raising --

A And, frankly, I'm just remembering that right now, but that did happen.

Q And that was my next question, is, was that the first time that you had raised --

A The congressional thing, that directly, yeah.

Q And do you know what prompted you to raise that matter?

A Just 37 years of being in the government and realizing this isn't going away. That's it.

Q And had you come to understand that the State Department had not complied with the subpoena --

A No, I didn't --

Q Sorry. Just one second. Can I finish?

A Oh, sorry. Sorry.

Q Just so the record is clear. Had you come to

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understand that the State Department had not complied with the subpoena deadline of October 4th?

A No, I didn't know that.

Q Okay. Did you --

A I didn't focus on it. To say I didn't know, I don't know. It just wasn't the top of my mind, no.

Q But were you aware that the Department --

A -- I knew there was a deadline because that was part of the conversation with George Kent about the short timeframe he had to pull together whatever it was. And so I assumed there was a deadline. Did I know by October 7th that the Department had not responded to the subpoena, no, I wasn't focused on that at all.

Q Did you know that the Department was either resisting the subpoena or intended not to comply?

A No, I did not know, and nobody ever said anything of the sort to me.

Q Okay. You had said in your opening statement that, I believe it was on October 7th that you decided to expedite your departure. Is that right?

A Yes.

Q And what happened on that day, or what prompted that decision?

A It was over the weekend I just decided that the lack of interaction or response to me demonstrated that this

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was up, that I didn't have anymore a meaningful role to play even in the timeframe I had posited from our retirement up to, you know, sometime in November. And so I just wanted out, if I can be frank.

Q So it was within a week that you ultimately decided that your original plan was not going to work?

A Well, that I didn't want to continue working in this environment, that's correct.

Q Okay. Were there anymore discussions that week before you left about with -- well, did you have anymore conversations with Secretary Pompeo?

A Just regarding the resignation and, you know, the -- and I've raised again but, again, you know, I don't want to dress it up. So I said, "You know that one of the reasons was" -- it was that kind of conversation, but nothing substantive on that score.

Q And how did he respond?

A Again, nothing. There was no substantive response at any point to the issues I raised.

Q Did you find that surprising and remarkable?

A Yes, which is one of the reasons I decided it's time to move on. But I know I'm belaboring the point. I've been in 37 years, as I keep getting reminded. I know that I'm supposed to follow -- you know, that, in the State Department, we do have a fairly open system about people

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pushing back, not facing retribution, having the discussion, but then decisions get made. This decision was made. It happened to be -- or it seemed -- let me rephrase that -- seemed to me to be made.

I take your point about perhaps there has been discussions about an evolving response. If so, I wasn't part of it.

But it seemed to me a decision had been made. And because of the other reasons I've outlined, which is my concern about the silence impact on the building and the perception that the State Department overseas was being used in a certain way -- it was, you know, what was I sticking around for?

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[1:50 p.m.]

BY MR. GOLDMAN:

Q Based on your four decades of experience, and much of that overseas, do you believe that there are any national security concerns or consequences from these attacks on the career diplomats or the politicization of the State Department?

A Since this is the specific instance we're dealing with -- but the reason I mentioned the IO Bureau and what -- the reason I can't be more specific about the IO Bureau is because everything that happened that led to the investigation happened before I arrived last summer to work with the Secretary. And, within a month or two of having arrived, the issue had already been referred to an inspector general for investigation.

But it was very clear to me at the time that the investigation was into the allegations of politicization of the Department.

When the transcript was released and, frankly, the information that just poured out every day from the media, when the Volker-Sondland emails were released, it became clear to me that State Department officials, if not the State Department itself, were being drawn again into the domestic political arena in some way. And I repeat: I feel that this is not the way we maintain the integrity of the work we do

beyond our borders. We're meant to project nonpartisanship overseas.

And even in an increasingly -- an atmosphere where we debate issues more openly as a society -- and we're not the only country that does so -- it's still important within the professional Foreign Service to be able to come across as representing the administration, whomever is President, but also to do so professionally on foreign policy issues impacting either bilateral relations, regional questions, multilateral issues, economic issues. But we cannot mix it with the internal concerns.

So, yes, I think anybody you speak to in the Foreign Service -- I can't take a poll of Foreign Service officers, but I think -- my impression is the overwhelming majority would feel the same way I do.

Q And just because you are, sort of, the dean of the Foreign Service, can you explain to us what risks might accompany the politicization of the Department that you've referenced in those text messages or reading the Presidential conversation in the call record? How does that actually have an impact on the United States abroad or on the Foreign Service officers who are serving around the world?

A Well, first of all, I don't consider myself the dean of the Foreign Service. I think there's many distinguished Foreign Service officers who continue to

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provide leadership in the building and in the field.

The impact is -- because we haven't lived this and because, I think I've already said, I don't believe that there has been any further politicization of the building in the time I was with the Secretary, it's a potential impact down the road.

And I have seen other Foreign Services where it's very clear what people's political leanings are and, the more senior those bureaucrats are, how they play the game with different governments that are elected in their countries.

The beauty of the Foreign Service, the Foreign Service that I've known through some incredibly difficult moments for our country and in bilateral relations with different places, is I don't know the political views of the vast majority of my colleagues. They certainly don't know mine. And we are able to work together and project working for the administration of the day.

That's absolutely central to our work. The day we begin to identify ourselves as partisan, that capacity to project support for the interests of the United States and to do our work for administrations -- we are bound to work for the administration that has been elected by the American people. But you begin to break that down if you begin to inject politics into the equation.

Q You were in the front office of various posts for

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the better part of 25 years, and you would have had an opportunity to review, I assume, or be present for heads-of-state meetings or review transcripts and memoranda.

When you read this call transcript, how did it compare to any other heads-of-state conversations that you've ever been privy to?

A On that one, I'm going to retreat to the classic -- as a former State Department official, the classic State Department language. Everybody expresses themselves in their own way. What you hone in on in the transcript is, you know, the comments that were made about Ambassador Yovanovitch. But on the broader issue of what was going on in that conversation, I'm like anybody else; I'm waiting to see what the committee produces, what else emerges, how this is explained --

Q But what about the call -- what about the parts of the call that you have referenced to be about digging up dirt on political opponents?

A Well, no, the part of the call that I referenced -- the call is about Ambassador Yovanovitch -- the comments about Ambassador Yovanovitch. I have not made comments on any other aspect of it.

Q Well --

A I have referenced the Sondland-Volker emails, because, frankly, you know, it very much looked like they

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were discussing some form of exchange.

Now, I repeat: I'm looking at the news like everyone else and seeing where this goes. But I'm not going to sit there and draw the conclusion instantly about what was being discussed. I'm sorry.

Q No, that's fine.

And I guess just one last question before our round is over, is that at any point in any of your conversations with any State Department employees from the time that you decided to resign or you pressed this issue about a statement, did anyone reference to you the views or the thoughts of the President of the United States?

A No. Not at all.

MR. GOLDMAN: All right. Thank you. Our time is up. I yield.

MR. MCKINLEY: Thank you.

BY MR. CASTOR:

Q Under Secretary Bulatao, on Sunday the 6th, asked you to --

A I believe that was the date. Asked me to put some thoughts on paper.

Q But, by that point, you figured it was over?

A That's correct.

Q When did you send those -- like, the email to Mr. String and the other individuals?

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A Friday, October 4th. Yeah.
Q And you didn't do your own memo; you were just forwarding --
A No, I did not. I did -- I think you asked me or, sir, you asked me, you know, what did I say. And it was, I'm forwarding this --
Q Right.
A Yeah.
Q And you told us, but when was the date that you sent the first email to Carol Perez and --
A The 28th of September. Sorry.
Q Okay. So it had been --
A About 6 days earlier.
Q Okay. So, by the 6th, Sunday the 6th, you sort of saw where this was going?
A That's how I felt, yes.
Q Did Bulatao, in his conversation with you, give you any indication that perhaps he was asking you to do that so that he could socialize the concern and --
A Yeah. He suggested, give me some ideas to work with. Yeah.
Q Okay.
A But, as I said, I decided not to put it on paper.
Q Do you think he's influential enough to take that idea and --

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A Yes. And if there's an impression I do not want to leave here, is I believed -- I had good relations with virtually all the individuals I have mentioned. This isn't a question of, sort of, a difficult working environment or difficult working relationships with the individuals concerned. I think we had worked very well together in the time I'd been there on different questions.

Q Is it possible that the email that you sent to Under Secretary Hale, Perez, Ortagus, Kenna, Reeker, and then subsequently String, all these officials, is it possible that they, on their own, decided that, hey, let's have Bulatao call the Ambassador and --

A I don't want to speculate, because I have no idea.

Q Okay.

A I don't want to impute motivations.

Q Okay.

A I believe the individuals I've referenced want the best for the Department. I'm not here to, you know, sort of, give them a bad name in that respect. I'm talking about how they approached an issue which I did see as central to the morale and well-being of the building.

The articles which were proliferating at a certain point, first on Yovanovitch, then on embassy -- not embassy -- State Department morale, they don't come out of thin air. And so, as you look at this, it was just clear to

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me, this wasn't just my perception, there was a broader concern. And that's what I was trying to address.

Q One of the -- you know, you mentioned that you'd concluded that Volker and Sondland were being used.

A They were part of. I have no idea if they were being used. I did say "used," meaning -- yes, I guess, technically, they were being used.

Q So we spent some time with Ambassador Volker. You know, he walked us through the conundrum of Rudy Giuliani, that this is somebody that had the President's ear that was contributing to a negative narrative about the state of Ukraine, the state of President Zelensky's initiatives to undo corruption. And Ambassador Volker, you know, gave his side of the story, and he explained why he waded into the, you know, Mayor Giuliani space.

And, you know, different people can reach a conclusion that he should never have talked to Mr. Giuliani or he should've never taken any information he got from Mr. Giuliani and talked to some of the Ukrainian officials. But, you know, his side of the story hasn't been fully incorporated into some of the public news stories. Is that --

THE CHAIRMAN: Counsel, do you have a question for the witness?

MR. CASTOR: Yes.

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THE CHAIRMAN: Okay. Because -- and, again, we're not going to be able to confirm whether the representations about Mr. Volker's testimony are accurate or not accurate. So you should just respond --

MR. MCKINLEY: Sure.

THE CHAIRMAN: -- within the confines of your knowledge.

MR. MCKINLEY: Okay.

BY MR. CASTOR:

Q So what I'm trying to get to is that, if you're reading accounts in the newspaper, there could be other sides of the story.

A There could be. And every one of us individually decides how we're going to deal with a difficult situation as we pursue objectives. I also know you can make decisions not to do things. So we'll see how this washes out.

But the fact of the matter is, and with the revelations which continue to come daily, it would seem that questions should've been raised, even though the best intentions were involved, about continuing to pursue a certain initiative. And so that's my view.

Q If some of these officials felt that the President had developed an inaccurate view of the situation on the ground in Ukraine, isn't it in the interest of the United States to try to take some steps to correct the situation?

A It depends on what the steps are. And until I see

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the full story on what Ambassador Volker and Ambassador Sondland were doing, I'll refrain from comment on that.

Q How often did you speak with the Secretary in your duties?

A Almost daily.

Q Secretary Pompeo?

A That's correct. But it would be short meetings in the morning --

Q Okay.

A -- you know, 5 or 10 minutes. Go over, see if there's anything breaking or pressing that had to be dealt with. And then, you know, depending on issues, I might be in meetings with him --

Q Okay.

A -- that went on longer.

Q So you had enough access to him --

A Yes. Yes. And I certainly can't complain.

Q The letter that the Secretary sent to Congress --

A Right.

Q -- Deputy Assistant Secretary Kent, you know, evinced a view, I think, to you, the letter --

A Yes, but I'm making clear, this is my recollection. And so the specifics of what Deputy Assistant Secretary Kent -- the comments he made, they're in his memorandum. You know, for me to try to paraphrase them would be misleading.

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Q You know, the language the Secretary used, you know, also -- you know, he says, "I will not tolerate such tactics," talking about allegations of bullying of State Department officials, and, "I'll use any means at my disposal to present" --

MR. GOLDMAN: Mr. Castor, if you're going to read, could we provide the witness with a copy?

MR. MCKINLEY: No, I'm happy to listen.

MR. CASTOR: We can make it an exhibit. That's cool.

MR. MCKINLEY: No, but I'm happy to listen.

MR. CASTOR: We'll make this -- is this the first exhibit?

MR. GOLDMAN: It is, yes.

MR. CASTOR: Oh, wow.

[Minority Exhibit No. 1
Was marked for identification.]

MR. GOLDMAN: Where are you reading from?

MR. CASTOR: Does anybody else need a copy of the letter, or are we good?

BY MR. CASTOR:

Q And take as much time --

A No, I'm fine.

Q -- or as little time --

A I'm fine.

Q -- to read it.

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A No. Please.

Q The Secretary writes, you know, "I am concerned with aspects of your request," the speed and the fact that you're reaching out to --

MR. GOLDMAN: Where are you reading from?

MR. CASTOR: I'm reading from the second paragraph here.

"I am concerned with aspects of your request, described more fully below, that can be understood only as an attempt to intimidate, bully, and treat improperly the distinguished professionals of the Department of State, including several career Foreign Service Officers, whom the Committee is now targeting."

BY MS. CASTOR:

Q And so I think a fair reading of that is that the Secretary is trying to write to Congress and say, please, I'm concerned with how you, Congress, are approaching this investigation. Is that a fair reading of it?

A That's a fair reading of it. But I can tell you that the two persons I knew were coming up to give depositions did not feel threatened or intimidated by Congress.

Q Okay. And did anyone try to prevent you from appearing?

A No.

Q Okay. And does anybody that -- are you aware of

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officials that they believed they were being barred from appearing?

A Not at this time, no.

Q Okay. So you're not aware of any officials that haven't been able to -- officials that wanted to testify -- I mean, you know, there might have to be a subpoena and --

A Yeah, well, a subpoena is --

Q Well, a friendly subpoena is very different from a subpoena --

A Yeah. I'm afraid, for those of us who aren't lawyers, a subpoena is like "Nightmare on Elm Street," okay?

Q Okay.

A It's, you know, "What have I done wrong? Why am I being subpoenaed?" So I don't make the distinction between friendly or unfriendly subpoenas.

Q Okay.

Did Kent evince to you that he wanted to come testify and somebody was preventing him from doing that?

A To the best of my recollection, he mentioned it, but we didn't get into a discussion.

Q Okay.

A He said that he would not -- that, you know, the subpoena was going to be the deciding factor.

Q Okay.

A I'm afraid I simply don't remember --

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Q Okay.

A -- that. Again, I apologize, because I should have a better recollection for the purposes of answering your question properly, but a lot of things were happening at the time, and I was just rushing in one direction.

But what alarmed me about what Kent said to me and then what was in the memo were the allegations of intimidation, were the question marks over this letter. I wasn't going to sit there and ask him --

Q Of course not.

A -- what part of the letter don't you agree with?

Q Right. No, I understand. And I'm not --

A And -- and -- and I think the third part of -- yeah, that he didn't feel intimidated by the congressional outreach to him. And then -- and I repeat: I was quite impacted by, you know, the legal fees plight of him.

Q Did he identify other State Department officials that had wanted to cooperate and were perhaps urged not to?

A No, we didn't really get into that. No.

Q Okay.

A No.

Q So was he advocating for others, I guess is my question.

A No, he wasn't. No --

Q It was about his own situation?

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A This is a personal conversation with him, absolutely.

Q Okay. And so his experience with the official from "L" caused him to --

A Write the memo.

Q -- write this memo and reach out to you.

A That's correct.

Q Was that the first --

A Write the memo and send it to me.

Q Okay.

A Yeah.

Q And was that the first time you had interacted with him?

A Yes.

Q So you had never met him before?

A No. No. I don't remember whether I shook his hand in passing during the week and, "Let's try to find a way to get together." I'm sorry, but I don't remember that. But this was the substantive conversation I had with him.

Q Okay.

And other than Kent, did any other officials at the Department involved in this communicate articulable concerns to you?

A No.

Q Okay.

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A And I'm just -- sorry, I was just lost in space, trying to remember, you know, my conversations with Kent. But, I mean, because, you know, like I say, that was the week I met him. I'd had a phone call with him the weekend before. But the conversation that's really relevant to what we're talking about was that Thursday.

Q Okay.

A But if I had another conversation with him, it really wasn't about what was in the memo. It would've been an earlier one, you know, a "how are you coping, what are you doing" kind of conversation. That's it.

Q You had a conversation with Yovanovitch during this time period too, or was that earlier?

A That was on the weekend. And I may have talked to her one more time. I think I may have talked to her once or twice, but one of them was definitely to call her to tell her I was stepping down. And it wasn't a long conversation. It was just to let her know.

Q Okay. And did she express any concerns to you about the way the Department was handling her situation?

A No details, no.

Q Okay.

And you haven't had any conversations with Volker or Sondland --

A None.

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Q -- since this?
A No.
Q And so you don't have any firsthand information --
A No.
Q -- about the facts of the emails and the text messages and so forth?
A No.
And, you know, I know you're lawyers and I'm not, so I'll try to couch what I said earlier properly. The Volker-Sondland emails, reading them, suggest that they were engaged in discussions with the Ukrainian Government on something related to domestic politics.
I don't know what else there is. I don't know whether there's Sondland emails. I don't know if there's documents. I don't know what other conversations took place. And, like everybody else, waiting to see what comes out in the public domain to try and connect the dots.
Q Okay.
A So I gave you my personal view of the reading of those emails, but they did suggest there was an engagement with the Ukrainian Government for something related to domestic purposes.
Q And you said you're skeptical, but if you did have the opportunity to hear everyone's full account --
A Well, I have my own personal views, but they don't

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matter. What matters is what the facts are.

Q Right. But we're in the process of finding the facts and we're --

A Yeah.

Q -- talking to these witnesses.

A But -- so any reading of those emails would suggest something was going on. Now, what was it? I don't know.

Q Did you follow at all the discussion about the aid being held up?

A I followed it, but --

Q The foreign assistance that was --

A And, you know, sometime in the summer, I may have been aware, you know, a passing remark about, oh, assistance for the new Government of Ukraine. I think people were excited there was a new President there.

But, you know, it was in passing. I wasn't working it. It wasn't -- you know, there weren't conversations that I had on it. And so where the assistance question began to crystalize was when all the revelations began --

Q Okay.

A -- after the 18th of September.

Q So between the July 18th and September 11th, there was a hold on the assistance.

A Yeah.

Q And there were --

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A But I didn't know.

And if I can explain something about the way the work happened on -- or happens on the seventh floor, there are a tremendous number of issues that are worked on every single day in all parts of the world. And individuals, whether they're assistant secretaries or special envoys or under secretaries, are tasked with working different issues. And if you're going to be effective, you need to focus on the issues where you're going to have an impact.

Second, the Secretary is extremely effective at streamlining his interactions. He deals with the people he needs to get X done in different areas. So, because I wasn't working on Ukraine, there was no reason for me to be part even of a general conversation about what do we do now on Ukraine.

So, like I say, I began to learn a lot more once the whistleblower account came out.

Q Right.

Sometimes there's issues with aid and it gets held up for a week, a month, longer than that. Isn't that true?

A That is correct.

Q And that the period of time, the middle of July to the beginning of September, is a number of weeks, but ultimately the aid was released, and that is representative of what happens sometimes. Isn't that fair to say?

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A I'd say that release of assistance is -- has a very irregular pattern around the world.

Q Okay. And people have different -- you know, there's different power centers. The --

A That's correct.

Q -- Hill weighs in.

A That's correct.

Q OMB weighs in. DOD. And there's always a prospect of a hiccup with the release of aid. Isn't that fair to say?

A There is. But I think I've been very -- I haven't been careful. It's just a fact. I never even focused on the assistance. So that isn't even something that comes into what I have tried to present as my concerns.

My concerns aren't put in the context of our policy towards Ukraine -- whether we should give aid, who we should work with, and so on. It's the way the system was used in the context of Ukraine.

Q And the U.S.'s policy towards Ukraine in the administration is relatively unanimous in that we ought to be giving foreign assistance and we ought to be providing, you know, lethal defensive weaponry.

And so, from all the back-and-forth over the Volker and Sondland issues, at the end of the day, the State Department, the National Security Council, the White House was unanimous in that we wanted to support Ukraine. Is that your

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understanding?

A I don't know about the White House. I know in the State Department there seemed to be the support for the Ukraine, absolutely.

Q Okay.

MR. CASTOR: I yield back.

BY MR. GOLDMAN: I just have two small things to touch upon. You indicated -- right.

I'll ask a couple questions. And then Members are voting, and I think that some may have wanted to ask some questions. So perhaps we'll take a short break and then be able to come back. I don't think it will be long, regardless.

MR. MCKINLEY: Okay.

BY MR. GOLDMAN:

Q But you indicated, as you've said already, that there were, sort of, two primary reasons why you resigned when you did. One was the handling of Ambassador Yovanovitch and the recall and the lack of support for her and for Mr. Kent. And then the other one was the -- I think you called the politicization of some of the State Department employees, which -- am I correct that you are referring primarily to the text messages that you've seen between Ambassador Sondland and Volker, when you say that?

A Yeah. But I'd like to just correct the record. I

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don't say politicization, because I don't know the entire story behind what they were doing. What is clear is that both Volker and Sondland were engaging the Ukrainian Government in conjunction with Rudy Giuliani on domestic political issues.

I want to be careful on this for a reason. I saw nothing inside the building. And I also believe that the politicization which was alleged in the Tillerson period, which led to the investigation into the IO Bureau, it stopped. And so that's my experience over the past year.

Q Understood. But it was one of two motivating factors for your resignation.

A Absolutely. Absolutely. Absolutely. The use of persons with State Department titles, which conveys to the outside world that the State Department is being drawn into -- even if it's just the two individuals working on a tangent separately. But it certainly conveys the impression of politics being injected -- domestic politics being injected into the work of foreign affairs.

Q You've testified a lot today about your efforts to encourage the Department to issue a statement in support of the Foreign Service officers -- in particular, Ambassador Yovanovitch.

Did you ever raise any concerns about the text messages that you're referring to --

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A No.
Q -- up to the seventh floor?
A I did not.
Q And why not?
A To be frank, I didn't want to get into a discussion about domestic American politics. I've said earlier that throughout my tenure as senior advisor, I was -- and forget about senior advisor. Throughout my career, I've never engaged my political leadership on political developments inside our country. It's not the right thing to do.
And so, in this case, I felt if I started going down that line of inquiry, I'd be, first, talking about something I knew nothing about, but, second, since I believed it already had a political component, it was something that was not incumbent on me to deal with.
Q Did you have any discussions with anyone in the State Department about what you read in those text messages?
A Not to my recollection. And if I did, "Oh, did you see the Volker-Sondland emails?" But I don't think I even did that.
The period that we're reviewing is so concentrated, and I've tried to convey why it wasn't difficult for me to reach certain conclusions quickly. But the other sensitivity I had as I was working through my decisions, I really only started to -- outside of the constellation of names I've

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given you, the building didn't know I was leaving until the Thursday -- I started telling people on Thursday, October 10th. That's when I started going around to front offices to say goodbye to assistant secretaries, to under secretaries, and so on, because I thought I wouldn't have time on Friday as I finished processing paperwork.

But I was so sensitive to the implications of me going and talking to people about my concerns -- other than the statement. That was an easy one to, you know -- but if you start raising other questions, you know, it's the wrong thing to do, especially if what you're trying to do is buttress both leadership support for the Department but also the confidence of State Department officials in that leadership.

So, no, I did not. I was very careful on this stuff.

Q You testified earlier today that Ambassador Volker had left the Department 10 years ago, and I think you said something about him being --

A Well, he became director -- I think it's no secret, he became one of the directors of the McCain Institute, et cetera.

Q Right.

A So, you know, my assumption is there's -- he's -- every one of us is entitled to go out and create a new identity when we leave the State Department. I'm just stating that, to place him and consider him a career

official, no, he wasn't.

Q And you also said that -- I believe you said he was political.

A "Political" meaning he was a political appointee. I know he came in under -- was it -- he came in under -- was he named under the Obama administration for the position of envoy, special envoy?

Q I think it was President Trump.

A You think it was -- okay. I'm just saying he's a political appointee. That's all I'm saying.

Q Okay.

A I don't mean anything else by that.

Q All right.

MR. GOLDMAN: One second.

All right, if we could just take a 5-minute break, and we'll just check on the members.

MR. MCKINLEY: Sure.

[Recess.]

MR. GOLDMAN: We're back on the record.

Mr. Castor?

BY MR. CASTOR:

Q Just one question that was related to me by a member that he wanted to ask, but, due to floor votes, he hasn't been able to get back.

I just wanted to acknowledge and just have you agree

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with the statement that the folks that you were emailing, you know, the Under Secretary of Management, all those key people, they're all really quite busy, and a lot of them were involved with the U.N. General Assembly activities in New York that week.

And so he just wanted me to ask you, you know, is it fair to say that they may have just not been able to get to your emails?

A No, it's not.

Q Okay.

A I do acknowledge the point that there are many other issues on the agenda. What started as a simple suggestion which would've taken 15 minutes to clear off the table turned into something more. That said, because I didn't have substantive conversations, I'm not in a position to speculate about --

Q Okay.

A -- what their reasons were for not responding to me on a substantive basis, and I have to acknowledge that.

Q Okay. Thank you.

MR. GOLDMAN: All right. Thank you, Mr. Castor.

Ambassador McKinley, we really appreciate you coming in here again today on such short notice and for your decades of service. It is clear to us today why you are so revered within the Department, and we greatly appreciate it.

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And we are adjourned.

[Whereupon, at 2:35 p.m., the interview was concluded.]

THE SECRETARY OF STATE
WASHINGTON

Ex. 1

October 1, 2019

The Honorable
Eliot L. Engel, Chairman
Committee on Foreign Affairs
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We are in receipt of your September 27, 2019 letter requesting the Department to voluntarily make available five current and former Department officials for depositions.

I am concerned with aspects of your request, described more fully below, that can be understood only as an attempt to intimidate, bully, and treat improperly the distinguished professionals of the Department of State, including several career Foreign Service Officers, whom the Committee is now targeting. I have also been made aware that Committee staff has been sending intimidating communications to career Department professionals, who have specifically asked for Committee communications to be channeled through the Bureau of Legislative Affairs, as is customary. Let me be clear: I will not tolerate such tactics, and I will use all means at my disposal to prevent and expose any attempts to intimidate the dedicated professionals whom I am proud to lead and serve alongside at the Department of State.

Your letter also raises significant legal and procedural concerns. First, your letter raises fundamental legal questions related to the authority of the Committee to compel an appearance for a deposition solely by virtue of these letters. Your letter implies that you have sought to compel Department officials to appear for depositions on the identified dates, yet the Committee has not issued any subpoenas for depositions, and we are not aware of any other authority by which the committee could compel appearance at a deposition. The House Rules also require the Committee to provide a Notice of Deposition, but your letter contains no such notice and otherwise fails to meet the requirements of those rules. It therefore appears that your letter may only be read as a request for a voluntary appearance of the five Department officials.

Second, your letter provides a woefully inadequate opportunity for the Department and the requested witnesses to prepare. These individuals have retained, or may be retaining, private counsel, as is their constitutional right, and in the course of the Department's discussions with these individuals, several have indicated that they need more time both to retain and to consult with private counsel. In addition, State Department counsel must consult with these officials and their counsel, once retained, regarding the Department's legitimate interests in safeguarding potentially privileged and classified information. The proposed dates for the depositions do not provide adequate time for the Department and its employees to appropriately prepare.

Based on the profound procedural and legal deficiencies noted above, the Committee's requested dates for depositions are not feasible. The Department will be in further contact with the Committee in the near future as we obtain further clarity on these matters.

Sincerely yours,

Michael R. Pompeo

Cc: The Honorable Michael T. McCaul, Ranking Member
House Committee on Foreign Affairs

**Opening Statement of P. Michael McKinley - October 16, 2019**

Thank you for your invitation to appear before you today. My understanding is that I could best be of assistance by clarifying the circumstances of my resignation. The following is an account of what led to my decision to step down when I did.

I want to make clear from the start that Ukraine was not among the issues I followed for Secretary Pompeo. I was not aware at the time of the efforts of Ambassadors Volker and Sondland to work with the President's personal attorney, Rudy Giuliani, and I was not aware at the time of the President's phone call with President Zelensky. I do think I can shed some light on how events have impacted State Department professionals and what motivated my resignation.

The timing of my resignation was the result of two overriding concerns: the failure, in my view, of the State Department to offer support to Foreign Service employees caught up in the Impeachment Inquiry on Ukraine; and, second, by what appears to be the utilization of our ambassadors overseas to advance domestic political objectives.

I have served my country loyally for almost four decades in difficult environments. I served as ambassador to some of our largest missions in the world, including Peru, Colombia, Brazil and Afghanistan. All my confirmations were unanimous, and I was nominated by both Democratic and Republican administrations. I know there are difficult choices and compromises to be made on many of the issues we work. I also know that as a foreign service officer, it is my duty to serve the incumbent administration faithfully consistent with my oath to the Constitution. It was therefore also my duty to resign when I felt I could no longer do so.

By way of background, when Secretary Pompeo first asked me in May 2018 to return to the Department from my posting in Brazil as ambassador, the pitch was to help rebuild the institution and restore State as the lead foreign affairs agency for the United States Government (USG). Although I still had eighteen months to run in Brazil, and knowing full well the challenges of returning to a building many saw as broken and demoralized, I decided I had an obligation to the Foreign Service to accept.

Over the subsequent months, there were positive changes. The personnel cuts to the Department workforce ended, and the hiring freeze was lifted to include for family members overseas. The Secretary selected distinguished foreign service officers to serve as the Under Secretary for Political Affairs and the Director General of the Foreign Service. While the other senior positions in the Department continued to be overwhelmingly held by political appointees, dozens of career foreign service officers were successfully nominated for ambassadorships. The recruitment of the next generation of foreign service officers began again, and promotions returned to their normal levels. State once again played the lead role on policy, and in seeking negotiated solutions to long-running conflicts and crises in different parts of the globe. There was certainly room for further improvement, but the hollowing out of the Department under Secretary Tillerson was reversed.

Morale never entirely recovered, however. In August 2019, the State Department's Inspector General released a critical report about the leadership of the Bureau of International Organizations (IO). It became apparent, however, that the Department would not be taking the key corrective actions that many employees had anticipated.

It was in this environment that the whistleblower account appeared in the press. I was disturbed by the implication that foreign governments were being approached to procure negative information on political opponents. I was convinced that this would also have a serious impact on foreign service morale and the integrity of our work overseas. The initial reports were followed on September 25 by the release of the transcript of the President's telephone conversation with President Zelensky which included negative comments on Ambassador Yovanovitch. The disparagement of a career diplomat doing her job was unacceptable to me. Inside the building, meanwhile, there was no discussion whatsoever, at least in my presence, by senior State Department leadership on what was developing.

At this point, and over the coming days, I suggested to senior levels of the Department that a statement in support of Ambassador Yovanovitch's professionalism should be released. I received a polite hearing from officials I spoke to, but no substantive response to the concern I was raising.

On Saturday, September 28, I sent an email to senior officials proposing a strong and immediate statement of support for Ambassador Yovanovitch's professionalism and courage, particularly to send a message to Department employees that leadership stood behind its employees in this difficult moment. I was told that the decision was not to issue a statement.

It was also that weekend of September 28-29 when I first spoke with Ambassador Yovanovitch about the situation. Ambassador Yovanovitch confirmed to me that she would welcome more public support from the Department; that no one had reached out to her from senior levels of the Department; and that she had retained private counsel. I spoke with EUR Deputy Assistant Secretary George Kent, who had been Deputy Chief of Mission in Ukraine under Ambassador Yovanovitch, and who stated he too would welcome more Department support. He also noted that I was the first senior Department official to reach out to him.

Realizing that there was no change in the handling of the situation, and that there was unlikely to be one, I decided to step down. I informed the Secretary on September 30, before he left for a trip to Italy and Greece, suggesting mid-November as the departure date. During the Secretary's absence, however, I continued to raise my concerns with other senior Department officials. At a meeting with the Deputy Secretary and Under Secretaries, I mentioned the impact on Department morale of unfolding events. I also had conversations with the Under Secretary for Political Affairs, the Counselor, and the Under Secretary for Management. They listened, but, again, I do not remember receiving a substantive response.

On Thursday, October 3, I met with EUR Deputy Assistant Secretary Kent just after he had finished chairing a Bureau meeting on how to collect the data requested by Congress. Kent noted his unhappiness with the tenor of the meeting which a Department lawyer attended. He later wrote a memorandum to the files summarizing his experience that day, and sent it to me. I forwarded it to the Under Secretary of Political Affairs, the Department's Acting Legal Adviser, and the Deputy Secretary. I noted the seriousness of what was reported in the memorandum; and raised the significant legal costs being incurred by our Department colleagues through no fault of their own. No one answered me.

Although my original intention had been to transition quietly out of the Department by mid-November, by the week of October 7, I no longer felt that I could be effective as a liaison to the Seventh Floor for the Foreign Service.

I accelerated my departure, informing the Secretary that October 11 would be my last day.

In closing, I would like to say that no one wants to end a career on this note. I repeat: since I began my career in 1982, I have served my country and every President loyally. Under current circumstances, however, I could no longer look the other way as colleagues are denied the professional support and respect they deserve from us all.

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GEORGE KENT

Tuesday, October 15, 2019
Washington, D.C.

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

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Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Heck, Maloney, Demings, Krishnamoorthi, Conaway, Wenstrup and Hurd.

Also Present: Representatives Norton, Malinowski, Raskin, Rouda, Phillips, Engel, Perry, Meadows, and Zeldin.

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[redacted]

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For the COMMITTEE ON OVERSIGHT AND REFORM:

[redacted]

For the COMMITTEE ON FOREIGN AFFAIRS:

[redacted].

For GEORGE KENT:

ANDREW WRIGHT
BARRY M. HARTMAN
NANCY IHEANCHO
K&L GATES LLP
1601 K Street NW
Washington, D.C. 2006-1600

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THE CHAIRMAN: The committee will come to order.

Good morning, Deputy Assistant Secretary Kent, and welcome to the House Permanent Select Committee on Intelligence, which, along with the Foreign Affairs and Oversight Committees, is conducting this investigation as part of the official impeachment inquiry of the House of Representatives.

Today's deposition is being conducted as part of the impeachment inquiry. In light of attempts by the State Department in coordination with the White House to direct you not to appear and efforts to limit your testimony, the committee had no choice but to compel your appearance today. We thank you for complying with the dually authorized congressional subpoena, as other witnesses have done as well. We expect nothing less from a dedicated career civil servant like yourself.

Deputy Assistant Secretary Kent has served with distinction as a Foreign Service officer with deep experience relevant to the matters under investigation by the committees. In his capacity as Deputy Assistant Secretary in the European and Eurasian Bureau you oversee policy towards Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijani. Previously he was deputy chief of mission in Kyiv from 2015 until 2018 when he returned to Washington to assume his current position.

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In 2014 and 2015, he was the senior anticorruption coordinator in the State Department's European Bureau. Since joining the Foreign Service in 1992 he has served among other postings in Warsaw, Poland, Kyiv, Tashkent, Uzbekistan, and Bangkok, Thailand. Given your unique role, we look forward to hearing your testimony today, including your knowledge of and involvement in key policy discussions, meetings and decision on Ukraine that relate directly to areas under investigation by the committees. This includes developments related to the recall of Ambassador Yovanovitch, the President's July 25, 2019 call with Ukrainian President Zelenskyy, as well as the documentary record that has come to life about efforts before and after the call to get the Ukrainians to announce publicly investigations into two areas President Trump asked President Zelenskyy to pursue: the Bidens in Burisma, and the conspiracy theory about the Ukraine-supported interference in the 2016 U.S. elections.

To state clearly on the record, I want to let you and your attorneys know that Congress will not tolerate any reprisal, threat of reprisal, or attempt to retaliate against you for complying with a subpoena, and testifying today as part of the impeachment inquiry. This includes any effort by the State Department, the White House, or any other entity of the government to claim that in the course of your testimony under dually authorized subpoena today, you are disclosing

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information in a nonauthorized manner.

We also expect that you will retain your current position after testifying today, and that you will be treated in accordance with your rank, such that in the normal course of the remainder of your career, you will be offered assignments commensurate with your experience and long service. Should that not be the case, we expect you to notify us immediately and we will hold those responsible to account.

Before I turn to committee counsel to begin the deposition, I invite the ranking member, or in his absence a minority member from the Foreign Affairs or Oversight committees to make an opening remark.

MR. JORDAN: Secretary Kent, thank you. Thank you, Mr. Chairman. Secretary Kent, thank you for appearing today. On September 24th, Speaker Pelosi unilaterally announced that the House was beginning its so-called impeachment inquiry. On October 2nd, the Speaker promised that the so-called impeachment inquiry would treat the President with fairness.

However, Speaker Pelosi, Chairman Schiff, and the Democrats are not living up to that promise. Instead, Democrats are conducting a rushed, closed-door and unprecedented impeachment inquiry. Democrats are ignoring 45 years of bipartisan procedures designed to provide elements of fundamental fairness and due process. In past impeachment

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inquiries, the majority and minority had coequal subpoena authority and the right to require a committee vote on all subpoenas. The President's counsel had the right to attend all depositions and hearings, including those held in executive session. The President's counsel had the right to cross-examine the witnesses and the right to propose witnesses. The President's counsel had the right to present evidence, object to the admission of evidence, and to review all evidence presented, both favorable and unfavorable.

Speaker Pelosi and Chairman Schiff so-called impeachment inquiry has none of these guarantees of fundamental fairness and due process. Most disappointing, Democrats are conducting this inquiry behind closed doors. We're conducting these depositions and interviews in a SCIF, but Democrats have been clear every single session that there's no unclassified material being presented in the sessions. This seems to be nothing more than hiding this work from the American people.

The Democrats intend to undo the will of the American people 13 months before the next election, they should at least do so transparently and be willing to be accountable for their actions.

Chairman, I believe the ranking member from the Foreign Affairs Committee would like to say something as well as well.

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MR. MCCAUL: Thank you, Mr. Chairman.

As you know, I conduct myself as both chairman and ranking member in a very bipartisan way, and I think that should apply here as well. I am -- next to declaring war, this is the most important thing that the Congress can do under Article I. To hide behind that, to have it in a SCIF, to defy historical precedent that we conducted under both Nixon and Clinton, which guarantees the participation of counsel, White House counsel in the room in an adversarial way.

To also provide the minority the power of that subpoena. That was done during both prior impeachments, because both sides recognized that with a fair. It's really about fairness. If -- I would just urge you, if you're going to continue, and I've been back in my district for 2 weeks, talking to my constituents both Republican, and Democrat, and Independent, above all what they had in common was they wanted to see this done the right way. I know you're a fair man. We've known each other for a long time. I hope that this resolution will come to the floor so that we can participate in a democratic system, with a democratic vote, up or down, to proceed with this inquiry, so that it is backed by the American people.

To do so otherwise, I think, defies democracy, it defies fairness, and it defies due process. And if we're going to

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do this, for God's sakes, let's do it the right way.

I yield back.

THE CHAIRMAN: I think my colleagues will certainly have an opportunity to discuss these matters further, but in the interest of moving ahead with the deposition I recognize Mr. Goldman.

MR. GOLDMAN: Thank you, Mr. Chairman. This is a deposition of Deputy Assistant Secretary of State, George Kent conducted by the House Permanent Select Committee on Intelligence, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th.

Mr. Kent, could you please state your full name and spell your last name for the record?

THE WITNESS: George Peter Kent, K-e-n-t.

MR. GOLDMAN: Thank you. Now, along with other proceedings and furtherance of this inquiry, this deposition a part of a joint investigation, led by the Intelligence Committee, in coordination with the Committees on Foreign Affairs, and Oversight and Reform.

In the room today are equal numbers of majority staff and minority staff from the Foreign Affairs Committee and the Oversight Committee, as well as majority and minority staff from the Intelligence Committee. This is a staff-led deposition, but Members, of course, may ask questions during their allotted time, and there will be equal allotted time

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for the majority and the minority.

My name is Daniel Goldman, I am the senior adviser and director for investigations for the HPSCI majority staff. And I thank you very much for coming in today. I would like to do brief introductions before we begin. To my right is Nicholas Mitchell, who is the senior investigative counsel for the HPSCI majority staff. And Mr. Mitchell and I will be conducting most of deposition for the majority. And I'll let my counterparts from the minority staff introduce themselves as well.

MR. CASTOR: Good morning, sir, Steve Castor with the Republican staff of the Oversight Committee.

MR. BREWER: Good morning, I'm David Brewer, Republican staff, Oversight.

MS. GREEN: Meghan Green, senior counsel for HPSCI minority.

MR. GOLDMAN: Now this deposition will be conducted entirely at the unclassified level. However, this deposition, as you no doubt know, is being conducted in HPSCI's secure spaces, and in the presence of staff with the appropriate security clearances, and, as we understand as of this morning, your attorneys all have appropriate security clearances. We understand that you received a letter from the State Department that addresses some of the concerns about the disclosure of classified information. But we want

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you to rest assured that, in any event, any classified information that is disclosed is not an unauthorized disclosure today.

It is the committee's expectation, however, that neither the questions asked of you nor the answers that you provide or your counsel provide will require discussion of any information that is currently, or at any point could be properly classified under Executive Order 13526. As you no doubt know, EO 13526 states that, quote "In no case shall information be classified, or continue to be maintained as classified, or fail to be declassified" unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity.

If any of our questions can only be answered with classified information. We would ask you to inform us of that before you provide the answer, and we can as just the deposition accordingly.

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

Now before we begin the deposition, I would like to go

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over some of the ground rules. We will be following the House regulations for depositions. We have previously provided counsel with a copy of those regulations, but let us know if you need additional copies.

The deposition will proceed as follows today. The majority 1 hour to ask questions, and the minority will be given 1 hour to ask questions. Thereafter, we will alternate back and forth in 45 minute rounds. We'll take periodic breaks. But if, at any time, you or your counsel need a break, please just let us know. Under the House deposition rules, counsel for other persons or government agencies may not attend this proceeding, and we understand that none are here. You, however, are allowed to have personal attorney present during this deposition, and I see that you have brought a couple. At this time if counsel could please state his or her name for an appearance for the record.

MR. WRIGHT: My name is Andrew Wright with K&L Gates.

MR. HARTMAN: Barry Hartman, K&L Gates.

MS. IHEANACHO: Nancy Iheanacho with K&L Gates.

MR. GOLDMAN: To your left there is a stenographer taking down everything that is said, all questions and answers, so that there is a written report for the deposition. For that record to be clear, please wait until questions are completed before you provide your answers, and all staff and members here will wait until you finish your

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response before asking the next question. The stenographer cannot record nonverbal answers such as a shaking of the head or an uh-huh so please make sure that you answer questions with an audible verbal answer.

We ask that you give complete replies to questions based on your best recollection. If a question is unclear or you are uncertain about the response, please let us know and we can rephrase the question.

And if you do not know the answer to a question or cannot remember, simply say so. You may only refuse to answer a question to preserve a privilege recognized by the committee. If you do refuse to answer a question on the basis of privilege, staff may either proceed with the deposition, or seek a ruling from the chairman on and objection, in person or otherwise, during the deposition at a time of the majority staff's choosing. If the chair overrules any such objection, you are required to answer the question.

Finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress, or to staff of Congress. It is imperative that you not only answer our questions truthfully, but that you give full and complete answers to all questions asked of you. Omissions may also be considered false statements.

Now as this deposition is under oath, Deputy Assistant

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Secretary Kent, would you please stand and raise your right-hand to be sworn?

Do you swear or affirm the testimony that you are about to give is the whole truth and nothing but the truth?

THE WITNESS: I swear that the testimony I am about to give is the truth and nothing but the truth.

MR. GOLDMAN: Thank you. Let the record reflect that the witness has been sworn. But before we begin, Deputy Assistant Secretary Kent, now is the time for you to make any opening remarks.

MR. ZELDIN: Mr. Goldman, can we just go around the room and have everybody identify themselves?

MR. GOLDMAN: You want back? Why don't we start at the table here. Mr. Quigley.

MR. QUIGLEY: Mike Quigley from Illinois.

MS. SPEIER: Jackie Speier.

MR. SWALWELL: Eric Swalwell.

MS. SEWELL: Terri Sewell.

MR. ROUDA: Harley Rouda.

MR. RASKIN: Jamie Raskin, for Maryland.

MR. HECK: Denny Heck, Washington State.

MR. MALINOWSKI: Tom Malinowski, New Jersey.

MR. PHILLIPS: Dean Phillips, Minnesota.

MR. ROONEY: Francis Rooney, Florida.

MR. MEADOWS: Mark Meadows, North Carolina.

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MR. MCCAUL: Mike McCaul.

MR. JORDAN: Jim Jordan, Ohio.

MR. GOLDMAN: And then if we could start behind here.

[redacted]

MR. GOLDMAN: Mr. Kent.

MR. KENT: Good morning, as you've heard, my name is George Kent. I'm the Deputy Assistant Secretary of State for Europe and Eastern Europe, and the Caucasus in particular. I have served proudly as a nonpartisan career foreign service

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officer for more than 27 years, under five Presidents, three Republican and two Democrats. As you all know, I am appearing here in response to your congressional subpoena. If I did not appear I would have been exposed to being held in contempt. At the same time, I have been instructed by my employer, the U.S. Department of State, not to appear. I do not know the Department of State's views on disregarding that order. Even though section 105(c) of the Foreign Service Act of 1980, which is 22 U.S. Code 3905 expressly states, and I quote, "This section shall not be construed as authorizing of withholding of information from the Congress or the taking of any action of a member of the service who discloses information to Congress," end quote.

I have always been willing to provide facts of which I'm aware that are relevant to any appropriate investigation by either Congress or my employer. Yet, this is where I find myself today, faced with the enormous professional and personal cost and expense of dealing with a conflict between the executive and legislative branches not of my making.

With that said, I appear today in same spirit that I have brought to my entire career, as a Foreign Service officer and State Department employee, who has sworn to support and defend the Constitution of the United States, as one of thousands of nonpolitical career professionals in the Foreign Service who embody that vow daily around the world

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often in harsh and dangerous conditions.

There has been a George Kent sworn to service in defense of the Constitution and U.S. national interests for nearly 60 consecutive years and counting, ever since my father was sworn in as a midshipman at Annapolis in June 1961, commissioned in 1965, after finishing first in his class, and serving honorably for 30 years, including as captain of a ballistic missile nuclear submarine. Principled service to country and community remains an honorable professional choice, not just a family tradition dating back to before World War II, one that survived the Bataan Death March, and a 3-year stint in a Japanese POW camp unbroken. I hope the drama now playing out does not discourage my [redacted] son, [redacted], from seriously considering a life of service.

After two internship on a State Department Soviet desk in the late 1980s, I formally joined the Foreign Service in 1992, and have not, for a moment, regretted that choice to devote my life to principled public service. I served twice in Ukraine for a total of 6 years, posted in Kyiv, first during and after the Orange Revolution from 2004 to 2008, and again, from 2015 to 2018, in the aftermath of the Revolution of Dignity when I worked at deputy chief of mission.

In between, I worked in Washington from 2012 to 2015, in several policy and programming positions directly affecting U.S. strategic interests in Ukraine, most notably, as

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director for law enforcement and justice sector programming for Europe and Asia, and then as the European Bureau's senior anticorruption coordinator.

In the summer of 2018, then-Assistant Secretary for European and Eurasian Affairs, Wess Mitchell asked me to come back from Kyiv to Washington early to join his team as Deputy Assistant Secretary of State to take charge of our eastern European Caucasus portfolio, covering six countries in the front line of Russian aggression and malign influence, Ukraine, Moldova, Belarus, Georgia, Armenia, and Azerbaijan. The administration's national security strategy, which Wess helped write, makes clear the strategic challenge before us great power competition, with peer or near-peer rivals, such as Russia and China and the need to compete for positive influence without taking countries for granted. In that sense, Ukraine has been on the front lines, not just of Russia's war in eastern Ukraine since 2014, but of the greater geopolitical challenges facing the United States today.

Ukraine's success, thus, is very much in our national interest in the way we have defined or national interests broadly in Europe for the last 75 years, and specifically in central and Eastern Europe, for the last 30 years, since the fall of the Wall in 1989. A Europe whole, free, and at peace -- our strategic aim for the entirety of my foreign

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service career -- is not possible without a Ukraine full free and at peace, including Crimea and Donbas, both current occupied by Russia.

I am grateful for all of you on the key congressional committees who have traveled to Ukraine in the past 5 years -- and I had occasion to speak to many in the 3 years I was in Kyiv -- and appropriating billions of dollars in assistance in support of our primary strategic goals, in particular, increasing Ukraine's resiliency in the face of Russian aggression in the defense, energy, cyber, and information spheres, and empowering institutions in civil society to tackle corruption and undertake systemic reforms.

I believe that all of us in the legislative and the executive branches in the interagency community working out of our embassy in Kyiv, with Ukrainians in government in the Armed Services in civil society, and with our transatlantic allies and partners, can be proud of our efforts and our resolve in Ukraine over the past 5 years, even though much more remains to be done.

U.S. officials who have spoken publicly in Ukraine to push back on Russian aggression and corrupt influences have been subject to defamatory and disinformation campaigns, and even online threats for years. Starting in 2015 for former Ambassador Pyatt, in 2017 for me, and in 2018 for former Ambassador Yovanovitch.

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That was, frankly, to be expected, from Russian proxies and corrupt Ukrainians, and indicators that our efforts were hitting their mark. You don't step in to the public arena of international diplomacy in active pursuit of U.S. principled interests against venal vested interests without expecting vigorous pushback.

On the other hand, I fully share the concerns in Ambassador Yovanovitch's statement on Friday expressing her incredulity that the U.S. Government chose to move an ambassador based, as best she tell, on unfounded and false claims by people with clearly questionable motives, at an especially challenging time in our bilateral elections with a newly elected Ukrainian President.

One final note, I will do my best to answer your questions today and I understand there are going to be a lot of them. I suspect your questions may well involve some issues, conversations and documents that span a number of years. The State Department is in the process of collecting documents in response to the subpoena, not to me, but to the Department that may contain facts relevant to my testimony. I have no such documents or materials with me today.

With the exception of a few documents related to the State Department inspector general's submission to Congress this month, neither the Department nor the committee has provided documents at issue in this inquiry. I will, thus,

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do my best to answer as accurately, completely and truthfully as I can to the best of my recollection.

And with those introductory words, I'm ready to answer all your questions regarding the subject of the subpoena, which has ordered me to appear before you today.

MR. GOLDMAN: Thank you, Mr. Kent.

MR. JORDAN: Could we get a copy, could staff get a copy of the Secretary's opening statement for us, please.

MR. GOLDMAN: Yeah, we can deal with that.

EXAMINATION

BY MR. GOLDMAN:

Q Mr. Kent, I'm going to pick up just where you left off there about the documents. You are aware of a request of you as well to provide documents. Is that right?

A In the letter that was emailed to me on September 27th there was a request to appear voluntarily and to provide documents, yes.

Q What did do you, if anything, in relation to providing documents in response to that request?

A I received direction that from the State Department that at the same time you issued the letters to me you issued a subpoena to the Department, and therefore the documents would be collected as part of that subpoena request since they are considered Federal records.

THE CHAIRMAN: Ambassador, you don't need to turn the

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mic off.

BY MR GOLDMAN:

Q Are you aware of the status of that document production by the State Department related to your personal documents -- or professional documents, I should say?

A I collected all the different types of records that possibly could be considered part of the request and provided them to the listed authority at the State Department.

Q And have you had any followup conversations about production of those documents?

A I have not.

Q Have you had any conversations, separate and apart, from the letters that we understand you received? Have you had any type of conversations with the State Department -- anyone at the State Department about your testimony here today?

A My testimony today? No.

Q Okay. So you didn't have -- sorry, I don't mean the substance of your testimony, but did you have any conversations about whether you would be testifying or will testify?

A The interaction consisted of letters through counsel.

Q So you had no personnel conversations with anyone?

A I had no personal conversation.

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Q Did you have any conversations with anyone at the State Department about the document request?

A Yes.

Q Can you describe those conversations?

A Define conversations.

Q All right. Well, who did you speak to about the document?

A Okay. So the first interaction was with somebody I presume many of you are familiar with [redacted], who works with our congressional liaison. And initially, when I asked in email form whether I should start collecting documents, because I had received a personal request, I was instructed to await formal guidance, meaning formal instructions on how to fulfill the document production request, so that was the first interaction.

Q And what was the second interaction?

A The second interaction with the Department issued written guidance on how to be responsive to the subpoena for documents to the Department late on October 2nd and that was in writing.

Q From whom?

A The instructions were sent from the executive secretary of the Department, Lisa Kenna.

Q And what did you do upon receiving those instructions?

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A That was after close of business. The senior bureau official at the time was Maureen Cormack (ph), and Maureen gave me a paper copy and said that the European Bureau staff on whom most of the requirements would fall would convene at 9 o'clock the next morning to discuss how we could fully be responsive to the request.

Q And did that meeting at 9 o'clock the next day occur?

A It occurred.

Q And what happened at that meeting?

A We had roughly 20 members of European Bureau still there and followed the overall staff meeting of the morning which was from 8:30 to 9:00. Most people left. Those related to the inquiry stayed. And we had several additional staff who joined us at that meeting.

Q And can you just summarize the conversation at that meeting?

A We started going through the instructions of the State Department, which initially, the first paragraph identified a number of individuals as key record collectors. And so we -- the first question that came up was when it said "including colon" and it listed names, was that an inclusive or exclusive list? Was it only those individuals or more? We had two people in the room who are not members of the European Bureau staff, there could have been more, but they

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self-identified as [redacted] from congressional liaison and [redacted] from the Office of Legal Counsel at the State Department. They clarified that that was not an exclusive list, meaning not only those people listed, but others who might have records should also be responsive.

Q Okay. At any -- I just want to back it up a little bit and a little bit more generally here. I appreciate your detail, but we are somewhat -- we didn't want to stay here all night. So I'm just trying to get a sense of, sort of, the back and forth. Was there, at any point, did you take issue with any of the directives or suggestions that you received from the State Department?

A The letter of instruction that was issued after the close of business on October 2nd was the first formal instruction that any of us had received in response to the subpoena to the Department and the personal letters which had been sent at the end of September 27th, so there was not any formal structured interaction, as I mentioned, that I'd had initial interaction with [redacted], and she directed me to await formal guidance. I did have several interactions with other State Department officials on Tuesday, October 1st.

Q With whom?

A With the director general of the Foreign Service, and with the acting L, so to speak, Marek String.

Q And what was the purpose of those conversations?

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A I approached the director general late in the afternoon -- mid-afternoon on October 1st, because I had not had any contact from any member on the leadership of the Department. And there was a letter sent to these committees that characterized interactions that I do not feel was accurate.

Q Can you explain what you didn't feel was accurate?

A Well, there was a line in there that the committees had been attempting to bully, intimidate, and threaten career foreign service officers. And I was one of two career foreign service officers which had received letters from the committees, and I had not felt bullied, threatened, and intimidated. There was another line in there that suggested that the career Foreign Service officers had requested the committee's to route all communications through House liaison and I think your colleague who -- [redacted], who sent me the initial email on Friday night received my reply, which indicated that I acknowledged receipt, and that our congressional liaison had requested that the information be routed to them. So I was concerned that the letter itself did not accurately characterize the interaction.

Q When you're talking about the letter, you're talking about the letter from Secretary Pompeo?

A Correct.

Q And what was the response of the two individuals

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that you spoke to?

A Well, Ms. Perez, who is one of the top two career foreign services officers and oversees the personnel system, I had worked for her previously directly in a previous job. And because I'd had no contact with the leadership of the Department outside of the European Bureau, I suggested that it was time that somebody engaged me personally, particularly since representations were being made about me.

Q What representation? Oh, the letter?

A Right, the language in the letter.

Q And what was Ambassador Perez's response?

A She needed to go and give a response to 150 people about taking care of your people. And she said when that was finished, she would reach out and find somebody that would reach out to me. And so she came back after an hour and said that the acting legal counselor of the Department, "L" in our parlance, Marek String, would reach out to me; that if I did not hear from him in 24 hours, I should contact her again.

Q Did hear from him?

A I did after I wrote him an email.

Q And did you ultimately have a conversation with him?

A I did. He called me back through the Operations Center in the evening when I was already at home.

Q And can you summarize that conversation for us?

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A He apologized for not having had anyone reach out to me prior. He said it was a very busy day, that they had responsive and were doing a lot and -- but I'd known Marek previously and respected him. If it weren't for Marek, we would not have had Charge Taylor out in Kyiv. He helped with the process of getting him brought back on board as an Active Duty person. So I respected his professionalism previously, so it was a professional conversation.

Q Did you voice the same -- similar concerns?

A I did.

Q And what was his response?

A He apologized, because I mentioned that there had not been an exchange.

Q Sorry. Did you voice your concerns about the two statements in the letter that you disagreed with?

A To the best of my recollection, again, it was a phone call at night when I was in my kitchen eating dinner at about 9 -- between 8 and 9. So I cannot say it was more, I think, the tonality. It was a pleasant, professional exchange.

Q And was there any follow-on conversations that you had?

A Not with Marek, not with Marek. That was again, on the night on the 1st. The guidance that we received in writing came shortly after close of business on the 2nd. And

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then the next sort of point was the meeting, the guidance, our -- the European Bureau's meeting at 9 o'clock on October 3rd.

Q And since October 3rd, until today, October 15th, is anything else -- any other further conversation that you've had?

A I have not. That was also the time where I think the 3rd was when we formally -- I formally engaged Andrew Wright as my counsel in this process. And therefore, there were additional engagements, interactions with -- through counsel.

Q Are you aware that as we sit here today, we have not received one document from the State Department?

A I can read the news, but as I've answered you before, I'm not aware -- I did my role. Obviously there were a lot of documents and records that I had that I needed to provide, based on the subpoena and the guidance that the State Department issues. But having provided those records, I do not know the process on reviewing them.

Q After your conversation with Marek String, did you have any additional conversations with anyone in L?

A I did. There was a representative from L, as I previously mentioned, [redacted], who attended the European Bureau guidance meeting on October 3rd.

Q Did you have any private conversations with him?

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A We have a very public exchange in front of the roughly 20 people in the meeting. And then subsequent to that, I was called out into the hall where I had a continued conversation with him and [redacted].

Q Can you describe the public exchange?

A Well, public -- in a room, closed-door room. The exchange started when we were discussing the issue of who needed to be responsive to the records collection. The individuals listed primarily were in the European Bureau. And I noted several people who should have been listed who played key roles on staff at the embassy in Kyiv. And then I mentioned Consular Affairs Assistant Secretary Risch, because he had spoken to Rudy Giuliani several times in January about trying to get a visa for the former corrupt prosecutor general of Ukraine, Viktor Shokin. And my read of the request would include that.

[redacted] took issue with my raising the additional information, and the conversation rapidly, I would say, either escalated or degenerated into a tense exchange.

Q So what was his response to your suggestions of additional custodians?

MS. SPEIER: What did he say?

MR. KENT: I've got two questions here, so I don't know how you want to manage -- Representative Speier asked me a question and you.

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MS. SPEIER: No, I didn't. I was just talking to myself.

MR. KENT: Oh. Sorry.

MR. BAIR: It was the same question.

MR. GOLDMAN: It's the same question.

MR. KENT: He objected to my raising of the additional information and said that he didn't think -- I do not remember his exact words, but -- he made clear that he did not think it was appropriate for me to make the suggestion. I took the opportunity, then, to point out that that was the first -- the meeting was the first time that we were discussing guidance for being responsive to a subpoena. At this point, it was already October 3rd. The request for the documents and the request for submission had been delivered on September 27th and we had less than 2 business days to be responsive. [redacted] has then said, I don't think I should be even talking to you. It's not appropriate. I should only talk to counsel, and I talked to your counsel last night. That was, as I knew, a factually incorrect statement at that point. He never had a conversation with my counsel. The conversation ended at that point, but later on when I then picked up this issue of guidance and our responsibilities, he raised his voice again, suggested, as I told you before, I should not be talking to you, it is against the bar ethics, for me to contact and talk to you directly. I took issue

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with that. I said I'm under no obligation to retain private counsel. I said somebody provided information to the Secretary that he said publicly in Italy that the congressional committees were preventing me from talking to legal counsel. And I said I've got 15 witnesses in a room hearing you say that you don't want to talk to me. So I'm worried that you as working for this office, are adopting positions at odds with the language that your office is providing the Secretary of State.

My interest in this process was so that the State Department and the Secretary would be protected, and being fully responsive to the legal subpoena that had been issued.

BY MR. GOLDMAN:

Q Was his concern more of a process concern or did he take any objection to your substantive suggestion that additional custodians should be included?

A I honestly cannot answer what he was thinking. I can only say what he said to me.

Q That's what I'm asking. What did he say?

A He said to me that he represented the Secretary of State and the Department's interest in this process. And that was the end of that -- and he also said that he was the author of the lines about the -- of the letter that included the language about the bullying and intimidation.

I pointed out to him that I thought the language he had

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then drafted, since he said was the drafter, was inaccurate. And he asked why did I say that. I said, well, you say that the career Foreign Services are being intimidated. And he said, who are you speaking about? And I asked him, about whom are you speaking? And he said, you're asking me to reveal confidential information. And I said, no, I'm not. There are only two career Foreign Service officers who subject to this process. I'm one of them. I'm the only one working at the Department of State, and the other one is Ambassador Yovanovitch, who is teaching at Georgetown. So I'm not asking to you reveal anything that isn't already commonly known.

So that was that part of that conversation.

Q What his response when you said that?

A He spent the next 5 minutes glaring at me.

Q Did he disagree that Mr. Risch should be included in the --

A We did not return to that topic.

Q Now this was all with the others in the room?

A This is in the room with the 15 to 20 other people, yes.

Q And then you said there was an additional conversation in the hallway with [redacted]. Can you describe that conversation?

A Correct. [redacted] then said, opened the door after a

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couple of minutes and asked if I could come out. So I excused myself before my colleagues. I apologized for them having had to hear an uncomfortable conversation. I said that it was important that they had been there as witnesses, since that was likely the only such only conversation engagement I would have with the legal staff of the State Department. I walked out, closed the door. And I stuck my hand out and said, Hi, I'm George Kent. We've never met. We shook hands. And then I said, that was unprofessional. And he then said, you were unprofessional. He got very angry. He started pointing at me with a clenched jaw and saying, What you did in there, if Congress knew what you were doing, they could say that you were trying to sort of control, or change the process of collecting documents. And what I said to him was what I hear you saying -- I said that's called projection. What I hear you saying is that you think that I am doing that.

What I was trying to do was make sure that the Department was being fully responsive. He then told me, I don't think it is appropriate for you to go back into that room. I told him that's not your business, that's my meeting, but I will agree with you, though, I will go back in and tell my colleagues that since I'm one of the chief records collectors, I will go back to my office and resume collecting records to be responsive to the request.

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And the only other thing we did was I gave him my business card, he wrote his name and phone number in my notebook. And he said, I imagine you will be writing up your version of this conversation and I will be too. And that was it.

Q And did you write up your version?

A I did.

Q Did you provide that memo to the State Department to be turned over?

A I believe -- yes, I did.

Q Were you aware that the original request to the Department was made on September 9th?

A I am aware that there was a letter sent, yes. I was traveling through much of that next week. So I am not a lawyer and I understand there are different ways of signaling how serious the issue is, but yes, I was aware that an earlier set of letters were sent prior to the September 27th letters.

Q Were you asked to collect your records prior to, I believe, you said October 2nd?

A There was no request for anyone to collect records prior to the subpoena that was issued, to my understanding, on the 27th.

Q And I assume you did not have any further conversations with [redacted]?

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A No, and I think as counsel can confirm, once our relationship was established, he, [redacted], was taken off of my account, and while I did not participate in further conversations, my understanding is that the tone and further back and forth between L and my counsel was fully professional and respectful.

Q All right. Before I move on, Mr. Kent, is there anything else on the topic of the State Department's response to the Congress' subpoena that you think the committee should know about that you haven't addressed?

A No.

THE CHAIRMAN: If I could, I take it, at some point, you were instructed by the State Department not to provide the documents directly to the committee, but rather to provide them to the State Department?

MR. KENT: The initial document request under the subpoena was to the State Department and the State Department as part of its guidance did share the consideration that communications would be considered Federal records, and that they would be handling them, and that is a position that I accepted.

THE CHAIRMAN: But in terms of your own documents, the ones in your possession that we had requested, did you get instructions from the State Department that rather than provide them to the committee, you should provide them to the

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State Department?

MR. KENT: The letters that came in, the letter that came to me on September 27th was sent concurrently with a subpoena for those documents. And so they are considered Federal records. And all executive branch employees are reminded of that. So I was responsive to the request under subpoena to the Department for those records to be collected.

THE CHAIRMAN: But did you receive any instructions from the State Department that you should not provide the documents directly to the committee?

MR. KENT: I would have to go back and look at the written guidance that was issued on October 2nd. But I will say it was my understanding that I would provide the documents as part of the subpoena to the Department for the documents. My documents are not my personal documents. Any record that I create in the performance of my professional duties would be considered a record of the Department of State.

THE CHAIRMAN: And I assume that any records that you had on a personal device, those would have been provided to the State Department to be turned over as well?

MR. KENT: That is the -- right, correct.

THE CHAIRMAN: Thank you.

BY MR. GOLDMAN:

Q Did you have any conversations with anyone else in

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the State Department about your interaction with [redacted]?

A Yes.

Q Who?

A Now former, I guess, technically retired, he sent in his resignation letter, Michael McKinley, senior adviser to the Secretary of State. I had had no prior interaction with Mr. McKinley until the weekend after the letters were issued, and the story became news, and he reached out to talk to me.

Q He reached out to you?

A Correct. I was out picking apples with my wife -- Stribling Orchards, a very nice place in Markham, Virginia, if you ever want to get good apples -- and he reached out to me through the Operations Center and said that he felt the State Department should stand up for its career Foreign Service officers and wanted to know if I had any objection to him trying to get the Department to issue a statement of that nature.

Q What did you say?

A I think said I think it is entirely appropriate for the State Department leadership to stand up for its career foreign service officers.

Q And what did you say about the statement?

A He didn't share the statement with me. I asked him if he'd already floated the idea, and if he got any

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responses.

Q What did he say?

A He said he had not yet succeeded in securing an agreement to issue such a statement.

Q Had he heard about your interaction with [redacted]?

A So that came later, because our first conversation was on September 28th, Saturday, when I was picking apples. He then subsequently came to my office, and he was the only Foreign Service officer outside the European Bureau who initiated contact and came to my office.

So he checked in with me several times over the last 2 weeks to see how I was doing. And I did describe my -- the guidance meeting and what had occurred on the 3rd of October.

Q And what was his response to --

A He was concerned about that. He asked if I had written it up. And I said, I wrote a note to the file. And he asked if, in his capacity as a senior adviser to the Secretary, in part, responsible for ensuring that the Department leadership was connected to the career Foreign Service, if I would mind sharing it with him so that he could share it with other leaders of the Department, and I said I had no problem. And so I shared with him a copy of my note to the file.

Q Did he say who he was going to share it with?

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A He later told me he shared it with the Deputy Secretary Sullivan, Under Secretary Hale, and I believe the counselor -- sorry -- acting legal, Marek String.

Q And did he indicate to you what the -- any response was to sharing the memo?

A No.

Q Did he indicate to you who he had discussed a statement with?

A Not specifically.

Q Generally?

A He said leadership of the Department. That's -- so I presume that included people outside of the European Bureau, but I did not ask specifically which individuals he had engaged.

Q Did you have any further conversations about that statement with him?

A I did ask him, one of the times he dropped by my office, I asked him if that statement had gone anywhere, and he said, no.

Q Did he indicate why not?

A I don't know recall if he gave any specific information on why.

Q Anything else noteworthy about your conversations with Ambassador McKinley?

A I had had never met him. I actually had to Google

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him. His career has not crossed mine. He's been an ambassador in four places -- three times in South America and Afghanistan. But he appeared to me in person to be a genuinely decent person who was concerned about what was happening.

And so I very much appreciated him reaching out on a personal level and showing, as someone who's been an ambassador in four missions, including Afghanistan, understanding it's important to be responsive and engage the people who work for you.

Q Did you share his concerns?

A Which concerns?

Q About how the career Foreign Service officers were being treated during this process?

A Well, as I mentioned before, that's why I reached out to the director general, Carol Perez, on October 1st because I had concerns that outside of the European Bureau, the leadership in the Department was not actually signaling its support for the career Foreign Service officers.

Q All right. Mr. Kent, we're going spend some time today discussing Ukraine policy as well as efforts by nongovernment individuals to influence Ukraine policy. As you no doubt are aware one of the central players in this investigation is Rudy Giuliani. When did you first learn that Rudy Giuliani had taken an interest in Ukraine?

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A Well --

Q Or any Ukrainians?

A I think it's a matter of record that the former mayor of New York and the current mayor of Kyiv have known each other for over a decade. Mayor Klychko is a former heavyweight boxing champion of the world. And so I believe that Giuliani first met Klychko, roughly, in 2008.

Q Okay.

A So I think Giuliani, as a person, a private individual, has traveled to Ukraine over the course of the last decade.

Q When you were in Ukraine, did you ever meet with him?

A I never met with him, never been in the presence of him, never had any communication with him.

Q So other than, as of 2018, at some point, did you come to learn that Mr. Giuliani was actively engaged in matters relating to Ukraine?

A The first indication that I heard of contacts in 2018 came in May 2018. The then-prosecutor general of the country, Yuriy Lutsenko, had planned to go to New York and his plane, KLM plane, was canceled. But my understanding was that his intent to go to New York was to meet with Rudy Giuliani.

Q And did you understand what the purpose of that

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meeting was?

A At the time, no, because the meeting didn't happen.

Q How did you learn about it?

A There were stories in the Ukrainian media that he intended to go. I'd heard the story about the cancelation, KLM. Some of the stories later claimed that he did not have a visa. That was not true, because I know the plane had been canceled and he later traveled to New York. And also the head of Ukrainian diaspora organization [redacted], told me that he had had a conversation with Lutsenko and Lutsenko said his intent was to go to New York and meet with Giuliani.

Q Were you still in --

A I was in -- I left Kyiv, Ukraine on August 12th, 2018.

Q And what did you learn about Mr. Giuliani's interactions with Mr. Lutsenko after that initial aborted trip?

A The next time I heard Mr. Giuliani's name mentioned was on the 9th of January this year, 2019, when I was copied on an email that Giuliani was calling the State Department regarding the inability of the previous prosecutor general Viktor Shokin to get a visa to come to the United States.

Q How did you learn about that?

A I was copied on an email. Because I'm the Deputy

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Assistant Secretary of State covering Ukraine, and it was a matter about Ukraine.

Q And did you have any involvement in that visa issue?

A I was involved extensively in conversations and exchanges over the next 2 days, yes.

Q Describe briefly who Viktor Shokin is.

A Viktor Shokin served as prosecutor general of Ukraine from, I believe his appointment date was February 10th, 2015, until sometime of the spring, perhaps late February, early March 2016. He was a longtime prosecutor. He was known to have been the godfather of then-President Poroshenko's kids. And he was someone with whom and about whom the U.S. Government had many conversations over that period of time as prosecutor general.

Q Was there a broad-based international assessment of his, whether or not he was a credible or corrupt prosecutor general?

A There was a broad-based consensus that he was a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime, and having covered up crimes that were known to have been committed.

Q Who was the email from that you received on January 9th?

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A I do not recall. I believe it may have been from one of the staff in the Office of the Secretary of State, because Rudy Giuliani was trying to call into that office.

Q And did you follow up on this email?

A The initial redirection was to the Assistant Secretary of Consular Affairs, Mr. Risch.

Q Okay. The redirection by who?

A I was just copied on the email. Since it was about a visa, I think it was entirely appropriate for the matter to be referred to the part of the State Department that deals with visas.

Q And what was Mr. Giuliani's involvement in this matter?

A He was pushing a visa. He wanted Viktor Shokin to get a visa.

Q Had Viktor Shokin been denied a visa at that point?

A Apparently, Mr. Shokin did not have a valid visa at the time. I do not know whether he had been denied a visa recently.

MR. SWALWELL: Ambassador, can you spell "Risch"?

MR. KENT: I believe, with apologies to any German Americans, I think it is R-i-s-c-h, but sometimes names get changed. My original German name was Kindt, K-i-n-d-t, and then my great-great-grandmother changed to anglicize it to K-e-n-t.

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MR. SWALWELL: Thank you.

BY MR. GOLDMAN

Q So describe generally what your role was in this visa matter, if any?

A There was a series of conversations between members of the Consular Affairs front office and European Affairs front office. For the European office, that included Assistant Secretary Wess Mitchell and myself principally. And to the best of my recollection, on the side of Consular Affairs, it would be Assistant Secretary Risch and the deputy assistant secretary for visas, who I believe is Ed Romatowski.

Q Just to try to get to the bottom line, Mr. Giuliani, what was the State Department's view about the propriety of a visa for Mr. Shokin?

A Mr. Shokin, as I mentioned, was well and very unfavorably known to us. And we felt, under no circumstances, should a visa be issued to someone who knowingly subverted and wasted U.S. taxpayer money. And as somebody who had a fiduciary responsibility for anticorruption programs, I felt personally strongly, Wess Mitchell felt very strongly that it was incorrect and so we stated that view clearly to our congressional -- to or Consular Affairs colleagues.

Q Okay. And what -- did you learn why Mr. Giuliani

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was pushing to have a visa granted?

A To the best of my recollection, the story that he conveyed to my colleagues in Consular Affairs was that Shokin wanted to come to the United States to share information suggesting that there was corruption at the U.S. embassy.

Q And did you understand what he was referring to?

A Knowing Mr. Shokin, I had full faith that it was bunch of hooey, and he was looking to basically engage in a con game out of revenge because he'd lost his job.

Q And do you know whether there was any engagement with Mr. Giuliani on behalf of the State Department?

A To the best of my recollection, to my awareness based on the email exchanges, He may have had between two and three conversations with the Assistant Secretary in that period of time, Giuliani to Risch. No time did Wess Mitchell or I engage Giuliani.

Q And did you learn about the substance of those conversations from Mr. Risch?

A I shared what I recall, and I presume that either that was in one of those conversations were an email exchange, but I couldn't tell you for sure.

Q What ultimately happened with the visa application?

A When the State Department was not being responsive, my understanding is that former Mayor Giuliani attempted to call the White House, and deputy chief of staff, my

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understanding deputy chief of staff, Rob Blair, then called the State Department to ask for a background.

Q Who did Mr. Blair speak to in the State Department?

A In the end, I believe it was a conference call. I participated sitting in Wess Mitchell's office. I believe Consular Affairs may have also been on the call.

Q And can you describe the conversation?

A We laid out enough frank detail about U.S. Government engagement and assessment of Mr. Shokin. And Mr. Blair said, thank you very much, I've heard enough. He identified his role at that point to ground truth the situation and look out after the interest of the Office of the President. And I took from his response to us that he'd heard what he needed. And that was the last I heard about that, and Mr. Shokin, to the best of my knowledge, did not ever receive a visa and has not come to the U.S.

Q So after Mr. Giuliani reached, attempted to convince the State Department to issue the visa directly, and was told no, he then went around to the chief of staff's office?

A That -- I do not know who he tried to reach at the White House. I only know that Mr. Blair reached out to us to ground truth the situation.

Q To your knowledge, had anyone in the State Department informed Mr. Blair or the chief of staff's office?

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A My understanding is he reached out to us, and we were responsive to him reaching out to us.

Q And did you understand the he learned about it from Mr. Giuliani?

A I do not if he had a direct conversation. To the best of my recollection, he said he was asked, which suggests that he did not have the conversation himself. I don't know.

Q Was this the first that you had heard about any concerns about the embassy in Kyiv?

A No. I was at the embassy in Kyiv when a series of corrupt prosecutors, including Shokin's team accused us of not sharing our assistance to improve the prosecutor service in Ukraine. And to my understanding, because it was released as part of the disinformation campaign, that included a letter from April 2016 which I signed as Charge.

Q Was that -- were those accusations accurate?

A The accusations were completely without merit.

Q Following this January 9th meeting, when is the next time that you learned about any involvement of Rudy Giuliani in Ukraine matters?

A On February 11th, there was a seminar hosted at the U.S. Institute of Peace, about the conflict in Donbas, and the Minister of Interior, Arsen Avakov, came and participated presenting his plans for what he calls a plan of small steps.

We had a separate meeting, since I'm the leading

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policymaker focused on the region. And during that meeting, he let me know that Yuriy Lutsenko, the then-prosecutor general of Ukraine, had made a private trip to New York in which he met Rudy Giuliani. I said, did he know what the purpose was, and the Minister of Interior Avakov said it was to throw mud. And I said, throw mud at whom? And he said, a lot of people. I asked him, whom? And he said, towards Masha, towards you, towards others.

Q Masha is Marie Yovanovitch?

A Former Ambassador Yovanovitch, yes.

Q Did he say -- name any other names?

A At that point, to the best of my recollection, he mentioned specifically Masha and me, and then said others but did not mention the others.

Q Where was this meeting?

A It would have either happened at the U.S. Institute of Peace or in my office, which is right across the street. The State Department and USIP are across the street.

Q Did he explain in any more detail what he had learned about the conversations between Lutsenko and Giuliani?

A He was just passing along information. That was not the purpose of the meeting. The meeting was to talk about our assistance programs. He oversees the law enforcement reform. It was to talk about Ukrainian politics.

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Frankly, at the time, he was the second most powerful person in the country after President Poroshenko. It was to talk about his ideas about trying to bring peace to the Donbas. And his comment about Lutsenko's trip and meeting with Giuliani was and, Oh, by the way, probably the last thing he said before we finished the meeting.

Q Did he express -- why did he mention this to you?

A I don't know. I would say that Mr. Avakov likes to keep lines of communication open to all sides and -- but I cannot say why he chose to share that information.

Q Did he express any concerns about this?

A He thought it was the wrong thing to do. He thought Lutsenko was a fool to have made a private trip and to have done what he did.

Q Do you know whether he was aware of Mr. Giuliani's connection to President Trump?

A Mr. Avakov?

Q Yes.

A Mr. Avakov is a very well-informed person, and I'm absolutely sure he knew who Giuliani was connected to.

Q Did you, after learning this information, what, if anything -- what if any conversations did you have with anyone else about the information you learned?

A I cannot say with complete certainty, but I know that I shared the information that Avakov passed to me with

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others.

Q Who else?

A Based on my normal procedures I would guess that I shared it with people who followed Ukraine in the European Bureau, as well as with the leadership of or embassy in Kyiv.

Q Do you know what mud Lutsenko and Giuliani were discussing in connection to you?

A I did not know, no.

Q At that time you did not know?

A I still don't know.

Q You haven't seen memoranda that --

A I've seen the letter that I signed in April 2016. I don't know if that's all. I've seen a fake list that had my business card that I used temporarily in 2015, when I was at the embassy as acting DCM. The business card was the one I used in 2015, the letter itself was completely fake with lots of misspellings. But I have never -- no one has ever shown me what Lutsenko might have been passing to Giuliani. So I did not know then and I still do not know now.

Q You mentioned the documents that the State IG had provided to Congress. Have you reviewed those?

A They were not -- no one shared this with me, no. So I -- what I have been told, I first learned about it from [redacted] reporter who emailed me, a person I'd never had contact with, and to whom I did not respond, who claimed that

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she had seen the documents and asked me a question, and with the many dozens of emails from media over the last several weeks, since this story started, I didn't answer a single one, I forwarded them all to our press officer.

Q Was this recent?

A This was after -- it was probably a day or 2 after the IG came up and passed documents.

Q Did you speak to Ambassador Yovanovitch about the conversation that you had with Mr. Avakov?

A I did not -- well, I cannot say for certain. I mean, again, the conversation was February 11th. That was the day of the seminar. I could say -- I cannot say for certain whether I talked or whether I sent a brief email.

Q Okay.

A My guess is, to the best of my recollection, I conveyed the information.

Q Did you become aware of whether Ambassador Yovanovitch had also spoken with Mr. Avakov around this time?

A I believe it may have been that conversation that she shared that she had had a similar conversation with him.

Q At that point did you understand what Rudy Giuliani's interest was in meeting with Lutsenko?

A I did not have any visibility. I had better insights into the mind of Yuriy Lutsenko than I did of Rudy Giuliani.

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Q And what were those insights into Mr. Lutsenko?

A Mr. Lutsenko is somebody with whom the embassy had a long relationship dating back to the Orange Revolution period, which is when I first met him. And at that time he was a seemingly pro-Western politician. We met with him, he's a very gregarious, outgoing person. He was imprisoned for 2 years under former President Yanokovitch, and he came out and resumed politics. When Shokin was forced out, the intent of then-President Poroshenko was to appoint someone he trusted. Yuriy Lutsenko is also the godfather of his kids. And the question was whether someone who didn't have a law degree could be a reliable partner to try to reform the prosecutorial service.

So I had a series of meetings with him in the spring of 2016 to judge and assess whether he would be a serious partner for us. And so, that was the initial, if you will, renewal of a relationship. Subsequent to that time, it was very clear that Mr. Lutsenko was not any more serious about reforming the corrupt prosecutorial service than Viktor Shokin had been. And at that point, our relationship -- not personal to me, but the relationship between the embassy and Mr. Lutsenko began to sour.

Q So it was the embassy and the U.S. view that Mr. Lutsenko was another corrupt prosecutor general?

A That was our assessment, yes.

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Q When you spoke to Mr. Avakov, did you learn whether Mr. Giuliani was working with anyone else on matters related to Ukraine?

A He just mentioned his -- his -- this is, by the way, aside. Again, he's a Ukraine politician serving as minister of interior, he was talking about another Ukraine politician serving as prosecutor general, and his focus was on that dynamic. And because he said he'd heard my name mentioned, he'd passed that along.

Q When was the next time that Rudy Giuliani came up in conversation?

THE CHAIRMAN: A question if I could, just for clarification. You mentioned a letter with misspellings and forgery.

MR. KENT: Yes?

THE CHAIRMAN: Can you tell us what that letter was and what you know of its provenance?

MR. KENT: Well, that was part of series of news articles that came out I believe starting March 20th, this spring. There with a number of articles that were initially led by John Solomon of The Hill, who gave -- who took an interview with Yuriy Lutsenko earlier in March. And so, there was, I believe, video somewhere, there certainly were pictures of them doing interview. And it's part of a series of articles, it was an intense campaign. One of those

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articles released because the interview on the first day Lutsenko had claimed that Ambassador Yovanovitch had given him a list in their first meeting of people not to prosecute. Several days later, a list of names was circulated on the internet, with -- the photograph had a copy of my temporary business card that I used for a short period of time in 2015. So it was a real -- it didn't look like a regular business card. It was the one that we did on the embassy printer. So I think the card was genuine, and someone attached that to a list of names that was a hodgepodge of names.

Some of the people I had to google, I had not heard of. Half the names were misspelled. Not the way that any American, or even Ukrainian, or Russian would transliterate Ukrainian names. My best guess, just from a linguistics semantic point is the person who created the fake list was either Czech or Serbian.

THE CHAIRMAN: So when you referred earlier to a forged letter, you were referring to the forged do-not-prosecute list?

MR. KENT: That was -- yeah. This was the -- it wasn't a letter, it was just a list of names with my actual business card attached.

THE CHAIRMAN: Thank you.

BY MR GOLDMAN:

Q When was the next time that you learned anything

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being Mr. Giuliani's involvement in Ukraine, after February 11th?

A Well, Mr. Giuliani was almost unmissable starting in mid-March. As the news campaign, or campaign of slander against, not only Ambassador Yovanovitch unfolded, he had a very high -- a media promise, so he was on TV, his Twitter feed ramped up and it was all focused on Ukraine, and it was focused on the four story lines that unfolded in those days between March 20 and 23rd.

Q Where do those story lines unfold?

A They unfolded both in the U.S. media and the Ukrainian media, simultaneously in peril.

Q What U.S. media outlets?

A Well, Mr. Solomon started off in The Hill, as I recall. There was a lot of tweeting, and of people that I had not previously been aware of, and then that also then played into late night television, subsequent days, both the Hannity Show and the Laura Ingraham Show covered this topic extensively.

Q That original John Solomon article, was that based on accurate information?

A It was based on an interview with Yuriy Lutsenko.

Q And was the information that Mr. Lutsenko provided accurate, to your knowledge?

A No. It was, if not entirely made up in full cloth,

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it was primarily non-truths and non-sequiturs.

The interview was broken into two parts. The first part was focused on any corruption efforts in which he went after the Ambassador and other actors on anticorruption issues. I think that is where he claimed that we hadn't shared his money, meaning his assistance to the prosecutor general's office.

And the second half of the first wave theme was looking back at the 2016 campaign and allegations that the National Anti-Corruption Bureau head, a person name Artem Sytnyk, had somehow provided the list of people taking money from the discredited pro-Russian party, Party of Regions, back in 2016.

So that was day one. There were two story lines that were launched more or less in parallel that were covered extensively in the U.S. press, first by The Hill and amplifiers, and in Ukraine by what are known as Porokhobots, trolls on the internet, particularly Facebook, in support of then-President Poroshenko and against the people that are perceived to be Poroshenko's opponents.

Q You said there were some, I think you said, surprising Twitter --

A I honestly -- I have forgotten my Twitter password. I'm not on the Twittersphere. So they are just names that did not mean anything to me until they all of a sudden became

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very active, talking about Ukraine and particularly the activities of our embassy in Ukraine.

Q Were you aware of whether the President retweeted this John Solomon article?

A To the best of my recollection, the President may have retweeted something affiliated with the Hannity Show the second day.

Q Did it reference John Solomon, as you recall?

A I honestly, again, I have started following Twitter more than I did before March, but I was not an active follower at that point.

Q Prior to the initial Hill article between February 11th and March 20th, was there any engagement that you had, either with the Ukrainian -- on the Ukrainian side, or with any State Department officials about any of these issues related to Rudy Giuliani?

THE CHAIRMAN: If I could -- just for clarification again, I think I mentioned one or two of the story lines, but you said there were four story lines. Can you tell us what the other story lines were?

MR. KENT: The third story line that came out the next day was focused on the Bidens and Burisma, that was the third story line. The fourth one that came out of day after was going after some civil society organizations, including anticorruption action center that were described as Soros

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organizations?

BY MR. GOLDMAN:

Q I want to -- we're going to go through these four a little bit in more depth, but I want to make sure that there's nothing else that occurred between February 11th and March 20th of note on this topic?

A I received an email from our embassy on March 19th, the deputy director of the National Anti-Corruption Bureau for Ukraine, usually referred to as NABU, that was set up in 2015 and proved very effective at trying to investigate high-level corruption as it was intended to do. The deputy director was a former Georgian national named Gizo Uglava. And he came into the embassy and described his conversation the night before with a completely inebriated, drunk, Yuriy Lutsenko, and Lutsenko was angry. He said he'd given an interview with an American journalist 2 weeks prior and that interview that he had accused the embassy of undermining him, and that was his motivation, and that the embassy had been supportive of the Democrat party, and was not supportive of the Trump party and that -- so basically the lines of attack that then came out in the subsequent articles, Lutsenko shared with this other law enforcement individual, who then came and shared what he had heard from Lutsenko the night before.

Q To the embassy?

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A To the embassy, yes.

Q And prior to March 19th, there was no other indication other than television or --

A To the best of my recollection, the story was not in play publicly until the first articles appeared. And to the best of my recollection, somebody from The Hill reached out to us in the early evening, or the very end of the work day on the 19th, and asked the press officer of the European Bureau whether we had reaction to a number of assertions, allegations.

Q All right. Let's go through -- just give me one minute.

[Discussion off the record.]

BY MR. GOLDMAN:

Q So did you understand why the Ukrainian law enforcement source went to the embassy to describe what a drunk Lutsenko had said?

A I believe, first of all, Mr. Uglava had a very good working relationship with the embassy. His organization, NABU, was one of the key anticorruption organizations that had been stood up after the Revolution of Dignity. It was in its first year, it was functioning surprisingly well, meaning it was putting together investigations on high-level corrupt individuals. And because of its initial effectiveness, which I think surprised a lot of people, it then became a target of

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people in places of influence, because it had been effective. And one of the people that was looking to destroy NABU as an effective Bureau was Yuriy Lutsenko.

Q And did the information that you received about this, was that in writing or was it on the phone?

A I received it in an email from the embassy. And that email should be part of the records collected, not individually, but the State Department has a system, that is supposed to automatically be able to pull all emails and cables that have key words. That's my understanding of how that material should be provided eventually to the committees after review.

Q Could you just summarize for us the four lines that you -- lines of --

A I think the four story lines that played out in the media, the first one was the anticorruption line in which the embassy was attacked, and anticorruption actors in Ukraine were attacked. The second line was the 2016 cycle, allegations that somehow, somebody, whether it was Ukrainians or people at the embassy had animus towards Paul Manafort. The third line was a line of reporting related to the Bidens, and the interconnectivity between Vice President Biden's role alleged interconnectivity between Vice President Biden's role and pushing our anticorruption agenda, and the presence of his son, Hunter Biden, on the board of the gas company

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Burisma. And the fourth line of attack was alleging that certain civil society organizations were funded by the Soros organization.

Q Now, based on your time as DCM there, which would have overlapped with some of these events, as well as your expertise in the area and your current role as the Deputy Assistant Secretary of State, did you believe that there was any merit to any of those four story lines?

A I did not.

Q I believe our time is up so I yield to the minority.

BY MR. CASTOR:

Q What did your State Department officials do to try to counteract these stories that you believe were totally fabricated?

A Correct.

Q What did you or State Department officials do to try to counteract these stories?

A When stories, media occurs about any of the issues in our area of responsibility, particularly when they touch on allegations or assertions about U.S. policy, or U.S. issues, the responsible part of the State Department with the press officers and the team in embassies work together to prepare press guidance, and that can be a combination of either guidance, if asked, or if a situation warrants it,

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statements that would usually come out by the spokeswoman.

Q Right, so what did you do?

A So immediately since our Ambassador and embassy was being attacked with allegations that we felt were completing baseless, we prepared press guidance, and I believe the record -- the public record would show that the media outlets quoted that press guidance.

Q And was that it?

A That was it for those initial days, yes. In terms of the public stance in response to media articles.

Q Was that sufficient to counteract the narrative?

A The narrative continued to be pushed until the narrative was still out there. It accelerated on whatever that Sunday was, because the son of the President issued a Tweet in which he suggested that we needed more like Ambassadors like Rick Grenell and fewer, I believe he may have hashtagged Obama appointee was the point, and it was taken by people as an attack on Ambassador Yovanovitch.

Q So what else did the State Department do? I mean, this seems like it is a major threat to the Ambassador, and major threat to the State Department. What type of additional full-throated maneuvers did the State Department take here?

A The request from the embassy endorsed by the European Bureau, there should be a high-level endorsement of

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Ambassador Yovanovitch.

Q And then what happened there?

A There was no high-level Department endorsement of Ambassador Yovanovitch.

Q What did the State Department do? You described a series of complete falsehoods in your words.

A Yes.

Q Fabrications, a fake list, that is going to the heart of the ability of the Ambassador to serve effectively.

A Correct.

Q And so is it fair to say this was a big league crisis for the Ambassador?

A This particularly after there were Tweets by members of the Presidential family, it was clearly a crisis for Ambassador Yovanovitch and a crisis that was threatening to consume the relationship. So our recommendation to our superiors was that there should be a clear statement of support for Ambassador Yovanovitch.

Q Clear statement of support, and obviously there was a media statement --

A The initial media guidance that we released and was quoted extensively was, I think, complete fabrication, utter nonsense as well as in rebutting Prosecutor General Lutsenko's allegation that somehow we had misdirected assistance met for the prosecutor general. We said something

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along the lines that we had a fiduciary responsibility to the American taxpayer and when our assistance was not going to good use, we redirected it for more productive purposes.

And so, those were the initial lines in that first couple of days. When we got to the weekend, past the Sunday morning talk shows, saw the President's Tweet against the Ambassador. The question that consumed us was what do we need next? And how do we show support for Ambassador Yovanovitch?

Q And what does the State Department do? It didn't seem like the efforts were sufficient.

A There were exchanges at this point with officials, including, to the best of my recollection, Under Secretary Hale. It may have included the Counselor of the Department, Brechbuhl, at that point. And there was a suggestion made, and I can't remember by whom, initially, but eventually, Gordon Sondland, our Ambassador to U.S. EU also joined some of the back and forth that Ambassador Yovanovitch should issue a statement, or do a video or tweet declaring full support for the foreign policy of President Trump, essentially asking her to defend herself as opposed to having the State Department defend her.

Q You talked about the four lines. And the first one you said was the anticorruption actors were being attacked, was that part of the non prosecution list?

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A The non prosecution, or the allegation that Ambassador Yovanovitch, in her first meeting with Yuriy Lutsenko, which, if I recall correctly, occurred in October 2016. He alleged that there had been this list. There was no such list, and that was part of our reason for pushing back firmly. And -- but that was part of, I would say, a cluster of issues around the anticorruption theme.

Q Has the embassy ever communicated names not to prosecute for any reason?

A That's not what the purpose of our advocacy, or our program is. Our advocacy is to help, in terms of programming, is to build capacity, so they can have the ability to go after corruption and effectively investigate, prosecute, and then a judge allege criminal activities. The issue of whether we asked at any time that they follow up on a prosecution, if there is a criminal nexus in the United States, we have several different ways of conveying that interest. We have something called the Mutual Legal Assistance Treaty, or MLAT. We also have FBI agents known as legal attaches overseas. So we can do it in writing direct from the Department of Justice, or we can have the legal attaches engage their counterparts.

But what Lutsenko alleged was that we were not doing a law-enforcement-to-law-enforcement request based on a criminal nexus in the United States but that we were

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politically asking them not to prosecute Ukrainians. And we just don't do that.

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[11:37 a.m.]

BY MR. CASTOR:

Q At any point in time were names of officials, whether it was for any reason, shared with the prosecutor's office in connection with do not prosecute?

A Well, again, we don't go in and say do not prosecute. The types of conversations that we have that might be construed are different.

Q You mentioned the name Sytnyk earlier?

A Artem Sytnyk who is the still and the first head of the so-called NABU, National Anti-Corruption Bureau of Ukraine.

Q And was he ever in the cross hairs of Lutsenko?

A He was.

Q Was he being investigated?

A To the best of my knowledge, yes, there were open prosecutor general investigations on Mr. Sytnyk.

Q Do you know if anyone at the embassy ever asked Lutsenko not to investigate Sytnyk?

A What I would say, I would characterize the interactions as different because what we warned both Lutsenko and others that efforts to destroy NABU as an organization, including opening up investigations of Sytnyk, threatened to unravel a key component of our anticorruption cooperation, which had started at the request of Petro

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Poroshenko.

Q I mean, could reasonable people interpret that as a request not to investigate Sytnyk?

A I am sure that Mr. Lutsenko has claimed that, but he also claimed that there was a list, and there was no list, and he made a lot of other claims. And so as I said, this is an issue of believability about someone who routinely lies.

Q You're familiar with the name Shabunin?

A Vitali Shabunin perhaps? Is that --

Q Yeah. And could you identify him for us?

A He is one of the leaders of the NGO known as AnTAC, it's the anticorruption center in Ukraine.

Q What's AnTAC's role?

A AnTAC is an advocacy group that is designed to both publicly bring attention to issues related to corruption, to advocate for better laws and better prosecutions, and on occasion it has also participated in some of the capacity-building activities that were funded by the U.S. Government.

Q Who funds AnTAC?

A AnTAC is an organization, has funding that, to the best of my knowledge, includes primarily funds from the European Union and the U.S. Government. It has also received grants from the International Renaissance Foundation, which is the Ukrainian name and arm of the Open Society Institute.

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Q And who runs the Open Society Institute?

A The Open Society Institute was initiated 20-odd years ago by George Soros.

Q Can you remember -- sorry. Do you know if the name Vitali -- I apologize for these pronunciations.

A That's okay.

Q I'm not familiar with how to do this properly, and I apologize. I mean no disrespect.

A I'm not Ukrainian, so --

Q Vitali Shabunin, do you know if he was ever the subject of a prosecution in Ukraine by Lutsenko?

A I do not know. To the best of my knowledge, he was subject to harassment by the securities service known as the Security Bureau of Ukraine. There was an incident where someone threw what's known as bright green, it's iodine-based disinfectant, and they actually threw it on his face near his house. It can damage eyes but is oftentimes done as a form of intimidation in the former Soviet Union.

So because Shabunin was outspoken, he was certainly the target of harassment. But I don't know for certain whether there was an active criminal investigation by the prosecutor general's office.

Q Was he ever up on charges of hooliganism or something to that effect?

A I believe when the person who was picketing his

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house and throwing this green material on him, and claiming to be a journalist even though he wasn't, provoked him, and Shabunin pushed him near his house. Yes, he was then -- I think there was a charge of alleged hooliganism.

Q Do you know if anyone ever tried to communicate with Lutsenko's office that this was not a worthwhile charge to pursue?

A I think, you know, if we're going back -- I don't know specifically about that particular incident or charge, but as a matter of conversation that U.S. officials had with Ukrainian officials in sharing our concern about the direction of governance and the approach, harassment of civil society activists, including Mr. Shabunin, was one of the issues we raised, yes.

Q Was Shabunin on this list that you described as fake?

A I don't know if that list has been provided to the committee. You could show me the list and I might have some recollection. But I --

Q Okay. Do you have any recollection of who was on that list?

A There were about 15 names, and I remember it was very odd. It included the country's leading rock star Slava Vakarchuk, who is now the leader of one of the parties in parliament. It included very bizarrely a person who was a

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friend of the current -- the ex-President Poroshenko and was head of the overseer of the defense industry named Gladkovskiy, and in parentheses it had his previous name, Svinarchuk. The reason why that's memorable is because it means a pig or a pig farmer, and he changed his name before he went into government so he didn't have a name that said basically Mr. Piggy. But no one knew that that was really -- knew that was his name when the list allegedly was created in 2016. That was a story line from 2019.

There were a couple of young so-called Euro optimist MPs where friends had joined Poroshenko's party but then become sort of critics of President Poroshenko. Their names include Mustafa Nayyem, Svitlana Zalishchuk, and Serhiy Leshchenko. I believe the former defense minister, who was running for President at the time, Anatoliy Hrytsenko, was at the list. There was a judge I'd never heard of. And there may have been other people on that list. I just don't remember the full list.

Q What do you know about Leshchenko?

A Serhiy Leshchenko was a journalist for Ukrainskaya Pravda, which is an online -- the leading online news source in Ukraine. He ran for parliament as one of the young pro-western members of then-President Poroshenko's party. He continued to act as an investigative-style public figure even as a member of parliament.

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He did not get reelected in the parliamentary elections in September. And because he was an active parliamentarian, because he had been an investigative journalist, he was someone that the U.S. Embassy had known for years.

Q What was his role in the Manafort issue?

A To the best of my recollection he was one of the individuals who helped popularize the information that came out of the black book. I believe Andy Kramer from The New York Times was the first person to write a story in English about it. Andy came and talked to me sometime in late 2015, 2016. I do not recall. He was based in Moscow, so he was not there in Kyiv that often.

But at some point Andy shared with me where he had heard the first information. And so I believe, although I cannot say for sure, that Mr. Kramer may have shared that he had talked to Leshchenko as one of his sources for that early article.

Q Were there other sources of information regarding Manafort pushing out of Ukraine?

A About -- well, Mr. Manafort operated in Ukraine for over a decade. So are you specifically saying about his entire time, or what's the specific --

Q Around that timeframe, which of course is -- you know, mid-2016 is when he became involved with the President's campaign.

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A Right. Because Mr. Manafort had spent a decade in Ukraine, Ukrainians followed his reemergence as a U.S. figure very closely.

Q And was Leshchenko the primary person bringing that to the attention of The New York Times and the other --

A No. I think, all Ukrainians, they didn't need a single person doing it. Because Mr. Manafort first appeared in Ukraine in 2005 when he was hired by former Prime Minister Yanukovych who tried the steal the election that became the Orange Revolution, that was the end of 2004.

To the best of my recollection, in this case it's actually quite good because I was with Ambassador Herbst at the time when Yanukovych told us that he'd hired Manafort, and that was the spring of 2005. So Mr. Manafort's time in Ukraine started in 2005, and according to public records, he participated up through the campaigns of 2014.

Q Now, the allegation that the embassy shared an animus about Manafort or was interested in pushing information to the forefront, is that an accurate description of the second narrative that was pushed in the March 2019 timeframe?

A That is part of what Yuriy Lutsenko in that narrative pushed, yes.

Q Okay.

A It's, again, inaccurate, not accurate

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characterization.

Q Okay. Is it accurate that somebody in the Ukraine, not from the embassy, but somebody, maybe Ukrainians, were pushing this narrative?

A I think it would be accurate to say, given what President Yanukovych did to the country, which was loot tens of billions of dollars, that there were many Ukrainians who in part blamed Paul Manafort for that success because he proved to be a brilliant political technologist in giving Yanukovych advice that helped him win the presidency.

Q And do you think people in the U.S., supporters of President Trump that saw this information come out of the Ukraine may have wondered if this was an effort to attack the President or the President when he was a candidate?

THE CHAIRMAN: Counsel, are you asking what the American public -- an opinion about what the American public might believe?

BY MR. CASTOR:

Q No. Is it reasonable -- I'll restate it.

A Well, I will just say, I was in Ukraine at the time so I don't know what the reaction was.

Q Is it reasonable to conclude that if you are in President Trump's world and you're seeing these stories coming out of the Ukraine that it appears to have the look of a political attack?

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THE CHAIRMAN: The witness can answer if they wish, but you're asking the State Department witness a question about how to evaluate the public response to --

MR. MEADOWS: Mr. Chairman, with all due respect, with all due respect, we didn't cross-examine you or -- you're not the counselor.

THE CHAIRMAN: Mr. Meadows, I said the witness can answer, but it seems --

MR. CASTOR: Okay. Thank you.

THE CHAIRMAN: But it seems that you're asking for an answer that's beyond the knowledge of a State Department witness.

BY MR. CASTOR:

Q Was that part of the second narrative that you described that, you know, injecting the Manafort was an effort to attack then-candidate Trump?

A Again, I can't say how any individual, any American would react to a narrative. I can only answer for myself and the knowledge I had. And I'll tell you what I told Ukrainians in 2016. I said that Paul Manafort was an extremely successful political adviser who had helped President Yanukovych win, and no one should underestimate his abilities to help any candidate that he advised. And that was my assessment of his professional ability to help a candidate win, regardless of the country.

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Q Do you think the second narrative that either Lutsenko is pushing or the journalist he was dealing with in the United States were pushing, do you think that related to trying to spin up President Trump's supporters?

A You're asking me to speculate on what Yuriy Lutsenko, Rudy Giuliani, and John Solomon were doing, and I would suggest that's a question for those three individuals.

Q Did it have the effect of that though?

A It's hard for me to make an assessment since there were so many story lines put in play at the same time to assess how any one of those story lines had an effect on any given audience.

Q Did the State Department zero in on that particular story line, or did they approach all of these four at the same time?

A Our primary concern was that our Ambassador and our embassy were being subjected to inaccurate accusations. But as situational awareness, we followed or tried to follow because the volume was intense, the various different stories.

Q The third story line was relating to Burisma?

A Correct.

Q And what's your knowledge of Burisma's corruption history and efforts to prosecute Burisma?

A I first became aware of the owner of Burisma,

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Mykola Zlochevsky, when I first went to our embassy in mid-January 2015. I went for a short period of time. At the time I was the senior anticorruption coordinator, but I'd already been selected to be the next deputy chief of mission.

So my predecessor had a 3-week break. He was going back to [redacted], and I was asked to go out, because so much was happening at the time, the Russians were pushing the final push to take as much territory as they could, that they needed an extra officer. And as well, Ambassador Pyatt thought I could be helpful in the anticorruption front.

I was asked by our professional Department of Justice former prosecutor, who was engaged in capacity building, [redacted] if I would be willing to go in and talk to the prosecutor general's office, because in late December 2014, somebody in the prosecutor general's office of Ukraine -- this is, to be clear, pre Lutsenko, pre Shokin, a different corrupt, ineffective prosecutor -- who inexplicably had shut the criminal case that had been the basis for a British court to freeze $23 million in assets held by Mykola Zlochevsky.

That was an issue of our interest because we had made a commitment to the Ukrainian Government in 2014 to try to recover an estimated tens of billions of dollars of stolen assets out of the country. The first case that U.S., U.K.,

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and Ukrainian investigators worked on was a case against Zlochevsky, and that's because the British Serious Crimes Office had already opened up a case, an investigation against Zlochevsky.

We spent roughly half a million dollars of State Department money in support of the FBI and this investigation and to build capacity to track down stolen assets. And so, again, I had a fiduciary responsibility -- I'd previously been the director of the office which provided that funds to find out what had happened and why were our monies being wasted.

So armed with the facts that the DOJ rep gave me, we asked for a meeting at the prosecutor general's office. They made the deputy prosecutor general named Donylenko available. And so I went into his office, February 3, 2015, and said, how much was the bribe and who took it? And he laughed and said, ha ha ha ha, that's what President Poroshenko asked us last week. And I said, and what did you tell him? And he said $7 million, and it happened in May before our team came in, May of 2014.

I said, wrong. Somebody, a prosecutor under your command, signed a letter on December 25 -- which is not Christmas in Ukraine. They celebrate it late -- and provided it to the lawyer who provided it to the British judge before the FBI and the Serious Crimes Office could react. So that

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was 6 months after your team came into the office.

He did not offer the name of anyone he suspected of having taken the bribe. He did, however, say, well, I've been friends with Zlochevsky for 21 years, and he's in Dubai right now. Here's his phone number. Do you want it? And I said, no, I think you should actually arrest him next time he comes back to Ukraine.

But I want to make very clear the seriousness with which the U.S. Government takes this because we spent months and hundreds of thousands of dollars trying to help your country get your stolen assets back, and somebody in your office took a bribe and shut a case, and we're angry.

So that was my introduction. And the focus at that point was on Zlochevsky the person, the ex-minister, when he was minister of ecology, which oversees the unit that issues the licenses to do substrata geologic exploration for gas. He awarded it to a series of companies that happened to be either through shell companies or affiliated with the holdings, which was known as Burisma.

But the focus at the time, the case in 2014, in the frozen assets, was the assets frozen for Zlochevsky, the minister, not directed to the conduct of Burisma, the company.

Q Okay. But he controlled Burisma?

A Yes. Whatever the roster may say, he's the

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beneficial owner, as they say.

Q And did they suffer from allegations of corruption, the company?

A The company, which is actually a major player, thanks to all the licenses he granted to himself, when he was a minister, is a serious gas producer, but its reputation in the industry is a company that throws elbows and uses political strings. So it's a legitimate company, but it does not have a good reputation in Ukraine.

Q Because it has a history of corruption?

A Because it has a history of not just competing on quality of service.

Q Okay. But is that a euphemism for corrupt activities?

A He was the minister and he granted himself licenses to explore gas.

Q Okay. But you're agreeing with me, right, this is --

A Yes. And it was the position of the U.S. when I went into that office in February 3 that the prosecutor general should, first of all, prosecute whoever took the bribe and shut the case, and second of all, there was still the outstanding issue of trying to recover the stolen assets.

Q You had some firsthand experience with anticorruption issues in 2014, 2015, and then you went to

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Kyiv in 2015, correct?

A Correct.

Q What else can you tell us about issues relating to the company, related to corruption?

A Well, I think, that pretty much sums it up. If you're asking about the corruption of the company, there is the issue of how they got the licenses and then their reputation. And so our concern was primarily focused on the fact that we, working with the U.K. and Ukrainian law enforcement authorities, had frozen assets that, to the best of my knowledge, were in accounts that were under his name.

Q When did that occur?

A The action -- this was all in 2014. And, again, to the best of my knowledge, the reason why this was the first effort to try to recover stolen assets is because the U.K. Serious Crimes Office had opened up a case in the spring of 2014, and as we were talking to the Ukrainians, how can we be of help, there was a stolen assets recovery conference in London co-hosted by the attorney general and the U.K. counterpart and the World Bank that this became the test case for our ability as partners in the U.S., U.K. playing a key role together to try to recover stolen assets from the previous government.

Q Did the company ever engage in, you know, public efforts to rehabilitate their image?

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A Yes.
Q And what were those?
A I later became aware -- I did not know it at the time because, again, my focus was on Zlochevsky -- that one of the ways that they did was to appoint westerners to their board.
Q Corporate governance experts?
A Westerners.
Q But not corporate governance experts?
A I don't know all the members' backgrounds. And I've served my entire life in government service, so I'm not familiar with corporate boards.
Q Do you know who they appointed to their board?
A The big name in Ukraine was former President of Poland, Aleksander Kwasniewski.
Q And why was he appointed to the board?
A I don't know. I've never met Mr. Zlochevsky, and I do not know why they did what they did.
Q Anybody else that you recall appointed to the board?
A It's become clear in public knowledge that Hunter Biden, the son of then-Vice President Biden, was also appointed to the board.
Q Any idea why they wanted to name him to the board?
A Again, I've never had a conversation with

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Zlochevsky, so I don't know.

Q But it was probably because his dad was the Vice President?

A That's a question for Zlochevsky. That's, I think, how people have interpreted it.

Q That's a reasonable interpretation, right?

A As I said, I have never had a conversation with Mr. Zlochevsky.

Q Did he have any experience in the natural gas business?

A I have never met nor do I know the background of Hunter Biden.

Q Okay. So you don't know if he spoke any of the relevant languages?

A I do not know.

Q Do you know if he moved to Ukraine?

A I don't know.

Q Do you know how much he got paid?

A I have not seen any documents. I've heard people make suggestions.

Q Did he get paid a lot?

A I'm a U.S. Government employee. I don't know how much corporate board members get in any country, but I understand a lot of people get paid a lot of money.

Q It wasn't a nominal fee.

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A Again, I don't work in the corporate sector so I don't know what standard board compensation would be.

Q Okay. I mean, it's been reported that it's somewhere in the neighborhood of $50,000 a month or more?

A I have read articles, and I have no idea how much Burisma may pay its board members.

Q Have you ever met with -- during your time in Kyiv, did you ever meet with anybody on the board of Burisma? Did they pay a courtesy call on the embassy?

A I personally never met and I don't know if board members met with the embassy. I don't know.

Q Did anybody affiliated with the company ever pay a courtesy call in the embassy to try to help the embassy understand the company is engaging in rehabilitating their image?

A Again, I can only speak for myself. And there was no one affiliated with Burisma that asked to come to the embassy to meet me. But that's me as the DCM over a 3-year period of time.

Q In engaging with some of these anticorruption-focused organizations, whether it's NABU or AnTAC, did you have any firsthand experience of the efforts that Burisma was trying to rehabilitate their image, whether -- you know, did NABU communicate that to you?

A That would not have been a conversation that we had

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with NABU. I will say that now that you mention it, there apparently was an effort for Burisma to help cosponsor, I guess, a contest that USAID was sponsoring related to clean energy. And when I heard about it I asked USAID to stop that sponsorship.

Q Why?

A Because Burisma had a poor reputation in the business, and I didn't think it was appropriate for the U.S. Government to be cosponsoring something with a company that had a bad reputation.

Q When was that?

A I would believe that would be sometime in mid-2016.

Q Okay. Any other communications with, you know, AnTAC officials or NABU about Burisma and their effort to rehabilitate themselves?

A I do not recall direct communications with anybody from AnTAC. I do know that the former Ambassador to Ukraine, John Herbst, whom I mentioned previously, had been on the board, I believe, of AnTAC. And he recounted to me an exchange with another member of the AnTAC board named Daria Kaleniuk, who criticized him because the Atlantic Council, where he runs the Ukraine Project, agreed to take Burisma as a corporate sponsor. And so Daria criticized the Atlantic Council for doing so.

Q When was Ambassador Herbst -- when was his tenure?

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A He was Ambassador to Ukraine between 2003 and 2006.
Q So before --
A Before Bill Taylor.
Q Well, before -- okay. Maybe it would be helpful to just go through the chronology of the ambassadors. We've got Herbst, and then -- to the extent you remember. This isn't a quiz.
A Again, I went to -- I was then serving in Thailand afterwards, so I wasn't necessarily focused on Ukraine. We had Ambassador Herbst. We had Ambassador Taylor, I believe from 2006 to the 2009. The next Ambassador, I believe, was John Tefft. And then the next Ambassador after that was Geoff Pyatt. And then there was Ambassador Yovanovitch.
Q The fourth narrative you identified, you know, going after the civil society organizations --
A Right.
Q -- and you identified NABU and AnTAC, right?
A Right. NABU was a -- well, it was -- AnTAC was a civil society organization, and the other one that I recall being mentioned early on was something called the Ukraine Crisis Media Center, which was set up to help be a sort of platform for information about Ukraine starting during the Revolution of Dignity, 2014.
Q Any other organizations you can think of that fall into that fourth bucket?

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A In the initial press coverage, AnTAC was clearly the main target, but these story lines continued to repeat and combine. So, for instance, in May former Mayor Giuliani alleged that former Ambassador Yovanovitch was going to work for a Soros organization and after she left post, which was false. She went to work, still as a U.S. State Department employee, as a diplomat teacher/lecturer at Georgetown.

Q Was there any basis to that allegation? Like, had she considered it, or was there any talks with any of these organizations?

A Absolutely none.

Q Okay. So it was totally, from your point of view, totally fabricated?

A Fake news. It was, you know. He stated something that was fake, not true, publicly.

Q So you said the U.K. -- or, I'm sorry, the Ukraine Crisis Media Center, NABU, and AnTAC. Any other organizations sort of fit into that --

A Those were the only ones that I remember having been mentioned, but, again, there are a lot of stories out there.

Q Going back to Shokin's tenure as prosecutor general.

A Yes.

Q You indicated that he was not well regarded for his

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legitimate prosecutions?

A Correct.

Q And the same can be said of Lutsenko?

A Correct.

Q With regard to Shokin, it really seemed that the IMF and the U.S. Government adopted an official position that Shokin had to go?

A Correct.

Q And that's the subject obviously of the Vice President. You know, he made some statements that have been videotaped about how he played a role in removing Shokin, and as a result, you know, $1 billion in aid was freed up. Are you familiar with that?

A Yes.

Q And is it fair to say that it was the U.S. Government's official position Shokin needed to go?

A Yes.

Q And what did the U.S. Government do to demonstrate that position, in addition to what the Vice President did and said?

A Right. Again, as I've stated before, U.S. State Department officials feel when we're spending taxpayer money in a country we have a fiduciary responsibility. So I'd like at this point to explain what we felt our fiduciary responsibility had been and why this became an issue of

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policy.

We had been asked by President Poroshenko to help with a project in -- to reform the prosecutor general's office. The previous year we'd worked with Minister of Interior Avakov, whom I mentioned earlier to the launch of what was known as the patrol police. It was an immediate success. They were trained by the California Highway Patrol, brand new police, highest female police officer percentage in the world at the time.

And so he asked us to do something similar in making a quick victory reform in the prosecutor general's office. He appointed, he, Poroshenko, appointed a new deputy prosecutor general named David Sakvarelidze, that's a Georgian name. Just like the deputy head of NABU, there were a lot of Georgians that Poroshenko brought in who had a proven track record in Georgia.

And asked us to work with him and another deputy prosecutor general, with whom we had a good relationship via the FBI, named Vitaly Kasko. And the focus was to create an inspector general's unit inside the prosecutor's office that could go after corrupt prosecutors.

So that was stood up in the -- Shokin was appointed in February. We started -- I think Sakvarelidze may have been appointed in March. We started working on that project, and they hired a bunch of young, enthusiastic prosecutors.

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And then in the summertime they launched what was going to be their first case, in the central province of Poltava, as a test case. They had a businessman who complained he was being shaken down by a couple of corrupt prosecutors. He agreed to be a cooperating witness.

They worked with the security service, which had wiretap authority, and they tapped these two prosecutors whose names I believe are Shapakin and Korniyets. Don't know their first names. And then they went in to get the warrants and arrest them.

And the reason why I'm going through all this detail is it's important to understand that one of those two prosecutors that was the first case turned out to have been the former driver of Shokin, who he made his driver a prosecutor.

So the people in the IG unit had no idea that the first corrupt prosecutor -- and there were a lot of them -- that they were targeting happened to have been the former driver and very close, personal friend of the prosecutor general.

When they arrested him -- and the only reason they could arrest him is because the deputy prosecutor general heard about it and tipped them off, except he tipped off the wrong corrupt prosecutor in the province -- Shokin went to war. He wanted to destroy anybody connected with that effort. They tried to fire and put pressure on the judges who would issue

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the warrants. They tried to fire all of the inspector general prosecutors.

He eventually managed to force out everybody associated with that, including the deputy head of the security service, the intel service, who had provided the wiretapping coverage. It was absolute warfare protecting his associate, and he destroyed the inspector general unit that we'd been standing up.

So then that was the wasting of U.S. taxpayer resources, and so that is the reason why the IMF, the U.S., and the European Union said collectively the justice sector and the prosecutor is so important for the success of this country and it's so important to reform it that Victor Shokin has shown that he's actively wasting U.S. taxpayer dollars and he's preventing reform.

And because in the conditionality of our sovereign loan guarantees, the U.S. Government guaranteed loans for Ukraine to borrow in the market, 2014, 2015, and 2016, reform, anticorruption reforms, and the prosecutor's reforms were key conditionality.

The conversations that went between the embassy and the State Department were then brought ahead of the Vice President going to Ukraine in December of 2015, and Shokin's removal then became a condition for the loan guarantee.

Q What year was this?

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A The visit that we're talking about by the Vice President was in December 2015, I believe.

Q And what official overt acts did the U.S. Government take with regard to Lutsenko?

A At that point he was not the prosecutor general. He was actually the head of -- he was basically the majority leader in parliament.

Q No. I'm talking about during Lutsenko's reign as the prosecutor general.

A Okay. So we're now shifting from the 2015 period to 2016 to 2019. When you say official acts, what do you mean?

Q Well, there was a number of official acts that, you know, it was the official U.S. Government's position that Shokin needed to go.

A Right.

Q And there were similar issues with Lustenko that he wasn't a tremendous prosecutor. Is that correct?

A Correct. But we never said that Lutsenko should go.

Q Okay. So the U.S. Government never took an official position that Lutsenko needed to go?

A We didn't. We complained about some of his actions, but --

Q It didn't amount to the concern that you have with

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Shokin?

A That, I believe, would be an accurate assessment, yes.

Q Okay. Mr. Jordan.

MR. JORDAN: Well, I would just ask, why? I mean, you said Mr. Shokin was terrible. I think the term you used earlier was he's a typical Ukrainian prosecutor --

MR. KENT: Yeah.

MR. JORDAN: -- didn't do his job, and that you all wanted him gone. You said his kids were -- him and Poroshenko were godfather to each other's kids.

MR. KENT: Yeah.

MR. JORDAN: And then you get the new guy, Lutsenko, who you said is just as bad, also kids are -- you know, kids with -- Mr. Poroshenko and him are godfather to each other's children. Lutsenko is showing up drunk, making statements. And, oh, by the way, he's not even a lawyer. And so I think the counselor's question was, where was the outrage with Mr. Lutsenko that was there for Mr. Shokin?

MR. KENT: First of all, the first phase -- Yuriy Lutsenko was prosecutor general for over 3 years, almost 3 and a half years. Shokin was for a year. And his unwillingness to do anything and his venality and his undermining U.S.-supported projects started within several months.

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Yuriy Lutsenko, as I say, is a charming person, and so it was not clear how he would end up being as a prosecutor general in actively undermining reforms immediately. Several months after he became prosecutor general in the spring of 2016, for instance, former President Poroshenko in one of his calls with then-Vice President Biden asked for a former, I believe, New Jersey State prosecutor [redacted] by name.

[redacted] had served for 2 years as an anticorruption adviser under contract to the Department of Justice in Ukraine and spoke Ukrainian fluently. And, in fact, Poroshenko had thought about appointing him as the first head of the NABU, this National Anti-Corruption Bureau. It turned out he was too old. He was already 65, and you had to be under 65 to be appointed.

So Poroshenko had actually helped recruit him for a previous anticorruption job. So he asked by name whether the U.S. Government would be willing to bring him back to Ukraine as an adviser. The U.S. Government agreed and so the embassy's part of the section that does anticorruption work and law enforcement reform brought [redacted] on contract as an adviser inside the prosecutor general's office to help mentor Lutsenko, to help stand up an IG unit to replace the informal team that had been destroyed by Shokin.

So for the first period of time it appeared that we were

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going to be able to work with Mr. Lutsenko on prosecutorial reform, which was both a necessary precondition for a successful country and a priority for the U.S. Government programming.

MR. JORDAN: It's been reported that there was broad international consensus on Shokin. Who led that charge? Was that everyone was equally involved and invested in moving him, or was that led by the U.S.?

MR. KENT: When it comes to certain conditionalities, the IMF, particularly in the economic sphere, has, I would say, the primary voice. When it comes to certain other efforts the U.S. oftentimes is the lead voice. That includes in the security sector where we provide the most military assistance. And we coordinate through the European Command with willing allies, like the Poles, Lithuanians, U.K., Canada, and in the justice sector, as well, the U.S. played -- also had a lead voice.

MR. JORDAN: So the United States would be the lead one pushing for the new prosecutor?

MR. KENT: I would say the U.S. has had more skin in the game on --

MR. JORDAN: Oh, of course.

MR. KENT: -- justice sector reform over the last 5 years.

MR. JORDAN: That's understandable. Right. Thank you.

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MR. ZELDIN: If I could follow up to that, if you don't mind, Steve.

So did Shokin ever investigate actual corruption?

MR. KENT: I am not aware of any case that came to conclusion, but I do not have insight into what all the prosecutors do in Ukraine, and there are about about 25,000 of them.

MR. ZELDIN: Are you aware of him ever having an investigation into actual corruption?

MR. KENT: I do not know, again, what happens behind closed doors. I think proof is in the pudding. Am I aware of any case on corruption that went to court and was settled when he was prosecutor general? I'm not aware of that.

MR. ZELDIN: I'm not asking that.

MR. KENT: Okay. What are you asking?

MR. ZELDIN: If you ever had an investigation. I'm not asking about the conclusion of the investigation.

MR. KENT: Honestly, sir, I can't answer that question. I do not know.

MR. ZELDIN: Okay. Earlier on in response to the questions you were asked with regards to Burisma and Zlochevsky, it sounded like you were talking about actual corruption. No?

MR. KENT: When I was talking about Zlochevsky, when I was talking to Mr. Danilenko, the deputy prosecutor general,

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prior to Shokin coming in, that was based on a specific case that had been developed in 2014 before I came to Ukraine. And by time I got there, that case had been dismissed by the team against Zlochevsky, the person, by the team of prosecutors that were there prior to Mr. Shokin going into office.

MR. ZELDIN: But you did testify that Shokin had an investigation into Burisma and Zlochevsky, correct?

MR. KENT: I did not say that.

MR. ZELDIN: Are you aware that Shokin had an open investigation into Burisma and Zlochevsky?

MR. KENT: I have read claims by people that there were investigations, but I have no specific knowledge about whether those investigations were open or what the nature of them might be.

MR. ZELDIN: When did you learn of an investigation by Shokin into Burisma and Zlochevsky?

MR. KENT: I just told you, I did not learn of an investigation. I've read claims that there may have been an investigation.

MR. ZELDIN: When did you first read of claims that there may be an investigation into Burisma and Zlochevsky?

MR. KENT: I read stories referencing that in the last several months after the series of articles starting in March brought this set of issues to the fore.

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MR. ZELDIN: Okay. So before the last several months when you started reading about a case against Burisma and Zlochevsky, you were never previously aware of an investigation into Burisma and Zlochevsky?

MR. KENT: Specifically during Shokin's time, no.

MR. ZELDIN: And one followup. With regards to the EU and the IMF, was there a U.S.-led effort to get the EU and the IMF to also target Shokin, or was that something that EU and IMF did totally on their own?

MR. KENT: The IMF keeps its own counsel, but oftentimes when they go on factfinding missions they often have conversations with embassies. Here in Washington, the U.S. Treasury is the U.S. Government liaison with the IMF.

In terms of the European Union, traditionally in a country like Ukraine, the European Union Ambassador and the U.S. Ambassador coordinate very closely. And since 2014 and the German presidency of the G7, there is a coordinating process for the G7 ambassadors plus the head of the European Union mission. And they meet almost weekly, and they discuss issues and they go into issues like this in very deep detail.

MR. ZELDIN: So the United States and the EU were coordinating with regards to the effort to target Shokin?

MR. KENT: The U.S. and the EU shared their assessments at the time. And I have to say that in particular, if we're talking about the period of time between Thanksgiving, 2015,

and March of 2016, I was not in Ukraine. I was back here to take Ukrainian for several months.

My understanding is that the ambassadors spoke and compared views on their concerns that Shokin's continued presence as prosecutor general prevented any hope of prosecutorial reform.

MR. JORDAN: Mr. Secretary, you said you didn't know for sure if Shokin was investigating Burisma, but you knew Burisma was a troubled, corrupt company, right?

MR. KENT: As I said, Burisma had a reputation for being, first of all, one of the largest private producers of natural gas in Ukraine but also had a reputation for not being the sort of corporate, cleanest member of the business community.

MR. JORDAN: And you were so concerned about that that you advised USAID not to do any type of coordinated activity --

MR. KENT: Correct.

MR. JORDAN: -- sponsoring any type of corporate or contest with them? Okay.

MR. KENT: Correct.

MR. MCCAUL: Sort of following up on that question, and thank you for your service, yeah, you referred to Burisma as it had a bad reputation essentially?

MR. KENT: That is what I was told by the members of our

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embassy community who focused on economic issues and had liaison with the U.S. business community, yes.

MR. MCCAUL: And so you instructed USAID to pull back on funding for a clean energy conference, is that right, that Burisma was headlining?

MR. KENT: To the best of my awareness, it was one of these sponsor programs where it invited school kids or young Ukrainians to come up with ideas for a clean energy campaign, and there may have been something like a camera for the best proposal.

And the cosponsorship was between a part of USAID that worked on energy and economic issues. And when I heard about it I had concerns, so I raised those with the mission head of USAID in country at the time and she shared my concerns.

MR. MCCAUL: So when the State Department evaluates foreign assistance to countries isn't it appropriate for them to look at the level of corruption in those countries?

MR. KENT: Yes. Part of our foreign assistance was specifically focused to try to limit and reduce corruption. And we also tried, to the best of our knowledge and abilities, to do due diligence to make sure that U.S. taxpayer dollars are being spent for the purposes that they were appropriated and that they are as effective as they can be.

MR. MCCAUL: In fact, if you look at Central America,

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corrupt governments down there, isn't it appropriate to evaluate the corruption factor and where the money goes to on foreign assistance?

MR. KENT: I will be honest with you, sir, I've never served in the Western Hemisphere, and I've only made one trip to Panama as part of my National Defense University industrial study group. So I would defer to my colleagues who are working on Central American policy.

MR. MCCAUL: But in line with your previous statements, the whole notion of looking at corruption in foreign governments and predicating foreign assistance on that, is an appropriate thing.

MR. KENT: I believe that my colleagues who have worked on international narcotics and law enforcement see when there are funds appropriated by Congress to try to fight drug trafficking and improve the law enforcement systems in Central America. It's intended to help our national interests to both stop the drug trafficking and improve the justice system so that corruption can be contained.

MR. MCCAUL: And I think based on your testimony, Ukraine has a strong and long history of corruption. Is that correct?

MR. KENT: I would say that corruption is part of the reason why Ukrainians came out into the streets in both 2004 when somebody tried to steal the election and again in 2014

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because of a corrupt, kleptocratic, pro-Russian government, which eventually collapsed. The Ukrainians decided enough was enough.

And so Ukraine, yes, is a country that has struggled with these issues, but I would say also in the last 5 years has made great progress.

MR. MCCAUL: And just for the record, I signed with Chairman Engel a letter to obligate the funding security assistance to Ukraine. But is it not appropriate for the President of the United States to bring up with a foreign leader issues of corruption when the foreign leader brings up Javelin missiles? Is it not appropriate to discuss going after corruption in a country where we are providing foreign assistance?

MR. KENT: Issues of corruption have been part of the high-level dialogue between U.S. leaders and Ukrainian leaders regardless of who is the U.S. leader and who the Ukrainian leader is. So that is a normal issue of the diplomatic discussion at the highest level.

MR. MCCAUL: Thank you.

MR. MEADOWS: Steve, can I just get one clarification? It's not long.

MR. CASTOR: Of course.

MR. MEADOWS: Did I hear you say that Shokin, prosecutor Shokin, really, his reputation within 3 months of being

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appointed was really negative from your standpoint? Is that what you said?

MR. KENT: That's what I said.

And it's not just my personal opinion. If you look at the political polling, if you go to IRI or NDI, both of which have done extensive polling in Ukraine since 2014, President Poroshenko, who was elected with roughly 55 percent of the vote in 2014, maintained that support through the first year. And then as this controversy over the corrupt godfather of his kids, Prosecutor General Shokin, exploded in what was known as the diamond prosecutor affair -- because one of the things they confiscated from his former driver was a cache of diamonds -- his support levels, Poroshenko's support levels, as polled by the International Republican Institute in particular, plummeted from about 55 percent to the mid-20s over that period of time.

And so that was the issue that destroyed Poroshenko's credibility and his high-level support in the eyes of the Ukrainian people.

MR. MEADOWS: So timeframe, was that 2015?

MR. KENT: Yes, sir.

MR. MEADOWS: And so when in 2015 would your opinion have been this is a bad guy, we can't trust him?

MR. KENT: Our concerns about Shokin's conduct in office were triggered by the reaction to the so-called diamond

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prosecutor case.

MR. MEADOWS: Yeah. And when was that?

MR. KENT: That took place in late summer, early fall of 2015.

MR. MEADOWS: All right. Steve, go ahead.

MR. CASTOR: With all the time I have left, I'd like to open up a new topic. I'm just kidding. I'm out of time.

MR. KENT: And if we could take a break.

THE CHAIRMAN: Yeah. Actually, what I was going to suggest is let's take a half an hour lunch break. Let's resume promptly at 1:00.

I want to remind all Members that may not have been here for prior sessions, although we have not discussed classified information today, we are in a closed deposition, and under House Rules, Members are not to discuss testimony in a closed session.

I know, Mr. Jordan, I've had very little luck in getting members to abide by that. But those are the rules, and I'm just reminding Members and staff they're not to discuss the substance of the testimony.

[Recess.]

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[1:10 p.m.]

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

Mr. Secretary, I want to just ask you a few questions to follow up on my colleague's questions, and then I'm going to turn it over to Mr. Mitchell to continue going through the timeline with you.

One question I have though is, we've come to learn of a meeting between Mr. Giuliani and Mr. Lutsenko, and there were some Ukrainians that were apparently -- apparently came to believe that President Trump had called into that meeting. Do you know anything about that?

MR. KENT: I do not.

THE CHAIRMAN: Okay. Earlier in response to some questions from my colleagues in the minority you mentioned that there was an effort to get the top level of the State Department to issue a statement of full-throated support for the Ambassador and that statement was not forthcoming. Is that right?

MR. KENT: Correct.

THE CHAIRMAN: And was the hope that that statement would come from Secretary Pompeo?

MR. KENT: The statements of that nature could come from a variety of people or levels. So I think we were looking for a statement of support from a high-ranking State Department official.

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THE CHAIRMAN: And would it have been most helpful coming from the Secretary himself?

MR. KENT: It's always most helpful if the top leader issues a statement, but to be honest, I cannot recall during that week whether he was on travel. If he were on travel then Deputy Secretary Sullivan might have been the top-ranking official in the building. I just don't recall on those particular days who was essentially in charge.

THE CHAIRMAN: And did you ever learn why no statement was issued by a top-level official at the State Department?

MR. KENT: No.

THE CHAIRMAN: You mention, I think, that in this context that the suggestion was made to the Ambassador that instead of or because there would be no statement coming from the top that maybe the Ambassador should go out herself, defend herself, and express her personal support for the President.

MR. KENT: Correct.

THE CHAIRMAN: Where did that idea come from?

MR. KENT: I think I recall being copied on emails in which Under Secretary David Hale made the suggestion. Separately, Gordon Sondland made the suggestion. I think with Gordon he made the suggestion specifically to be aggressive on Twitter or to tweet. But in any case, there were a number of suggestions that Ambassador Yovanovitch

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herself speak out against the campaign against her.

THE CHAIRMAN: And how did you come to know Ambassador Sondland's advice?

MR. KENT: I believe I was copied on the email. It may not have been -- I don't think it was from him, but it was an exchange between Ambassador Yovanovitch and my guess would be leaders in the European Bureau. Again, that is an email that should be a record that was collected and is part of the document collection.

THE CHAIRMAN: Part of the document collection that has not yet been provided to Congress?

MR. KENT: Correct.

THE CHAIRMAN: And in that email communication, that's where you would have learned of Ambassador Sondland's suggestion that the Ambassador tweet out a defense of herself and express her support for the President?

MR. KENT: And the President's foreign policy, yes.

THE CHAIRMAN: You mentioned that there are appropriate legal channels that can be used if the United States is conducting an investigation --

MR. KENT: Correct.

THE CHAIRMAN: -- and wishes to get overseas evidence through LEGAT and through the MLAT process. Is that right?

MR. KENT: Correct.

THE CHAIRMAN: There have been a number of public press

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reports that Attorney General Bill Barr and others at the Justice Department are essentially doing an investigation of the investigators into the origins of the Russia investigation.

Do you know whether Mr. Barr or anyone else at the Justice Department has sought information to bolster, I think, what you describe is a bogus theory about the 2016 election that had been part of that John Solomon series?

MR. KENT: I am not aware of any Justice Department inquiries to Ukraine regarding 2016, no.

THE CHAIRMAN: I think you testified in an answer to my colleague's questions that at the time that it was U.S. policy and IMF policy and the policy of other allies and allied organizations that Shokin needed to go. This was based on Shokin essentially dismantling an inspector general office the U.S. had helped fund to fight corruption in Ukraine, particularly in the prosecutor's office. Is that right?

MR. KENT: That's correct.

THE CHAIRMAN: And at the time that the State Department and these other international organizations were seeking to have Shokin removed, you weren't even aware whether Shokin had any investigation of Burisma?

MR. KENT: I do not recall that being part of the conversation. The conversation was very much focused, first

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and foremost, on the so-called diamond prosecutors case that involved these corrupt prosecutors, Korniyets and Shapakin, and the campaign that Shokin conducted to destroy and remove from office anyone associated with it regardless of what part of government those officials served in, prosecutors, investigators, judges, even security officials who had been involved in the wiretapping.

THE CHAIRMAN: And what was your position at the time?

MR. KENT: At the time this was occurring, in 2015, I was in the capacity of the number two at the embassy, the deputy chief of mission.

THE CHAIRMAN: So as the number two in the embassy, at this time, you weren't even aware of even an allegation that there was an investigation underway by Shokin involving Burisma?

MR. KENT: That was not something that I recall ever coming up or being discussed.

THE CHAIRMAN: My colleague also asked you about whether it was appropriate to bring up the conversation -- bring up a discussion of corruption in the context of the President of Ukraine asking for more javelins or expressing the need for more javelins.

I want to ask you actually about what the President said, because he didn't talk generically about corruption. He asked for a favor involving an investigation into

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CrowdStrike and that conspiracy theory and for an investigation into the Bidens. Is it appropriate for the President of the United States in the context of an ally seeking military support to ask that ally to investigate his political rival?

MR. KENT: The first time I had detailed knowledge of that narrative was after the White House declassified the transcript that was prepared -- not transcript, the record of conversation that was prepared by staff at the White House. As a general principle, I do not believe the U.S. should ask other countries to engage in politically associated investigations and prosecutions.

THE CHAIRMAN: Particularly those that may interfere with the U.S. election?

MR. KENT: As a general principle, I don't think that as a matter of policy the U.S. should do that period, because I have spent much of my career trying to improve the rule of law. And in countries like Ukraine and Georgia, both of which want to join NATO, both of which have enjoyed billions of dollars of assistance from Congress, there is an outstanding issue about people in office in those countries using selectively politically motivated prosecutions to go after their opponents. And that's wrong for the rule of law regardless of what country that happens.

THE CHAIRMAN: And since that is really U.S. policy to

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further the rule of law and to discourage political investigations, having the President of the United States effectively ask for a political investigation of his opponent would run directly contrary to all of the anticorruption efforts that we were making. Is that a fair statement?

MR. KENT: I would say that request does not align with what has been our policy towards Ukraine and many other countries, yes.

THE CHAIRMAN: Mr. Mitchell.

BY MR. MITCHELL:

Q Good afternoon, sir.

A Afternoon.

Q I'm going to pick up where Mr. Goldman left off, which was the end of March of this year, 2019. And you testified earlier that you met with the deputy director of NABU on about March 19.

A I did not. I was here in the United States. Somebody at the embassy did.

Q And you received correspondence regarding a meeting that the deputy director of NABU had with someone in the embassy in Kyiv. Is that correct?

A Correct. Somebody in the embassy sent an email recounting a conversation that was held with Mr. Gizo Uglava, deputy head of NABU.

Q And that email relayed a conversation that the

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deputy director had with Mr. Lutsenko --

A Correct.

Q -- about an interview that Mr. Lutsenko had given with an American journalist?

A Correct.

Q Was that the first time that you got wind of this interview that Mr. Lutsenko had had with, what you later learned to be, Mr. Solomon?

A Yes.

Q Okay. And the following day, March 20, was the day that Mr. Solomon published the article in which there was video of part of the interview that he had with Mr. Lutsenko. Is that correct?

A That's my recollection of what happened on the 20th of March.

Q And once you saw that article, is this when the State Department issued or shortly thereafter issued these denials saying that it was a complete fabrication, it was false?

A Yes. It would have been on March 20 that the U.S. Embassy, which is 7 hours ahead of us, and the press team at the European Bureau would have worked to prepare guidance in response to attacks against our Ambassador.

Q Were you involved in that?

A Yes, I was.

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Q Okay. What was your involvement?

A I reviewed the language, as I do any proposed press guidance related to any of the six countries over which I have policy oversight, and I have the ability to either clear -- with just that word "clear" -- or make suggestions and edits for the text.

Q Okay. And in this particular case, what did you do?

A I believe I may have toughened up the language, so complete fabrication may have been from me. But I cannot tell you in detail because press guidance is just that. It's then provided by a press officer in response to press inquiries.

Q Okay. But you agreed at the time, as you do now, that it was, in fact, a complete fabrication?

A Yes. I can tell you that it was my language about the fiduciary responsibility, the same language you heard me use here today, because of my background in being the director of the office which had the responsibility for undertaking these programs.

And so that language about we have the fiduciary responsibility to ensure that U.S. taxpayer dollars are being used appropriately, and when they're not we redirected them to better purposes, that was language that I added.

Q And based on your personal experience and your

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personal knowledge of these allegations?

A Correct.

Q And then at some point -- and the chairman asked you questions about this as well -- there was an effort or discussion, let me say it that way, about whether the State Department should issue a full-throated defense for the Ambassador?

A Yes.

Q And that was done over email?

A Yes.

Q And that was Ambassador Sondland, Under Secretary Hale, and counselor -- you think Counselor Brechbuhl might have been on those emails as well?

A Two separate strings. Ambassador Sondland's communications would have been with Ambassador Yovanovitch, and then she would have communicated with the Department. There would have been potentially communications with the European front office with Under Secretary Hale and Counselor Brechbuhl.

Q Were you on all of those communications that you've just described?

A The emails that I've described are because I was copied on the emails, and that's why in the process of collecting documents relevant to the subpoena research, my memory was refreshed of the email traffic on which I was

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copied.

Q And what was the time period for that email traffic in relation to the article that came about on or about March 20?

A It would have been over the next perhaps 10 days, basically the last 10 days of March.

Q Okay. And during that time period, were there also additional articles that came out by Mr. Solomon?

A The articles came out, if not daily, almost daily, and they oftentimes combined two of the four themes I laid out before. To the best of my recollection, there was never a new line of attack, but many articles combined two of the previous four themes.

Q Okay. And the suggestion was made to the Ambassador to release a tweet or make some sort of strong statement herself. Is that right?

A Correct.

Q Okay. And did the Ambassador do that?

A This back and forth was done in the context of the upcoming, at that point, first round in the Ukrainian presidential elections that took place, I believe, on March 31.

So Ambassador Yovanovitch, in consultation with her press attache, made a decision, she informed us, to record some preelection videos encouraging Ukrainians to vote. And

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as part of that process, she included in that a statement of support of the administration and the foreign policy, the administration of President Trump and its foreign policy.

Q Okay. And those videos that you just described, the purpose of them was to publish them in Ukraine. Is that correct?

A Correct. These were videos that the embassy was already planning to issue in a preelection encouragement for Ukrainians to engage in their civic duties. And so Ambassador Yovanovitch used that metaphor of civic duty in making reference to support as a career nonpartisan public official who supported and carried out the foreign policy of President Trump as she had with other Presidents.

Q So was the intended audience of those videos people within the United States as well?

A My understanding based on the email back and forth that I received from Ambassador Yovanovitch, including her press officer, was that her intent was to send a signal such as was being suggested by her within the context of something that was already being planned that was focused on electoral and presidential politics.

Q Okay. And do you know whether that video was forwarded to anyone within the White House?

A I do not know.

Q Do you know why the Department of State elected not

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to do a full-throated defense of the Ambassador?

A I think that's a question that the committees could ask those outside of the European Bureau.

Q You do not know why?

A I do not know why.

Q Did you have any conversations at any point with anyone who would have made that decision?

A The State Department is a hierarchical organization. I work for the acting assistant secretary. Normally the acting assistant secretary is the one who engages officials above our bureau, to include the Under Secretary of Political Affairs, David Hale, who has oversight over our bureau; on occasion, the counselor of the Department, Ulrich Brechbuhl; and then depending on the situation, as appropriate, the Secretary himself.

Q Okay. So these are all the individuals that would have made that decision?

A These are the leaders of the Department of State.

Q Okay. But did you have any conversations with them --

A No.

Q -- about their decision not to issue a full-throated defense of the Ambassador?

A I did not have conversations with them, no.

Q Are you aware of anyone from the Department of

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State at around the end of March or beginning of April reaching out to Sean Hannity?

A Yes.

Q What do you know about that?

A I believe, to the best of my recollection, the counselor for the Department, Ulrich Brechbuhl, reached out and suggested to Mr. Hannity that if there was no proof of the allegations, that he should stop covering them.

Q And how do you know that?

A Because I was informed of that in an email.

Q By who?

A I cannot say for certain who was the sender. It could have been from the counselor, and it could have been from Acting Assistant Secretary Reeker.

Q Okay. And why would they have informed you of this communication to Hannity?

A Because I'm the Deputy Assistant Secretary of State overseeing our relations with Ukraine, and I am normally the one who would have primary communications with our ambassadors or charges for the six countries over which I have policy oversight.

Q Okay. So is it fair to say that you were in communication with Ambassador Yovanovitch pretty frequently during this time period, end of March, beginning of April, about these issues?

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A It is fair to say that when she was Ambassador and I was Deputy Assistant Secretary of State, we were in regular communication about everything that went on in the U.S.-Ukraine relationship.

Q Okay. And do you know whether this communication from Counselor Brechbuhl to Sean Hannity had any effect?

A I unplugged when we moved back to the U.S. and so we don't have a TV at home, so I do not watch TV at night.

Q Okay. But the situation regarding Ambassador Yovanovitch and the allegations against her was something that you were keenly aware of during this time period?

A Correct. However, the week you're referring to is the week of the Ukrainian presidential election, and so my focus that week was on the first round of results and what would be the potential impact on U.S. national interests if, as seemed likely at that time, there would be a new President.

Q Do you have any recollection as to when Counselor Brechbuhl reached out to Hannity?

A I do not. If you had asked me that question before you gave me a timeframe, I would have given you a rough timeframe. I do not remember the exact days. End of March, early April is what I would have said.

Q But, again, it's memorialized in an email to the best of your recollection?

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A To the best of my recollection, there is some sort of email regarding that, yes.

Q Okay. Are you aware that at the beginning of March Ambassador Yovanovitch was asked to extend her stay in Embassy Kyiv?

A Yes.

Q How do you know that?

A The first person who asked her to consider extending her stay was me, and that was in January when she was back for the chief of mission conference. We had a challenge in the process of finding someone that we would nominate to replace her. And because of a different assignment, it was clear that that was not going to happen on schedule.

And we had concern -- I had concern that the country, Ukraine, would be going through transition and we might not have an Ambassador there. So I initially asked her to consider staying on through the election season in Ukraine.

Q When you say through the election season, what time period did that encompass?

A There were two elections scheduled for this year in Ukraine. There was presidential elections in the spring and then there were parliamentary elections scheduled no later than the fall.

Q So when you talked to Ambassador Yovanovitch in

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January of 2019 and you floated the idea that she extend her stay you thought of extending her stay through the fall of 2019?

A My proposal was through the end of the year to give us a chance to find a potential number -- another nominee that the White House could put forward and possibly be confirmed and be out in Ukraine, or at the very least having an experienced Ambassador there through the most critical part of transition and then possibly have the Charge.

Q Had you talked to anyone else at the Department of State prior to making this proposal to the Ambassador in January 2019?

A Not that I recall, but it is possible that I talked with Wess Mitchell, who was our assistant secretary at the time.

Q Okay. Is it fair to say that you wouldn't have proposed this to Ambassador Yovanovitch had you thought that it would have met any resistance at the Department of State?

A Correct.

Q And that's because Ambassador Yovanovitch was a well-respected Ambassador?

A She was the senior-most career Ambassador in Europe, yes.

Q And what was Ambassador Yovanovitch's reaction when you offered her this possibility in January of 2019?

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A Well, I asked her if she would be willing to stay longer, and she said that she would think about it. And she came back and said she would be willing to consider it.

Q Okay. When did she say that?

A Again, we started the conversation in January. My guess is that she thought about it for a little bit and got back to us, to me some point over the next month, which was prior to the conversation that you were referring to in March.

Q Okay. So between the time that she came back to you and said that she was willing to extend her stay and the conversation that you had in March, what happened with regard to this extension?

A So the conversation in March was not with me. It was with Under Secretary David Hale. He visited Ukraine the first week of March. I accompanied that visit. And Under Secretary Hale asked her to stay until 2020.

Q Had you spoken to Under Secretary Hale about his proposal before he made it to the Ambassador?

A No.

Q Okay.

A Not that I recall.

Q And did you speak with Ambassador Yovanovitch about Under Secretary Hale's offer?

A Well, I was there on the trip, and so by time she

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told him that she was willing to stay, because what she said was she wanted to have clarity because she had a 91-year-old mother with her and needed to also plan for other issues, by time Under Secretary Hale flew away she had indicated her willingness to stay essentially an extra year through 2020 to give the State Department and the administration time to find a nominee that could be nominated and confirmed and sent out so that we would have an experienced Ambassador in an important country at a time of transition.

Q When did you first learn that the offer for an extension had been rescinded?

A I don't know I heard, per se, that the offer for an extension had been rescinded. The offer was on or about the 5th of March. The 5th to 7th of March, I think, was the time when Under Secretary Hale was there. The media storm that was launched with Mr. Solomon's interview of Prosecutor General Lutsenko started on March 20, 2 weeks later.

Q Okay. So the talk about potentially recalling Ambassador Yovanovitch and the rescinding of the extension were one and the same?

A To be clear, there were two people representing leadership of the State Department, first I, the deputy assistant secretary, and then the under secretary who asked Ambassador Yovanovitch about her willingness to stay longer. What then happened was a media campaign against her, and then

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subsequent to that was a request for her to come back.

Q Okay. And when was that request made for her to come back?

A To the best of my recollection, she indicated on April 25 that she'd been instructed to get on a plane to come back to Washington as soon as possible.

Q So she indicated to you?

A Yes.

Q Was that the first that you heard that she'd been recalled?

A I believe that was the first time I heard that instructions had been sent for her to come back to the U.S., yes.

Q Okay. So you learned for the first time that she had been instructed to come back from the Ambassador herself?

A To the best of my recollection, yes.

Q And did she provide any -- at any time, has she provided any reasons why she was recalled?

A I understand that, because it was part of her opening statement that was published, she referred to a conversation she had with the Deputy Secretary of State.

Q Other than her opening statement?

A I believe that I did hear about that conversation subsequently, and I cannot say whether it was from her or from one of the people above me, like acting assistant

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secretary. But I did hear an account of that session. I heard of it before reading it on Friday, yes.

Q Okay. And whatever you heard before, was it consistent with what you read on Friday?

A Yes.

Q Okay. Who else did you speak to, if anyone, on the 7th floor regarding the recall of Ambassador Yovanovitch and the reasons for that recall?

A I was not having conversations with anybody on the so-called 7th floor State Department leadership about this issue.

Q Anyone else at the State Department?

A I or other people having conversations with the 7th floor?

Q People that you had conversations with.

A I did not have further conversations about that effort. It was presented as a decision, so it was, she was recalled. And I believe she came back on the 26th of April for consultations.

Q Well, what was your reaction to learning that she'd been recalled?

A I, on a personal level, felt awful for her because it was within 2 months of us asking her, the Under Secretary of State asking her to stay another year. And within a very short order she was being recalled.

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Q But you never sought a time to investigate why or find out why she was being recalled?

A My position is not to investigate. Decisions had been made by the leadership of the State Department and ambassadors serve at the pleasure of. So when an instruction comes down that is a decision that was being made.

Q So on May 6 the State Department issued a statement saying that Ambassador Yovanovitch was ending her assignment in Kyiv as planned.

A I believe --

Q Do you recall that statement?

A I believe that was something issued by the embassy in Kyiv not by the State Department, and it was in the form of a management notice.

Q Do you recall seeing that at the time?

A I did.

Q Okay. And what was your reaction to that embassy notice?

A If I'd been the DCM, I don't think that's how I would have had that news be released to the embassy community.

Q Okay. Can you explain?

A I think of a situation of that magnitude I would have called a townhall meeting and talked to people face to face. Also the fact that it was leaked to the Ukrainian

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press within 2 hours was another indication of why issuing a management notice to roughly 600 people would not have been the way to introduce that information to 600 employees that their boss was no longer going to be their supervisor.

Q Okay. So I take it that you took issue with the way in which it was communicated, but what about the substance of the message itself, and specifically that it said that she was leaving her post as planned?

A Again, this was an embassy management notice. If I had still been the deputy chief of mission, I would have handled notification of the embassy staff differently, so that's -- I am now the -- that was my job from 2015 to 2018. My job now is as a deputy assistant secretary for oversight of policy and programming. It's not running an embassy.

Q On May 14, Rudy Giuliani told Ukrainian journalists that the Ambassador was recalled because she was part of the efforts against the President. Were you aware of Mr. Giuliani's statement at the time?

A I do not know that I saw that statement at that time, no, but I did see an interview that he gave with a Ukrainian publication, censor.net, that I believe was published on May 27 that expressed a variant of that opinion, yes.

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[1:40 p.m.]

BY MR. MITCHELL:

Q And what was your reaction to Mr. Giuliani's statement?

A Mr. Giuliani, at that point, had been carrying on a campaign for several months full of lies and incorrect information about Ambassador Yovanovitch, so this was a continuation of his campaign of lies.

Q So you did not think it was true at the time that the Ambassador was removed because she was part of the efforts against the President?

A I believe that Mr. Giuliani, as a U.S. citizen, has First Amendment rights to say whatever he wants, but he's a private citizen. His assertions and allegations against former Ambassador Yovanovitch were without basis, untrue, period.

Q How did Bill Taylor come to be appointed as the Charge d'affaires?

A When it became clear that Ambassador Yovanovitch was going to be recalled, one of my responsibilities as the Deputy Assistant Secretary of State was to try to find and resolve how we are going to ensure that our key missions have appropriate leadership.

One of the unfortunate elements of the timing was that we were also undergoing a transition in my old job as deputy

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chief of mission. The person who replaced me had already been moved early to be our DCM and Charge in Sweden, and so we had a temporary acting deputy chief of mission. So that left the embassy not only without -- the early withdraw of Ambassador Yovanovitch left us not only without an Ambassador but without somebody who had been selected to be deputy chief of mission.

So collectively we all knew -- and the "we" is the people who ran our policy towards Europe -- that we needed to find an experienced hand that could help the embassy in transition, help the relationship in transition, and also be a mentor to the new incoming deputy chief of mission, who had not yet arrived and had never been the deputy chief of mission.

There was a process of looking to see who was available, who might be good. I had at one point thought of Bill Taylor, but because he had not been a career Foreign Service officer but had been a senior executive civil servant, I knew that it would be very difficult to go through the process of recalling him and getting in him in a position to go out.

In a conversation with Kurt Volker, then the special representative for Ukraine negotiations, Kurt mentioned again that he thought Bill would do a good job. And I told him, I agree, but I just don't know if it's possible. So I started that process of engaging the lawyers and the people who deal

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with personnel issues to see if it were actually possible to recall someone who had been an Ambassador, had been a senior executive, but had not been a senior Foreign Service officer back to serve as Charge. And that took us 3 or 4 weeks, but we eventually got to the answer that we achieved, which was yes, and he went out as Charge, arriving June 17th or 18th.

Q And did you have conversations with Bill Taylor about this possibility of him becoming the Charge d'affaires during this time period?

A Extensive conversations.

Q On April 29th, Bill Taylor sent a WhatsApp message to Kurt Volker describing a conversation that you had with Bill Taylor in which you talked about two, quote, two snake pits, one in Kyiv, and one in Washington. And then Mr. Taylor went on to say that you, Mr. Kent, described much more than he knew, and it was very ugly.

Do you recall having that conversation along these lines with Mr. Taylor?

A I had many conversations with Charge Taylor, and my reference to the snake pits would have been in the context of having had our Ambassador just removed through actions by corrupt Ukrainians in Ukraine as well as private American citizens back here.

Q And what corrupt Ukrainians in the Ukraine were you talking about?

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A The series of corrupt former -- or still current prosecutors who engaged former Mayor Giuliani and his associates, and those included former Prosecutor General Shokin, the then Prosecutor General Yuriy Lutsenko, who no longer is, the special anticorruption prosecutor, Nazar Kholodnytsky, and anther deputy prosecutor general named Kostiantyn Kulyk.

Q And when you say engaged, what do you mean by engaged?

A Well, those individuals -- when I say engaged, they apparently met, they had conversations. Some of them were interviewed -- Mr. Kulyk was interviewed, I believe -- by Mr. Solomon. Mr. Giuliani publicized his meeting with Nazar Kholodnytsky in Paris about the same time that he gave an interview to censor.net and accused former Ambassador Yovanovitch, me, and the entire U.S. Embassy of partisan activity in 2016. And we've already talked about his engagement with Shokin and Lutsenko.

Q Do you have any any information about money being exchanged between any of these Ukrainians that you described to Mr. Giuliani?

A I have no knowledge of any money being exchanged.

Q It doesn't mean that they didn't exchange money, you just have no knowledge of it?

A I have no information to suggest that happened.

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Q Okay. Now, Mr. Parnas and Mr. Fruman have also appeared in the news recently?

A Yes.

Q Were you aware of Mr. Parnas and Mr. Fruman's existence at the end of April, beginning of June 2019?

A Yes.

Q How did you become aware of them?

A I first heard their names through a series of conversations with a variety of people.

Q Okay. When was the first time you heard of Mr. Parnas and Mr. Fruman?

A There is a U.S. -- I'll give you a series of points and I'm trying in my mind sort out what I heard from whom, when, but we're talking about the period primarily starting in April, possibly in March. I'm not sure that I heard of their names before then.

There is a U.S. businessman who's active in gas trading to Ukraine named Dale Perry, his name came up publicly last week because he was interviewed by AP. He sent an open letter complaining about corruption and pressure that he was facing, including he said, an effort to unseat the American Ambassador in Ukraine.

And he fingered three individuals that he said were attempting to move into the gas business, and those included Harry Sargeant III from Florida and then two, he said, people

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who came from Odesa, referencing Lev Parnas and Igor Fruman. So that was the first source that I recall hearing.

Second, I heard from people when I went to Ukraine in the first week of May that Giuliani associates were coming to Ukraine, and the names that were mentioned were Fruman and Parnas. One of the people I met was an affiliate of the new President -- President-elect at that point; he was not yet President -- and his name was Ivan Bakanov. He has since become head of their security service. And he mentioned Fruman's name, and he said and there's another one, I don't remember his name. And later on he WhatsApp'd me the business cards of Fruman and Parnas.

And also on that trip before I met with Bakanov, I met with Minister of Interior Avakov, the person whom I'd had the conversation I detailed in Washington in February, and he mentioned them as well, and said that they were coming in to Ukraine and that he -- that was the first time that I heard that Rudy Giuliani was planning to come that week as well.

Q So the first time that you spoke with Mr. Avakov in February he did not mention Mr. Parnas and Mr. Fruman is that correct?

A Correct.

Q Okay. But then he did at the beginning of May?

A Correct.

Q And when what day say exactly about Mr. Parnas and

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Mr. Fruman?

A He said that he had heard that they were coming to town and that their associate Rudy Giuliani was coming as well.

Q Okay. You said it was the first week of May?

A That's when I was in Ukraine, yes. So I was in Ukraine I believe May 8th and 9th, and I believe I may have met Avakov the first day I was there, that would be the 8th, and he mentioned that he heard that Parnas and Fruman were coming, and that they were coming with their associate, the Mayor Giuliani.

He also told me that when he had been, he, Avakov, had been in the United States in February, he had communication that Mayor Giuliani had reached out to him and invited him to come and meet the group of them in Florida. And he told me that he declined that offer.

Q Did Mr. Avakov explain why he declined that offer?

A He told me he had a tight schedule and needed to get back Ukraine. But he said did say that he was planning to have coffee with them, they had asked, and he was planning to meet them in Kyiv. I don't know if they met or not. I met him before that, but he said that if they want to meet, I'll meet and have coffee with them.

Q During the May trip?

A The May trip, yes.

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Q And did Mr. Avakov explain to you why Mr. Parnas, Mr. Fruman, and Mr. Giuliani were traveling to Ukraine at the beginning or mid-May?

A He did not, no.

Q No indication whatsoever?

A He did not.

Q If I recall when you had this conversation with Mr. Avakov in February, Mr. Avakov thought it was unwise what Mr. Giuliani was doing. Did I get that right?

A He told me in February that he thought that it had been unwise that Yuriy Lutsenko, the prosecutor general of Ukraine, made a private trip to New York to see Rudy Giuliani.

Q Was that because -- well, why?

A I can't answer that question. I mean, that was his assessment as the minister of interior that the prosecutor general of his country should not make a private trip to the United States. That was my understanding of his assertion in February.

Q Now, you indicated that you had another conversation with -- I can't read my own writing, Bakanov?

A Bakanov.

Q Bakanov. And what was his relationship with then-candidate Zelenskyy at the time of this meeting at the beginning of May?

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A He was President-elect Zelenskyy's oldest childhood friend. Zelenskyy told me the first time we met the December of 2018 that the person he had known the longest, that he had grown up on the same corridor in their apartment block from kindergarten was Ivan Bakanov.

Q Okay. And can you describe that conversation?

A In December 2018?

Q No, I'm sorry, in May of 2019.

A So my conversation with Ivan Bakanov?

Q Yes.

A To the best of my recollection that was a conversation where we talked about what might happen since it was in between post election, pre-inauguration. I asked him what jobs he thought he might be interested in or appointed to since his childhood friend was now the President-elect, and he described to me his interest in either being chief of staff or the new prosecutor general.

Q And what did Mr. Bakanov say with regard to Mr. Fruman, Mr. Parnas, and Mr. Giuliani?

A He did not mention Mr. Giuliani. To the best of my recollection, the only name in that meeting that I wrote down -- and that's part of the records which I provided to the State Department -- was Fruman. And then later on he followed up because he couldn't remember the other name, which turned out to be Parnas.

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And he said, these guys want to meet me, what do you think? And since I had met with Mr. Avakov in the morning, I repeated what Avakov told me. He told me, you can always meet and have a cup of coffee with people, you don't have to make any commitments.

Q Okay. At the time did you have any understanding of what Parnas and Mr. Fruman might be doing in Ukraine with Mr. Giuliani?

A I understood that they were associates of Mr. Giuliani, and this was now 2 months into the campaign that had led to the, ultimately, unfortunately, to the removal of our Ambassador. But I did not know their specific purpose in coming to Ukraine on or about the 10th and 11th of May.

Q Did there come a time when you did learn what their purpose would be?

A I only read subsequent to leaving Ukraine the press coverage of the former Mayor of New York's stated intent to go to Ukraine, and then to notice that he canceled his trip.

Q And when you say Mr. Giuliani's public statements about the purpose of his trip that he ultimately canceled, what is your recollection of what Mr. Giuliani said?

A I don't recall what Mr. Giuliani said in the paper about his reasons for canceling, other than the fact that I believe he may have criticized some individuals around President-elect Zelenskyy.

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Q And do you recall that his statements were also about investigating the Bidens?

A I honestly don't remember what he may have been saying or tweeting. As I said earlier, at this point I was not a regular -- I don't tweet personally, and I don't follow all the tweets of everybody.

Q When you learned that Mr. Giuliani was going to travel to Ukraine at the beginning of May, May 9th or May 10th, did you have any discussions with anyone at the Department of State about his upcoming trip?

A Not that I recall, no. I learned about it when I was in Ukraine.

Q Were you at all concerned about his trip?

A He's a private citizen. Private citizens have the right to travel. The extent that I might have had concern, it would be what he might try to do as a private citizen involved in the U.S.-Ukraine official relationship.

Q To the extent that it could interfere with the ordinary diplomatic channels that would be handled by the Department of State?

A To that extent, yes. Again, I did not know the purpose of his trip, I only heard that he might be coming in.

Q I think my time is up.

BY MR. CASTOR:

Q We talked this morning about what the State

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Department did in the press to counteract these narratives?

A Correct.

Q The John Solomon stories and so forth.

A Yes.

Q Did the State Department undertake any effort to convince the White House, not the press, but the White House, that these stories are not grounded in good facts?

A That is not -- relations between or communications between the leadership of the State Department and the White House at that level do not go through the regional bureau.

Q Okay.

A So I'm not aware of the conversations that would have happened.

Q Do you know if there was any effort, I mean, they would have kept you in the loop if they were trying to make the case that, hey, you can't be believing this stuff. And if you're thinking about removing Yovanovitch, hold on, let me -- let us make our case. Did that opportunity occur?

A My understanding is that there were high-level discussions between the leadership of the State Department and the White House prior to the decision to recall Ambassador Yovanovitch, but those obviously were ultimately unsuccessful, and the account that I heard at the time is in accordance with what I read Ambassador Yovanovitch had in her statement on Friday.

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Q Okay. Because you mentioned at one point the White House got involved with the visa application for Shokin?

A I didn't say that. What I said was that after the State Department made clear that it was not ready to issue, it was our understanding that former Mayor Giuliani reached out to the White House, and then that was the point at which Deputy Chief of Staff Blair was tasked with calling us to find out the background of the story.

Q And ultimately Shokin didn't get the visa?

A He didn't get the visa, correct.

Q So Mr. Blair was sympathetic to your point of view and didn't push the issue anymore?

A My understanding is -- what I recall him saying is I heard what I need to know to protect the interest of the President. Thank you. And that was the end of that conversation.

Q Okay. So there certainly was at least one incident where you had some positive back and forth with the White House that led to a result consistent with your interests?

A Correct. That was -- I believe that conversation occurred on the 11th of January, specifically about this issue of a visa for the corrupt former prosecutor.

Q Do you know if Shokin had come to the United States on a visa before?

A Yes. [redacted]

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[redacted]

Q Okay. So he had been granted visas in the past?

A He had had visas at some point in the past, correct.

Q And do you know when?

A I do not know.

Q Okay. Do you recall if it was during your time when you were in Kyiv?

A I do not know.

Q Was the denial of his visa, was this the first time he had made an attempt to travel to the United States but had been denied?

A I do not know that. To the best of my knowledge he didn't try to travel to the U.S. and was denied, he did not have a visa. To the best of my recollection, because of the acts of corruption affiliated with undermining U.S. programming and policy goals, we probably, if the visa had not expired prudentially, revoked the visa under the assumption that we don't want corrupt individuals coming to the United States.

Q Was Lutsenko on par with Shokin in terms of being an unreliable prosecutor?

A Well, I think -- how would you define unreliable prosecutor?

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Q Well, you talked at great length that Shokin was not prosecuting corruption cases?

A Correct. Yeah.

Q There were cases of corruption where he just simply, you know, looked the other way and caused them not to be prosecuted. And then I think you mentioned that he prosecuted people that weren't doing anything wrong?

A Yeah, I think Shokin's record and his nearly year tenure was not of prosecuting crime. Lutsenko was in office 3 years, and so he had more opportunity to take some action. He did lead a number of cases that led to small scale convictions as well as settlements and payments of fines to allow companies to continue to operate in Ukraine.

Q But what was the position of the embassy about Lutsenko, was he a --

A So I would say the breaking point of our disillusionment with Yuriy Lutsenko came in late 2017, by that point he had been in office for a year and a half, and there was a specific case, and it was as emblematic as the diamond prosecutor case had been for Shokin.

The National Anti Corruption Bureau, NABU, became aware because of complaint that there was a ring of Ukrainian state officials that were engaged in selling biometric passports, Ukrainian passports, to people who did not have the right to the passports, including foreigners.

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And the ring included deputy head of the migration service, a woman named Pimakova (ph), as well as people collaborating in the security service of Ukraine.

And, obviously, for our own integrity, you know, we want to know that a passport from a country is issued to the correct person. And as this case was developing, Lutsenko became aware of it, and this corrupt official who was sort of the apex of the scheme went to him or to the prosecutors and became essentially a cooperating witness for them. And so they basically busted up the ring or they busted up the investigation by NABU. And then he went further and exposed the undercover agents that had been a part of this case.

So that's obviously a fundamental perversion of law and order to expose undercover agents. They were actually engaged in pursuing an actual crime, whereas, he was essentially colluding with a corrupt official to undermine the investigation.

And so this case was critical to us because when we searched the database it turned out that a number of the passports that had been issued as part of these schemes had gone to individuals who had applied for U.S. visas.

So we were very angry and upset because this threatened our security, and it potentially also threatened their ability to retain their visa free status in the European Union.

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Q So did the State Department take a position that Lutsenko had to go?

A We didn't say that. What we said was that all the officials that were involved in this ring needed to be held to account and prosecuted, and we needed to see that they were taking seriously our concerns about the integrity of their passports.

Q Had Lutsenko had any open investigations at that time into any oligarchs?

A Again, there are a lot of prosecutors in the country, and I don't know which investigations he might have had open.

Q But you didn't know whether there was any specific investigations into somebody like Zlochevsky?

A I do not know if there was an investigation into Zlochevsky, the individual, Yuriy Lutsenko has said publicly that he investigated Burisma on nonpayment of taxes. And as I recall, there was a settlement where Burisma paid a penalty for nonpayment of taxes, and at that point Zlochevsky returned from his external home in Monaco and resumed a public life in Ukraine.

Q Going back to the passport issue. Did it present a risk that terrorists would get credentials?

A That was a potential theoretical risk, and that is exactly what I told in the first meeting that we had with the

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new deputy foreign minister, the deputy justice minister, the deputy head of the migration service, the deputy head of the security service, when we had occasion, the essentially, DCMs of the European Union Ambassadors, embassies, and with me as the U.S. DCM, we all raised our great concerns that this uncovered ring posed a threat to our interests as well as Ukraine's continued access to for visa free travel to the European Union.

Q What would it have taken for the U.S. Government to take a stronger position as it did on Shokin with regard to Lutsenko?

A I think that the -- Yuriy Lutsenko, apart from this NABU case where he actively undercut an investigation that was in our interests, Lutsenko's actions did not raise to the same level. We did, however, I mentioned earlier that at the request of Petro Poroshenko, we made available a former New Jersey prosecutor [redacted], we let that contract lapse after roughly 9 months because it was clear that Lutsenko was not going to push forward reform as he had promised to us.

So what we did was we curtailed our capacity building assistance to the prosecutor's office under Lutsenko while we continued to engage Lutsenko personally as well as other leaders on the continuing need for reform. And we made clear that we were willing to resume assistance with their

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political will to actually take the steps that were necessary to reform the prosecutor's office.

Q What type of decisionmaking would have had to have occurred at the State Department to take an official position that Lutsenko needed to go?

A Well, I mean, it's -- I would say that we're now talking about late 2017, and we were beyond having the potential leverage of sovereign loan guarantees. Ukraine's economy had stabilized. And I would say that there was less consistent high-level engagement on Ukraine.

Q Okay. In March of this year, Ambassador Yovanovitch gave a speech at the Ukraine Crisis media Center?

A Correct.

Q Are you familiar with that? Where she called on Kholodnytsky to be removed?

A Correct.

Q What can you tell us about that.

A Nazar Kholodnytsky was selected by Viktor Shokin as, in our view, the weakest of the three final candidates to become the special anticorruption prosecutor. This is a new unit that was semi-independent within the prosecutor's office, and it was set up specifically to prosecute cases of high corruption that were developed by NABU. We worked intensively with Nazar for almost 2 years, until we reached a breaking point with him. And that intensive work included

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U.S. prosectors who were brought in, and FBI agents embedded as mentors. Intensive training trips to the U.S., training in Ukraine. A mentoring trip to Romania where Laura Kovesi is a very well-known anticorruption prosecutor and now the lead prosecutor in Europe. Because even though we saw Kholodnytsky as an imperfect person, he was the new anticorruption prosecutor, and his success, would be Ukraine's success, would be our success.

However, we reached a breaking point in a case that was known as the fish tank case. There was suspicion that he had been involved in corrupt acts, and under a Ukrainian warrant a bug, a tap was put in his fish tank in his office. And in the course of the first 2 weeks, he was caught trying to suborn a witness, coach him to lie, as well as obstruct justice in a case that involved his hometown, in an effort to bribe the minister of health, Ulyana Suprun, [redacted]. So [redacted] agreed to wear a tap for NABU and caught the effort on trying to give her a bribe.

So we had a case involving corruption, and he was caught on tape suborning the witness and trying to obstruct justice. At that point it was no longer possible for the U.S. Government, despite 2 years of investment, to continue to work with Nazar.

We called him into the embassy to have a conversation. This is before it went public. And I and the director of the

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international narcotics and law enforcement section of the embassy had the conversation, tough conversation with him, and suggested that if he were to resign quietly, given the information that was clearly available, that he was young enough that it wouldn't necessarily destroy his career, but that we, the U.S. Government, could no longer work with him.

And that if he were to remain as the anticorruption prosecutor, we would cease cooperating with him. And he stood up, walked out, and you know, tweeted, you know, before he left the embassy compound that he was going to have a defiant attitude. So we stopped cooperating with him once presented with evidence that he was actively suborning a witness and obstructing justice.

Q You have regaled us over the course of many, many minutes today about the deep issues of corruption in the Ukraine. You talked in extensive detail that the problems are in the Shokin era, during the Lutsenko era, and even now with Kholodnytsky. Is it fair to say that if the President had a deep-rooted skepticism in Ukraine's ability to fight anticorruption, that was a legitimate belief to hold?

A It is accurate to say that Ukraine has a serious problem with corruption, and the U.S. is committed where there's a political will to work with Ukrainians, inside and outside government to make changes, but absent that political will, this will be a problem that will stick with Ukraine and

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stick with the U.S.-Ukraine relationship.

Q So we send a lot of money to Ukraine, correct?

A I would not say that we send money. Congress appropriates money. The accusation by former prosecutor Lutsenko is that we didn't show him the money, but that fundamentally misunderstood how our assistance is administered. And this was the issue in the letter that I think is part of the packet that you may have received that I signed in April 2016.

He accused us, or they accused because it was before Lutsenko came in, of -- and then he just picked up the accusation, that somehow we didn't hand them the money. I talked to one of his temporary deputy prosecutors who was a reformist who later chose not to work with him. And she told me that they actually thought that we, the U.S. Embassy, had bags of cash that we would hand to her or to her predecessors, and that's how we, the U.S. Government, did business.

The way the U.S. Government and the Embassy supports anticorruption programming in Ukraine is that we sign agreements with implementers. One of those is the Department of Justice. They have this program, OPDAT, Overseas Prosecutorial Development and Training. Another was with the U.N. organization called IDLO, International Development Law Organization. Another was the OECD, which has a strong and

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vigorous anticorruption component. And finally, a civil society association, AnTAC, the anti-corruption center.

Those are the four organizations with which the U.S. Government signed contracts or grants to administer our justice programming for the reform of the Prosecutor General's Office.

Q How much grant money does AnTAC get?

A I do not know the exact amount.

Q Do you know a ballpark?

A Huh?

Q Do you know a ballpark?

A I do not. I would hesitate to offer a number because I don't -- it's been years since I've seen any spreadsheets.

MR. JORDAN: Secretary, Mr. Kent, I just want to go back to questions Steve asked earlier. What was it going to take for the government to take the same position with Mr. Lutsenko that you took with Shokin, and I've just been making a list. He wasn't a lawyer. He actually talked about showing him the money, I think you just said. We know that he's been drunk on certain occasions. He was selling passports, potentially to terrorist.

MR. KENT: He was not selling passports. He undermined an investigation of people selling passports.

MR. JORDAN: Okay. I guess we'll live with that

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distinction. It's pretty minor. And the guy he hired for this new prosecutor's office was every bit as bad. The one guy he picked -- he hired Kholodnytsky, right?

MR. KENT: Shokin hired Kholodnytsky. So his predecessor hired Kholodnytsky.

MR. JORDAN: Kholodnytsky was working when Mr. Lutsenko was prosecutor?

MR. KENT: Correct.

MR. JORDAN: He didn't bring him in line?

MR. KENT: After -- he did not.

MR. JORDAN: So I think it sort of underscores Mr. Castor's question. What was it going to take for the United States Government to say this guy has got to go as well?

MR. KENT: We made our concerns about the ineffectiveness of Mr. Lutsenko clear to his patron, the then President of Ukraine, Petro Poroshenko, but that assignment is made by the nomination of the Ukrainian President, and the dismissal requires a vote in the Ukrainian parliament.

MR. JORDAN: Thank you.

MR. PERRY: Thank you. Scott Perry, down here, from Pennsylvania. I just want to clarify something that's been kind of veered on numerous occasions before you got here and today. Are you familiar with the transcript of the call between the President of the United States and President Zelenskyy? Are you familiar with it?

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MR. KENT: I read it after it was declassified by the White House, yes.

MR. PERRY: Okay. So you have some, and if you need it, we can give it to you. But in a kind of exchange on the last round the implication was is that there was a favor asked by the President for an investigation. Do you know anywhere in the transcript where the President uses the word investigation?

MR. KENT: I don't have the transcript in front of me.

MR. GOLDMAN: Can we admit it as an exhibit?

MR. PERRY: Sure.

[Majority Exhibit No. 1
Was marked for identification.]

MR. KENT: But I will say that at the time I didn't have access to the transcript, so --

MR. PERRY: But you've had it now.

MR. KENT: After it was declassified.

MR. PERRY: You had it up until today. And I just want to let you know, it doesn't say an investigation. The President doesn't say an investigation. When he uses -- do you see it as, or it was implied that the President is asking for a favor for him, but when he says, do us a favor, do you see that as the United States or the President of the United States when he says do us a favor?

MR. KENT: Sir, I was not on the call.

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MR. PERRY: I know you weren't, but I'm reading it to you right now. It's on page 3 at the top.

MR. GOLDMAN: Could we provide him one?

MR. KENT: So sir, could you repeat. Could you repeat your precise question again.

MR. PERRY: The implication was in the last round that the President was asking to do him a favor. Do the President of the United States a favor, but the verbiage says do us a favor. Do you see that as doing a favor for the United States or the President himself personally?

MR. KENT: As I'm reading the paragraph, it refers to CrowdStrike and Mueller and then so on and so forth, and so that is the first time I'd ever heard of this line of thought. That does not strike me as being related to U.S. policy.

MR. PERRY: Okay. And, again, in regard to the, do us a favor line, it has nothing to do with Biden or Burisma in this paragraph on the top of top page 3?

MR. KENT: That's, as I'm reading through this again, it's --

MR. PERRY: Well, I'll let you know --

MR. KENT: It's not in that paragraph. Yeah --

MR. PERRY: There's nothing referred to in on page 3 regarding Biden or Burisma that can be connected with the line, do us a favor. The words, do us a favor.

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MR. KENT: I would agree with you that it's not in that paragraph.

MR. PERRY: Right.

MR. KENT: As put together by the staff at the National Security Council.

MR. PERRY: Right. Okay. And do you remember anywhere in this transcript where the President says, you know, for the -- the President of the United States says to President Zelenskyy to dig up or get some dirt?

MR. KENT: Again, I think the National Security Council account is what it is.

MR. PERRY: Yeah. It's not in there is my point. It's not in there. And I just want to make the record clear because for hours and hours in testimony over the course of days here there's a continual characterization of these events that are not true, that are not correct, per the transcript.

Moving on, in the past round you were asked about your opinion about the President, is it proper for the President to ask another country for an investigation into a political rival? I think that was the general characterization. I want to explore that a little bit. And in your answer you said that it would not be the standard. And my question is, do you have -- does the Department of State have a standard in that regard?

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MR. KENT: I believe it is a matter of U.S. policy and practice, particularly since I have worked in the area of promoting the rule of law, that politically related prosecutions are not the way of promoting the rule of law, they undermine the rule of law.

MR. PERRY: But is that written as a policy somewhere or is that just standard practice?

MR. KENT: I have never been in a position or a meeting where I've heard somebody suggest that politically motivated prosecutions are in the U.S. national interest.

MR. PERRY: Okay. So would you say that if the United States was interested in pursuing justice of a past incident, of an incident that occurred in the past regarding someone that had a political office, is that off limits to the United States of America?

MR. KENT: I think if there's any criminal nexus for any activity involving the U.S., that U.S. law enforcement by all means should pursue that case, and if there's an international connection, that we have the mechanisms to ask either through Department of Justice MLAT in writing or through the presence of individuals representing the FBI, our legal attaches, to engage foreign governments directly based on our concerns that there had been some criminal act violating U.S. law.

MR. PERRY: One more, Steve.

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Regarding your conversation about Ambassador Yovanovitch's release, and you heard her viewpoint because you heard it previous, and then you saw it related in her opening statement here. Right? Do you think there's another viewpoint? I know you know that viewpoint, is there a potential for another viewpoint?

MR. KENT: A viewpoint about what?

MR. PERRY: About her release. You heard her viewpoint. This is what happened to me. This is why I was released. This is why she was released as the Ambassador. That's her viewpoint. You heard that, you knew that. Correct?

MR. KENT: As I mentioned, I heard that that was the view expressed and conveyed by the Deputy Secretary of State to her. Correct.

MR. PERRY: Right. And do you think there could be another viewpoint other than hers?

MR. KENT: That was the viewpoint of the Deputy Secretary of State.

MR. KENT: And it's also hers, correct?

MR. KENT: She conveyed what she heard from the Deputy Secretary of State.

MR. PERRY: But there could be another viewpoint, that's my point.

MR. KENT: Theoretically there are multiple points about --

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MR. PERRY: Right. And whose decision ultimately is that?

MR. KENT: What decision about what?

MR. PERRY: Who serves as an Ambassador from the United States to another country?

MR. KENT: All Ambassadors serve at the pleasure of the President.

MR. PERRY: So if an Ambassador is relieved for whatever reason, is that something that would normally be investigated by the Secretary Department of State?

MR. KENT: All Ambassadors serve at the pleasure of the President. And that is without question, everybody understands that.

MR. PERRY: All right. Thank you. I yield.

BY MR. CASTOR:

Q When is the first time you heard about the call between the President and President Zelenskyy?

A Which call?

Q The July 25th call, the one that is the subject of the exhibit?

A Well, can you repeat the question.

Q When did you hear about the call?

A I heard that the call was going to take place on -- I heard that it would take place the day before on the 24th.

Q Okay. Did State Department officials want the call

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to occur?

A Yes. I was informed that it was finally scheduled by Lieutenant Colonel Alex Vindman, who's the director at the National Security Council responsible for Ukraine. And I then emailed the Embassy suggesting that they send a communications officer over to the presidential office to check the quality of the line because it had been a long time since we had had a formal call, and sometimes those lines don't work when they get calls. So as far as I know, the embassy did that to ensure that when the White House situation room called out the call would go through.

Q Okay. You said finally scheduled, so there had been some process over time to get this call scheduled?

A There had been discussions on and off for awhile for a followup call to the congratulatory call on April 21st, the day that Zelenskyy won the presidency, and the timeline slipped until it was after the parliamentary elections. Those occurred on July 21st, and the call eventually happened 4 days later on the 25th.

Q Everyone was in favor of making this call happen after the parliamentary elections?

A The State Department was supportive of a call.

Q And was there anybody who was not supportive of the call in the U.S. Government?

A I have read that there were officials that had some

reluctance.

Q What did you read?

A I think that's a question you could ask people that work at the National Security Council.

Q So you read there were some issue from the National Security Council about scheduling the call?

A I read that there were some people who had some misgivings about the call, yes.

Q Okay. But you didn't know about those misgivings prior to the call?

A I may have heard that there were some views, I did not understand what the views were behind that expression.

Q Okay. Who held those views?

A I don't know.

Q Okay. So you didn't have any personal knowledge of any officials at the National Security Council being uncomfortable with the idea of having a call?

A I got the impression that there was at least one official uncomfortable, but I didn't understand what that was about. I, the State Department, was in favor of a congratulatory call after the election.

Q Did Alex Vindman tell you anything that gave you pause?

A Before the call, no.

Q Okay. So it's finally scheduled, it happens on

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July 25th. You weren't on the call, right?

A Correct.

Q Was anyone from the State Department, to your knowledge?

A I believe I was aware that the White House Sit Room was going to try to patch through the counselor of the department, Ulrich Brechbuhl.

Q Okay. Any other folks from the Department?

A That was the only name that I or office that I heard mentioned.

Q Okay. Nobody in Kyiv?

A It would not be normal to have the embassy patched into the phone call.

Q Okay. And then after the call occurs, did you get a read-out from anybody?

A I did.

Q Who did you get the read-out from?

A From Lieutenant Colonel Vindman.

Q And when was the read-out?

A It was not the same day. It may not have been the day after, but it could have been either July 26th or 27th, several days after.

Q What did he tell you to the best of your recollection?

A It was different than any read-out call that I had

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received. He felt -- I could hear it in his voice and his hesitancy that he felt uncomfortable. He actually said that he could not share the majority of what was discussed because of the very sensitive nature of what was discussed.

He first described the atmospherics and compared it to the previous call, which was April 21st. That had been a short, bubbly, positive, congratulatory call from someone who had just won an election with 73 percent. He said this one was much more, the tone was cooler, reserved. That President Zelenskyy tried to turn on the charm, and he is a comedian and a communicator, but that the dynamics didn't click in the way that they had on April 21st.

Again, he did not share the majority of what was said. I learned the majority of the content after reading the declassified read-out. He did share several points. He mentioned that the characterization of the Ambassador as bad news. And then he paused, and said, and then the conversation went into the direction of some of the most extreme narratives that have been discussed publicly. That's all he said.

Later on, he said that he made reference to a back and forth about the prosecutor general, that would be Lutsenko, saying, you've got a good guy, your prosecutor general, and he's being attacked by bad guys around you, is how I recall Lieutenant Colonel Vindman characterizing it. And then he,

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in summation, he said in his assessment, Zelenskyy did not cross any line. He said that Zelenskyy said, if anything bad had happened in the past, that was the old team. I'm a new guy, I've got a new team, and anything we do will be transparent and honest.

Q And is that as much as you can remember from your --

A And then there was -- I think the last thing that Lieutenant Colonel Vindman mentioned was there about a brief mention by Zelenskyy about U.S. -- interested in working on energy-related issues. Previously, I should have said, at the front earlier in the conversation, that he said that Lieutenant Colonel Vindman told me that President Zelenskyy had thanked the U.S. for all of its military assistance. That the U.S. did a lot for Ukraine. And Lieutenant Colonel Vindman told me that the President replied, yes, we do, and it's not reciprocal.

Q Is that pretty much what you can remember?

A That is I think the summation of everything I can recall.

Q Did he tell you anything about the Bidens?

A He did not mention, to the best of my recollection, including the notes that I took, which I've submitted to the State Department. He did he -- Lieutenant Colonel Vindman, did not mention the specifics. He just said, as I said at

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the beginning, he said the majority of the conversation touched on very sensitive topics that I don't feel comfortable sharing.

Q Did he mention Burisma?

A He did not mention any specifics.

Q And he didn't mention 2016?

A He did not mention that to me, no.

Q And did you make any followup inquiries with him like, hey, can I come over and speak with you in a secure environment or learn more about this call --

A None.

Q It seems like there's some issues relating to one of the countries that I have responsibility for?

A I did not, and no.

Q What was your expectation where you would next learn more?

A That was the second conversation between the two Presidents in April, May, June, July, 4 months. We at that point were focused on trying to sort through why the Office of Management and Budget had put a hold on security assistance. We were also focused on the way forward and potentially trying to arrange a meeting possibly on the 1st of September in Warsaw on the 80th anniversary of the start of World War II, possibly in New York during the UN General Assembly.

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So those were the next step issues in the relationship, both functionally in terms of military assistance, as well as in procedurally in terms of the possibility of a meeting.

Q And the meeting you said could have happened in Warsaw. What was the date that Warsaw was supposed to be?

A The start of World War II was the 1st of September 1939, so the commemorations were the 1st of September 2019 in Warsaw.

Q You said the General Assembly was the 26th, if I'm correct?

A That week, I believe the Monday may have been the 24th or the 23rd, so maybe the 23rd through the 27th was the week of the leaders' participation.

Q Okay. And so then you never -- did you learn any more about that call from any other officials?

A No.

Q So between the time that you had the conversation with Vindman, it was on the telephone, right?

A A secure call between NSC and the State Department, yes.

Q And the time when the transcript was declassified, did anybody else give you a read-out or any information about the call?

A No.

Q When the transcript was released on September -- I

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think it was September 25th, did you have an advanced copy of it or --

A I was up in New York engaged in meetings with leaders in my area of responsibility and, no, I did not have any advanced knowledge.

Q Okay. Now, did you have any communications after the call after you spoke with Vindman, did you then subsequently debrief anybody about what happened on the call?

A I may have shared with other people in the European front office, which had a focus on that, and that includes people like Tyler Brace, who is our one political appointee, schedule C, former staffer for Senator Portman, who has a specific interest in Ukraine and Russia, as well as the acting assistant secretary.

Q Uh-huh. Any other individuals that you discussed the call with?

A In terms of giving a substantive read-out, I do not recall having a substantive discussion. We have a weekly secure video conference call with the leadership of Embassy Kyiv, now led by Charge Bill Taylor, it is possible that I discussed part of that with him subsequently.

Q Now, during this time period had you been having communications with Ambassador Yovanovitch?

A At this point she was back in the United States, and so we did have reason to have communications, yes.

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Q Okay. And how frequently were you speaking with her?

A I would say we're now talking about the end of July through the month of August, perhaps once or twice a week.

Q And into September?

A Right. The second half of August I was on vacation with my family [redacted], so there's no contact there. We got together for dinner in early September. Her [redacted] mother and my wife were very close socially when we were in Washington, I'm sorry, in Kyiv, so it essentially was a social gathering, a meal shared.

Q And did you relate anything to her when you had dinner with her in early September about the call?

A I may have made some reference to the negative characterization of her.

Q Okay. Do you remember anything else that you may have related to her about that call?

A I would not have -- to the best of my recollection in general, I wouldn't have discussed the substance of the call in part because the read-out of the call I got was not substantive, and second of all, I wouldn't have been appropriate.

Q Okay. So you're having dinner with Ambassador Yovanovitch, it's early September, and you made brief mention?

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A I may have made brief mention of negative characterization of her personally.

Q And what was her reaction?

A I honestly don't remember.

Q How long were you having this discussion with her at dinner?

A Generally, this would have been a very short conversation because her mother and my wife were part of it, and we generally avoided talking about anything related to work when we were together.

Q Did she have any followups for you? I mean, the President of the United States -- you know, you related to her that the President of the United States may have mentioned her on a call with President --

A As I think she may have said to you Friday, in part because of the what the Deputy Secretary of State told her, she aware of the President's views of her.

Q So presumably this was really interesting information that you had and you related to her, and I'm just wondering whether there was any additional back and forth. I mean, did she --

A No, not that I recall. Ambassador Yovanovitch is an intensely private person, she's an introvert. And, again, she's also someone who follows very strict what is deemed proper and proprietary, and so that's -- we did not linger on

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any conversation of that nature.

Q Now, when you related this information to her, did you provide any characterization about your view of the call?

A Not that I recall.

Q Okay. Did you provide a characterization of your view of how the President conducted himself on the call?

A No, that wouldn't have been appropriate, and no.

Q Okay. And after the dinner, early part of September, you know, leading up to the release of the transcript on the 25th, did you have any additional discussions with her?

A I was on travel for the mid-part of the month. I was back for a couple of days, and then I was up in New York for the U.N. General Assembly meetings, which was, as you said on the 25th, I was in New York when that occurred. So, again, to the best of my recollection, no.

Q And she was at Georgetown at this point on a fellowship?

A She was teaching -- yes, a course on diplomacy at Georgetown.

Q And your office is at the State Department. Did you have an occasion to visit with her during the workday? I mean, did she come over to the State Department? Did you appear at Georgetown at any point in time?

A No. She at one point asked -- commented that the

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students in the Masters program at Georgetown had superior oral briefings skills, but lacked fundamental writing skills. And I had mentioned that previously we used to run essentially remedial writing seminars for the officers in the European bureau as well as Embassy Kyiv, that I helped conduct, and she asked if I had the notes from that, and I said I did. And so I passed her essentially the notes of presentations I had made about writing well.

Q Okay. And then you mentioned that you spoke to her on a somewhat regular basis, but the call never came up other than the dinner?

A To the best of my knowledge, I cannot recall.

Q Okay. The communication you had with Vindman on the 29th, and that was an estimated date.

A It could have been a day or two earlier. It could have been the 29th, honestly. It's several days later, depending on what day the call happened, during the week, it could have been the next Monday, it could have been the Friday, I just don't remember.

Q Fair enough. And you said that was your only communication you had with the NSC about it?

A I did not seek to revisit that issue nor did I talk to anybody else at the NSC about the call.

Q Who else was on the call with NSC, do you remember?

A That call between Lieutenant Colonel Vindman and I

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was just a call between the two of us.

Q Okay.

MR. CASTOR: I think I'm out of time here.

MR. ZELDIN: How much time is left?

MR. CASTOR: About 1 minute.

MR. ZELDIN: Okay. I am interested. Why wouldn't you asked for more information about the call?

MR. KENT: Lieutenant Colonel Vindman was clearly extremely uncomfortable sharing the limited amount of information that he did. So he shared what he felt comfortable sharing, and that constituted the read-out that I received from him.

MR. ZELDIN: But you didn't want to have more information?

MR. KENT: He made clear to me that he felt uncomfortable sharing as much as he had actually shared. So the relationship between a director of the NSC and say someone at my level is a relationship, it's intense, it's frequent, and you have to develop a trust factor. And he made clear to me that he had shared as much as he felt comfortable sharing, and I respected that.

MR. ZELDIN: We're out of time, but we might revisit that.

THE CHAIRMAN: Why don't we take a 10-minute break and use the facilities, and we'll come back. And try to be

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prompt in 10 minutes.

[Recess.]

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

Secretary, I have a few questions for you. I think a couple of my colleagues do, and then we'll go back to the timeline with Mr. Goldman.

I just very briefly wanted to go through a bit of the call records since that was raised by my colleagues in the minority. If you turn to page 2 of that call record at the bottom, this is again the July telephone call between President Trump and President Zelenskyy. The very last sentence reads: We are ready to -- this is President Zelenskyy: 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.

And there, Mr. Secretary, he's referring to Javelin anti-tank weapons?

MR. KENT: That's correct.

THE CHAIRMAN: That are important in terms of fighting off either Russia troops or separatists in Donbass?

MR. KENT: That's correct.

THE CHAIRMAN: Immediately after President Zelenskyy raises this desire to purchase more javelins, the President says, I would like you to do us a favor, though, because our country has been through a lot and Ukraine knows a lot about

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it, I would like you to find out what happened with this whole situation with Ukraine, they said CrowdStrike. Do you know what that refers to, CrowdStrike?

MR. KENT: I would not have known except for the newspaper media coverage afterwards explaining what that was a reference to.

THE CHAIRMAN: And the President goes on to say, I guess you have one of your wealthy people, the server they say Ukraine has it. Do you know what server the President believes Ukraine had?

MR. KENT: I can only again refer to the media articles that I have read subsequently about this explaining that there is, the founder of CrowdStrike who is a Russian American, and the media as said that that was a confused identity. But that's again -- the only basis I have to judge that passage is what I've read in the media.

THE CHAIRMAN: And further on in the paragraph, the President says: 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. Do you have any reason to question the accuracy of that part of the call record?

MR. KENT: I wasn't on the call, and the first time I saw this declassified document record of conversation was after it was declassified by the White House.

THE CHAIRMAN: Now, you mentioned that you when you

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spoke with -- is it General Vindman?

MR. KENT: Lieutenant Colonel Vindman.

THE CHAIRMAN: Lieutenant Colonel Vindman. When you spoke to Colonel Vindman, he said there was certain very sensitive topics he did not feel comfortable mentioning. Was this one of the topics that he did not mention?

MR. KENT: This whole passage, which you just went through, he made no reference to it. That's correct.

THE CHAIRMAN: If this were a matter of standard U.S. policy of fighting corruption, that wouldn't be a sensitive topic, would it, if the President was actually advocating that Ukraine fight corruption?

MR. KENT: If he had read this to me, I would have asked him what is CrowdStrike and what does that mean, because it's just not clear to me just reading it. As I said, other people interpreted what the context was for that, but again, I'll go back to what I said before.

Understanding that this is a reference to concerns about 2016. If anybody did anything in 2016 that violated U.S. elections or election laws that, you know, there's a reason to investigate something with the U.S. nexus, we should open that investigation. And if the Ukrainians had a part in that, then that would be natural for us to formally convey a request to the Ukrainians.

THE CHAIRMAN: But if it were a legitimate law

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enforcement request or if it were a generic discussion of corruption in line with U.S. policy, it wouldn't have been a sensitive matter and Colonel Vindman could have raised it with you, right?

MR. KENT: If it was a normal matter, he probably would have. Again, when he said that there were sensitive issues that he didn't feel comfortable talking about, I did not know what exactly he meant until I read this declassified memorandum of conversation.

THE CHAIRMAN: Let me ask you about another matter that it appears he did not bring up with you. The President, on the top of page 4, says: 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.

Was that another one of the very sensitive topics that Colonel Vindman did not feel comfortable sharing with you?

MR. KENT: That passage -- he made no reference that would have in his limited read-out to me that would have matched that passage of the memorandum of the conversation.

THE CHAIRMAN: So the dual request to look into the Bidens and to look into this CrowdStrike 2016, for lack of better description, conspiracy theory, Colonel Vindman didn't

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feel comfortable informing you that either one of those things was raised by the President during the call?

MR. KENT: That's correct.

THE CHAIRMAN: Mr. Quigley.

MR. QUIGLEY: Thank you, Mr. Chairman. Mr. Secretary, thank you for your service and for being here. Earlier you mentioned that media campaign against the Ambassador took place. Were you aware of who was involved with that media campaign?

MR. KENT: I could only see the figures that voluntarily associated themselves with that campaign in both countries.

MR. QUIGLEY: And who was that in Ukraine and who was that in the U.S?

MR. KENT: Well in Ukraine, very clearly, the prosecutor general at the time, Yuriy Lutsenko, his press spokeswoman retweeted the tweet of Don Trump, Jr. attacking the Ambassador. So very clearly, it wasn't just him personally as a Ukrainian, but the institution.

There were -- I made references earlier to what were known as the Porokhobots, the trolls on social media who were active in support of Poroshenko. And 10 days before the election, rather than attacking Russia or attacking his political opponents, as they normally did, they were attacking Ambassador Yovanovitch and me by name.

So I would say that is cluster of the Ukrainians who

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were actively promoting this campaign. And then obviously the people in the United States that were promoting it.

MR. QUIGLEY: Sure. Referencing Mayor Giuliani, you became aware of his activities in Ukraine. What was your understanding while this was happening of what his role was? A personal attorney working somehow for the government working as a campaign person's attorney?

MR. KENT: His role in orchestrating the connections with information from Yuriy Lutsenko seemed to be a classic, you scratch my back, I scratch yours, issue. Yuriy Lutsenko told, as I mentioned, Gizo Uglava, that he was bitter and angry at the embassy for our positions on anti-corruption. And so he was looking for revenge. And in exchange, it appeared that the campaign that was unleashed, based on his interview, was directed towards Americans, principally the Ambassador, as well as organizations that he saw as his enemies in Ukraine, the National Anti Corruption Bureau as well as the Anti Corruption Center.

Several Ukrainians at the time told me that they saw what Lutsenko was trying to do was get President Trump to endorse President Poroshenko's reelection. This was happening in March before the election. That did not occur. It would not have made a difference either because Zelenskyy, as noted before, won with 73 percent.

MR. QUIGLEY: To your knowledge, was Mr. Giuliani ever

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tasked, coordinated, briefed with anyone at the State Department to do what he was doing?

MR. KENT: To the best of my knowledge, in the first phase of Mr. Giuliani's contact with Ukrainians and his efforts to orchestrate the media campaign, nobody from the State Department had contact with him. When I say the first phase, that is essentially the phase involving Prosecutor General Lutsenko through the election of President Zelenskyy, which occurred on April 21st.

MR. QUIGLEY: So the first phase, but at any time other time and after the fact, were you aware of any tasking, briefing, coordination that took place?

MR. KENT: Yes.

MR. QUIGLEY: And could you detail that?

MR. KENT: At a certain point, I believe in July, then special representative for Ukraine negotiations, Volker, told me that he would be reaching out to Rudy Giuliani.

MR. QUIGLEY: And --

THE CHAIRMAN: I just want to mention, we intend to go through this in a timeline.

MR. QUIGLEY: First of all, it's somewhat news to me, and I'll pass it back if that's what you want, but it seems --

THE CHAIRMAN: We're going to get into all of this.

MR. QUIGLEY: All right.

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THE CHAIRMAN: And it may be more orderly to do it in chronological order though.

MR. QUIGLEY: Very good. I'll ask one more question. In your belief, in your understanding, in your experience, why was the Ambassador recalled?

MR. KENT: Based on what I know, Yuriy Lutsenko, as prosecutor general, vowed revenge, and provided information to Rudy Giuliani in hopes that he would spread it and lead to her removal. I believe that was the rationale for Yuriy Lutsenko doing what he did.

Separately, there are individuals that I mentioned before, including Lev Parnas and Igor Fruman, who started reaching out actively to undermine Ambassador Yovanovitch, starting in 2018 with a meeting with former Congressman Pete Sessions on May 9th, 2018, the same day he wrote a letter to Secretary Pompeo impugning Ambassador Yovanovitch's loyalty and suggesting that she be removed. And others also in 2018 were engaged in an effort to undermine her standing by claiming that she was disloyal.

So that's the early roots of people following their own agendas and using her as an instrument to fulfill those agendas.

MR. QUIGLEY: Okay.

THE CHAIRMAN: Ms. Speier, any questions on what we covered so far?

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MS. SPEIER: Thank you for your lifetime of service on behalf of the country. Secretary, as the Deputy Assistant Secretary of State for Eastern Europe and the Caucasus, it would seem to me that you would be familiar with the efforts by the administration to engage with Ukraine. Is that --

MR. KENT: Correct.

MS. SPEIER: So in that circumstance, you were read into that July 25th phone conversation by the Lieutenant Colonel but were not actually on the call?

MR. KENT: Correct. I've never in 27 years been on a call made by a President of the United States.

MS. SPEIER: So that is not consistent with your role then. Okay.

MR. KENT: I have never served at the National Security Council, I've only served at the State Department and at embassies overseas.

MS. SPEIER: All right. You said earlier that you provided all of your documents to the State Department for them to make available to us. Forgive me if I don't think they're re going to be forthcoming. But if you were to identify certain documents in particular, you mentioned a few already today, but if you were to mention certain documents that you think are particularly important for us to have access to, what would they be?

MR. KENT: The, if you will, I guess, the unique records

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that I generated in the course of my work would include notes to the file and conversations that I took down in my handwritten notes.

MS. SPEIER: Anything else that comes to mind?

MR. KENT: Likely the WhatsApp exchange between me and Ambassador, or sorry, Charge Taylor.

MS. SPEIER: So is it typical for you to use WhatsApp in communicating with your colleagues?

MR. KENT: In parts of the world, WhatsApp has become a very active method of communication for a variety of reasons, it's considered encrypted, although I don't think text messages are secure. I believe the voice encryption is still secure. And in countries like Ukraine there's actually no data charge for use WhatsApp, and that's what drives the use of social media, so they pay for text messages, but when they use social media apps they don't actually pay for that data. So that has altered communications in parts of world by rate setting and how people communicate.

So in Latin American, for instance, and in parts of Europe and Asia, applications like WhatsApp have become the dominate form of communication.

MS. SPEIER: There has been a lot of conversation earlier today from our colleagues on the other side of the aisle about Burisma as being a company that lacked some ethical commitments and moral compass of sorts. Are there

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other companies in Ukraine that would fall in that same category?

MR. KENT: There are many companies in Ukraine that might fall into that category, yes.

MS. SPEIER: Could you give us some examples?

MR. KENT: If you took the roster of the richest Ukrainians, they didn't build value, they largely stole it. So we could go down the richest 20 Ukrainians and have a long conversation about the structure of the Ukrainian economy, and certainly most of the billionaires in the country became billionaires because they acquired state assets for largely under valued prices and engaged in predatory competition.

MS. SPEIER: Burisma doesn't stand out as being different from any number of companies?

MR. KENT: I would say that Mr. Zlochevsky's actions stood out in one way that he was the actual minister who awarded himself the licenses to explore for gas exploration.

MS. SPEIER: Okay.

MR. KENT: Other people may have just had the minister on their payroll.

MS. SPEIER: Okay. Going back to that July 25th call, there was a lot of exchanges between Ambassador Sondland, Mr. Volker, and also the Charge Taylor about whether or not the aid would be forthcoming, whether or not the statement would be written. Were you privy to any of that?

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MR. KENT: I did not participate in those exchanges by virtue of the fact that, to the best of my knowledge, you don't have me as a participant in those exchanges, and none of those have been released.

I did have my own dialogue with Charge Taylor in the course of our work, in the same way that I had a dialogue with Ambassador Yovanovitch and with our ambassadors in Moldova, Azerbaijan, Armenia, and our Charges in Georgia and Belarus.

THE CHAIRMAN: And I would like to address my colleague we're going to get to that through the timeline.

MS. SPEIER: I'm particularly interested in 2017. Are you going to take care of that?

THE CHAIRMAN: We are. Can I suggest that we have the counsel continue with the timeline, and then as we get through it members can add in with questions. Thank you. Mr. Goldman.

MR. GOLDMAN: Thank you, Mr. Chairman.

BY MR. GOLDMAN:

Q Focusing your attention on May of this year when I believe you said that Rudy Giuliani met in Paris with Nazar Kholodnytsky, who was the prosecutor of the anti-corruption.

A The special anti corruption prosecutor, yes.

Q Anti corruption, okay. And he had already been removed by that point, right?

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A No, he had been under pressure for over a year. We stopped cooperating with them approximately in March of 2018 when the so-called fish tank scandal emerged.

Q Okay. Just to summarize. You have testified today that Mr. Giuliani met with Yuriy Lutsenko in January, that he advocated to get the former Prosecutor General Shokin a visa in January. And then he met with a special prosecutor in May, who the U.S. had ceased all former relations with. And Lutsenko and Shokin are generally, the general consensus belief is that they either are or, at this point, or were corrupt prosecutor generals. Is that an accurate summary of Mr. Giuliani's meetings with prosecutors in Ukraine?

A Yes.

Q Okay. And you also indicated that by May of this point, Mr. Giuliani had been on television and in the media advocating for the four story lines that you summarized from those March articles. Is that right?

A Correct.

Q Okay. And then in May you went to Ukraine and you had meetings with Ukrainian officials, two of whom mentioned to you that Mr. Giuliani wanted to meet with them. Is that right?

A Mr. Avakov mentioned Giuliani. I can't recall if Mr. Bakanov mentioned Giuliani when we first talked, the one name that I wrote down in my notes was that he mentioned

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Fruman, he said he didn't remember the other name, and later he sent me the business card of Fruman and Parnas.

Q Thank you for clarifying that. But he knew that Fruman and Parnas were associates of Giuliani, right?

A Correct.

Q Now, you would agree, right, that high-level Ukrainian officials don't meet with every private American citizen who travels to Ukraine. Correct?

A Correct.

Q So the Ukrainians certainly understood that Mr. Giuliani was not a regular private citizen. Is that right?

A Correct.

Q And would you assess that they understood that he represented President Trump?

A They understood that Mr. Giuliani asserted he represented Mr. Trump in his private capacity. Yes.

Q Did they understand what that meant? Private capacity versus official capacity?

A Ukrainians such as Arsen Avakov are experienced players willing to meet with anybody. The team of the incoming president at that time, President-elect Zelenskyy, had spent their entire careers as a tight-knit group of entertainment company executives who had no experience in politics. So they were looking to try to figure out to understand how to navigate political networks.

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Q And did you speak to any of the incoming officials about Mr. Giuliani in this May, June timeframe?

A My conversation with Mr. Bakanov, as I recounted part of it before when he gave the names of the associates, one of whom he knew, the other he couldn't remember, when he asked for my counsel, I had suggested, as I said, someone like you who's an associate could meet and hear somebody out without making commitments. But at this time it would be my best counsel to you to shield your President-elect from private citizens.

Q And to your knowledge was Mr. Giuliani promoting official U.S. policy in Ukraine at this point?

A Mr. Giuliani is a private citizen who was not a U.S. Government official.

Q But I understand that, but is what he was pushing consistent with official U.S. policy?

A Mr. Giuliani was not consulting with the State Department about what he was doing in the first half of 2019. And to the best of my knowledge, he's never suggested that he was promoting U.S. policy.

Q And the actual efforts that he was making, just to be very clear, were they consistent with what official State Department policy was?

A The U.S. has a lot of policy interests in Ukraine. It involved promoting the rule of law, energy independence,

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defense sector reform, and the ability to stand up to Russia. As a general rule, we don't want other countries involved in our own domestic political process, no.

Q So around this -- at the end of May, there was the inauguration of President Zelenskyy. Is that right?

A Correct. I believe it may have been May 20th, to be precise.

Q Were you involved at all in the discussions about who would represent the United States at that inauguration?

A Yes.

Q Can you just summarize for us what your involvement was and what those discussions entailed?

A The starting point was the conversation between Presidents Trump and President-elect Zelenskyy on election day. President Zelenskyy asked if it would be possible for President Trump to come to inaugural. There was no date at that point. President Trump suggested that he would talk to Vice President Pence, and schedules willing, that he hoped it could work out, but in any case, the U.S. would have representation at the inaugural. That was April 21st.

By the time we got close to when the inauguration date was set, which was on very short notice, the outgoing Ukrainian parliament voted on May 16th, which was a Thursday, to have the inauguration on May 20th, which was a Monday, leaving almost no time for either proper preparations or

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foreign delegations to visit.

So we scrambled on Friday the 17th to try to figure out who was available. Vice President Pence was not available. Secretary of State Pompeo was traveling. And so we were looking for an anchor, someone who was a person of stature and whose job had relevance to our agenda.

I suggested to Lieutenant Colonel Vindman, since there oftentimes is this dialogue between the State Department and the NSC for inaugural delegations, to having the NSC ask Secretary of Energy Perry. Because he had traveled to Ukraine, understood the issues, and energy was one of the top three issues that we were working with Ukraine. So that was the start of that conversation, and then it was a matter of building out possibilities.

Inaugural delegations are determined by the White House. So whatever the NSC and the State Department worked together as options, ultimately the decision is made elsewhere. As an example, when President Yushchenko was inaugurated in Ukraine in 2005, and I was the control officer on the ground at the time, the delegation was Secretary Colin Powell in his last act as State of State, and five Ukrainian Americans. That's it.

In this case, we proposed a group of officials that we thought were relevant, those included a number of Senators and as well as Marcy Kaptur, the head of the Ukrainian

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American Caucus in the House. It included some Ukrainian American leaders here in the United States, as well as officials. That was about 15 in total to play with.

Former National Security Advisor Bolten weighed in at some point in the process, and eventually the White House settled on a list, which was, in the end, Secretary Perry, Lieutenant Colonel Vindman representing the NSC, Ambassador Sondland, Ambassador Volker, and then our Charge in country at the time, Acting Joseph Pennington.

Q Was Ambassador Sondland on the State Department's original list?

A He was not somebody that we initially proposed, but Ambassador Sondland has his own networks of influence, including chief of staff Mulvaney. So it did not surprise us when he weighed in, his name emerged.

Q Why did it not surprise you. What did you understand Ambassador Sondland's role in Ukraine to be by March 17th of this --

A Ambassador Sondland had started cultivating a relationship with the previous Ukrainian President Poroshenko. He visited, as I recall, a ship visit to Odesa, which may have been where he first met Poroshenko and other leaders. And so in the same way that he had expressed an interest in our relationship with Georgia starting late in 2018, early this year he expressed an interest in playing a

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role in managing our relationship with Ukraine.

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[3:24 p.m.]

BY MR. GOLDMAN:

Q And you described an independent relationship that he had with the chief of staff. What do you know about that?

A Well, I think the proof in the pudding is, after the delegation went to the inauguration on May 20th and had a meeting with President Zelenskyy -- and that included Senator Ron Johnson, who was there not as part of the Presidential delegation but separately. But he sat in the meeting with Zelenskyy, and then he joined a briefing to the President in the Oval Office on May 23rd.

It was Ambassador Sondland's connections with Mulvaney that got them the meeting with the President. It was not done through the NSC staff, through Lieutenant Colonel Vindman and Ambassador Bolton.

Q I don't understand what you mean.

A Well, normally for international issues, meetings would appear on the President's calendar because they were proposed by the National Security staff and pushed through the National Security Advisor. In this case, the out-brief to the President of the inaugural happened because of Ambassador Sondland's connections through Chief of Staff Mulvaney, to the best of my knowledge.

Q So you're talking about President Trump's debriefing after the inauguration on May 23rd.

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A The inauguration on May 20th. The Oval Office meeting to talk about that and the way forward occurred in the Oval Office on May 23rd.

Q Before the inauguration, you just mentioned that you were not surprised that Ambassador Sondland was added to the list because of his relationship with the chief of staff. Were you aware of Ambassador Sondland having any significant role in Ukrainian policy for the State Department by mid-May?

A Again, I don't remember when the ship visit was to Odesa, but I think Sondland's visit to Ukraine to Odesa for the U.S. port visit was the start of his involvement.

Q I understand that. I'm asking way ahead. If that was during the time that President Poroshenko was the President, that was earlier.

A But it was the last month of his presidency. So he did call President Poroshenko in March for instance after the attack started on Ambassador Yovanovitch to suggest the Porosheno back off. So his acceleration of his involvement in Ukraine and in our relationship was in one phase, just starting the last month or two of Poroshenko's presidency, and it accelerated after President Zelenskyy's assumption of office on May 21st.

Q Did it also accelerate after Ambassador Yovanovitch was recalled?

A Ambassador Yovanovitch was recalled on the 26th of

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April, and she was out of the country by the time President Zelenskyy was inaugurated on May 20th. So it was coterminus. She essentially ceased serving as Ambassador, the functions of Ambassador, on April 26th.

Q Right. And after that, did Ambassador Sondland's role increase in Ukraine?

A Yes.

Q Were you aware of whether that went through official channels or how that came to be?

A The way that came to be was the main three U.S. officials, executive branch officials, Secretary Perry, Ambassador Sondland, and Special Representative Volker, were part of that briefing of the President. And they came out of that meeting asserting that going forward they would be the drivers of the relationship with Ukraine.

Q Before the inauguration did you have any conversations with the Ambassador Sondland about Ukraine generally?

A To the best of my knowledge, before May, likely during the chief of mission conference where all ambassadors come back for several days in mid-January, Ambassador Sondland came through the office suite where my office is to see my colleague who works with Western Europe. Julie Fisher (ph) is her name. And she introduced him to the other people in the office. So I shook his hand. There was no

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conversation, but that was the first time I had met him, without a substantive conversation, in January.

Q So you did not speak to him again after January?

A To the best of my recollection, we had no direct conversation and were not in each other's presence until the U.N. General Assembly week, the last week in September.

Q So you did not attend that Oval Office meeting on May 23rd, right?

A I did not.

Q Okay. Did you get a readout of what occurred?

A There were several readouts. That particular week I was -- my eldest daughter graduated from Boston University and I then took my kids and my wife up to Acadia National Park we were hiking on Cadillac Mountain so I was not in Washington those days where the readout occurred May 23rd.

Q So did you subsequently learn what occurred?

A So there were several readouts provided secondhand from representatives who had been in that meeting and presumably those will be part of the documents that were collected as part of your requested documents and --

Q So you're -- sorry. You're referring to written readouts?

A Written readouts. I believe there were three separate readouts. Again not from anyone that I got that was forwarded by email. Specifically Fiona Hill whom I'm

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gathering that the committee talked to yesterday. She gave a readout to my office director who was probably acting for me that week, [redacted], normally office director of Eastern Europe. Kurt Volker gave a readout to his then-special assistant, Chris Anderson (ph), who is currently a language student. And Gordon Sondland would have given a readout to somebody that would have been forwarded to us.

So when I came back from my New England vacation, I had three different versions of that conversation in my inbox.

Q And so what did you -- just quickly, what did you understand to have occurred at that meeting?

A I should say that in addition to those secondhand accounts I eventually heard Kurt Volker's account directly from him, the way he characterized it to a number of interlocutors when we were together in Toronto on the 1st and 2nd of July for the Ukraine Reform Conference and the interlocutors included President Zelenskyy himself. He said that President Trump had been very angry about Ukraine, he said that they were corrupt, and they had wished him ill in 2016. So that was one part of the discussion.

On the other hand, by the end of the meeting there was agreement that they would work moving forward to work towards an Oval Office visit, a visit to the White House which Presidents Zelenskyy and Trump had talked about in that initial call on April 21st. And that energy issues would be

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of importance going forward, keeping in mind not only Secretary' Perry's presence, but the concern that the Russians were going to cut all gas transit through Ukraine on New Year's day the way they had done three times since 2006.

Q You --

A And finally sorry. The last point that I recall from the readouts was that there would be an accelerated search for a political nominee for Ambassador, as opposed to having a career Foreign Service officer proposed from the State Department.

Q Were you aware of any evidence that Ukraine was involved in any way, Ukrainian officials were involved in any way in interfering with the 2016 election?

A I'm not aware of any evidence to that effect, no.

Q And you're familiar with the Intelligence Community assessment about Russia's interference?

A I have read the documents that have been made available to me as part of my read. The Office of Intelligence and Research briefs me twice a week, but that does not mean that I've read every document about Russia, no.

Q No, I understand, there is specific document that the Intelligence Community assessment about Russian interference in the 2016 election. Are you familiar with the conclusion?

A I know that it exists. I can't say -- I don't

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recall reading any special confidential version of it. And to the extent that it has been discussed in general in the media I'm aware of those findings.

Q And you're aware that the Intelligence Community uniformly determined that Russia interfered in the election?

A I'm aware of that general conclusion, yes.

Q And are you aware that Special Counsel Mueller indicted I believe 12 Russians and laid out an indictment --

A Yes.

Q -- how Russia interfered. Right?

A Yes.

Q Do you have any reason to believe that both of those either the indictment or the Intelligence Community assessment is wrong in any way?

A I have no reason to believe that, no.

Q Okay. You mentioned this April 21st call. And we haven't touched upon it touch. You said you were not on the call. Did you get a readout of that call as well?

A I did.

Q And what did you learn that was discussed on that call?

A Again, I received that readout from Lieutenant Colonel Vindman. It was a very short and nonsubstantive call, as you might expect. As I recall April 21st was Easter Sunday in the United States. Again, Ukrainians are Orthodox.

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Different calendar. And we were very pleased that the President agreed to call on election day on a Sunday. We had presumed that it might happen the next workday, which was a Monday. And as you might expect on a Sunday call when it was probably past midnight in Ukraine on election night, President Zelenskyy was in a good mood, President Trump was very positive and congratulated him on a great win.

And President Zelenskyy, as I recall what Alex told me, said that he had studied President Trump's win in 2016 running as an outsider and had adopted some of the same tactics. And invited President Trump to his inaugural, the date to be determined. And President Trump, as I said, acknowledged he would try to find somebody appropriate to attend. And said, we'll try to work on getting you to Washington.

And that was more or less the extent that probably was something more said, but you know on an election day the point is what Alex summed up was, Lieutenant Colonel Vindman, those types of calls are designed to build rapport and he thought it was successful doing so.

Q Following the May 23rd Oval Office meeting, where there was a -- you testified there was a decision to try to arrange a White House meeting. You know, what if any actions did you take or were -- did other Ukraine-focused government officials take to try to set that up?

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A That's the function of the national security staff. To the extent that there is input, they ask for input from other officials, other offices. We obviously stand ready to be supportive but that's -- that's their function. That's not our function --

Q Were you supportive of a White House meeting?

A I was, the State Department was. Ukraine is an important country that Congress appropriates roughly in the ballpark $700 million a year in assistance and Zelenskyy won a clear mandate for change and so we were supportive of a visit to the White House, yes.

Q Did you have any reason to doubt Zelenskyy's sincerity about his anticorruption views?

A I had no reason to doubt the sincerity of Zelenskyy trying to represent change for his country based on the series of meetings I had with him dating back to December 2018. Starting from the beginning it was clear that he had a prior association with a fairly notorious oligarch named Ihor Kolomoisky and that was going to be a mark of his willingness to really make a break from past relationships and stand on principle.

So from not necessarily our first conversation in December, but in the second conversation in March prior to the election, we were already talking about Kolomoisky and the down sides of association with somebody who had such a

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bad reputation.

Q And how important is -- would a White House meeting be to President Zelenskyy?

A The President of the United States is a longtime acknowledged leader of the free world, and the U.S. is Ukraine's strongest supporter. And so in the Ukraine context, it's very important to show that they can establish a strong relationship with the leader of the United States. That's the Ukrainian argument and desire to have a meeting.

The foreign policy argument is it's a very important country in the front lines of Russian malign influence and aggression. And the U.S. spends a considerable amount of our resources supporting Ukraine and therefore it makes sense. But that's the arguments for a meeting. The time on a President's schedule is always subject to competing priorities.

Q Following that meeting you said that Secretary Perry, Ambassador Sondland and Ambassador Volker had asserted that they were leading Ukrainian policy efforts? Did I get that right?

A Correct.

Q Who had asserted that?

A Well, the three of them asserted that. And citing the fact that they had briefed the President coming out of that meeting, they felt they had the mandate to take the lead

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on coordinating efforts to engage the new Ukrainian leadership.

Q And what engagements with the new Ukrainian leadership occurred following that meeting up until the conference on July 1st that you're aware of?

A I do not -- I do not recall. Special Representative Volker traveled frequently to Ukraine so it is possible that he may have gone in late May. I just don't recall precisely. He traveled frequently there.

There was a coordinating meeting in the Department of Energy in mid-June, on June 18th. So Secretary Perry chaired that. Ambassador Sondland, Ambassador Volker from the State Department, Acting Assistant Secretary Reeker, my direct supervisor, Tyler Brace, all attended that meeting in Secretary Perry's office, and they also connected recently arrived Charge Taylor from Kyiv.

So I would say that, to the best of my knowledge, after that May 23rd meeting, this June 18th meeting was the next meeting where a number of officials got together specifically to talk about policies and programs towards Ukraine.

Q And in June and early July, are you aware of any conversations that Ambassador Sondland might have had with the Chief of Staff Mulvaney about Ukraine and President Zelenskyy?

A I'm not aware of conversations between Sondland and

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Mulvaney, but frankly that's a relationship that I would not be a part of. To the best of my -- what I am aware of is that subsequent to the June 18th meeting, there was a June 28th conference call between Secretary Perry, Sondland, Volker, and involving Charge Taylor, at the end of which they were patched through to President Zelenskyy.

Q And what did you learn about that conversation?

A I do not recall. I got a readout of that conversation. Initially I have an email suggesting that Ambassador Sondland on June 27th had written Charge Taylor to suggest that that would be a U.S.-only meeting or a U.S.-only call. But in the end, on the next day, it turned into a call with President Zelenskyy after a pre-conversation among the Americans, based on what Charge Taylor has told me.

Q Was it unusual that you were not included on that conference call?

A Well, if it involves the Secretary of Energy it's not necessarily unusual. But again, that was I think a period of time where the direction of our engagement with Ukraine shifted into shall we say unusual channels.

Q And what do you mean by unusual channels?

A Well, I think it's somewhat unusual to have an Ambassador to the E.U., plus the Secretary of Energy engaged deeply in the policy towards a country that is not a member of the E.U. It was just -- again, we had our Special

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Representative for Ukraine Negotiations, and I know you've talked to former Ambassador Volker. His listed responsibilities were focused on negotiating with Russia over their war in Ukraine, and then Charge Taylor as the lead representative in country.

And so frankly, in that constellation Charge Taylor was the primary voice for our full interests as the Charge of our mission in Kyiv.

Q And one more question, you said that you learned of the call from Charge Taylor.

A Correct.

Q But he did not give you a substantive readout of the call?

A He did give me a readout, yes. He gave me a readout of prebrief with the Americans.

Q And what was that readout?

A He indicated that there was a discussion about the need to raise a sensitive issue with Zelenskyy. And in that discussion Ambassador Volker volunteered that he would be seeing Zelenskyy in person the next week in Toronto and that was the meeting in which I participated on July 2nd.

Q Do you know what the sensitive issue was?

A Kurt Volker told me that it was giving guidance to Zelenskyy on how he needed to characterize his willingness to be cooperative on issues of interest to the President.

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Q Such as?

A I did not have the full details of what exactly that was, but I think it was sending signals about potential investigations.

Q I think our time is up. We yield to the minority.

BY MR. CASTOR:

Q Vindman was on the July 25th call?

A The July -- yes.

Q And was he on the April 21st call?

A Yes.

Q Was he in the meeting with the President on May 23rd?

A I do not know and I think not.

Q Okay. You said you got three readouts, one from Fiona Hill, one from Sondland, and one from Volker?

A The initial readouts I got were, yes secondhand from these three people. It was my understanding.

Q -- in on the meeting?

A My understanding is again Fiona didn't give it directly to me. My understanding is that she may have gotten it from deputy -- then deputy national security advisor Kupperman.

Q She sent you the readout?

A No. She had a conversation with [redacted], who was the acting deputy assistant secretary at the time. To

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the best of my knowledge. I received the readout from [redacted] once I came back from my vacation.

Q Okay. You said when you returned to your office you had three emails. Is that --

A Yes. I believe I got an email with [redacted] readout of a conversation with Fiona, Chris Anderson's readout that he got from Kurt Volker and a third readout from someone in the State Department who worked with our mission to the European Union that would have had Ambassador Sondland's version.

Q So Sondland gives a readout to his staffer who writes it up, sends an email.

A Yes.

Q Volker produces one with Christina Anderson?

A Chris Anderson.

Q Chris Anderson. And so then help me understand again. Like who produced the one from the NSC?

A So Fiona had a conversation. To the best of my recollection, she had a conversation with [redacted], who is normally the director for Eastern Europe and, while I was away at my daughter's [redacted], was acting in my stead as acting deputy assistant secretary.

Q Oh, okay. So he's a State Department employee.

A He's a State Department employee, yeah.

Q Was she in the meeting?

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A My understanding is -- again, I did not talk to her, but my understanding was that her version of the readout came from Mr. Kupperman, the then deputy to Ambassador Bolton. But I'm not sure.

Q Was he in the meeting?

A I'm not sure. My understanding again, this is now third hand from [redacted] is that Fiona's readout came from Kupperman, not from her participation in the meeting. But I don't know. I have not talked to Fiona about that.

Q Okay. Was Kupperman in the meeting?

A My understanding from what I heard from [redacted] relaying what he heard from Fiona his impression was that that came from Kupperman who was in the meeting. But I can't --

Q He was in the meeting?

A Huh?

Q He was in the meeting?

A That is the impression I received from talking to [redacted].

Q Did any of these readouts have a list of officials in the meeting?

A No.

Q Okay. Can we just go through who we think was in the meeting? We know Secretary Perry, Senator Johnson.

A To the best of my knowledge, the principals --

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Q Ambassador Volker.

A -- the briefers to the President were those that represented lead officials and that would be Secretary Perry, Ambassador Sondland, Ambassador Volker and Senator Johnson.

Q And they brought staff to the meeting?

A I do not know. I was -- again, I was on leave status.

Q Okay.

A And I wasn't in the meeting and wouldn't have been in the meeting even if I were in Washington.

Q Okay. Who from the NSC was in the meeting?

A To the best of my understanding, all I know is that Charlie Kupperman -- or Kupperman. I don't know first name, sorry. Kupperman, former deputy National Security Advisor Kupperman may have been in the meeting.

Q Okay. But Vindman wasn't?

A That is my understanding, correct.

Q Did Vindman tell you subsequently that he wasn't in the meeting?

A I didn't ask if he was in the meeting, because when I returned from work I had three different version or readouts of the meetings from others.

Q But you had regular communications with Vindman. Right?

A I did.

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Q And did he ever at any point in time tell you that he wasn't in the meeting or was being excluded from things?

A We didn't have a conversation along those lines. No.

Q Do you think he was excluded?

A I honestly don't know. And I had three different versions of the meeting so I wasn't looking for a fourth.

Q And in your regular communications with Vindman do you have any reason to believe that he's been cut out of any of these discussions? Not just about the May 23rd meeting, but about subsequent relevant events?

A Again, I don't -- I go over to the NSC when there are meetings that the NSC does not want to allow the State Department to be on the secure video conference system, but apart from specific meetings that I'm invited over, I don't go over there on a regular basis just because it takes time. It's easier if they'll allow us to be on video conference. It is a better use of my time. So I would say I have more communications with Lieutenant Colonel Vindman by email and phone call.

Q Okay. And in any of those emails or phone calls has he alerted you that he -- he's been cut out of the process?

A He is a lieutenant colonel and colonels who have served in staff positions generally aren't people who

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complain. He's a -- he was a campaign planner before he came over to the NSC and he has that campaign planning mentality, you know, what's the goal and he'll plow forward. That's just his personality.

Q Okay. And do you think he is plowing forward?

A He's very active at scheduling interagency meetings and asking the State Department to write papers for him.

Q But plowing forward, does it have some sort of connotation that he's going through a tough time and he's --

A No. He's a lieutenant colonel who spends his day working on campaign plans. That's what his -- that was his job at the Joint Chiefs of Staff before he was brought over as a detailee to the NSC. I think if you talk to most State Department employees will have an opinion that the role of the National Security Council is to coordinate the work of other agencies, not to task us. We don't respond to them. And occasionally we have to remind them of that.

Q You have to remind him of that?

A My staff oftentimes complains that they feel that he thinks that they work for him the way he works for other people at the JCS and have asked me on numbers of occasions to gently point out to him that we don't report to him. So I have supported my staff in gently suggesting that he remember what the roles of the National Security Council staff are vis-a-vis a bureau and an executive agency like the State

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Department.

Q Did he receive that warmly?

A He received it with a smile and that's -- we have a good working relationship. I would say there's more tension perhaps between him and the staff that work for me, but we have a respectful working relationship.

Q Okay. And in Fiona Hill's readout what was her -- what can you remember from her readout?

A I think -- what I recall and I can't say the specific details particularly since there were three versions floating around that I read in rapid succession, just by tonality that the meeting was perhaps more problematic than the initial readouts that we got through secondhand knowledge of what Ambassador Sondland and Ambassador Volker said.

I believe one element and I can't remember where this came from that initially the President did not want to sign a congratulatory letter. And he actually ripped up the letter that had been written for him. But by the end of the meeting, he'd been convinced and the version I recall hearing was Ambassador Sondland helped draft it. And to be honest, the second version of the letter actually read better than the first version. I wasn't involved in either of them because I had been on leave and eventually that letter was signed.

Q At the State Department in the wake of Ambassador

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Yovanovitch's, her recall, can you describe the morale with those closest to her?

A When you say those closest to her, are you referring to the embassy staff that had been working for her in Kyiv?

Q And her close confidants here in Washington.

A I don't know who her close confidants in Washington would be. I was, as I mentioned, in Ukraine and Kyiv at the embassy on May 8th. I did offer to have a restricted townhall meeting for Americans, essentially, in our version of the SCIF, and the country team, the meeting room, where we'd have -- and anyone who wished to have a conversation about what had happened and the way forward.

And my sense was -- one of them actually said that when the attacks started in March, particularly after members of the President's family started attacking her, at some level they realized that she was going to be recalled, and it was a matter of when, not if. Their question, as people working at the embassy, was what was going to be the impact on them, on the embassy, and on our policy towards Ukraine.

And so, while I did -- basically I was willing to answer any questions, I think they were more focused, at that point, already, having digested that she had been removed, and they wanted to know what was going to happen next. So I assured them that our policy was our policy and it would remain our

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policy. And that we were in the process of trying to find an experienced person that temporarily would lead the mission and would be a good leader for the people working there, the 250 Americans working in our embassy, and also someone that could be a voice and face for U.S. policy in Ukraine.

I honestly cannot remember, but probably did not say that it was going to be Ambassador Taylor. He was the one we all wanted at that point, but we still had to work out whether we could bring him back. And those details with the personnel system had not yet been finalized.

Q Would Ambassador Taylor have fit the mold for the type of person that was discussed in the meeting with the President?

A When you said the person discussed in the meeting with the President, meaning what?

Q Well, the meeting with the President, you related that President Trump seemed angry, that he was, you know, Ukraine was corrupt. That there are those in the Ukraine that wished him ill in 2016 and they were going to work towards an Oval Office meeting, energy issues were important and then you mentioned that there was a decision to put in a new political Ambassador.

A So Charge Taylor, notwithstanding the fact he was nominated and confirmed by the Senate, nominated under president George Bush, was not a permanent nominee for the

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position of Ambassador.

Q Okay.

A He was called back essentially to government service because he knew all the players. He's a bundle of positivity and gets along with everyone and he's a real leader. He was a long time senior executive at the State Department, but he was a graduate of West Point who joined the 101st, and he was platoon leader in Vietnam and in Germany. So it is hard to find anybody hasn't been impressed by Bill Taylor.

Q And is there still an effort afoot to find a permanent political Ambassador?

A There is. And that is the job of the White House because it is the President's prerogative to appoint, nominate an Ambassador and then the Senate's role to confirm.

Q During his tenure as Vice President, Joe Biden had a role with regard to Ukraine. Is that correct?

A Correct.

Q And what was the role as you understood it? And you were in country at the time, right?

A I was, although his involvement in Ukraine predated my return to the Ukraine account. I believe -- it should be a matter of record, but I believe as Vice President he visited Ukraine six times, which probably is unusual for any country outside of the usual countries like Germany, like --

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one of which I believe would've been when the former leader Yanukovych was there and then the subsequent visits afterwards.

By the time I came back on the account, it was clear that President Obama, towards the end of his administration, had delegated several foreign policy issues in Europe to Vice President Biden to take the lead. Ukraine was one of them; Cyprus was the other.

So, if you will, Vice President Biden was the top cover. The State Department's lead official post-Russian-invasion-of-Ukraine/occupation-of-Crimea was Assistant Secretary Victoria Nuland. And then we had a very active Ambassador, Geoff Pyatt, at the time. And so those were the chief voices on our Ukraine policy: Pyatt as chief of mission, Toria as the assistant secretary, and Vice President Biden as Vice President.

Q When he got involved with advocating for the removal of Shokin, what type of planning went into that? Was that something that was planned for on the Vice President side of things or did the embassy or the State Department tee him up with the right information he needed to weigh it into that?

A Geoff Pyatt allowed me to go back to my family at Thanksgiving. I had come out on an emergency basis for my predecessor [redacted]

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[redacted]. And I came out on 24 hours' notice to Ukraine the beginning of October for my third stint. So I was not in country at the time of the visit and planning.

My understanding is that the conversations that were near-daily between Ambassador Pyatt and Toria Nuland regarding what to do on the way forward then included pitching the Office of the Vice President to push President Poroshenko to remove Shokin.

There was a similar push against Prime Minister Arseny Yatseniuk, who had several different corrupt political backers. And there was one named Martynenko who was involved in all sorts of dirty business, including nuclear fuel supplies from Russia. And so we pressured Yatseniuk to have one of his corrupt cronies resign, and Martynenko resigned.

And there was also the pressure on Poroshenko, on the corrupt prosecutor general, and Shokin was not dismissed, I believe, until early March, so 3 weeks after Vice President Biden's visit in December 2015.

Q The Vice President, he relates to some of these details on a video that's been published on I think the Wall Street Journal. Have you seen that video?

A I did. To the best of my recollection, he was at some conference, maybe Council on Foreign Relations, sometime in 2018, and he was telling the story in a sort of folksy manner.

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Q He was folksy. And he describes a quid pro quo where, you know, $1 billion worth of aid would be held up until they fired Shokin. Is that what your understanding of the way he tells it?

A That is -- sounds more or less like what he said on that stage. Yes.

Q And going back to 2016 when it actually happened, was that the way it went down?

A Again, I was in -- briefly in Ukrainian language training at the time of his visit so I was not in Ukraine. I would think that the State Department could produce documents related to the sovereign loan guarantees and the timing of those three guarantees to align the timing.

We provided one in 2014, one in 2015, and one in 2016. And I do not recall the exact timing of the issuance of those loan guarantees, but I'm not aware that they aligned perfectly with his visit to Ukraine on December 2015.

Q Okay. But you think it is fair to say that this was a bottom up initiative?

A To the best of my knowledge, the idea came from Ambassador Pyatt in discussion with Assistant Secretary Nuland and then was pitched to the Office of the Vice President.

Q Okay. So if we're going to pursue additional information on that, we would probably have some documents to

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inform us that we could ask for.

A That would be my impression. I would just note having read the subpoena that the document request was date timed I believe starting January 20 or 21st, 2017. And we're talking about events that happened in November, December, 2015.

MR. ZELDIN: Steve, if I can ask, did you know at the time of the Vice President's visit when he had made that threat that he was going to make that threat? I mean, or was it some other expectation more narrowly tailored towards advocating for Shokin to be removed?

MR. KENT: Yeah. I know as was discussed earlier, the U.S. the IMF, the European Union countries, we had all come to the conclusion in the wake of the diamond prosecutors affair that there was going to be no progress for reform on the prosecutor general under Shokin.

But specifically about how the Vice President's trips messaging was managed by that point. I left the day before Thanksgiving to fly back to the U.S. and to go into Ukraine language training. So at that point I was not privy to those discussions in the two weeks prior to the Vice President's visit.

MR. ZELDIN: So you don't know whether or not the Vice President was going to threaten the loss of $1 billion?

MR. KENT: My understanding, as I explained, is that

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that was an approach that was discussed between Ambassador Pyatt and Assistant Secretary Nuland to use his visit as leverage. This was an issue that Ambassador Pyatt and Assistant Secretary Nuland in her visits that was an agenda item that they were pushing. And in the same way that the Department of Justice official asked me to go in to the prosecutor general office office in February 2015 and ask who took the bribe and how much was it to shut down the case against Zlochevsky, the Ambassador and Assistant Secretary Nuland asked the office of Vice President if the Vice President could push this tough message.

MR. ZELDIN: And to be clear, was Ambassador Pyatt and Assistant Secretary Nuland advocating to threaten the loss of $1 billion?

MR. KENT: I believe that is the case. But again, we're now relying on my memory of almost 4 years ago. So I believe it was pushing the Ukrainians essentially for an additional what would be called a prior action before we would issue the sovereign loan guarantee. But I think that's something that we would have to look at the documents from that period of time.

MR. ZELDIN: You as the deputy chief of mission were not involved in that process.

MR. KENT: So in parts of 2015 I went out as essentially the acting deputy chief of mission. I then came back to the

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U.S. the day before Thanksgiving and was in the U.S. for 3.5 months for language training and then returned to Kyiv in late March 2016. So in the 2 weeks prior to the Vice President's visit, I was already back in the U.S. as a language student as opposed to being an active participant in the conversations.

MR. ZELDIN: And you referenced Ambassador Pyatt, you referenced Assistant Secretary Nuland. Of anyone involved in that process, are you aware of anyone in contact with Hunter Biden at the time other than the Vice President?

MR. KENT: I am not aware of, no.

MR. JORDAN: One quick question.

Mr. Secretary, you leave 2 weeks before the Vice President gets there. But this policy, this idea that we were going to call for Shokin's removal it didn't just develop in those two weeks.

MR. KENT: Correct.

MR. JORDAN: You weren't involved in a discussion and a decision to say this is going to be our official policy we're going to ask the Vice President to do this.

MR. KENT: I think someone made a reference to Ambassador Pyatt's speech in September. Earlier -- at some point today, he gave a strong, hard-hitting speech against corruption, and it was clear then that we were pushing for Shokin's ouster. And so we had taken a harder line against

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Shokin in the wake of the diamond prosecutor affair in mid-2015.

So months prior to Vice President Biden's visit, this was an issue that U.S. officials including our Ambassador and our Assistant Secretary of State were pushing in their meetings with the Ukrainians.

MR. JORDAN: I guess I'm asking, though, was there a decision made between Ms. Nuland, the Ambassador, and you to say, we're going to ask the Vice President to do it on this trip. And if so when was that made?

MR. KENT: Again, I do not -- I could not -- I was not part of -- I would say that on a daily basis Ambassador Pyatt and Assistant Secretary Nuland had conversations, that was conversations that the Ambassador would have on his office with her on a secure phone and I'm sure there were additional email back and forths. But I cannot give you a precise date other than to say that --

I would say that on the record Ambassador Pyatt's speech in Odesa, which I believe was in September of 2015 was a powerful public statement of U.S. concern about the lack of progress. And I believe it may have specifically mentioned both the shortcomings of prosecutor Shokin and reference to our concern that the case against Zlochevsky had been shut down and frozen money was released.

And so I think that speech is a matter of public record

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September 2015, Vice President Biden's visit happened October, November, December, 3 months later.

MR. JORDAN: Do you think they told the Vice President the 2 weeks prior to him getting there when you had left do you think that they talked to the Vice President when he got there in country?

MR. KENT: Again, the way a trip would normally be staffed, there would be conversations prior, there would be paper prepared and conversations prior to the trip. And that oftentimes would be someone like Assistant Secretary Nuland going over and participating in a pretrip brief.

MR. JORDAN: When did you learn that the Vice President made this demand on the Ukrainians and specifically the President?

MR. KENT: I think I -- I don't recall -- I mean, he gave a public speech and in the well of the Ukrainian parliament. But this demand would have been delivered in private in his meeting with President Poroshenko.

MR. JORDAN: You never got a readout on how it all went down?

MR. KENT: I was a language student for a period of several months in the U.S. I was aware that he'd made the request. I was also aware that Shokin remained an embattled prosecutor general for several months more until there was a vote held in their parliament to remove him.

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MR. MEADOWS: So let me follow up one last time. So who made the decision that Vice President Biden should be the one that communicated this? You know, if you all are having all these discussions for so many months, who made that decision that says, let's wait until the VP goes over to make this request?

MR. KENT: Yeah. Well, there was no waiting, as I mentioned.

MR. MEADOWS: Well 3 months.

MR. KENT: Well that was a -- I gave an example of a publicly available speech that was a statement, a very strong statement on the record of --

MR. MEADOWS: Yeah, but your inference was is that that was the start of it.

MR. KENT: No, I wouldn't say that. It's just that I think that's a public mark where people could see this is the American Ambassador speaking on the record about our concerns about the lack of progress and the rule of law reform in 2015 a year and a half after the Revolution of Dignity. At the same time, there was constant private messaging, messages and meetings that Ambassador Pyatt had in Kyiv, conversations or meetings when Assistant Secretary Nuland would travel, and conversations would happen when Vice President Biden would talk to both President Poroshenko as well as then prime minister Arseny Yatseniuk.

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MR. MEADOWS: So before you went away to language school, you had no recollection that the decision had been made that the Vice President was going to make this? Is that your statement?

MR. KENT: No. I would say that -- well, again, we're now talking about conversations, of which I was not a part, that happened 4 years ago. I do not think -- my guess, to the best of my ability, I would anticipate that the issue of Shokin's status was raised prior to the Vice President's trip, possibly during a conversation. But I was not on those calls between the Vice President of the United States and the President of Ukraine.

MR. MEADOWS: But wouldn't it be a big deal if the Vice President is going to demand a curtailment of $1 billion? Wouldn't that have registered with you, since your passion and --

MR. KENT: Right. Well, as I said, my understanding of how that decision got to the point of having the Vice President raise that in the first week of December when he came to Kyiv started with conversations between Ambassador Pyatt and Assistant Secretary Nuland and then a recommendation that Vice President Biden pushed that issue when he visited.

That's my understanding of how the information, the idea, the flow pattern occurred and then he made the request

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when he came out.

MR. MEADOWS: Okay, Steve.

BY MR. CASTOR:

Q At the time was there any discussion of perceived conflicts of interest either on the part of the Vice President or his son?

A You're now talking about a period leading up to his visit in December 2015.

Q Well, Hunter Biden he was first reported that he was on the board in mid-2014?

A Correct.

Q And the Vice President's involvement with Ukraine is pretty significant at that point in time and it remained until he, you know, through 2016. Correct?

A Yes.

Q And the question was, you know, were there any discussions of a perceived conflict of interest on the part of either Hunter Biden or the Vice President?

A When I was -- the first time I was in Ukraine as acting deputy chief of mission in the period of mid-January to mid-February 2015, subsequent to me going into the deputy prosecutor general on February 3rd and demanding who took the bribe and how much was it to shut the case against Zlochevsky I became aware that Hunter Biden was on the board. I did not know that at the time.

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And when I was on a call with somebody on the Vice President's staff and I cannot recall who it was, just briefing on what was happening into Ukraine I raised my concerns that I had heard that Hunter Biden was on the board of a company owned by somebody that the U.S. Government had spent money trying to get tens of millions of dollars back and that could create the perception of a conflict of interest.

Q And what did the person on the other end of the line tell you?

A The message that I recall hearing back was that the Vice President's son Beau was dying of cancer and that there was no further bandwidth to deal with family related issues at that time.

Q Was that pretty much the end of it?

A That was the end of that conversation.

Q Okay. That was in mid-2015?

A That would have been in February, because to the best of my recollection Beau Biden died that spring. I then returned to Ukraine in August of 2015 and I believe he passed before then. So the only time that conversation could have happened is in that narrow window between January, February, 2015.

Q And subsequent to that, did you ever think through with other State Department officials about maybe we should

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try to get Hunter Biden to leave the board or maybe we should get the Vice President to transition his key responsibilities on Ukraine to some other senior U.S. official?

A No. It's easy in a conference room like this to have a considered discussion about things. In Ukraine at that time, we had a war with Russia occupation, we had an embassy staff going from 150 Americans to 250 Americans, from no Special Force U.S. Government soldiers to close to 70 in country, our assistance went from $130 million to nearly a billion.

And we were working nearly nonstop. Ambassador Pyatt, I can tell you from working for him, would wake up between 4:58 and 5:01, because that was when I got the first email from him, and went to bed between 12:59 and 1:01, because that's when I would get the last email. He had an internal clock. He only slept 4 hours. And it was nonstop, 20 hours a day, 7 days a week.

Q Okay. Gotcha.

You referenced earlier the President's congratulatory note to President Zelenskyy.

A His call.

Q No, the note.

A Yes.

Q It was ripped up?

A That is what I heard from others, yes.

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Q Was that the May 29th letter?
A If there's a letter that's signed May 29th that would be the second version that was then signed.
Q Okay. So that's the only letter we're talking about, right?
A Correct.
Q Okay. In the letter they talk about a White House meeting as a prospect.
A I believe so.
Q I can make it an exhibit or I can read it whatever your preference is?
A If I could look at it that would be helpful.
Q Okay. So this will be Exhibit 2.
Do you guys need copies or are you good?
A Very positive letter, yes.
[Minority Exhibit No. 2
Was marked for identification.]
BY MR. CASTOR:
Q Yes. The penultimate paragraph says, to help show that commitment -- the last sentence of the penultimate paragraph says, I'd like to invite you to meet with me at the White House in Washington, D.C. as soon as we can find a mutually convenient time.
A Yes.
Q So this was the spiffed up letter or --

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A This is the letter that I understand that Ambassador Sondland helped arrange, yes, sir.

Q I think you'd characterize the new letter as possibly better than the original?

A Yes.

Q What were the difference to the extent you remember?

A Just I think stylistically I liked the second version. I don't know who the drafter of the first version was and I don't know how many people were involved in production of the language of the second one. I just thought the second one read better.

Q Okay. And do you know why the President was disappointed with the first version?

A It wasn't he was disappointed with the version of letter, he -- based on what the readout I heard from Kurt Volker and others that he was disappointed with Ukraine.

Q Okay. And so the new letter was offered the to the President for his signature somewhat later in time?

A My understanding, and I think this may have been the version from Gordon Sondland that while the President was angry obviously at the point that he point and tore up the letter. By the end of the meeting he agreed to sign a revised version and this is the version that he signed.

Q Okay. And the offer or the invite to come meet at

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the White House, is that something that is customarily offered to an ally without specific the meeting will happen on this date?

A Well, as I mentioned before, President Trump and President-elect Zelenskyy had this discussion on April 21st when President-elect Zelenskyy had invited President Trump to come to his inauguration, and he said, well, I will send somebody there, but I'd like to get you to the White House.

So this was following up on that theme. President Trump had offered it in concept in April. He put it in writing in May. But, you know, as anyone who's ever staffed not just the President but a principal, you can have an agreement in principle to meet but then schedules are complicated, particularly when you're dealing with two Presidents of two countries.

Q So it is not uncommon for the meetings to be proposed suggested, discussed and then take a while to put together?

A That's a fair statement, yes.

Q And sometimes the meetings don't actually happen.

A That would also probably in certain circumstances also be a fair assessment.

Q Okay. Because these issued are complicated?

A Because schedules are busy, yes.

Q If I heard you correctly you mentioned that in

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March Ambassador Sondland contacted President Poroshenko to urge him to back off attacks on Ambassador Yovanovitch was it? Did I hear that right?

A That is probably close to what I said. And it that is what I recall seeing in an email exchange, yes.

Q Okay. So in March Poroshenko is about to lose the election? Right?

A He doesn't realize it but the rest of the country does, yes.

Q Okay. And so in urging him to back off the attacks on Yovanovitch, do you have any idea whether Poroshenko genuinely knew that his apparatus was attacking her?

A When I visited in May I had the prime minister, and three ministers, and a former prime minister tell me that Poroshenko authorized the attacks -- let me be careful. He authorized Lutsenko to share the information with Giuliani that led to the attacks on Ambassador Yovanovitch.

Q Okay. And where did you learn of Sondland's content?

A With Poroshenko in March that I referred to.

Q Okay.

A In an email I believe from the embassy it could have been Ambassador Yovanovitch, it could have been from the DCM at the time, Pam Tremont.

Q Okay. Did Sondland tell you himself?

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A I did not hear it directly from Sondland, no.

Q Do you have an understanding of like how this conversation was put together?

A My understanding based on also seeing how Ambassador Sondland has engaged Georgian leaders, because I also have responsibility for Georgia, is that when he meets leaders in Brussels -- or, in the case of the Ukraine, he met President Poroshenko and other leaders in Odesa during the U.S. trip visit, he hands them his business card, he gets their business card, and then starts direct communication via WhatsApp or phone calls.

Q With world leaders?

A With world leaders.

Q Okay. And he did that with President Poroshenko?

A Yes. To the best of my knowledge, he did that with President Poroshenko as well as the then Georgia prime minister.

Q I'm going to mark Exhibit 3.

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

BY MR. CASTOR:

Q This is a letter to Poroshenko from Senators Menendez, Durbin, and Leahy about the Mueller investigation.

Does anybody need copies? Do you have enough?

Take as much time as you need to check this out.

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Have you ever seen this letter before?

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[4:23 p.m.]

MR. KENT: I do not recall, but I can't rule out. The U.S. Congress does not, as a matter of course, copy embassies on its correspondence with other countries, but we oftentimes do receive courtesy copies sometimes through the State Department.

BY MR. CASTOR:

Q Do you know if the State Department has provided us a copy?

A I honestly cannot remember, but I at least recall hearing about a communication which could have been this letter.

Q Okay. And what do you remember about this communication?

A Well, that there were some people expressing interest in whether Ukraine had possibly stopped cooperating. This is not the first time I've heard it, but I honestly could not give you precisely, you know, information. Again, this was not a communication that went through the embassy --

Q Of course.

A -- nor did we go to the prosecutor general to raise the concerns of the three Senators who sent this letter.

Q Okay. Do you know if anyone in the leg affairs --

A At the time, I was working in Kyiv, so I would not necessarily have been aware. My predecessor was Bridget

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Brink, who is now serving as our Ambassador in Slovakia. So she was the Deputy Assistant Secretary at the time, so I'm not sure if this letter was passed through and was discussed.

Q If the State Department found out about this, do you think they would dispatch their legislative liaisons to talk with the Senators or their Senator's staff to --

A Honestly, again, I was in Kyiv at the time, so I do not have knowledge of any interaction between the Senate's -- three senators, their staff --

Q Fair enough.

A -- and either Hill liaison or the European Bureau.

Q Were you aware of any questions about whether Lutsenko was failing to cooperate with Special Counsel Mueller?

A Again, I didn't have any conversations with Mr. Lutsenko as a general rule. By this point in May of 2018, our relations with him had soured. And so we didn't have a complete break in communications, but we did not -- we, the U.S. Embassy, did not meet with him frequently.

Q Do you know if anyone at the State Department had a -- picked up the phone and called the Justice Department and said, you know, this Lutsenko fellow is not so great. If you are getting information from him, you might want to better understand that he is not well-regarded at this point?

A To be honest, I have no knowledge of that, and I

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can't say either yes or no.

Q Okay. I'll ask you one last question, and then our time is about to expire after this round.

There was some discussion about instances where Mayor Giuliani was operating in Ukraine and having meetings. And we know that he has got some clients and other interests. It's fair to say the Ukrainians are aware of his celebrity status, at least some Ukrainians?

A I think some Ukrainians, like many Americans, remember him from the time he was Mayor of New York at the time of the attacks, September 11. Besides I mentioned, in a positive light, former heavyweight boxing champion, Mayor of Kyiv, Klychko. The other individuals that former Mayor Giuliani has chosen to associate in Ukraine have far less positive reputations in Ukraine.

Q Right. But, you know, he was at least somebody that was, you know, considered to be an international, you know, political figure from his time as Mayor of New York.

A Right. Although, again, that would have had less impact in Ukraine, which was focused on its own issues and challenges at the time.

Q Right. But his ability to get meetings is understandable?

A I mean, he had an existing relationship with the mayor of Kyiv, and I think Mayor Klychko would probably see

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him at any moment. I would say that is the level of an easy ask. It was well known in Ukraine that his main paying clients in Ukraine at the time were the mayor of Kharkiv and a Russian Ukrainian oligarch named Pavlo Fuks.

Q Is this before 2016 -- I'm sorry, before 2018 in the --

A I believe that Mayor Giuliani's association with Mayor Kernes and Pavlo Fuks contractually began in 2017.

Q Okay. Thank you.

MR. KENT: And if I could take another break.

THE CHAIRMAN: Let's gets a 5-minute break. We still have a lot of material to get through, and we want to try to get you out as a reasonable hour. So let's try to come back as soon as possible after a quick break.

[Recess.]

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

Secretary, I have just a few questions before I hand it back to Mr. Goldman. My colleagues asked you a great deal about the Bidens and Burisma. I want to go back to one of the origins of the narrative they were getting at. You mentioned there were four false narratives in the Solomon article back in April of 2019. Is that right?

MR. KENT: Well, there were four narratives that were introduced, led off by the Solomon articles. But I'm not sure that all four were introduced by Solomon. The first two

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were definitely part one, part two, but there were a number of different platforms in play that week.

THE CHAIRMAN: And part one, was that Lutsenko's claim that Biden pressured Poroshenko to fire Shokin because of the prosecutor general's office investigation of Burisma?

MR. KENT: No. I believe that the first day the two themes that were introduced were the anticorruption theme, and that was targeting the embassy, including the letter that I had signed in April 2016, and NABU, as in an organization, and then the 2016 conversation. The discussions of the Bidens and Burisma was the third narrative theme that was introduced a day or two later.

THE CHAIRMAN: So that was the third false narrative you referred to?

MR. KENT: Right.

THE CHAIRMAN: And, in fact, that false narrative that the Vice President had pressured the firing of Shokin over Burisma, Lutsenko himself would later recant. Did he not?

MR. KENT: Mr. Lutsenko has held many positions on many issues that are mutually exclusive, and including on this issue.

THE CHAIRMAN: Well, in mid-May of 2019, Mr. Lutsenko, were you aware, did an interview with Bloomberg in which he said he had no evidence of wrongdoing by Biden or his son. Are you familiar with that interview?

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MR. KENT: I am more familiar with the interview that he gave to The L.A. Times, in which he said that the activities related primarily to Zlochevsky's actions as minister, which occurred several years before Hunter Biden came on to the board. So his interviews this year, subsequent to leaving office, are more in accord with the facts as I understood them at the time, than his assertions as prosecutor general.

THE CHAIRMAN: So let me ask you a little bit more again about this false narrative since recanted. Just to be absolutely clear about this, when the Vice President was asked to make the case, or help make the case for Shokin's firing, this was the policy of the State Department, and the State Department was asking the Vice President to assist with the execution of that policy?

MR. KENT: That would be a correct assessment, yes.

THE CHAIRMAN: And it was the policy of other international organizations as well that recognized that Shokin was corrupt?

MR. KENT: Correct. He was not allowing for reform of the prosecutor general service, and in contrast, he actually was actively undermining reform of the prosecutor general service and our assistance.

THE CHAIRMAN: And this involved, as you said, an effort to undermine the very inspector general office that the State Department had assiduously worked to help the Ukrainians

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establish to root out corruption within the prosecutor force?

MR. KENT: Correct.

THE CHAIRMAN: Mr. Goldman.

BY MR. GOLDMAN:

Q Thank you, Mr. Chairman.

Picking up off of that June 28 conference call that you referenced, following that, you said that you were in Toronto for a meeting where President Zelenskyy also was present?

A Correct. This was the Ukraine Reform Conference. It essentially is the primary friends, donors of Ukraine. This was the third edition. The first one was held, I believe, in Denmark; second in London; and the third was hosted in Canada by the Canadian Government. And Kurt Volker and I were the ranking U.S. officials who attended for the U.S.

Q And who was there from Ukraine?

A President Zelenskyy himself.

Q And any of his senior aides?

A Many of his senior aides. In the meeting that we had on July 2, to the best of my recollection, those included his chief of staff, Andriy Bohdan, who is a very controversial figure; it included his two closest personal assistants, a person named Shefir, and another one named Yermak; it included a professional in the presidential apparatus, Igor Zhovkva; their ambassador to Canada, Andriy

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Shevchenko, and an interpreter.

Q And what was discussed at that meeting?

A The whole range of U.S.-Ukraine relations, because of special representative for Ukraine negotiation Volker's focus on the Donbas conflict. That was one segment of the conversation.

When we got to more general bilateral relations, that was the first time, I mentioned earlier, that I heard directly from Kurt his assertion that Perry, Sondland, and Volker were now in charge of Ukraine policy. He made that assertion to President Zelenskyy.

Coming out of the meeting with the President, he explained how the meeting had gone on May 23 in the Oval Office, that the three officers were the ones leading the charge, and that -- he said that we're working on a phone call with the President.

And Zelenskyy cut him off at that point and said, just a phone call? How about the visit? And Volker said, first a phone call, which this is a conversation happening on July 2. He said, We'll aim for that perhaps next week, and hopefully that will lead into a meeting by the end of the month, July 29 and 30, which was roughly, I think, the dates that were discussed in the June 18 meeting that Secretary Perry chaired.

Q Was there any discussion in that meeting in Toronto

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on July 2 about the investigations that Rudy Giuliani had been promoting?

A There was not a discussion in the full format of everyone on both sides of the table. However, prior to the meeting, Ambassador Volker told me that he would need to have a private meeting separately with the President, that he would pull him aside. And he explained to me that the purpose of that private conversation was to underscore the importance of the messaging that Zelenskyy needed to provide to President Trump about his willingness to be cooperative.

And that happened -- as the meeting broke up, he announced that he needed to have a private meeting. He went around to the Ukrainian side of the table and pulled Zelenskyy, his chief of staff, Bohdan, and the translator. I was standing about 10 feet of the way, introducing myself to Andriy Yermak and talking to him. So that was -- Volker had several minutes with Zelenskyy, his chief of staff and the interpreter.

Q You said the messaging about the willing -- or cooperation.

A Yeah.

Q Cooperation about what?

A The details at that point were not clear to me. I would say that Kurt Volker had not provided additional details. It was more that President Zelenskyy needed to be

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signaling something in his cooperative attitude towards something the President was interested in.

Q And at that point you did not know what the President was interested in?

A At that point, Kurt Volker did not say, nor was I aware of what the President was interested. Rudy Giuliani was tweeting what Rudy Giuliani thought, but Rudy Giuliani was and is -- remains a private citizen, not an official of the U.S. Government.

Q Right. Did you understand why Kurt Volker needed to have this in a private pull-aside -- have this conversation in a private pull-aside meeting rather than with everyone there?

A Well, it was clear that he both wanted to restrict knowledge of it, and considered the matter sensitive. But, again, I had not been on the June 28 conference call. I heard about that subsequently from Charge Taylor.

And I had also not been involved in any of the conversations that had gone on. I wasn't there at the June 18 nor the May 23. So sometimes I can get readouts officially of meetings, but if you're not there, you miss the sidebar conversations that can take place.

Q So it's your testimony that you did not -- you were not aware at that point of what the sensitive issue that Kurt Volker needed to talk about related to President Zelenskyy's

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cooperation with President Trump?

A What I was aware of was that there was an interest, and Kurt was sending a signal of a desire to have Zelenskyy be cooperative, but I did not know the details of what the ask was on that date, July 2.

Q Okay. Did Kurt Volker explain to you what he discussed with President Zelenskyy in that pull-aside afterwards?

A No. But he explained -- he was, I would say, relatively transparent beforehand. This is what I'm going to do, and this is my message and this is why.

Q And how did you -- what did he say the why was?

A Well, I think his goal, to my understanding, based on my conversations with him, he was trying to get through what seemed to be a hiccup in the communications, and wanted to get President Trump and President Zelenskyy together, counting on Zelenskyy's personal interactive skills to build rapport and carry the relationship forward.

Q Okay. But that's the why he was doing it?

A That was my understanding, based on what I heard from Kurt prior to the meeting, yes.

Q And what did he tell you after about the meeting?

A It was, you know -- it was a several-minute exchange, and so I just presumed that he had said and raised the ask in the way that he had described to me right before

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the meeting.

Q And what was your reaction to the ask as you understood it from Volker at the time?

A At the time, I was interested to see where this thought pattern would go. I do not recall whether the follow-on conversation I had with Kurt about this was in Toronto, or whether it was subsequently at the State Department. But he did tell me that he planned to start reaching out to the former Mayor of New York, Rudy Giuliani.

And when I asked him why, he said that it was clear that the former mayor had influence on the President in terms of the way the President thought of Ukraine. And I think by that moment in time, that was self-evident to anyone who was working on the issues, and therefore, it made sense to try to engage the mayor.

When I raised with Kurt, I said, about what? Because former Mayor Giuliani has a track record of, you know, asking for a visa for a corrupt former prosecutor. He attacked Masha, and he's tweeting that the new President needs to investigate Biden and the 2016 campaign.

And Kurt's reaction, or response to me at that was, well, if there's nothing there, what does it matter? And if there is something there, it should be investigated. My response to him was asking another country to investigate a prosecution for political reasons undermines our advocacy of

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the rule of law. And that was the nature of the exchange, at some point in July, either at Toronto or perhaps, more likely, mid-July in the State Department.

Q Now, Ambassador Volker is a longtime, you know, Foreign Service officer, right?

A He is.

Q What was his reaction when you said that this would undermine the rule of law and everything that we stand for?

A I do not recall him giving a verbal response.

Q Okay. And so presumably you and Kurt Volker were in Toronto for some time, right?

A We arrived, to the best of my recollection, on the 1st and departed late afternoon of the 3rd. We did not travel together.

Q Did you spend any time together there?

A We were in many meetings together, yes.

Q Did you spend any meals together?

A I do not recall us having working meals together, but it was a hectic trip and generally, his -- or hectic, not trip, but set of meetings. There were a lot of Ukrainians there, and I had a lot of sidebar meetings with attendees at the conference.

Q So --

A I should also say that there was a -- because Kurt was head of delegation, the Canadian foreign minister hosted

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a dinner for heads of delegation to which Kurt was invited. I was not because there was just one U.S. attendee. So, for instance, whatever the anchor night was, he went to the leaders meeting, and I met with other Ukrainians who were there.

Q Are you familiar with a July 10 meeting at the White House involving senior Ukrainian officials and senior American officials?

A I saw pictures tweeted outside after the meeting. At the time I was on a multi-country swing that included, among other countries, Moldova and Ukraine.

Q So you were unaware -- prior to the meeting occurring, you were unaware that it was happening?

A I knew that there was going to be a meeting. The principals for that meeting were Ambassador Bolton and Oleksandr Danylyuk, who'd been appointed the head of the National Security and Defense Council in Ukraine, which doesn't have an analogous role to our National Security Council but has a name that sounds similar. And Oleksandr Danylyuk is a Ukrainian official well-known to many of us who have worked on Ukraine.

Q Now, just to be clear, the conversation that you had with Kurt Volker, even if you aren't sure that it was in Toronto, it occurred before your European swing?

A I can't tell you for certain when in July it was.

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I have since been made aware by seeing the WhatsApp messages that Kurt released that he said he had breakfast with Giuliani on July 16th, so it would make sense that my conversation with Kurt happened before then -- July 19th -- because he was telling me that he would reach out to Mayor Giuliani.

Q Did you discourage him from reaching out to Mayor Giuliani?

A I asked him what his purpose was, and that's when he said, as I relayed earlier, that because, clearly, former Mayor Giuliani was an influence on the President's thinking of Ukraine that he, Kurt Volker, felt it was worthwhile engaging --

Q Right. I know. But did you think it was worthwhile engaging?

A What I understood was Kurt was thinking tactically and I was concerned strategically.

Q Did you have any discussions with anyone else at the State Department by mid-July, any time up to mid-July or prior to, about Mr. Giuliani's potential influence on the President and the fact that what he was advocating may be contrary to official U.S. policy?

A I did not, in part because after Giuliani attacked me, as well as Ambassador Yovanovitch and the entire embassy, in his late May interview, I was told to keep my head down

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and lower my profile in Ukraine.

Q Who told you that?

A The message was relayed from my supervisor, Acting Assistant Secretary Reeker message relayed from Under Secretary Hale.

Q Do you know if it became from above Under Secretary Hale?

A All I know is that Assistant Secretary Reeker, after a meeting with Under Secretary Hale said that Under Secretary Hale had directed me to keep my head down and a lower profile in Ukraine.

Q And what did you understand a lower profile in Ukraine to mean, given that you oversaw the policy for the State Department on Ukraine?

A Well, I oversee policy for six countries, and this was a day or two before I was going on leave to go visit -- attend my daughter's [redacted] and go hiking in Maine. And so I said, Fine, you're not going to hear me talk about any country for the next week and a half. And I did cancel some public appearances on Ukraine in June, sort of think tank sessions around Washington.

Q And at that point, did you sense that you were cut out of the loop in terms of State Department policy discussions and dealings with Ukraine given this Volker, Sondland, Perry triumvirate?

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A I wouldn't say that I was cut out of the loop. As I indicated, Kurt and I continued to have a back and forth. I was aware that obviously other players had come into the picture. And you had Secretary Perry convening a meeting with a number of State Department officials.

You had Gordon Sondland giving a public interview that the three amigos were now in charge of Ukraine, and by that he meant Perry, Sondland, and Volker. I heard Volker say that to President Zelenskyy in Toronto, but I was in that meeting.

Q Volker called them the three amigos to Zelenskyy?

A No. Sondland, in a public interview, called themselves three amigos. Volker just stated that coming out of the meeting with President Trump at the Oval Office, that those were the three officials that would be taking the lead on our policy towards Ukraine.

Q Were you speaking regularly with Bill Taylor in June and July?

A Yes. There's a schedule of -- every Monday there is a generally scheduled secure video conference. It's not just one-on-one. Usually it's with office director, deputy director from my side, and members of the country team on his side. That was the schedule that dated back --

Q Well, let me rephrase the question. Did you speak to Charge Taylor about the three amigos, or Rudy Giuliani or

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any activities with regard to the advocacy for these investigations?

A We are, in your exploration of a timeline, not yet to the point where that became apparent to me that this is where U.S. policy -- or not U.S. policy, where U.S. engagement was headed.

Q Okay. And we'll probably get there, but when would you say that time is?

A Well, I think in retrospect, from the release of the WhatsApp messages, it started earlier than I was aware.

Q When were you ultimately aware?

A I would say that the middle of August, specifically August 15 and 16, was when I became aware that this was actively in play.

Q Okay. So did you get -- we're going to get there, but did you get a readout from that July 10 meeting from anybody?

A I do not recall. I was on the road for -- because it was a multi-country trip. I was on the road for more than a week. I saw the picture that was tweeted out, maybe from Kurt Volker, maybe from Gordon Sondland, that had the two Ukrainians, which were Oleksandr Danylyuk and Andriy Yermak, close assistant and associate to President Zelenskyy, as well as the Americans.

Q Do you recall when Fiona Hill left the National

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Security Council?

A She was scheduled to leave at the end of July. I don't recall which particular day of which particular week.

Q Did you have a meeting or a conversation with her before she left?

A Yes, I did.

Q And did you discuss any of these issues that we've been talking about today with her?

A Yes, but to be honest, I don't recall the last time we had a conversation, and when we had the conversation would be important to what we talked about. A conversation that I recall, and I took notes actually dated to mid-May in which we talked about the change of attitude and approach towards Ukraine, and that was in the wake of meetings that President Trump had, a meeting with Viktor Orban, the leader of Hungary, as well as a call he had with Russian President Putin in early May.

Q And what was the change following those two conversations with Orban and Putin?

A Fiona assessed the conversations as being similar in tone and approach. And both leaders, both Putin and Orban, extensively talked Ukraine down, said it was corrupt, said Zelenskyy was in the thrall of oligarchs, specifically mentioning this one oligarch Kolomoisky, negatively shaping a picture of Ukraine, and even President Zelenskyy personally.

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Q And did Dr. Hill think that that had an impact on President Trump's outlook?

A I cannot recall what she said in that meeting besides giving me the brief readouts of those two meetings, but that was my takeaway, and that those two world leaders, along with former Mayor Giuliani, their communications with President Trump shaped the President's view of Ukraine and Zelenskyy, and would account for the change from a very positive first call on April 21 to his negative assessment of Ukraine when he had the meeting in the Oval Office on May 23.

Q And it was your understanding that Sondland, Perry, Volker, when they came back from the inauguration they were very positive about President Zelenskyy. Is that right?

A That is correct.

Q And that generally the State Department had a positive outlook on President Zelenskyy?

A We were cautiously optimistic that this was an opportunity to push forward the reform that Ukraine needs to succeed in resisting Russian aggression, building a successful economy, and, frankly, a justice system that will treat American investors and Ukrainian citizens equally before the law.

Q But the message from Orban, Putin, and Giuliani was different than the message that the State Department was relaying. Is that right?

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A It was different than the State Department assessment, and it was different than the assessment of Secretary Perry, Sondland, and Volker.

Q Okay. But the President was listening to the Giuliani, Orban, Putin contingent --

A I don't know.

Q -- according to Dr. Hill?

A According to Dr. Hill, in assessing the change from late April to late May, but then we had also the instructions coming out of that meeting leading to the signing of the letter on May 29 and the efforts to help Ukraine particularly in the energy sector.

Q Dr. Hill told us that she departed on July 19, and that prior to leaving, she had a conversation with you.

A That -- again, I recall us speaking sometime in July. I honestly don't recall the content of that. One reason why I recall more specifics from May is that as I was looking through my notes to find records to provide to the State Department to be responsive to the subpoena, I found notes that I took when I talked to her in May. When I was going through my notes I did not find notes of our conversation in July. But, yes, I do recall that we talked in July.

Q And did you provide the notes from that May call to the Department --

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A Yes.

Q -- for production to Congress and pursuant to the subpoena?

A Yes.

Q Okay. So let me just make sure I understand. You heard from Ambassador Taylor at the end of June that there was -- correct me if this summary is wrong -- that at the end of June, that there was a conversation with Taylor, Ambassador Sondland, Volker, and Secretary Perry where they discussed the need for President Zelenskyy to initiate some -- I think you said investigations was the readout you got in that call?

A Well, sending the right signal without the details of the --

Q Without the details. And then Ambassador Volker reaffirmed that to you directly before the meeting with President Zelenskyy in Toronto?

A Correct.

Q Okay. Up until the July 25 call, from July 2 to July 25, did you have any more discussions with anyone about the notion of Ukraine pursuing these investigations either specifically or more generally in terms of cooperation?

A I do not recall any additional conversations that I had in July. But I can't rule it out. Again, I had a conversation with Fiona, I remember that, a sort of farewell

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call or a meeting, discussion. But, again, I don't remember the content, and also, keep in mind that we had responsibilities -- I only had responsibilities for six countries. She had responsibilities for many more.

Q Right. Okay. So you don't remember if she voiced any concerns about what was going on with Rudy Giuliani or anything related to that?

A I honestly can't remember the content of that conversation apart from I know that she had some concerns about nonstandard actors. I believe, in that conversation, she expressed concern with Gordon Sondland's approach.

Q What concerns did she express with Gordon Sondland?

A To the best of my recollection, she had concerns possibly based on having been in conversations in the Oval Office that he made assertions about conversations that did not match with what had actually been said in the Oval Office.

Q Can you elaborate with any more detail?

A I was not in those conversations, so --

Q I'm just asking what she told you. I understand you weren't in them.

A I think she may have been as direct as saying that Gordon Sondland lies about conversations that occur in the Oval Office.

Q Did she indicate to you that Gordon Sondland had

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any conversations with the Chief of Staff Mulvaney on this topic?

A As I mentioned before, it was clear to me that Ambassador Sondland had a direct connection with Chief of Staff Mulvaney, and that's actually how the May 23 readout was put on the President's schedule. It was not, to the best of my knowledge, done through the national security staff and Ambassador Bolton. It was done Ambassador Sondland directly to Chief of Staff Mulvaney.

Q Right. But I'm asking now in July. When Dr. Hill talked to you and voiced concerns about Sondland, did she mention anything about Sondland's relationship with Mr. Mulvaney?

A She may have, but I do not remember.

Q Okay. Do you recall anything else that she said about Ambassador Sondland in that meeting -- was it a meeting or a phone call?

A It was a conversation, but I will say that it was also not entirely about work. We have a mutual friend whose wife died of cancer, and he is a Foreign Service officer and studied in St. Andrews with Fiona, and that's where he met his wife. And so she had passed away. So part of the conversation was just about our mutual friend who died.

Q And the part that was about Ukraine, was there anything more that --

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A That's as much as I recall. But, again, as I said, it was a conversation that had a personal component that had nothing to do with work, and then part of the conversation had to do with work.

Q So when did you become aware that President Trump and President Zelenskyy were going to speak on July 25?

A I believe I was informed by Lieutenant Colonel Vindman on July 24, the day prior. And as I mentioned before, that's when I sent a message to the embassy suggesting that they test the line to make sure the call went through.

Q And I believe you said the only readout you got from the call was from Lieutenant Colonel Vindman?

A Correct.

Q When you described that readout in addition to emphasizing how Mr. Vindman was uncomfortable and the sensitive nature of the call, so he wasn't comfortable talking about it, you did say, I wrote down here, that he mentioned that there was a -- that President Trump had discussed the extreme narratives that had been discussed publicly. Is that --

A At that point, I don't think he said that President Trump discussed. What I recall is that he said at this point the conversation went into the most extreme narratives. And that was him making a summary without providing any detail.

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Q Understood. But given everything that you knew, and you certainly have indicated today that you were aware of the public narratives --

A Yeah.

Q -- what did you understand him to mean?

A I had presumed at the time, and I may have put in my notes just in parentheses, Giuliani, and that was the way I interpreted what he said. But, again, he was very uncomfortable having the conversation. He initiated the conversation, but it was very clear he was uncomfortable sharing this limited summary, including not going into the detail of the call itself.

Q Did you come to learn whether or not Ambassador Volker -- in real time, at the time, did you come to learn that Ambassador Volker did meet with Mr. Giuliani?

A Kurt told me he was going to meet, and so, I had every reason to believe that he then followed up on what he said he was going to do. But he did not share with me the exact contents of his discussions with the Mayor, no.

Q Did you know at any point whether Ambassador Volker had introduced Andriy Yermak to Mr. Giuliani?

A I believe I became aware of that in mid-August.

Q So you said that earlier, a few minutes ago, you said that August 15, 16 time period was when you seemed to confirm that -- well, I don't want to put words in your

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mouth, but there was a significance to August 15 and 16. What was the significance to those dates in your mind?

A On August 15, the new special assistant to Special Representative Volker, Catherine Croft, came to my office and asked me, said she was trying to find out some information on behalf of Kurt. And she said, you, George, know about our relations with Ukraine, particularly in law enforcement. Have we ever asked the Ukrainians to investigate anybody?

And I told her, I said, well, Catherine, there are two ways of looking at that question. If there is a crime that was committed in the United States and any nexus for us to take action, we have two mechanisms: We have the Mutual Legal Assistance Treaty, and we have the legal attaches at the embassy, and that's the way a law enforcement investigation should engage the Ukrainians.

The other option, which I -- from the context of what has been spoken about in the press, maybe what you're asking is the political option. And if you're asking me have we ever gone to the Ukrainians and asked them to investigate or prosecute individuals for political reasons, the answer is, I hope we haven't, and we shouldn't because that goes against everything that we are trying to promote in post Soviet states for the last 28 years, which is the promotion of the rule of law.

And I also then told her, I said, Kurt has a lot of

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ideas. Some of them are great; some of them are not so good. And part of the role of the special assistant as well as people like me is to ensure that the ideas stay within the bounds of U.S. policy.

Q And what was her response?

A She took that onboard.

Q But why was that conversation important to you to crystalize what was going on?

A Well, because there had been a lot of talk, you know. Frankly, what a private citizen tweets is an exercise in one way of First Amendment rights, but when you have U.S. Government employees, or in this case, a special U.S. Government employee potentially seemingly to align to that view, that's when it became real for me and a matter of concern.

And that was, as I said, I said the 15th and 16th, because the next day, I had a conversation with Charge Taylor in which he amplified the same theme. And he indicated that Special Representative Volker had been engaging Andriy Yermak; that the President and his private attorney, Rudy Giuliani, were interested in the initiation of investigations; and that Yermak was very uncomfortable when this was raised with him, and suggested that if that were the case, if that were really the position of the United States, it should be done officially and put in writing, essentially

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what I described to Catherine the day before, which is the Mutual Legal Assistance Treaty option. And I told Bill Taylor, that's wrong, and we shouldn't be doing that as a matter of U.S. policy.

Q What did he say?

A He said he agreed with me.

Q Now, had you had any conversations with Ambassador Taylor after July 25 and prior to August 16 about this issue?

A Not that I can recall.

Q Had you had any conversations with -- well --

A About this issue, I mean, we had a --

Q Yes.

A -- regularly scheduled weekly teleconference that involved teams, and if there were anything sensitive, we could finish up in a one-to-one. We also had a relationship that if there were needs, just like with any ambassador, they could call me up, you know, for an unscheduled conversation.

Q And that never occurred in that 3-week span?

A I do not recall us having a conversation specifically, you know, if you will, out of the regular schedule until Friday, August 16. And I say it's a Friday, because I was scheduled to get on a plane, leave my house at about 6:00 a.m. to go to the airport, fly out to California to go hiking in Yosemite with my family. So I had a very time-bound limit.

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And so after having had these two conversations, I wrote a note to the file saying that I had concerns that there was an effort to initiate politically motivated prosecutions that were injurious to the rule of law, both in Ukraine and the U.S.

I informed the senior official still present and the European Bureau at 7:30 on a Friday night in the middle of the summer, which was Michael Murphy, and informed him of my intent to write a note to the file, which he agreed was the right thing to do.

Q And when you say politically motivated investigations, are you referring to investigations that were also referenced in that July 25 call record?

A At the time, I had no knowledge of the specifics of the call record, but based on Bill Taylor's account of the engagements with Andriy Yermak that were the engagements of Yermak with Kurt Volker, at that point it was clear that the investigations that were being suggested were the ones that Rudy Giuliani had been tweeting about, meaning Biden, Burisma, and 2016.

Q And I understand you didn't know the contents of the call record, but now being able to read the call record as you have, you are referring to the Biden investigation that the President mentioned, as well as the CrowdStrike 2016 investigation. Is that right?

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A Those align with the Rudy Giuliani tweet. I think it was June 21, as well as some of the other story lines from earlier in the spring before President Zelenskyy was elected.

Q Right. I just want to be clear that when you say politically motivated investigation --

A That is what I'm referring to, yeah.

Q -- that's what you're referring to. Okay.

Were you aware of efforts to convince the Ukrainian Government to issue a statement a couple days before the August 15 time period?

A I was not aware of the effort to negotiate the text of the statement that came out as a result of Ambassador Volker's testimony here, and the tweets that he released, no, not until I had read those.

Q So you were completely unaware of those discussions related to a possible statement about investigations?

A Correct.

Q Now, at that point, on August 15, when you look back on the previous 2 months, let's say, the readout from the June 28 call that you got from Ambassador Taylor, the conversation that you had with Ambassador Volker in Toronto, did you have a different view on what this White House visit and the interplay between a potential White House visit and these investigations?

A As I mentioned before, arranging visits between

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Presidents is never easy. President Poroshenko spent several years also trying to get a visit to the White House, and that was more happenstance, the visit he made in June 2017. So I have an appreciation that just because a leader of a country wants to visit Washington and have an Oval Office visit doesn't mean it that happens.

So I would say there was one track of trying to get a visit. There was another track of what we were engaging Ukraine formally through normal channels. And then this particular moment was the time where not just what I read on tweets by private citizens, but a greater understanding of actions taken by U.S. officials, in this case, Ambassador Volker, that my concerns grew.

Q And just so we can understand, you sort of described just there kind of two parallel tracks of official U.S. policy. Is that an accurate assessment?

A I think official U.S. policy are policies that are determined and endorsed. And in this administration there's the National Security Presidential Memorandum 4 that was issued in April of 2017, and that actually is what determines the formal policy process for formulating U.S. policy on any issue or country.

And what we're talking about now are issues and approaches that were not discussed in the interagency process as staffed by the NSC and the person of either Lieutenant

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Colonel Vindman or his boss, which was Fiona Hill and then now has become Tim Morrison.

Q Right. And I thank you for that clarification. So official U.S. policy remain the same, but there's sort of a secondary or shadow policy that was now being perpetrated by U.S. officials? Was that what you learned?

A I had growing concerns that individuals were pushing communications with Ukrainians that had not been discussed and endorsed in the formal policy process, yes.

Q Now, it sounds like you went on vacation right after you wrote this memo to file, which, just as an aside, I assume you also provided to the State Department --

A I did.

Q -- to turn over.

Did you have any subsequent conversations with anyone about this revelation that you had?

A Well, I believe -- I went away. I came back after Labor Day. The next communication or data point that I can recall was a WhatsApp message that Charge Taylor sent me on September 7, which would have been, I think, the Saturday after Labor Day.

Q And what did that WhatsApp message say?

A Charge Taylor indicated that he had talked to Tim Morrison, who is the senior director for Europe, who replaced Fiona Hill. And Tim indicated that he had talked to Gordon.

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And Gordon had told him, Tim, and Tim told Bill Taylor, that he, Gordon, had talked to the President, POTUS in sort of shorthand, and POTUS wanted nothing less than President Zelenskyy to go to microphone and say investigations, Biden, and Clinton.

Q And in return for what?

A That was not clear to me. I wasn't part of this exchange. But Bill Taylor then followed up with a video conference, our normal Monday call in which he elaborated on his conversations with both senior director Morrison on the 7th as well as with Ambassador Sondland on the 8th.

Q And what did he say?

A He said that Morrison indicated that Rudy Giuliani had recently talked to the President again, and he said, as you can imagine, that creates difficulties managing the Ukraine account.

On his conversation with Ambassador Sondland on the 8th, I believe they went into more detail about Ambassador Sondland's efforts to try to facilitate a proper approach, in his view, to open up the possibility of a visit to the White House.

Q So can you explain a little bit?

A Well, this was taking place -- this conversation was taking place with Ambassador Taylor and I on the 9th of September. The biggest annual conference on Ukraine in

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Ukraine is known as the YES Conference. That used to stand for Yalta European Strategy back when Crimea and Yalta were under Ukrainian control.

And it was going to happen, start in a couple of days. I flew out to Ukraine to take part in that conference as did Ambassador Volker. And Charge Taylor indicated that Ambassador Sondland was pushing a line that included having President Zelenskyy give an interview potentially with CNN during the YES Conference that weekend in which he would send this public signal of announcing a willingness to pursue investigations.

Q And did Ambassador Sondland discuss a White House visit in the context of that statement?

A I think the anticipation or the hope was that sending that signal would clear the way for both the White House visit as well as the resumption or the clearing of the administrative hold on security assistance, which had been placed by OMB. Although, Charge Taylor asserted to me that both Tim Morrison and Gordon Sondland specifically said that they did not believe that the two issues were linked.

Q What was Ambassador Taylor's reaction to this whole conversation?

A He told me he indicated to Gordon, he said, This is wrong. That's what I recall him saying to me, again, orally reading out of a conversation of which I was not a part.

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Q But he thought that it may have -- that the aid may be contingent on this?

A I have subsequently seen his tweets, which -- or not his tweets, the WhatsApp messages that Kurt Volker issued. And so it appears to me, having seen those WhatsApp messages, that he was sharing his concerns with Ambassador Sondland and Ambassador Volker.

MR. GOLDMAN: Okay. I think our time is up. So we will yield to the minority.

BY MR. CASTOR:

Q When Volker was communicating to you about various investigations that would occur in the Ukraine, whether it relates to Burisma 2016, is it possible -- the way I understood his -- you know, we spoke to Volker.

A Right.

Q He was in here. The way I understood his -- the way he communicated it was that if there were Ukrainians engaged in misdeeds, corruption, then, you know -- and it could relate to Burisma, it could relate to bringing Hunter Biden on the board, it could relate to Ukrainians doing nefarious things in the run-up to the 2016 election, then the Ukrainians ought to investigate fellow Ukrainians.

A So you're saying that's what Ambassador Volker said to you and the committee?

Q That was my understanding of what he said. Is that

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inconsistent with your understanding?

A Well, I think I can only share the conversation I had with Kurt, and the conversation was framed differently.

Q Okay.

A But, again, I wasn't here. I haven't seen the transcript of what he said to you. So I can only share my recollection of my conversations with him.

Q Sure. And did he communicate that differently, or did you just maybe understand it differently, or is there a possible disconnect there, or are these two different things?

A I think that there are two people who -- we're talking at this point about a conversation that took place 3 months ago, that neither of us were taking notes. We were standing up. And so, I would say that, you know, he has shared his recollection of the conversation, and I shared mine.

Q Okay. But your recollection was that they were pushing for political investigations that had no merit?

A When he said that he was going to engage Rudy Giuliani about Ukraine, because Rudy Giuliani was clearly influencing the President's views of Ukraine, I reminded him what Rudy Giuliani was doing in Ukraine and about Ukraine, about which I had concerns.

That's why I say that I think Kurt was approaching -- in my understanding, he was approaching this issue tactically.

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We both wanted the best for Ukraine. We both wanted the best for U.S.-Ukraine relations. He saw Rudy Giuliani as an issue to be addressed, and potentially an ally to be incorporated to get the U.S. President to where we wanted our relationship to be, which is having a meeting.

My concern could be summed up by the means don't necessarily justify -- you know, the ends don't necessarily justify the means, that if we're trying to put trade space on the table of an investigation, that can violate a principle that undermines what we're trying to do on a matter of policy.

Q My understanding of what -- how he looked at Rudy was that he thought Mr. Giuliani was amplifying a negative narrative, meaning a false narrative, meaning that whatever Rudy Giuliani was communicating, you know, about to the President was something that needed to be fixed. And since the President and Rudy Giuliani had communications on a somewhat regular basis, he thought that it was a relationship he had to try to work on if he could.

A Yeah. That is my understanding of his rationale for engaging the former mayor of New York.

Q Okay. And by no means was he adopting the narrative that Rudy Giuliani was proselytizing?

A I don't know what Kurt's view was about the narrative. What I know is that by September, Kurt was

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actively promoting the request for Ukraine to open these investigations.

Q Okay. And it would be inconsistent with your understanding if these investigations were for Ukrainians to open matters into misdeeds by Ukrainian -- genuine misdeeds by Ukrainians, whether it relates to Burisma or 2016?

A We obviously want Ukraine to have effective law enforcement and justice sector institutions. That's in order to be able to investigate, prosecute, and judge any criminal acts. Again, as I said, I think the issue for what we ask them to do in certain cases should start from whether there's a criminal nexus in the U.S. because that's our role as the U.S. Government, not to dictate that you should investigate this person because it's in our political interest.

Q Okay. You've mentioned WhatsApp a few times. That's a completely standard messaging application to use for State Department officials, correct, as long as everything is saved first?

A In certain countries it's almost required for business. And I'll give you the example of how I ended up first using WhatsApp. When Ambassador Yovanovitch had her first meeting with the then new prime minister of Ukraine, Volodymyr Hroysman, who is 41 years old, and she arrived in August, so I'm presuming it was late August or early September, he asked if she were on WhatsApp and Viber. And

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she said, why? And he says, that's how I communicate. So if you want to communicate with me, the prime minister of Ukraine, you need to go back to the embassy and have them download those apps.

So she came back to the embassy. We checked with our communications and Diplomatic Security specialists. The assessment was that Viber was not as secure as WhatsApp, and that we were authorized to use WhatsApp for communications as long as records were saved.

Q Okay. So the use of WhatsApp by U.S. official, State Department official, White House official, presents no problems as long as everything is saved?

A I didn't say that, but at least we're in --

Q Like, what kind of problems would it present as long as everything is saved?

A Well, I think there always is a challenge with the integrity of data. And, for instance, Minister Avakov of Ukraine, who I've referenced several times, minister of interior, told me and another member of the staff, in 2018, that there were now ways, thanks to Israeli code writers, of cracking the alleged encryption of text messages on WhatsApp. So for people who thought they were encrypted and therefore safe, at least the text messages, the texts as opposed to the voice could be accessed by people.

Q Okay. Moments ago you referenced the name Clinton?

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A What I said --

Q Could you just go through that again?

A Right.

Q I haven't heard that name lately.

A That was a message -- that was described in the shorthand of the desire to have -- this was the Gordon Sondland messaging of what the Ukrainians need to say in shorthand 2016. And in shorthand, it was suggested that the Ukrainians needed -- Zelenskyy needed to go to a microphone and basically there needed to be three words in the message, and that was the shorthand.

Q Clinton was shorthand for 2016?

A 2016, yes.

Q Okay. Are you aware of the narrative that there were some Ukrainians that tried to influence the outcome of the election?

A I recall reading a Politico article to that effect in the spring of 2017, yeah.

[Minority Exhibit No. 4
Was marked for identification.]

BY MR. CASTOR:

Q Okay. I'm going to mark as exhibit -- what are we up to, 4? These guys love this article. This is a Politico article by Ken Vogel dated January 2017. It's, like, 18 pages. It goes into some depth. I'm just going to point you

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to some things just and ask you whether you have any awareness or ever remember this issue coming up. I'm not going to ask you to, you know, adopt the article as, you know, personal endorsement or anything.

Were you aware that a Ukrainian American named [redacted] was, you know, a consultant for the Democratic National Committee and had made some overtures to the Ukrainian Embassy?

A I was not aware of that. I did at the time read this article nearly 3 years ago now. But, yes, I read this article.

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[5:37 p.m.]

BY MR. CASTOR:

Q And when you read this article, did you do any followup, communicate with anybody at the State Department about the validity of this?

A I was in Ukraine. They were in Washington. And I presumed that people had read it. But it's an article by two journalists that I don't think I've met. But, you know, it was -- obviously, people were talking about it because of the allegations --

Q Are you familiar with the Embassy's posture during this time period with Ambassador Chaly?

A Again, at this time, which we're talking about the period of the election, which is November 16, and this article coming out the month of the inaugural in 2017. I was in Ukraine, Kyiv, not here in Washington. That said, I do know Ambassador Chaly. I met him for the first time in the fall of 2004 when he was the think tank --

Q And he had written an op-ed, I guess, that said some less than positive things about Candidate Trump?

A It's possible. I mean, "he" being Ambassador Chaly?

Q Yeah.

A If you say so. Honestly, again, I was in Ukraine focused on that end of the relationship.

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Q Who was the Deputy Assistant Secretary at the time?
A It would have been Bridget Brink, my predecessor.
Q So, other than this, you know, reading this story, you did not ever come into any firsthand information relating to [redacted]?
A No.
Q Or learn about any initiative on behalf of the DNC to promulgate some of this information?
A No.
Q The story walks through Serhiy Leshchenko's role in publicizing the Manafort ledgers.
A The so-called black ledgers, yes.
Q What do you recall about that?
A About the black ledgers?
Q Yeah.
A I recall that those were documents apparently found at the former estate of the previous President who fled to Russia, Viktor Yanukovych, and it indicated individuals who had been receiving payments by the former ruling party.
Q And at the time Leshchenko, at least it's reported here, suggested that his motivation was partly to undermine Trump?
A He's a Ukrainian citizen. I don't know what his motivations are. I know that he was an investigative journalist, and there were, as I recall, hundreds of names,

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almost all of which were Ukrainian, in the black book.

Q Would it be fair to say that there were some Ukrainians that were trying to influence the outcome?

A I honestly do not know. I was in Ukraine, and so I was not privy to whatever activities may have been happening here in the United States.

Q [redacted]

[redacted] when I would go to the NSC, the person I would normally talk to directly was the State Department detailee, the woman I mentioned previously, Catherine Croft, who has been working with Kurt Volker, she was a director at the NSC for Ukraine. And prior to

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Catherine doing her 1-year stint, she had worked at the Ukraine desk at the State Department. And there was an officer named [redacted] who had been working at the Embassy in Kyiv, and he came back and did a year stint at NSC.

So my principal interlocutor when I would go to the NSC to have conversations generally was the State Department director, [redacted]

Q [redacted]

[redacted] Generally, directors at the NSC do not travel on their own, but they often accompany principals. I can say that Victoria Nuland was Assistant Secretary, sometimes Celeste Wallander and Charlie Kupchan would travel with her to countries, whether that would be Russia or Ukraine.

Q [redacted]

[redacted] And, again, I spend most of my life in support of others, and so it hurts me to say this, but generally people remember who the principal on the trip was and not all the staff who actually do most of the work.

Q You talked earlier about Lieutenant Colonel

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Vindman's interactions with your staff?

A Yes. He would reach out -- I'm the Deputy Assistant Secretary, but there's an office that works on Ukraine, Moldova, and Belarus, and those are three countries for which he had responsibility within the NSC, although he was actually recruited to work on Russia, but he ended up working on Ukraine, Moldova, and Belarus, so he is a staff of one for those three countries. So it was natural that he would turn to an office that had multiple people working on those countries to see if they could be supportive.

Q Okay. And you explained that he had, from time to time, made a lot of requests of your staff?

A From time to time, he asked for -- a very short fuse -- detailed documentation that the members felt, first of all, was impossible to meet on his deadline and, second of all, distracted them from the work they had to do. And usually they would raise their complaints to their office director, [redacted]. And [redacted], if he did not feel his conversations with Alex could provide sufficient relief, he would ask me to weigh in.

Q How long has this he been going on?

A Well, I mean, I believe that Alex came on to the account at the end of the summer of 2018. So my return from Kyiv, I started work the day after Labor Day in September 2018, and his arrival to the NSC staff may have

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been the same week and certainly was within the same month. He came over from Joint Chiefs at the end of the summer of 2018.

Q Do you know when his detail was up?

A Generally, again, I've never worked at the NSC, but my general understanding is it's 1-year renewable. And generally, because of the budget and staffing patterns, they ask for detailees, which the host agencies pay for. And generally they come from State, Office of Secretary of Defense, or JCS in the Intel Community, and Treasury also provides individuals. Under Secretary Tillerson, when he had our staff freeze, he tried to limit all detailees. So, as a result, the number of State Department officials on detail at the NSC dropped dramatically, and that required, in order to staff it at similar levels, an increase in detailees from the Intel Community, the Pentagon, and JCS.

Q Do you know when his detail is up?

A Well, he's obviously in his second year now, and I get the sense that there are mechanisms to allow for renewable, even though that's not standard. Those jobs are incredibly draining, so most people are happy to do 1 year and move on. But he clearly got an extension to a second year, but I've never discussed that issue with him. But my presumption is that, at some point, it was extended by a second year.

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Q Did you have any communications with anyone at the State Department about your testimony here today, other than the ones you've described with the lawyers and --

A Well, I described early on a communication about the document search. Subsequent to that, I did not have any discussions or coordination about what I would say personally. The conversations with the counsel, legal office counsel, then went through counsel with [redacted], I got several letters that were signed by Under Secretary of Management Brian Bulatao, and then there were a number of conversations that [redacted] had, which I did not participate in.

Q But nobody has tried to influence your testimony. Is that correct?

A No. That is correct.

Q And did you talk to Ambassador Yovanovitch after or before her testimony with us?

A When you say "talked," what's your timeframe? What are your time --

Q Since she appeared, which was last Friday?

A I have not had any conversations with her since then. My wife, I believe, has because of the health of her mother. And my wife visited her mother in hospital and then had a conversation with Masha.

Q Okay. But you didn't speak to her about her

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testimony or your testimony?

A I have not talked to Masha since Friday, no.

Q Okay. And to the extent you reference her testimony, it's the prepared statement?

A It was made available and, I read it online, I think The New York Times.

Q Okay. This morning, we were talking about the State Department's record collection procedure and responding to the subpoena. Have you ever been involved with a congressional records request?

A The only previous record request that I have seen, although I was not specifically named as a record collector, was the Senate's Select Intelligence Committee's request for documents related to Paul Manafort and Konstantin Kilimnik.

Q How did the -- as far as you know, the ordinary process work for producing documents to Congress?

A Well, again, I have been present or seen the process happen twice, once when I was at an Embassy and, the other time, the past 2 weeks at the State Department. At the Embassy, there was a mechanism where our information management resource, our specialists who work with the information systems, went through and were able to extract from the system of backups any emails that had reference to the individuals listed.

And what was different about this search the last 2

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weeks was, the State Department did that automatically, but there were these other records that would not have been accessed automatically, and those included memos that were written but never logged and sent to a principal like the Secretary, handwritten notes, or other communications.

Q Okay. Did I understand your testimony that you were concerned about the integrity of the document collection process?

A What I said was, when we had our meeting on the 3rd of October, based on instructions that had been prepared by others that I presumed were in our congressional liaison in the legal office, that when they identified potential chief record collectors, that there were individuals that were not included that were in the listing, and, therefore, there were additional people that were asked to check for records.

Q Okay. And I may have heard this incorrectly, but it's not your understanding that the State Department officials look for documents and then send them in to Congress individually, right?

A It was clear in the instructions that, as part of the process of collecting documents, the records should be identified, and then there would be a central repository for the processing of those documents. And that's in an office that is under our what's known as the A Bureau, the Administrative Bureau. So I guess there's a unit that deals

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with this, and that was the mechanism.

Q You don't have concerns with that, do you?

A That sounds like an appropriate centralized way of gathering documents from many people.

Q So the function of the State Department collecting the documents and going through the documents, organizing the documents, and producing them to Congress is what you understand to be ordinary course?

A Well, my role as an identified record collector was to go through all of my records and identify information and provide that information. So that's what I did. What happens after that is a process that I don't have --

Q Okay. You don't have a lot of experience with that?

A This is the first time that I've gone through this process, yes.

Q Okay. So you're not in a position to evaluate whether the process undertaken here has been irregular or improper?

A This is the first time I've done this type of process where I've had to go through all my handwritten notes and other forms of communication to find evidence that might be responsive to the subjects that were listed in the subpoena.

Q Okay. And then a couple times you used the

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terminology "when Volker released his tweets"?

A I should have said WhatsApp messages; I'm sorry.

Q And so I just wanted to circle back to that, that I don't believe Ambassador Volker has released anything himself. He provided documents to the committees, and then, you know, the committee -- is that your understanding?

A I do not know how that information made it into the public domain.

Q Uh-huh.

A I do not engage the media and have studiously avoided the media before coming here. I cannot say that's been Kurt's approach.

Q Okay. But you're not aware of him releasing his text messages like affirmatively on his own?

A I do not know how his WhatsApp messages made it into the public domain.

Q I mean, it's conceivable that somebody on the Hill side, I know that might come as a shock, would push certain messages out. Is that something that --

A That's one option.

Q Okay. So you think that maybe he's pushing his own messages out on his own?

A I do not know.

Q Okay.

MR. CASTOR: Mr. Zeldin.

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MR. ZELDIN: Assistant Secretary Nuland's name has come up a few time, Kathy Kavalec?

MR. KENT: Kathy Kavalec.

MR. ZELDIN: Are you aware of Assistant Secretary Nuland instructing Kathy Kavalec to speak to Christopher Steele during the 2016 campaign?

MR. KENT: I was in Kyiv, and Kathy Kavalec was the Deputy Assistant Secretary for Russia, and so I was not aware of what the nature of engagement between Assistant Secretary Nuland and Deputy Assistant Secretary Kavalec would have been, no.

MR. ZELDIN: Are you aware of Ambassador Yovanovitch ever having conversations with Ukraine officials on specific individual cases before the prosecutor?

MR. KENT: When you say "specific cases," what do you mean?

MR. ZELDIN: In any of the prosecutor's cases, any of the Ukraine's prosecutor's cases, are you familiar with any conversations Ambassador Yovanovitch had with that Ukraine prosecutor about any of those cases?

MR. KENT: Which prosecutor are you referring to?

MR. ZELDIN: Well, I was referring to the state prosecutor, but with regards to Ukraine's state prosecutor or any cases within the Ukraine Government, are you aware of Ambassador Yovanovitch having any conversations with any

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prosecutor in Ukraine about any of the Ukraine cases?

MR. KENT: During the period of time when Yuriy Lutsenko was prosecutor general, and he became prosecutor general before Ambassador Yovanovitch arrived at post in August 2016, the U.S. Government had concerns that Ukrainian law enforcement, prosecutorial, and intelligence services were occasionally harassing and investigating without merit civil society activists, members of the media, and political opponents.

And so it was a matter of concern that those in office were using that office not to prosecute criminals but to put pressure on civil society, the media, and political opponents. In that context, yes, both the Ambassador and I raised concerns specifically about action taken without evident merit to pressure civil society, the media, and political opponents.

MR. ZELDIN: Was this a conversation solely in general, or were there discussions about specific cases?

MR. KENT: When, in a country whose leading journalist was murdered on the orders of a President in 2000, when journalists are attacked, when an anticorruption activist has acid thrown in her face at the orders of people that were politically connected and after 12 operations she died, yes, we raised specific cases of concern regarding the misuse of state office to go after civil society activists, members of

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the media, and members of the opposition.

In the year before President Poroshenko ran for reelection, there were over a hundred such attacks against civil society, the media, and occasionally political opponents, none of those were prosecuted by Yuriy Lutsenko.

MR. ZELDIN: Do you recall the names of -- any of the names of the individual cases that you spoke to or Ambassador Yovanovitch spoke to Ukraine about?

MR. KENT: I would say that, in the last 3 years, the most prominent case was this anticorruption activist that I mentioned. Her name is Katia Handziuk, H-a-n-d-z-i-u-k. She was in a town in Kherson, and according to activists, civil society, and journalists, there were politicians connected to President Poroshenko, which was also Prosecutor General Yuriy Lutsenko's party, as well as the party connected to Yuliya Tymoshenko. And despite this general knowledge, there was no firm action taken by the prosecutor general.

MR. ZELDIN: And this was a case important to you and Ambassador Yovanovitch?

MR. KENT: This was a case important for the rule of law under a President who had run to change Ukraine, starting with the Revolution of Dignity. So, if you were to ask a Ukrainian over the last year, if they had to cite one case that encapsulated the failures of President Poroshenko and his team, which included Prosecutor General Yuriy Lutsenko,

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the case of Katia Handziuk became a clarion example of the failure for the country to move forward in the same way that the murder of Georgiu Gongadze in 2000 encapsulated the failure of then President Kuchma to move the country forward.

MR. ZELDIN: But this would be a case that Ambassador Yovanovich would be very familiar with?

MR. KENT: This is a case that was under great discussion. The initial attack occurred in the summer of 2018, I believe, that the activist eventually died in roughly November of 2018.

MR. ZELDIN: Yeah, I just don't want to put any words in your mouth, that's why I'm asking the question. This would be a case that Ambassador Yovanovitch would have been very familiar with?

MR. KENT: I would imagine so, yes.

MR. ZELDIN: And were there many other cases that you have recall of individual names of cases as you sit here today, without having to go through the entire list?

MR. KENT: I honestly -- the number of uninvestigated assaults on members of civil society, the media, and the opposition, as I said, eventually reached 100, and that was a trend line and a message to everybody. So I cannot cite all 100.

MR. ZELDIN: I wasn't asking. I just wanted to ask, though, if necessary, there are many cases that you recall

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the names associated with the cases?

MR. KENT: On any given month, there would have been perhaps cases that rose to the fore as being emblematic of the direction. For instance, last December, 2018, one of the candidates for President, Anatoliy Hrytsenko, was assaulted in a parking garage in the city of Odesa. A former Defense Minister running for President was assaulted by thugs, and there was no effort to investigate that. That is a classic example of intimidation, and the lack of an investigation is a suggestion that those in power were not interested in holding the people to account because the accounts indicated that they were probably connected to the power organizations.

MR. ZELDIN: Did you keep track of these individual cases that we were engaging Ukraine with?

MR. KENT: The Embassy, as part of its advocacy, would have no doubt kept a running list and, in my experience from when I was there, would have discussed this extensively with the other likeminded Ambassadors. And there was a collection of Ambassadors to the G7 countries, plus the Ambassador to the EU, met almost weekly. And the issue of the deterioration of the rule of law and the lack of accountability and impunity for these attacks was a frequent topic.

MR. ZELDIN: With regards to this list of cases, who would you speak to on the Ukraine side about the individual

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cases. Was there a person, an office, that you would communicate with?

MR. KENT: The Ambassadors, I believe, collectively, the G7 Ambassadors, plus the EU Ambassador, when they had a meet with President Poroshenko, my understanding is this was the type of issue that was raised. Again, starting in August 18, I was back in Washington, so I did not participate in those meetings. The trend line and the deterioration started about the time I came back here to Washington.

MR. ZELDIN: When communicating with Ukraine with these lists, was Lutsenko or any of the people from his office present in any of those meetings?

MR. KENT: I can't say for certain. I do not think it was normal for the prosecutor general to be attending the meetings when, you know, eight Ambassadors come in to see President Poroshenko. It's not like they met that often. Prosecutor General Lutsenko, in my experience, occasionally, would summon Ambassadors or Embassy representatives to have meetings with him for sort of exchange on the situation, the current status of rule of law in the country.

MR. ZELDIN: It's a possibility that somebody representing Lutsenko might be present at any of these meetings?

MR. KENT: Again, this trend line started last summer about the time I came back, so I don't know who was in any

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particular meetings.

MR. ZELDIN: The United States policy towards Ukraine over the course of the last couple of years with regards to aid, support for Ukraine, would you assess it as getting stronger?

MR. KENT: I would say that, thanks to the appropriators on the Appropriation Committee, the amounts made available for assistance to Ukraine has increased yearly since 2014, yes.

MR. ZELDIN: And how important is it to Ukraine to have access to Javelin.

MR. KENT: I am the son of a submarine captain. I'm not the son of an Army cav or infantry officer, but I understand from my colleagues who do have such experience -- and our Belarus desk officer was an officer who used Javelins -- is that they are incredibly effective weapons at stopping armored advance, and the Russians are scared of them.

MR. ZELDIN: Earlier on, in one of the rounds, I believe this morning, there was discussion with regards to the firing of Ambassador Yovanovitch, and later on, you testified that you read the July 25th transcript. Do you recall the part of the transcript where President Zelenskyy is speaking about Ambassador Yovanovitch?

MR. KENT: I have the transcript here, and yes, I believe somewhere our President says something, and then

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President Zelenskyy says something back --

MR. ZELDIN: You're looking at page 4?

MR. KENT: Right.

MR. ZELDIN: There is a full paragraph of President Zelenskyy in the middle of the page, and towards the bottom of that paragraph, President Zelenskyy speaks about Ambassador Yovanovitch?

MR. KENT: Yep.

MR. ZELDIN: And in it, part of what President Zelenskyy says, quote: Her attitude toward me was far from the best as she had admired the previous President and she was on his side. She would not accept me as the new President well enough, end quote.

Do you know where President Zelenskyy would have developed the belief that Ambassador Yovanovitch was loyal to a previous President?

MR. KENT: I have no idea because I do know that President Poroshenko thought she was not a fan of him.

MR. ZELDIN: And I recall you testifying to that earlier.

MR. KENT: Yeah.

MR. ZELDIN: That President Poroshenko had targeted Ambassador Yovanovitch, which is why I wanted to ask you about this particular quote from President Zelenskyy. Did you have an opportunity to meet with President Zelenskyy and

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Ambassador Yovanovitch at the same time?

MR. KENT: I have not been a part of the meeting with Zelenskyy since this call happened, and since I also -- since I first saw this text 2 weeks ago. And of the meetings that I had with Zelenskyy previously, the meeting in March of 2019, which is when he was running as a candidate that was Under Secretary Hale, Ambassador Yovanovitch, and myself, when I came back in May, when he was President-elect Zelenskyy, Ambassador Yovanovitch had already been recalled. So the only meeting that was in the room at the same time with Ambassador Yovanovitch and Zelenskyy was in March, and the principal in the meeting was Under Secretary Hale.

MR. ZELDIN: Did you have an opportunity to observe any direct interaction between President Zelenskyy and Ambassador Yovanovitch?

MR. KENT: I only saw when he was Candidate Zelenskyy with her, and at that point, the focus was on Under Secretary Hale as the ranking visitor.

MR. ZELDIN: So no indications from that exchange that would help us understand that statement from President Zelenskyy with regards to loyalty to a previous President and not accepting Zelenskyy?

MR. KENT: I have no way of explaining why he said that, no.

MR. ZELDIN: Why weren't you on the July 25th call?

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MR. KENT: As I stated earlier, in my 27 years in the Foreign Service, I've never been on a Presidential call, and that is not normal for officials that are at the Embassy or at the State Department. The people who normally are on a Presidential call are staff at the National Security Council and the White House. And I have not served as a detailee to the National Security Council in my career.

MR. ZELDIN: As far as the participants on the call, you testified earlier that you got a readout of the call from Lieutenant Colonel Vindman?

MR. KENT: Correct.

MR. ZELDIN: Was there anyone else on the call who would typically give you a readout of that phone call?

MR. KENT: I would say that it was standard procedure for the director to give a readout to the Deputy Assistant Secretary. So, for instance, it was also Lieutenant Colonel Vindman who gave me the readout in April after the inaugural -- sorry, the election day victory call. So that was standard practice, that the director for a country would give a readout to the DAS so that the policy DAS at State would know the substance of what was discussed so we could make sure that our policy going forward was aligned with the conversations had by the President.

MR. ZELDIN: We only have a couple minutes left, but something that is still outstanding from a previous round I'm

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trying to understand. You have a reputation of loving and cherishing this U.S.-Ukraine relationship and dedicating your life toward strengthening the relationship between the United States and Ukraine. That is something that I've heard. And you get a readout from Lieutenant Colonel Vindman that doesn't have a lot of details, and you don't try to get any more information about the call. I just want to better understand your mindset that, once you got that readout that was lacking substance, that you chose not to try to get any more information. This is what you've dedicated your life towards strengthening this relationship. And I don't understand that. Can you better explain that?

MR. KENT: I think some people try to be in the middle of everything, and some people try to do their job based on the conditions which they are issued. So, again, I don't work at the White House. There are conversations and meetings that I do not take part in. My job is to represent the State Department and try to promote our national interests through the policies that have been discussed and agreed to in the interagency format and to use the mechanisms that the State Department has under its ability, including programming funded by appropriations from Congress, to pursue those national interests. So that's my job. It's also my job for six countries.

Now, admittedly, Ukraine is the biggest country.

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Georgia is a country which Congress appropriates over $100 million a year. And so I am juggling responsibilities for these six countries and traveling to all six countries. So we are focusing on one of six countries today for which I have responsibility. So I do not live, breathe every single second of my life focused on Ukraine, no.

MR. GOLDMAN: I think that's time.

Ambassador Kent, you've been here a long day and I'm sure --

MR. KENT: I'm not Ambassador.

MR. GOLDMAN: I'm sorry. Mr. Kent. The members are going to have to go vote I think in about 20 minutes. So I know you've just sat through another hour and a half. Would you like to take a 5-minute break --

MR. KENT: I'd appreciate that.

MR. GOLDMAN: And then we'll come right back. Okay. Let's do that.

[Recess.]

MR. GOLDMAN: Back on the record. It's 6:20, and it's the majority's round. Mr. Kent, thank for your patience and diligence today, we are nearing the end.

Mr. Mitchell.

BY MR. MITCHELL:

Q Sir, in the last round, you mentioned security assistance. Can you just generally describe what Ukraine

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Security Assistance Initiative is?

A Well, that is a specific term that refers to money appropriated in the Defense budget as opposed to the State Department budget. Traditionally, foreign assistance was appropriated under what's known as foreign military financing in State Department budget. Several years ago, Congress started appropriating monies in the Defense budget. And so the Ukraine Security Initiative is monies that are made available in the Defense budget. And that is something that was started maybe 3 years ago and has grown in scope. The fiscal year 2019, which just concluded, it was $250 million.

Q Are you generally familiar then with both USAI and FMF?

A Generally familiar, but I did not ever have line authority over security assistance in the way I had for a rule of law and justice sector assistance.

Q And when you say "authority," do you mean both when you were in Ukraine as well as in your current position?

A The way security assistance works, regardless of what budget it is appropriated in, the monies are executed by agents usually affiliated in the case of Ukraine with European Command, and we have an Office of Defense Cooperation in the Embassy. And the direction in how we spend that money is usually determined in a joint military commission between EUCOM and the Ukrainian general staff

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administrative heads.

Q Are you generally familiar with the way in which, the process by which USAI funds are released?

A Are you now talking about a budgetary process here in Washington?

Q So, for example, does Ukraine need to meet certain benchmarks before those funds can be released?

A The authorizers in Congress have put conditionality for the last several years on the second half. So, for instance, this past year, $250 million, there was a conditionality on the second $125 million. In a previous year, I don't know if it was the previous year -- I don't know if it's the previous 2 years ago or the first year 3 years ago -- there was that conditionality, but the appropriators did not appropriate as much money as the authorizers authorized. So the conditionality did not kick in. But, yes, generally the authorizers and appropriators worked together to put conditionality on the monies in the USAI.

Q And what was your involvement, if any, on determining whether the conditionality had been met?

A The conditionality is set by the Office of the Secretary of Defense. My counterpart, Laura Cooper, plays a principal role in that, and the determination to Congress is made by the Secretary of Defense.

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Q And is there an interagency process that takes place with regard to the release of the funds?

A Once the funds are in the hands of the U.S. military -- and specifically, I believe, they are held with the Defense Security and Cooperation Agency -- the State Department does not have a role, no. On the front end, discussing what might be appropriate conditions, there is a discussion, but ultimately that is a process, and the specific conditions, and whether they have been met, is determined by the Office of Secretary of Defense.

Q What about with regard to FMF, how does that work?

A Foreign military financing, the State Department has a greater role in determining what the policy goals are and how that money would be applied, but that is also very much a collaborative process. And, ultimately, the FMF is also cut over to the U.S. military, specifically, the DSCA is the executive military agent. We don't spend and implement the programming the way that we would, say, for law enforcement programming. It, again, is monies where we have a greater policy role upfront and voice, but in the end, it's executed by U.S. military components.

Q And what is your personal involvement in FMF then?

A I have frequent conversations with my counterpart, Laura Cooper, not just about Ukraine. She covers more countries, but there's a lot of assistance going to Georgia,

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and so we have conversations about multiple countries, and we also talk about the conditionality in Ukraine.

Q Did you attend any of the PCC or sub-PCC meetings in July regarding security assistance for Ukraine?

A Yes.

Q Which ones did you attend?

A The first one where this issue came up was July 18th. It was a sub-PCC, to the best of my recollection, and the intended topic was [redacted].

Q Was there any discussion of the meeting at the sub-PCC level on July 18th about any sort of freeze of the security assistance to Ukraine?

A Yes.

Q Can you describe that discussion?

A It was described as a hold, not a freeze. There was a representative of the Office of Management and Budget. I was at the State Department in a security video conference, I did not recognize the face. And I believe the individual representing OMB at the time was not normally the person who did. It was the summer vacation cycles. And he just stated to the rest of the those participants, either in person or video screens, that the head of the Office of Management and Budget who was the acting chief of staff, Mick Mulvaney, at the direction of the President had put a hold on all security

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assistance to the Ukraine.

Q Mulvaney had put a hold at the direction of the President. Is that what you heard?

A That is what the representative of the Office of Management and Budget stated in the sub-PCC on July 18th, yes.

Q Was there any discussion following that announcement?

A There was great confusion among the rest of us because we didn't understand why that had happened.

Q Did anyone ask at that sub-PCC meeting why that happened?

A We did. And the individual said that he apologized, that he normally did not deal with these issues, but this was the message he was asked to convey and he conveyed it.

Q And the individual being this gentleman from OMB?

A The representative from the OMB in that particular meeting, yes.

Q Was that the end of that discussion on this topic?

A Yes.

Q On that day?

A Yes.

Q Did you have any internal discussions at the Department of State on or about July 18th after this

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pronouncement had been relayed to you?

A I did.

Q And who did you have those discussions with?

A Tyler Brace, our schedule C political appointee, former staffer for Senator Portman, who understand budgetary processes in great detail.

Q When did you have that conversation?

A I believe I had it subsequent to the sub-PCC, same day.

Q And can you just describe what you talked about?

A We discussed what the significance of that was because none of us could understand why. Since there was unanimity that this was in our national interest, it just surprised all of us.

Q When you say "unanimity" that it was in our national interest, what do you mean by that?

A I believe that it is a factually correct statement to say that there's broad support among both parties in Congress, both Houses in Congress, and among the State Department, the Defense Department, Joint Chiefs, and other elements of the U.S. Government for the security assistance programs.

Q Prior to this July 18th meeting, had you gotten any sort of wind or idea that this aid would be frozen or held?

A No.

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Q And it was your understanding on July 18th that all conditions had been met?

A For?

Q To release funds.

A That was my understanding. You're talking about the funds for USAI and the FMF fund?

Q Correct.

A That was my understanding, yes.

Q Has your understanding since changed?

A Well, eventually, the hold was released on September 11th, and the funds were then apportioned by OMB to the extent that it was possible to spend them by the end of the fiscal year, yes.

Q So do you know anything that changed between July 18th and when they were actually released in September?

A When you say what changed?

Q Any sort of conditions.

A In Ukraine?

Q Anywhere.

A My understanding of what happened after that date was that Senior Director Tim Morrison started going up the chain of the interagency process according to National Security Presidential Memorandum 4, and that meant holding a policy coordinating committee meeting, which he scheduled for July 23rd, followed by a deputy small group meeting, which I

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believe may have occurred on July 26th. And then Senior Director Morrison was looking to schedule a principal small group meeting that would involve the Secretary of State personally, Secretary of Defense, and Ambassador Bolton so they could discuss the issue and then take it to the President.

Q Were you present for the PCC meeting on July 23rd?

A I believe I was, yes, as a back-bencher. I was not the principal.

Q I should have asked you. On the 18th, did you take any notes of that meeting?

A I did.

Q And are those among to notes thank you provided to the Department of State to produce to Congress?

A They should be. I photocopied quite a lot of notes, but certainly the statement of conclusions should be included, although now I'm thinking -- I'm not sure if sub-PCCs have statement of conclusions. Those may be only for PCC meetings. But to the extent I took notes on that meeting, I would have included them, yes.

Q For July 23rd, you said were you a back-bencher at the PCC meeting?

A Yes.

Q And was this topic of the hold of the Ukraine aid discussed at that meeting?

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A That was the purpose of the meeting.

Q What was discussed?

A To the best of my recollection, the conversation was everybody going around the table and saying they supported the lifting of the administrative hold so that the State Department and the Office of Secretary of Defense, Pentagon, could move forward. We were ending -- approaching the end of the fiscal year, and I believe that Laura Cooper, speaking on behalf of the Pentagon, indicated that the DOD comptroller had determined that they needed to move forward by August 6th in order to spend the money and meet Congress' intent.

Q Was there any discussion of the legality or illegality of the hold?

A There was discussion about the standing of OMB to put an informal hold. Normally, the conversations with OMB prior to notification to Congress is a courtesy, not something required under law. And that is why the position was expressed by Laura Cooper, to the best of my recollection, that DOD counsel had determined that they would move forward by August 6th regardless. And I recall Senior Director Morrison suggesting that the State Department also review its legal requirements and be prepared to have that briefed at the next meeting, which he set 3 days later, as a deputy small group meeting.

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Q So, if OMB did not move forward by August 6th, what would be the implication?

A Again, this is about an account that was not appropriated to my department nor executed in my department, so I would defer to my colleague, Laura Cooper. But to the best of my recollection, what she said in that meeting was that, according to DSCA, they may not be able to execute all of the requirements by the end of the fiscal year. My understanding is that USAI monies are 1-year monies. The monies in the State Department FMF account are 2-year monies.

Q What did OMB say, if anything, in response to Laura Cooper's --

A OMB's position was what it had been on the 18th, that they were under the direction of their boss to put -- hold all security assistance to Ukraine.

Q Did they provide a reason?

A They said it was at the direction of the President.

Q Who was present for the July 23rd meeting?

A That would be a matter of record because that was a PCC, and there's a statement of conclusions. And in the statement of conclusions, on the first page, there's a listing of all participants in the meeting.

Q Did you receive a copy of the statement of conclusions for this meeting?

A I believe I did, and that would have been provided

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to the document request.

Q Did OMB provide any reasoning beyond simply it was at the direction of the President?

A Not to my recollection, no.

Q So they didn't describe why the President had placed this hold?

A There was a lack of clarity.

Q What do you mean by that?

A The participants who up until that point had thought that there was unanimity that this was in our national interest did not receive an explanation for why this particular action was taken.

Q Okay. So, to your knowledge, no one at the PCC meeting on July 23rd knew why the President was making the decision or at least they didn't express it at that meeting?

A I do not recall any coherent explanation, no.

Q Was there any explanation at all, coherent or incoherent?

A OMB placed a hold on a process that -- traditionally, that is the office that has a voice on how the executive branch spends money.

Q Was that unusual, in your experience?

A According to, in my conversation with Tyler Brace, who again has worked here as a staffer, the previous cycle, OMB head, Acting Chief of Staff Mulvaney, had attempted a

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rescission at the end of the year, and indeed the next week, at the beginning of August, he sent out a data call with the intent potentially to execute a rescission involving billions of dollars of assistance worldwide, not just Ukraine.

Q Okay. So, in your experience, though, was this unusual?

A I had read about Mr. Mulvaney's attempt to push a rescission at the end of the last fiscal year. My understanding was that Secretary Pompeo protested vigorously, and the effort to have a rescission was then suspended.

And, ultimately, the same thing happened this year, this overall greater effort to have a rescission held up the process for much of August, but it was also lifted, and that left us with just the hold on Ukraine assistance.

Q The Ukraine assistance that you just mentioned, is that FMF, or is that the USAI?

A It affected both accounts, the Department of Defense $250 million, and the $141 million under FMF.

Q Okay. And you said that that was still being held in August?

A That hold, the OMB-directed hold, was lifted on September 11th.

Q What happened at the July 26th deputies' meeting?

A I did not participate in that meeting. Under Secretary Hale represented the State Department, and I cannot

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recall the exact outcome. That would also be documented in the document call, but it did not change the ultimate situation.

Q Did you see a readout of that particular meeting?

A I did.

Q And is it in a similar form as the statement of conclusions?

A To the best of my knowledge, yes.

Q And what do you recall from that readout?

A The main takeaway for me was that Senior Director Morrison was trying to find out when Secretary of State Pompeo and the Secretary of Defense would both be in Washington so they could have an in-person principal small group meeting to discuss the same issue and then take it to the President.

Q Was there any discussion at the July 26th deputies' committee meeting about the reasons for the hold?

A I honestly cannot recall if there was any detail. The bottom line was the hold remained, and we needed a principal small group to carry the process forward.

Q But it's your understanding at the July 26th meeting that, again, there was unanimous support to release the funds to lift the hold. Is that right?

A With the exception of OMB, yes.

Q Then you mentioned that there was planning to have

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a meeting on July 31st. Did that meeting actually take place?

A I didn't say that, but I believe that may have been one of the dates that Senior Director Morrison was attempting to schedule a principal small group meeting.

Q Was there a principals meeting at any point?

A To the best of my knowledge, because of the travel schedules of the two Secretaries, no.

Q So what happened next, as far as you know, with regard to the lifting of this hold?

A I am aware that many Senators, particularly from the Republican side, who had traveled to Ukraine from the relevant committees, called and talked to the President. I'm aware that -- I saw an email that Senator Inhofe had had about a 20-minute conversation. He had visited twice when I was in Ukraine because Oklahoma National Guard was doing training at the main training base. Senator Portman called, including the day it was lifted. And my understanding is that Senate Majority Leader McConnell also called.

Q Was there any discussions at State between July 31st and when the funds were actually released about the freeze that you partook in?

A The State Department was concerned. Obviously, we wanted to get the hold lifted so that we could get the money apportioned by OMB and then obligated. And so we were -- at

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the direction of Senior Director Morrison, exploring what was the absolute minimum amount of time that would be necessary to obligate the money once the hold was lifted. So we were preparing for a decision so that we could ensure that the money could be obligated before the end of the fiscal year.

Q When was the first time that you heard that the security assistance might somehow we be linked to this White House visit or investigations conducted by Ukraine?

A Because everyone was unclear why this had happened, I think, in the vacuum of a clear explanation, people started speculating. So there was a coincidence of timing, but as I referenced earlier in the communication with Charge Taylor, he indicated to me that, in his communications with both Senior Director Morrison and Ambassador Sondland, and this would have been the weekend of the 7th and 8th of September, that both of them insisted that there was not a direct link.

Q And that was based on what?

A This was a conveyed conversation. That was their assertions. According to Charge Taylor, separately, Senior Director Morrison, with whom he had a conversation on the 7th of September, and Ambassador Sondland, with whom he had a conversation on the 8th of September, had asserted that the two were not directly linked.

Q And how do they know?

A I cannot answer for them. That would be the

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question to direct to Senior Director Morrison and Ambassador Sondland.

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[6:44 p.m.]

BY MR. MITCHELL:

Q They didn't provide any information as to their source?

A I was not part of that conversation. I was having a conversation with Charge Taylor.

Q And this conversation with Charge Taylor, was that over WhatsApp or was that in person or --

A That was a part of our regularly scheduled Monday secure calls, video conferences. And that part of the conversation we ask all of our staff to leave, so it is just one on one in a secure communication.

Q Okay. And what else did Charge Taylor tell you about these conversations that he had had?

A I recounted to the best of my knowledge what those conversations were. That was Senior Director Morrison talking about his concern that Rudy Giuliani had had another conversation with the President, as well as what Sondland relayed Rudy to be his interaction.

Q And did you memorialize that conversation that you had had?

A Yes. That was part of a note to the file which I provided to the document collection process.

Q Did you talk to anyone else at the Department of State about what Charge Taylor told you?

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A I believe I shared my concerns with my colleagues in the European front office. That would be the ones immediately near my office. Included Deputy Assistant Secretary Michael Murphy, who oversees our relations with the Baltics and Nordics and NATO. And for large stretches of time earlier in 2019 it was our senior Bureau official and also the deputy assistant secretary, [redacted], who oversees our relations with Western Europe, and that includes relations with Ambassador Sondland and the mission he leads in Brussels.

Q When you said you shared concerns, what do you mean by that?

A I shared the -- I shared the sense that I had heard from Charge Taylor that Ambassador Sondland was engaged in the types of conversations that he was engaged in on Ukraine even though that was not part of his portfolio as our ambassador to the European Union.

Q And again, was this a conversation that you had with Deputy Assistant Secretary Murphy and Fisher in writing or in person?

A Their offices are between 5 and 10 feet away from my office and so I -- this was a direct conversation in their office.

Q And what was their reaction?

A They were aware of the challenge of dealing with

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Ambassador Sondland who has a, I would say, track record of freelancing, would be one way of putting it, but working on issues other than the reason why he was sent to Brussels to work our relationship with the European Union.

Q Did they indicate that they would try do anything about it?

A I don't think there is anybody at the level of deputy assistant secretary of state who can do anything about what Gordon Sondland chooses to do.

Q Do you know when they escalated the issue?

A I do not.

Q At any point were you given a reason why the hold was put in place?

A Not that I recall. Well, I believe, at least in relation to the USAI, there were some concerns expressed in the Pentagon, Office of Secretary of Defense, did a review and responded that they felt that the conditions and concerns that we had had been met and that the programming should go forward. But that was a specific review about USAI, which is not State Department controlled, and so that was an issue between the Pentagon and I guess the White House and NSC.

Q Do you know whether a similar review was conducted with regard to FMF?

A We were not asked for a similar review. The media coverage was focused on the 250 million of USAI. If you look

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at those articles at the time they were not mentioning $391 million, which would have been the total FMF plus USAI.

Q Do you know whether a similar review of FMF has since been conducted?

A The hold was lifted on September 11th and we moved forward with notifying Congress and ensuring the funds were obligated before the end of the fiscal year. We were not asked and we proceeded with what we needed to do in order to obligate the funds as to meet the congressional intent in appropriating them.

Q Okay. So to the best of your knowledge, you have no knowledge of any plan to conduct any such review?

A We did not see it necessary nor were we asked to do so.

Q All right. Now, when you were in Ukraine, Ukraine was receiving USAI and FMF funds at the time, correct?

A They were receiving FMF, yes, and I believe the start of USAI was while I was there. I do not recall specifically which fiscal year USAI funds started to be appropriated.

Q Okay. So based on your experience in Ukraine, as well as your experience here in Washington, D.C., how important are these funding programs for Ukraine security?

A I would assess that they are critically important. The Ukrainian defense establishment was unprepared to fight a

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war with Russia when Russia began its war in 2014. And therefore, the training that we do, which is probably the most valuable in training Ukrainians to fight, as well as the equipping that we do, have been critical to the success of the Ukrainian armed forces in defending their country.

At the same time I would say that we probably derive more benefit from the relationship than the Ukrainians do.

Q How so?

A That would be something to discuss in a classified manner, particularly with my colleagues from the defense and intel agencies.

Q But suffice to say that it was in both Ukraine's national interests as well as the United States' national interest that these funds be released to the Ukraine?

A Very much so.

Q And that's true not just for the time period that you were in Ukraine but also for 2019 when you were back here in D.C.?

A Correct.

Q Have you had any conversations with anyone about what the Ukrainians' perspective was on the freeze?

A They were confused, to the best of my understanding.

Q Okay. And how did you get that understanding?

A Charge Taylor was in Ukraine trying to figure out

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how to explain what went on. My most recent trip to Ukraine, I arrived on September 11th. Fortunately that was the day that the hold was lifted. So by the time I started engaging Ukrainians in person, it was a good news story.

Q Had you prepared to answer their questions about the hold?

A I was prepared for the possibility that it would not be lifted and therefore the conversations would be very difficult and I would not by able to provide an adequate understanding or answer.

Q Did you try to get an adequate understanding or answer prior to your trip?

A Fortunately, I didn't have to worry about that hypothetical because it was resolved essentially as I arrived in Ukraine.

Q Right. But prior to you arriving in Ukraine did you attempt to find out why the hold was in place so that you could actually have a meaningful conversation with the Ukrainians about this issue?

A We -- it was very clear that this issue was only going to be resolved they very highest level, and that's why Tim Morrison wanted to have Secretary Pompeo and SecDef Esper in the same place at the same time to have that conversation.

That was the level at which the conversation needed to happen. It didn't matter what the deputy assistant secretary

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or an assistant secretary or an under secretary or a deputy secretary thought.

Q Okay. To the best of your knowledge, did that meeting happen?

A To the best of my knowledge, there was never a principal small group meeting on this issue.

Q What did Taylor, Charge Taylor, say to you about his conversations with Ukrainians about the hold?

A I honestly don't recall in detail. I think it was clear starting, if not from July 18th, certainly from July 23rd, that this was an issue that had to be resolved in Washington, and it was a tough nut for everyone to crack without a lot of clarity.

Q It was your understanding at the time, though, that the issue had to be resolved at the principals level?

A Once we cleared the deputy small group meeting, which I believe was July 26th, it was clear it had to be resolved at a principals level and above. And so that was clear I think to everyone after July 26th.

Q Okay. And when you say above, you mean specifically the President of the United States?

A Well, the principal small group, members of the Cabinet, who then could take the issue to the President.

Q And again there was never a PCC as far as you know?

A There was a PCC on July 23rd. So in the sort of

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climbing the ladder we started with a sub-PCC on the 18th. There was a policy coordinating committee on the 23rd. There was a deputy small group on the 26th. And there was an attempt to schedule but lack of principals subsequent. That was Tim Morrison driving the interagency policy review process in the way it was intended.

Q So to the best of your knowledge, this issue ultimately was not resolved by the principals, it was resolved by the President?

A Correct.

Q You testified earlier about August 15th and August 16th. At the time did you think that the aid might in any way be linked to the investigations that were being pushed by Mr. Giuliani or that were discussed by the President in the July 25th call?

A I personally did not associate them, no.

Q Has your thinking changed in any way since then?

A This is a personal opinion. It strikes me that the association was a meeting with the White House, at the White House, not related to the security assistance. But again, that's just my personal opinion, other people may have different opinions.

Q What was Charge Taylor's opinion?

A I think there is the WhatsApp exchange where he expressed concerns that it might be linked.

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Q But what did he tell you?

A I don't recall having a conversation where he expressed the same opinion to me that he shared in the WhatsApp messages that apparently were leaked, but in any case were handed over by former Special Representative Volker.

He did in one conversation with me share a conversation he had with Ambassador Sondland in which Ambassador Sondland, who had told him that there was no quid pro quo with the security assistance, said, on the other hand, you know, the President's a businessman and if you're going to sign a check for $250 million why not ask somebody for something.

Now, that was sort of an informal comment that Ambassador Sondland made to Ambassador -- to Charge Taylor and that he conveyed to me. But the same person, Ambassador Sondland, said there was no quid pro quo on security assistance.

Q When did Charge Taylor relay this conversation that he had had with Ambassador Sondland?

A I cannot recall if it was in our secure conference call that I described on September 9th or, since I then flew to Ukraine and stayed with him over that weekend, whether he may have shared that with me in person. But I believe I did write that note up and share it with the records. So it's part of the records that were collected by the State

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Department.

Q And the Ukraine trip was on or about September 11th?

A I arrived in Ukraine on September 11th, that's correct.

Q What did you do with the -- this memo that you wrote up on or about the 9th of September or 11th of September?

A I added it to the note on file that I had initially written on the 16th of August and then subsequently amended it with the conversations I had with Charge Taylor in person in Ukraine.

Q And who did you give that memo to?

A It was a note to the file, so it stayed as a note to the file until I submitted it to the document collection when those were requested.

Q Okay. When you say to the document collection, you're talking about -- were you referring to the subpoena?

A I am referring to the subpoena.

Q Okay. So you didn't specifically give this memo to Deputy Assistant Secretary Murphy, for example?

A To the best of my recollection, when I returned from Kyiv I wrote the note to the file and I orally briefed Deputy Assistant Secretary Murphy, Deputy Assistant Secretary Fisher, and Acting Assistant Secretary Reeker.

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Q It is a different brief than the ones we were talking about earlier?

A Correct. The previous time when I talked -- yes, because this is sequential. So I had two conversations with two individuals on the 15th and 16th of August. That was the first time I wrote a note to a file. I had subsequent conversations with Ambassador -- Charge Taylor on the 9th of September, another note to the file. And then travel to Ukraine, conversations there, return, note to the file, oral brief.

Q Okay. And the oral briefing was with Fisher, Reeker, and Murphy?

A To the best of my knowledge, yes, but I did -- I know that I included in my note to the file the officials whom I briefed orally. So I wrote it up and then I briefed and I added that as a note in the file that I -- precisely whom I had oral briefed.

Q Was this one oral briefing or multiple oral briefings?

A It was -- it would have been sequential because those are three different individuals. And so two of them, again, offices are collocated with mine, then Acting Assistant Secretary Reeker's office is across the hall.

Q And what were their reactions?

A At this point it was clear the nature of the

interactions that Special Representative Volker and Ambassador Sondland were having, so it was more confirmation of the conversations that had been clearly ongoing between Ambassador Sondland and Ambassador Volker with Ukrainians.

Q And do you recall what Reeker's reaction was specifically?

A I do not recall precisely. I think they were all concerned.

Q Did they commit to doing anything about this?

A Not that I recall.

Q Did they say that they were going to escalate the issue?

A I do not recall.

Q You testified earlier this afternoon about a conversation that you had with Charge Taylor about Zelenskyy making some sort of TV interview or address, public address.

A I mentioned what Ambassador Sondland had told Charge Taylor and that he conveyed to me, yes.

Q Okay. And when did Charge Taylor have that conversation with you?

A I believe that's what I conveyed to you regarding the conversation I had with Charge Taylor on the 9th of September, referencing his conversation with Ambassador Sondland that occurred on the 8th of September.

Q Did you have any further conversations with Charge

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Taylor about this topic after September 11th, I guess it was?

A Yes.

Q And when was the next conversation?

A The next conversation would have happened at the breakfast table Sunday morning, which I believe was September 15th.

Q And where were you at that time?

A I was his house guest in the ambassador's residence in Kyiv.

Q Okay. Can you describe -- who else was at that --

A That was just Ambassador Taylor and me. He went out for a run, and I went down to breakfast, and we met and talked 7:30 in the morning more or less.

Q What did you talk about?

A We talked about the meeting that ambassador -- Charge Taylor and Special Representative Volker had had the night before with Andriy Yermak, the close personal aide of President Zelenskyy.

Q And what were you told?

A Well, that meeting was the one meeting on Kurt's schedule in Ukraine that he felt uncomfortable with me joining. He said that it was because of numbers. It was not clear whether it would be just Yermak or whether he would also bring a gentleman named Novokov (ph), whom I have not met, and who is responsible for U.S. relations in the

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Presidential office.

Kurt said he felt that having three Americans on one Ukraine was too much, and he said if there were a second Ukrainian I could come. I decided not to push it since we were involved in another event, as well as anticipating that there was going to be an awkward conversation, which there was. And Charge Taylor provided me the details of that conversation over breakfast.

Q Which were?

A Well, besides -- the main part of the conversation was about negotiations with the Russians, and I won't mention that and that's not germane.

But the more awkward part of the conversation came when Special Representative Volker made the point that the Ukrainians, who had opened their authorities under Zelenskyy, had opened investigations of former President Poroshenko, he didn't think that was appropriate.

And then Andriy Yermak said: What? You mean the type of investigations you're pushing for us to do on Biden and Clinton?

And at that point Kurt Volker did not respond.

Later on in the conversation, when it came to the potential for Zelenskyy and President Trump to meet, according to Charge Taylor, Special Representative Volker said: And it's important that President Zelenskyy give the

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messages that we discussed before.

And Charge Taylor told me that he then said: Don't do that.

Q Who said don't do that?

A Charge Taylor.

Q So Taylor was concerned about the way in which this conversation took place?

A My understanding is that he was concerned. And when Kurt made a suggestion that Charge Taylor felt was inappropriate he weighed in with his own personal opinion, which that was not appropriate.

Q And Volker was directly linking the White House meeting and the investigations that were being pushed by the President. Is that correct?

A It was an elliptical readout that -- by the readout that I heard from Charge Volker -- sorry, Charge Taylor -- that Kurt, Special Representative Volker, was referring to prior conversations that he had with Yermak and prior advice, meaning you should deliver the messages as we've discussed before.

Q Do you know what those messages were?

A This goes back to the signaling for a public appearance. The hoped-for interview with CNN with Zelenskyy did not happen during the conference. Fareed Zakaria was one of the hosts, but there was no special interview. So there

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was discussion that President Zelenskyy would have an interview with CNN the week of the U.N. General Assembly leaders meetings, which was the week of September 23rd to 27th.

Q And the message that Mr. Volker wanted President Zelenskyy to provide during the CNN interview was what?

A That Zelenskyy should message that -- his willingness to open investigations in the two areas of interest to the President and that had been pushed previously by Rudy Giuliani.

MR. MITCHELL: I think my time is up at this point.

MR. GOLDMAN: Yield to the minority.

MR. CASTOR: We don't have any questions at this point. We might subsequently.

MR. GOLDMAN: I think we're almost finished. So we'll take it back for a few minutes.

MR. CASTOR: Thank you.

MR. GOLDMAN: And then give you an opportunity at the end.

MR. CASTOR: Okay.

MR. GOLDMAN: Okay?

We are nearing the end. Just 1 second.

[Discussion off the record.]

BY MR. GOLDMAN:

Q A few wrap-up questions here.

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That breakfast meeting that you had on September 15th that we were just discussing, did you memorialize that as well?

A I wrote that to note to file when I returned to the U.S., yes.

Q When you get back to the U.S.?

A Subsequent to Ukraine, I went to Belarus, where I was in Belarus for 2 days, including the three-quarter day visit of Under Secretary Hale.

And then after that I went to Lithuania to outbrief our Lithuanian allies about the advances in the U.S.-Belarus relationship, because we -- Under Secretary Hale announced that we were going to return an ambassador to Belarus, which we have not had since 2008.

So I returned to the U.S. in the evening of the 19th of September, I was in the office on Friday, the 20th, and then took a train up first thing Monday morning to be in New York for the U.N. General Assembly meetings.

Q Were there any conversations that week on the -- in the U.N. General Assembly week -- that you were aware of or were present for or that related to these investigations into Biden in 2016 that we've been discussing?

A No.

Q You had neither had any nor heard of any?

A I was not involved in any meetings, no -- of that

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nature, no. It was very much focused on the intense engagement of many foreign leaders who were there at that time.

Q Because you said that as of September 15th there was still a hope, for example, that President Zelenskyy would give an interview with CNN when he was in New York for the General Assembly and specifically mention those investigations, right?

A That was my understanding of what Ambassador Volker and Ambassador Sondland were requesting of the Ukrainians, yes.

Q But you don't know whether anything came of that?

A To the best of my knowledge, President Zelenskyy did not give an interview to CNN while in New York with that sort of messaging, no.

Q Did you have any meetings with any Ukrainians officials during that September 11th to 15th timeframe yourself where they expressed -- where they discussed these investigations at all?

A The only meeting that I was a part of where this came up obliquely was with the foreign minister, Vadym Prystaiko. And that was a meeting with Kurt Volker, Charge Taylor, and myself in which the foreign minister said: You guys are sending us different messages in different channels.

Q And what did you understand that to mean?

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A Well, in that meeting all three of us, Kurt Volker, Charge Taylor, and I, all reiterated that it would not be appropriate for the Ukrainians to engage in any activity that could be construed as interfering in the U.S. election.

Q And so what was the conflicting message that they were receiving?

A Well, I would suggest that what was said later on that night, in the meeting I was not a part of, to Andriy Yermak was the conflicting message. And as I recounted, there were two messages, there was what Ambassador Volker said and what Charge Taylor said, and those themselves were conflicting messages.

Q Because -- just to be clear -- because Ambassador Volker was saying not to investigate Poroshenko?

A No. Ambassador Volker suggested that Andriy Yermak should ensure that the agreed-upon messaging was delivered by President Zelenskyy. And Charge Taylor said: Don't do that.

Q I see.

You made some reference to Yermak responding to something that either Ambassador Volker or Charge Taylor said about Poroshenko a few minutes ago.

A Yes.

Q Explain that conversation again. I didn't quite catch the whole thing.

A So this was -- again, I did not go into detail

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about the bulk of the conversation because that was about negotiating tactics vis-à-vis the Russians.

As the conversation was moving away from that into a new set of issues, according to Charge Taylor, based on his notes, I didn't participate in the meeting, one of the issues that Kurt wrote -- raised -- was the fact that there were a series of investigations being opened by Ukrainian authorities against former President Poroshenko. And Kurt advised Yermak that was not a wise way forward for the country.

Q And what did -- how did Yermak respond, according to Charge Taylor?

A According to Charge Taylor, his response was: Oh, you mean the types of investigations you're asking us to open against Clinton and Biden?

Q And it would seem that as someone who was responsible for anticorruption efforts that that's exactly the message that you would be concerned about on this. Is that accurate?

A As I've stated here previously, it's my belief that it is inappropriate for us to ask another country to open up an investigation against political opponents, whether it is political opponents domestically in the U.S. context or, in the case of countries like Ukraine or Georgia, opening up selective prosecutions against perceived opponents of those

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in power.

Q And did you think it was appropriate for Vice President Biden to condition the release of the loan guarantees on the firing of Prosecutor General Shokin?

A Prosecutor General Shokin was an impediment to the reform of the prosecutorial system, and he had directly undermined in repeated fashion U.S. efforts and U.S. assistance programs.

And so, because we had a strategic interest in seeing the Ukrainian prosecutor system reformed, and because we have a fiduciary responsibility for U.S. taxpayer dollars, it was the consensus view that Shokin needed to be removed so that the stated goal of reform of the prosecutor general system could move forward.

Q And so when you mentioned that that connection was a quid pro quo, you're not saying that that was an improper quid pro quo?

A I didn't say that it was a quid pro quo, but it is the case that both the IMF and the U.S. Government do use conditionality for assistance, whether it is macroeconomic assistance provided by the IMF or, in the case of our sovereign loan guarantees, we put conditionality that related to management of the gas system, meeting macroeconomic stability goals proposed by the IMF, social safety nets, and issues related to anticorruption. And that involved the

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National Anticorruption Prevention Council, the National Anti-Corruption Bureau, as well as the prosecutor general's office.

MR. GOLDMAN: Okay. Mr. Malinowski has a few questions.

MR. MALINOWSKI: Thank you.

MR. GOLDMAN: One thing.

And just to be clear, what Vice President Biden was doing was very fundamentally different than any advocacy for a politically oriented investigation. Is that your assessment?

MR. KENT: The request for the dismissal of Shokin was related directly to him, to his actions in the diamond prosecutors case, in his undermining of our assistance to Ukraine.

MR. GOLDMAN: And that's distinct from your concerns that you've raised today about advocacy for an investigation into Biden or the 2016 election?

MR. KENT: That's how I would look at the two issues, as distinct, yes.

MR. MALINOWSKI: The distinction is between conditionality to advance the national interest and conditionality to advance a personal interest.

MR. KENT: One might say national interest versus partisan interest, yes.

MR. MALINOWSKI: I just have a couple of other subjects

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that I wanted to ask you about. And thank you so much for your patience and precision today and for the integrity that you have shown in every part of your career, Mr. Kent.

You mentioned at one point a conversation with Fiona Hill in which she had relayed to you that the President had had phone conversations with Viktor Orban, the Prime Minister of Hungary, and Putin in which she told you that they had both, I think you said, talked down Ukraine to the President.

Can you say a little bit more about that? What do you recall of that?

MR. KENT: Well, to the best of my recollection, Fiona gave me a readout of both conversations at the same time. It was a phone call with President Putin on or about May 3rd. It was a meeting at the White House, so it was an in-person meeting on or about May 13th. The President's engagement of Orban included a 1-hour one-on-one, and then subsequently the Hungarian foreign minister, Szijjarto, and Ambassador Bolton joined.

MR. MALINOWSKI: In your judgement, what motivation would Orban and Putin have had to try to talk down Ukraine, Zelenskyy, to President Trump?

MR. KENT: Well, Putin's motivation is very clear. He denies the existence of Ukraine as a nation and a country, as he told President Bush in Bucharest in 2008. He invaded and occupied 7 percent of Ukraine's territory and he's led to the

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death of 13,000 Ukrainians on Ukrainian territory since 2014 as a result of aggression. So that's his agenda, the agenda of creating a greater Russia and ensuring that Ukraine does not survive independently.

Viktor Orban's beef with Ukraine is derived in part to his vision, in my opinion, of a greater Hungary. And there are about 130,000 ethic Hungarians who live in the trans-Carpathian province of Ukraine.

And ahead of next year, which is the 100th anniversary of the Treaty of Trianon, post-World War I, which resulted in more ethnic Hungarians living outside Hungary than inside, this issue of greater Hungary is at the top of Orban's agenda.

And so he has picked this particular issue and, for instance, blocked all meetings in NATO with Ukraine at the ministerial level or above because of this particular issue. So his animus towards Ukraine is well-known, documented, and has lasted now 2 years.

MR. MALINOWSKI: So both of these leaders would have an interest in the United States and the President of the United States ending or diminishing our support for an independent Ukraine?

MR. KENT: I would say that that's Putin's position. I think Orban is just happy to jam Ukraine.

MR. MALINOWSKI: Okay. All right, okay.

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And then finally on the broader corruption issue. You know Ukraine extremely well. You were also responsible for anticorruption efforts in EUR for some time.

Imagine that the President of the United States were to call you in, President Trump, his predecessor, and that he said: George, look, I really, really believe this is a fundamental issue for the United States in Ukraine. The corruption is the obstacle to the transformation to this country that we seek. And I am prepared to use some leverage to do something about corruption in Ukraine, maybe even hold up a meeting, maybe even condition some assistance on the Ukrainians really taking this seriously. George, what would be the three or four or five top things we should be demanding, we should be asking the Ukrainians to do if we really wanted to get serious on this issue, what would be -- what would you say, what would be on your list?

MR. KENT: I think for Ukraine as well as other countries that have never prosecuted any large-scale crook, putting one of the big fish, so-called big fish in jail would be a great start as a signal that there isn't impunity. And that's, again, not unique to Ukraine. I think that's the biggest one.

I think demonstrating that there's integrity in the prosecutor general's office is absolutely critical, particularly for post-Soviet countries. There were two

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institutions that were the instruments of oppression in the Soviet Union. It was the prosecutor's office and the KGB or the secret police. And those two institutions in many of these countries are fundamentally still not reformed 28 years later.

So if you want to see the successful transformation of any of the post-Soviet countries, reform of the security service in Ukraine, that's known as the SBU (ph), and reform of the prosecutor general's office are the fundamental keys to transforming the country.

MR. MALINOWSKI: And some of these might require legislative changes, legal reforms?

MR. KENT: Yes.

MR. MALINOWSKI: More than just go after this person or that person?

MR. KENT: Yes.

MR. MALINOWSKI: To your knowledge, then -- well, let me ask you, if that is going to be your policy, if you're going to condition something that a country wants in exchange for that country doing something that we want in our national interest, it's logical that we would then tell that country, here are the things that we want you to do if you want to get your meeting, if you want to get your aid, or whatever it is worth conditioning, correct?

MR. KENT: Correct.

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MR. MALINOWSKI: Okay. To your knowledge, did any of the so-called "three amigos," if we can call them that, ever in their engagements with the Ukrainian authorities, especially in conversations around getting this meeting with the President or perhaps getting the aid restored, ever urge the Ukrainians to pursue those deeper anticorruption measures, reforms that you just referred to?

MR. KENT: What I referred to is strategic and institutional, and what they were working on was tactical. And that was what it would take to send a message to send a meeting.

MR. MALINOWSKI: And it wasn't reform the security services, it was not reform the prosecutor's office, it was one investigation -- well, two investigations, 2016 and the Biden --

MR. KENT: Signal of intent to open an investigation.

MR. MALINOWSKI: Which is not anticorruption.

MR. KENT: In and of it itself is not anticorruption, no.

MR. MALINOWSKI: It is basically selective prosecution or investigation.

MR, KENT: That was the phrase I used, yes.

MR. MALINOWSKI: And you've worked in and around a lot of dictatorships in your life, Uzbekistan, Thailand now, you know, not Ukraine, but certainly a country struggling to

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build democracy. Is it not a very common feature of authoritarian or semi-authoritarian regimes that they selectively prosecute people for corruption for political purposes?

MR. KENT: Unfortunately that is the case, yes.

MR. MALINOWSKI: The people who you know in Ukraine who are dedicated to fighting corruption, the activists, the reformers, and who saw the United States of America as a champion of their cause, do they see the United States of America as a champion of their cause today?

MR. KENT: I still believe they count on the U.S. as their best hope to get through very difficult times, yes.

MR. MALINOWSKI: Thank you.

MR. GOLDMAN: Before I go to Chairman Engel, I just have two quick questions for you.

BY MR. GOLDMAN:

Q Are you familiar with someone by the name of Sam Kislin or Semeon (ph) Kislin?

A I am familiar with the name only recently and only based on what I've read.

Q You have no individual or other than press reports you're not aware of this individual?

A Correct.

Q And you, much earlier today, I think you were describing what may have been a conversation that you had

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with former Ambassador Yovanovitch about the July 25th call.

A Right.

Q And I think you said that you may have discussed some aspects of it and that you don't recall what her response was. Is that accurate?

A To the best of my recollection. And if there is other information that people want to provide context to try to trigger additional information, I'm open to that.

Q So you -- it appears to us at least as if, A, you took a lot of notes about these events, and, B, you may have reviewed them prior to coming here today to testify. Is that --

A That's accurate. I would not have -- no, I did not review them before coming to testify. In order for the Department to respond to the subpoena for document collections I went through my notebooks to find any notes from meetings that would be responsive to those -- that document request. That's why I reviewed them, as information.

Q Did you have any notes from your discussion with Ambassador Yovanovitch about the July 25th call?

A I did not and would not because that would have happened informally, not in the office.

Q So if she has a different recollection as to what you guys discussed, do you think that that --

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A That's possible. She could have been much more specific about a conversation we had and the issues we've been discussing. My timeline starts several years earlier than hers. So I do not rule that out.

MR. GOLDMAN: Okay.

Chairman Engel, would you like to?

MR. ENGEL: Yeah. Well, I guess in closing I want you to know I stumbled in here before they told me Clark Kent was here. So I thought he was you.

But, anyway, thank you so much for your testimony. And thank you for what you -- not only for what you're doing now, but for what you've done through the years.

It's really so critical that we learn the facts and your detailed, very careful testimony today, it's just so important, so important for our country, so important. And it should also not be used by the administration or the Department of State to retaliate against you or anybody else.

I have been very much chagrined over the fact of the way employees at the Department of State have been treated for the past couple of years. Morale is down. It's just unconscionable. And I think it takes people like you who have not only had commendable records through the years, but who have the guts to come in and speak from the heart. It really helps all of us moving forward.

And of course we will move forward. We have to move

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forward. And what you're doing, sir, is a tremendous accomplishment and tremendously important for the State Department and for the country as a whole.

I know that Chairman Schiff already explained on the record earlier today why any retaliation against you or anybody else would be unlawful and just wrong. Your service to our country for nearly three decades is commendable and I hope it continues without harassment or undue interference from the Department you have honorably served.

So let me just again thank you as the chairman of the House Foreign Affairs Committee, thank you personally, and let you know that I and the Foreign Affairs Committee will hold the Department accountable to treat employees properly and with the respect you deserve.

Thank you.

MR. KENT: Thank you, Mr. Chairman.

MR. GOLDMAN: All right. I believe that's it from the majority, we used 20 minutes in this record. So I yield to the minority if you would like any further questions.

MR. ZELDIN: I know we stepped out. Did we have -- did our side have a round while we were out voting or was that the majority the whole time?

For the record, one thing of concern is Chairman Schiff appropriately earlier made a disclaimer to all Members and all staff that we are in a deposition, that deposition rules

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apply, and that there should not be any leaks. This is something that the minority side takes extremely seriously, and it has been disappointing that during the brief time that we stepped out to go vote that we are reading on Twitter substance from today's deposition being cited by name to Chairman Schiff and to Gerry Connolly.

It's really important that if the deposition rules apply, where Members are not allowed to talk about the substance of what is discussed today, that that is applied equally to both the majority and minority, and I want to state that for the record.

We are also still waiting a ruling we started two depositions ago with a request -- actually it was the second deposition -- a request as to what rule is governing this entire process. We still have not received an answer as to what House rule governs any of this process.

The start of the last deposition we had a phone call with the House parliamentarian which started with a question of what House rule is governing any of this entire process. We are reiterating that we still have not received an answer. The minority whip, Steve Scalise, just made that request on the House floor and was not provided an answer.

And we would be very interested in knowing, and if that answer can't be provided now, at the start of tomorrow morning's deposition, what House rule is governing this

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entire process for this impeachment inquiry.

MR. BITAR: For the record, your interest is noted.

MR. JORDAN: Mr. Secretary, let me just go back. So on the July 25th call between President Trump and President Zelenskyy, just to walk through it again, you were not on that call.

MR. KENT: Correct.

MR. JORDAN: Lieutenant Colonel Vindman was.

MR. KENT: Yes.

MR. JORDAN: And at some point subsequent to that call you were on a call with the lieutenant colonel or you had some kind of meeting with him?

MR. KENT: It was a call and he gave me a very limited readout, correct.

MR. JORDAN: Okay. And on that limited readout on that call with the lieutenant colonel did he tell you not to talk about what you discuss with anyone else?

MR. KENT: I don't recall how he characterized it. It's just that he said that the information obviously was of very sensitive nature and that's why he could not give me the normal readout of the full content that he normally did.

MR. JORDAN: And the call you had with Lieutenant Colonel Vindman, was that the 26th, the 27th? What day with a that?

MR. KENT: It was a subsequent day. I do not -- I

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cannot say for certain which day he called. Normally I kept my notes in a notebook. On this particular occasion I grabbed a piece of paper and started writing. So it was not in a sequential notebook day by day.

MR. JORDAN: Was it within a week or was it in August?

MR. KENT: It was within a week, to the best of my recollection.

MR. JORDAN: So most likely some time in July?

MR. KENT: If the call happened -- the earliest it could have been was the 26th. To the best of my recollection, there were several days. So my guess is the 27th. There's a weekend in there somewhere. I'm not sure which the weekend was. So I would say the last week of July would be the best I could bound it.

MR. JORDAN: And then you discussed what Lieutenant Colonel Vindman told you with whom?

MR. JORDAN: I cannot recall the exact content, particularly since I didn't get as much content as I just got a tonal poem. So I can't recall directly.

MR. JORDAN: Did the lieutenant colonel tell you, look, I'm sharing this with you but no one else, or did you get the impression that he had shared this information with other people maybe in the State Department or other people in our government or anyone else?

MR. JORDAN: I am not aware of who else he might have

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given a readout to. In the general course of readouts of that nature, I would be the natural person for him to give a readout at the State Department.

MR. JORDAN: Is the fact that he -- okay. So normally you would get a readout. So was this the normal process that Lieutenant Colonel Vindman would let you know about this call or was this somehow different?

MR. KENT: It was the normal process. He had given me a similar readout for the April 21st call. What was different was that -- his concern that he did not feel at liberty to share all the substantive details of the call. That was what was different. But the readout, that he was giving me a readout, was the normal procedure.

MR. JORDAN: And why wouldn't he share everything with you if it's the normal process that you get briefed, you get a readout of calls between the President of the United States and foreign heads of state in your area, your area of the world that you're responsible for and that you deal with? And on the April call he gave you a full readout. Is that right?

MR. KENT: Correct, although it was a short, nonsubstantive conversation.

MR. JORDAN: Okay. Well, were there other occasion where Lieutenant Colonel Vindman gave you a readout from calls between President Trump and foreign heads of state?

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MR. KENT: To the best of my knowledge, these were the only two calls between President Trump and a head of government of the six countries for which I have responsibility.

MR. JORDAN: Got it. Got it. So you have these two. And you got a full readout from the April 21st call or April call, but you didn't --

MR. KENT: In July, correct.

MR. JORDAN: And did you find that unusual?

MR. KENT: He made clear his extreme discomfort that there was discussions in the call that were -- what he described at the beginning was the majority of the call was very sensitive and he would not be giving me a full readout.

MR. JORDAN: And, well, I guess I'm trying to figure out if he's supposed to give you a readout, why didn't he give you the full readout?

MR. KENT: Again, all I can describe is his discomfort in sharing what he shared without -- with his disclaimer right up front that he was not going to give me the full normal readout.

MR. JORDAN: Okay. Thank you.

MR. ZELDIN: In an earlier round we were discussing individual cases where the United States Government had spoken with the Ukrainian Government with regards to cases under the jurisdiction of Ukraine. You cited one case

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specifically as possibly the highest profile case that you were tracking.

MR. KENT: After --

MR. ZELDIN: Or one of highest profile cases?

MR. KENT: For that period of time, the second half the 2018, yes.

MR. ZELDIN: Were any of these conversations with the Ukraine Government about corruption cases that we felt Ukraine shouldn't prosecute?

MR. KENT: I'm not aware of us ever telling Ukraine not to prosecute a corrupt individual or a person believed to have engaged in corruption, no.

MR. ZELDIN: Is it true that Ukraine prosecuted cases that were classified as a corruption case but were inappropriately classified as such?

MR. KENT: I will give you a specific example. The National Agency to Prevent Corruption was set up to review the asset declarations of the initially top 1,000 and then they expanded to even more Ukrainian officials.

In the first year of their operations they went after two individuals. One, the reformist head of customs who paid herself an $18 bonus on Women's Day when all the women in her office got it. And they also had launched an investigation of Serhiy Leschenko, the aforementioned member of parliament and former investigative journalist, who purchased an

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apartment. And those were the only two investigations that they did, and they were both reformers who were also critics of people who were not engaged in reform.

And there were dozens of billionaire oligarchs and other individuals, and there were no investigations of people whose reputations were that they had engaged in corruption for years.

MR. ZELDIN: So that I understand your testimony correctly, you cited two cases where two individuals were accused of corruption but shouldn't have been.

MR. KENT: As far as I recall, those are the only two individuals or officials of Ukraine that the National Agency to Prevent Corruption went after based on the asset declarations of high ranking officials and members of parliament.

MR. ZELDIN: And to be clear, you just used the word Ukrainian officials. Is there a different answer with regards to Ukrainian citizens or when you said officials did you mean Ukrainians at large?

MR. KENT: I was just trying to give a very specific example for a new institution that we initially helped stand up to help contain corruption based on asset declarations. And instead of using the asset declaration system to identify those who may have used public office to enrich themselves they went after two reformists who were noted critics of the

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lack of reform in certain parts of the Ukrainian Government.

MR. ZELDIN: And what was the timeframe for this answer?

MR. KENT: I believe the NAPC, as it was known, was stood up in 2015, and so this would have been 2015, 2016.

MR. ZELDIN: I understand that in a recent round you were answering questions based off of information that you obtained from others related to aid from the United States to Ukraine and the allegation of a quid pro quo. Do you have any firsthand knowledge of United States aid to Ukraine ever being connected to the opening of a new investigation?

MR. KENT: I do not have direct knowledge, no.

MR. ZELDIN: Thank you. That's it.

MR. GOLDMAN: Is that it? All right.

Two more things, 2 minutes.

BY MR. GOLDMAN:

Q I just wanted to touch upon your -- some of the documents that you have been discussing today.

Do you have an understanding as to whether there may be emails or other documents in the custody of the State Department that reflect expressions of concern about some of the topics that we discussed today, separate and apart from your memos to file or other emails that you have referenced?

A I would have imagined that there are quite a number of emails, yes.

Q You discussed having two specific conversations

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with Fiona Hill, one in May and one you remember less of in July. And obviously you had other conversations with Lieutenant Colonel Vindman and Tim Morrison.

Were you ever aware of whether there was a separate either individual or individuals at the National Security Council who were providing information to the President on the Ukraine matter outside of ordinary channels?

A I did not hear about it and have no information about that, no.

Q Are you familiar with someone by the name of Kash Patel?

A I am not aware that I've ever met anybody by that name, no.

Q Have you ever heard that name?

A I think Patel is a fairly common South Asian last name.

Q How about Kash?

A I -- less common. I do not -- I cannot imagine -- or I can not recall any time where I was either in the presence of or heard a reference to Kash Patel.

MR. GOLDMAN: Okay. Thank you.

I think we are done. And thank you very much, Mr. Kent, for a long day. Really appreciate it.

And we're adjourned.

[Whereupon, at 7:42 p.m., the interview was concluded.]

~~SECRET//ORCON/NOFORN~~




# UNCLASSIFIED

[PkgNumber

Declassified by order of the President
September 24, 2019

~~EYES ONLY~~
~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(C)~~ Telephone Conversation with President Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

DATE, TIME AND PLACE: July 25, 2019, 9:03 - 9:33 a.m. EDT
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

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Declassify On: 20441231

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.

~~(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

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

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 --

EXHIBIT
2
PENGAD 800-631-6989

THE WHITE HOUSE
WASHINGTON
May 29, 2019

His Excellency
Volodymyr Zelenskyy
President of Ukraine
Kyiv

Dear Mr. President,

On the occasion of your inauguration, I wish to offer my congratulations on your historic election victory.

The United States and Ukraine are steadfast partners, working together to realize the shared vision of a stable, prosperous, and democratic Ukraine that is integrated into the Euro-Atlantic community. Our partnership is rooted in the idea that free citizens should be able to exercise their democratic rights, choose their own destiny, and live in peace. As you said in your victory speech, your election demonstrates that democracy is possible anywhere in the former Soviet region. Ukraine's success exemplifies the triumph of democracy over resurgent despotism. United States support for Ukraine's sovereignty and territorial integrity is unwavering.

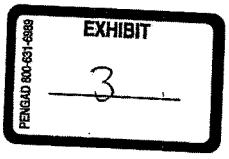
As you prepare to address the many challenges facing Ukraine, please know that the American people are with you and are committed to helping Ukraine realize its vast potential. To help show that commitment, I would like to invite you to meet with me at the White House in Washington, D.C., as soon as we can find a mutually convenient time.

I wish you every success as you assume office, and I look forward to meeting with you.

Sincerely,

# 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 Horbatyuk 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,

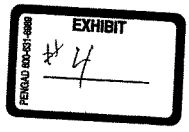
Robert Menendez
United States Senator

Richard J. Durbin
United States Senator

Patrick Leahy
United States Senator

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PRESIDENTIAL TRANSITION

# Ukrainian efforts to sabotage Trump backfire

Kiev officials are scrambling to make amends with the president-elect after quietly working to boost Clinton.

By KENNETH P. VOGEL and DAVID STERN | 01/11/2017 05:05 AM EST



President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the American presidential race. | Getty

Donald Trump wasn't the only presidential candidate whose campaign was boosted by officials of a former Soviet bloc country.

Ukrainian government officials tried to help Hillary Clinton and undermine Trump by publicly questioning his fitness for office. They also disseminated documents implicating a

top Trump aide in corruption and suggested they were investigating the matter, only to back away after the election. And they helped Clinton's allies research damaging information on Trump and his advisers, a Politico investigation found.

A Ukrainian-American operative who was consulting for the Democratic National Committee met with top officials in the Ukrainian Embassy in Washington in an effort to expose ties between Trump, top campaign aide Paul Manafort and Russia, according to people with direct knowledge of the situation.

The Ukrainian efforts had an impact in the race, helping to force Manafort's resignation and advancing the narrative that Trump's campaign was deeply connected to Ukraine's foe to the east, Russia. But they were far less concerted or centrally directed than Russia's alleged hacking and dissemination of Democratic emails.

Russia's effort was personally directed by Russian President Vladimir Putin, involved the country's military and foreign intelligence services, according to U.S. intelligence officials. They reportedly briefed Trump last week on the possibility that Russian operatives might have compromising information on the president-elect. And at a Senate hearing last week on the hacking, Director of National Intelligence James Clapper said "I don't think we've ever encountered a more aggressive or direct campaign to interfere in our election process than we've seen in this case."

There's little evidence of such a top-down effort by Ukraine. Longtime observers suggest that the rampant corruption, factionalism and economic struggles plaguing the country — not to mention its ongoing strife with Russia — would render it unable to pull off an ambitious covert interference campaign in another country's election. And President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the race.

CONGRESS

**Lawmakers broach possible Trump campaign coordination with Russia**

By AUSTIN WRIGHT and MARTIN MATISHAK

Yet Politico's investigation found evidence of Ukrainian government involvement in the race that appears to strain diplomatic protocol dictating that governments refrain from engaging in one another's elections.

Russia's meddling has sparked outrage from the American body politic. The U.S. intelligence community undertook the rare move of publicizing its findings on the matter, and President Barack Obama took several steps to officially retaliate, while members of Congress continue pushing for more investigations into the hacking and a harder line against Russia, which was already viewed in Washington as America's leading foreign adversary.

Ukraine, on the other hand, has traditionally enjoyed strong relations with U.S. administrations. Its officials worry that could change under Trump, whose team has privately expressed sentiments ranging from ambivalence to deep skepticism about Poroshenko's regime, while sounding unusually friendly notes about Putin's regime.

Poroshenko is scrambling to alter that dynamic, recently signing a $50,000-a-month contract with a well-connected GOP-linked Washington lobbying firm to set up meetings with U.S. government officials "to strengthen U.S.-Ukrainian relations."

Revelations about Ukraine's anti-Trump efforts could further set back those efforts.

"Things seem to be going from bad to worse for Ukraine," said David A. Merkel, a senior fellow at the Atlantic Council who helped oversee U.S. relations with Russia and Ukraine while working in George W. Bush's State Department and National Security Council.

Merkel, who has served as an election observer in Ukrainian presidential elections dating back to 1993, noted there's some irony in Ukraine and Russia taking opposite sides in the 2016 presidential race, given that past Ukrainian elections were widely viewed in Washington's foreign policy community as proxy wars between the U.S. and Russia.

"Now, it seems that a U.S. election may have been seen as a surrogate battle by those in Kiev and Moscow," Merkel said.

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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 Yanukovych, whom Manafort had been advising, abruptly backed out of a European Union pact linked to anti-corruption reforms. Instead, Yanukovych entered into a multibillion-dollar bailout agreement with Russia, sparking protests across Ukraine and prompting Yanukovych 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 Yanukovych 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 Yanukovych's rise, as well as his ties to the pro-Russian oligarchs who funded Yanukovych'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 Yanukovych.

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 Verveer, 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."

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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."

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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, Yanukovych.

The New York Times, in the August story revealing the ledgers' existence, reported that the payments earmarked for Manafort were "a focus" of an investigation by Ukrainian anti-corruption officials, while CNN reported days later that the FBI was pursuing an overlapping inquiry.

One of the most damaging Russia-related stories during Donald Trump's campaign can be traced to the Ukrainian government. | AP Photo

Clinton's campaign seized on the story to advance Democrats' argument that Trump's campaign was closely linked to Russia. The ledger represented "more troubling connections between Donald Trump's team and pro-Kremlin elements in Ukraine," Robby Mook, Clinton's campaign manager, said in a statement. He demanded that Trump "disclose campaign chair Paul Manafort's and all other campaign employees' and advisers' ties to Russian or pro-Kremlin entities, including whether any of Trump's employees or advisers are currently representing and or being paid by them."

A former Ukrainian investigative journalist and current parliamentarian named Serhiy Leshchenko, who was elected in 2014 as part of Poroshenko's party, held a news conference to highlight the ledgers, and to urge Ukrainian and American law enforcement to aggressively investigate Manafort.

"I believe and understand the basis of these payments are totally against the law — we have the proof from these books," Leshchenko said during the news conference, which attracted international media coverage. "If Mr. Manafort denies any allegations, I think he has to be interrogated into this case and prove his position that he was not involved in any misconduct on the territory of Ukraine," Leshchenko added.

Manafort denied receiving any off-books cash from Yanukovych's Party of Regions, and said that he had never been contacted about the ledger by Ukrainian or American investigators, later telling POLITICO "I was just caught in the crossfire."

According to a series of memos reportedly compiled for Trump's opponents by a former British intelligence agent, Yanukovych, in a secret meeting with Putin on the day after the *Times* published its report, admitted that he had authorized "substantial kickback payments to Manafort." But according to the report, which was published Tuesday by BuzzFeed but remains unverified. Yanukovych assured Putin "that there was no documentary trail left behind which could provide clear evidence of this" — an alleged statement that seemed to implicitly question the authenticity of the ledger.

2016
**Inside the fall of Paul Manafort**
By KENNETH P. VOGEL and **MARC CAPUTO**

The scrutiny around the ledgers — combined with that from other stories about his Ukraine work — proved too much, and he stepped down from the Trump campaign less than a week after the Times story.

At the time, Leshchenko suggested that his motivation was partly to undermine Trump. "For me, it was important to show not only the corruption aspect, but that he is [a] pro-Russian candidate who can break the geopolitical balance in the world," Leshchenko told the Financial Times about two weeks after his news conference. The newspaper noted that Trump's candidacy had spurred "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election," and the story quoted Leshchenko asserting that the majority of Ukraine's politicians are "on Hillary Clinton's side."

But by this month, Leshchenko was seeking to recast his motivation, telling Politico, "I didn't care who won the U.S. elections. This was a decision for the American voters to decide." His goal in highlighting the ledgers, he said was "to raise these issues on a political level and emphasize the importance of the investigation."

In a series of answers provided to Politico, a spokesman for Poroshenko distanced his administration from both Leshchenko's efforts and those of the agency that reLeshchenko Leshchenko leased the ledgers, The National Anti-Corruption Bureau of Ukraine. It was created in 2014 as a condition for Ukraine to receive aid from the U.S. and the European Union, and it signed an evidence-sharing agreement with the FBI in late June — less than a month and a half before it released the ledgers.

The bureau is "fully independent," the Poroshenko spokesman said, adding that when it came to the presidential administration there was "no targeted action against Manafort." He added "as to Serhiy Leshchenko, he positions himself as a representative of internal opposition in the Bloc of Petro Poroshenko's faction, despite [the fact that] he belongs to the faction," the spokesman said, adding, "it was about him personally who pushed [the anti-corruption bureau] to proceed with investigation on Manafort."

But an operative who has worked extensively in Ukraine, including as an adviser to Poroshenko, said it was highly unlikely that either Leshchenko or the anti-corruption bureau would have pushed the issue without at least tacit approval from Poroshenko or his closest allies.

"It was something that Poroshenko was probably aware of and could have stopped if he wanted to," said the operative.

And, almost immediately after Trump's stunning victory over Clinton, questions began mounting about the investigations into the ledgers — and the ledgers themselves.

An official with the anti-corruption bureau told a Ukrainian newspaper, "Mr. Manafort does not have a role in this case."

And, while the anti-corruption bureau told Politico late last month that a "general investigation [is] still ongoing" of the ledger, it said Manafort is not a target of the investigation. "As he is not the Ukrainian citizen, [the anti-corruption bureau] by the law couldn't investigate him personally," the bureau said in a statement.

Some Poroshenko critics have gone further, suggesting that the bureau is backing away from investigating because the ledgers might have been doctored or even forged.

Valentyn Nalyvaichenko, a Ukrainian former diplomat who served as the country's head of security under Poroshenko but is now affiliated with a leading opponent of Poroshenko, said it was fishy that "only one part of the black ledger appeared." He asked, "Where is the handwriting analysis?" and said it was "crazy" to announce an investigation based on the ledgers. He met last month in Washington with Trump allies, and said, "of course they all recognize that our [anti-corruption bureau] intervened in the presidential campaign."

And in an interview this week, Manafort, who re-emerged as an informal advisor to Trump after Election Day, suggested that the ledgers were inauthentic and called their publication "a politically motivated false attack on me. My role as a paid consultant was public. There was nothing off the books, but the way that this was presented tried to make it look shady."

He added that he felt particularly wronged by efforts to cast his work in Ukraine as pro-Russian, arguing "all my efforts were focused on helping Ukraine move into Europe and the West." He specifically cited his work on denuclearizing the country and on the European Union trade and political pact that Yanukovych 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.

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Beyond any efforts to sabotage Trump, Ukrainian officials didn't exactly extend a hand of friendship to the GOP nominee during the campaign.

The ambassador, Chaly, penned an op-ed for The Hill, in which he chastised Trump for a confusing series of statements in which the GOP candidate at one point expressed a willingness to consider recognizing Russia's annexation of the Ukrainian territory of Crimea as legitimate. The op-ed made some in the embassy uneasy, sources said.

"That was like too close for comfort, even for them," said Chalupa. "That was something that was as risky as they were going to be."

Former Ukrainian Prime Minister Arseny Yatseniuk warned on Facebook that Trump had "challenged the very values of the free world."

Ukraine's minister of internal affairs, Arsen Avakov, piled on, trashing Trump on Twitter in July as a "clown" and asserting that Trump is "an even bigger danger to the US than terrorism."

Avakov, in a Facebook post, lashed out at Trump for his confusing Crimea comments, calling the assessment the "diagnosis of a dangerous misfit," according to a translated screenshot featured in one media report, though he later deleted the post. He called Trump "dangerous for Ukraine and the US" and noted that Manafort worked with Yanukovych when the former Ukrainian leader "fled to Russia through Crimea. Where would Manafort lead Trump?"

INVESTIGATIONS
**Manafort's man in Kiev**
By KENNETH P. VOGEL

The Trump-Ukraine relationship grew even more fraught in September with reports that the GOP nominee had snubbed Poroshenko on the sidelines of the United Nations General Assembly in New York, where the Ukrainian president tried to meet both major party candidates, but scored only a meeting with Clinton.

Telizhenko, the former embassy staffer, said that, during the primaries, Chaly, the country's ambassador in Washington, had actually instructed the embassy not to reach out to Trump's campaign, even as it was engaging with those of Clinton and Trump's leading GOP rival, Ted Cruz.

"We had an order not to talk to the Trump team, because he was critical of Ukraine and the government and his critical position on Crimea and the conflict," said Telizhenko. "I was yelled at when I proposed to talk to Trump," he said, adding, "The ambassador said not to get involved — Hillary is going to win."

This account was confirmed by Nalyvaichenko, the former diplomat and security chief now affiliated with a Poroshenko opponent, who said, "The Ukrainian authorities closed all doors and windows — this is from the Ukrainian side." He called the strategy "bad and short-sighted."

Andriy Artemenko, a Ukrainian parliamentarian associated with a conservative opposition party, did meet with Trump's team during the campaign and said he personally offered to set up similar meetings for Chaly but was rebuffed.

"It was clear that they were supporting Hillary Clinton's candidacy," Artemenko said. "They did everything from organizing meetings with the Clinton team, to publicly supporting her, to criticizing Trump. ... I think that they simply didn't meet because they thought that Hillary would win."

Shulyar rejected the characterizations that the embassy had a ban on interacting with Trump, instead explaining that it "had different diplomats assigned for dealing with different teams tailoring the content and messaging. So it was not an instruction to abstain from the engagement but rather an internal discipline for diplomats not to get involved into a field she or he was not assigned to, but where another colleague was involved."

And she pointed out that Chaly traveled to the GOP convention in Cleveland in late July and met with members of Trump's foreign policy team "to highlight the importance of Ukraine and the support of it by the U.S."

Despite the outreach, Trump's campaign in Cleveland gutted a proposed amendment to the Republican Party platform that called for the U.S. to provide "lethal defensive weapons" for Ukraine to defend itself against Russian incursion, backers of the measure charged.

The outreach ramped up after Trump's victory. Shulyar pointed out that Poroshenko was among the first foreign leaders to call to congratulate Trump. And she said that, since Election Day, Chaly has met with close Trump allies, including Sens. Jeff Sessions, Trump's nominee for attorney general, and Bob Corker, the chairman of the Senate Foreign Relations Committee, while the ambassador accompanied Ivanna Klympush-Tsintsadze, Ukraine's vice prime minister for European and Euro-Atlantic integration, to a round of Washington meetings with Rep. Tom Marino (R-Pa.), an early Trump backer, and Jim DeMint, president of The Heritage Foundation, which played a prominent role in Trump's transition.

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Many Ukrainian officials and operatives and their American allies see Trump's inauguration this month as an existential threat to the country, made worse, they admit, by the dissemination of the secret ledger, the antagonistic social media posts and the perception that the embassy meddled against — or at least shut out — Trump.

"It's really bad. The [Poroshenko] administration right now is trying to re-coordinate communications," said Telizhenko, adding, "The Trump organization doesn't want to talk to our administration at all."

During Nalyvaichenko's trip to Washington last month, he detected lingering ill will toward Ukraine from some, and lack of interest from others, he recalled. "Ukraine is not on the top of the list, not even the middle," he said.

Poroshenko's allies are scrambling to figure out how to build a relationship with Trump, who is known for harboring and prosecuting grudges for years.

A delegation of Ukrainian parliamentarians allied with Poroshenko last month traveled to Washington partly to try to make inroads with the Trump transition team, but they were unable to secure a meeting, according to a Washington foreign policy operative familiar with the trip. And operatives in Washington and Kiev say that after the election, Poroshenko met in Kiev with top executives from the Washington lobbying firm BGR — including Ed Rogers and Lester Munson — about how to navigate the Trump regime.

## Ukrainians fall out of love with Europe

By DAVID STERN

Weeks later, BGR reported to the Department of Justice that the government of Ukraine would pay the firm $50,000 a month to "provide strategic public relations and government affairs counsel," including "outreach to U.S. government officials, non-government organizations, members of the media and other individuals."

Firm spokesman Jeffrey Birnbaum suggested that "pro-Putin oligarchs" were already trying to sow doubts about BGR's work with Poroshenko. While the firm maintains close relationships with GOP congressional leaders, several of its principals were dismissive or sharply critical of Trump during the GOP primary, which could limit their effectiveness lobbying the new administration.

The Poroshenko regime's standing with Trump is considered so dire that the president's allies after the election actually reached out to make amends with — and even seek assistance from — Manafort, according to two operatives familiar with Ukraine's efforts to make inroads with Trump.

Meanwhile, Poroshenko's rivals are seeking to capitalize on his dicey relationship with Trump's team. Some are pressuring him to replace Chaly, a close ally of Poroshenko's who

is being blamed by critics in Kiev and Washington for implementing — if not engineering — the country's anti-Trump efforts, according to Ukrainian and U.S. politicians and operatives interviewed for this story. They say that several potential Poroshenko opponents have been through Washington since the election seeking audiences of their own with Trump allies, though most have failed to do do so.

"None of the Ukrainians have any access to Trump — they are all desperate to get it, and are willing to pay big for it," said one American consultant whose company recently met in Washington with Yuriy Boyko, a former vice prime minister under Yanukovych. Boyko, who like Yanukovych has a pro-Russian worldview, is considering a presidential campaign of his own, and his representatives offered "to pay a shit-ton of money" to get access to Trump and his inaugural events, according to the consultant.

The consultant turned down the work, explaining, "It sounded shady, and we don't want to get in the middle of that kind of stuff."

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: MARIE "MASHA" YOVANOVITCH

Friday, October 11, 2019
Washington, D.C.

The interview in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 10:38 a.m.

Present: Schiff, Himes, Quigley, Heck, and Maloney.

Also Present: Representatives Norton, Plaskett, Raskin, Jordan, Meadows, Malinowski, Perry, and Zeldin.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:



For the COMMITTEE ON OVERSIGHT AND REFORM:

[redacted]

[redacted]

For the Committee ON FOREIGN AFFAIRS:

[redacted]

For MARIE YOVANOVITCH:

LAWRENCE S. ROBBINS, ESQ.

LAURIE RUBENSTEIN, ESQ.

RACHEL S. LI WAI SUEN, ESQ.

ROBBINS, RUSSELL, ENGLERT, ORSECK,

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THE CHAIRMAN: Okay. The committee will come to order. Good morning, Ambassador, and welcome to the House Permanent Select Committee on Intelligence, which along with the Foreign Affairs and Oversight, Committees, is conducting this investigation as part of the official impeachment inquiry of the House of Representatives.

Today's deposition is being conducted as part of the inquiry. On behalf of all of us today, on both sides of the table, I want to thank you for your decades of service to the Nation, and especially for so ably representing the United States as our Ambassador to Armenia, Kyrgyzstan, and Ukraine. As you know firsthand, the post-Soviet space has presented a myriad of challenges for success of American administrations. And as the successor states, the former USSR continue to grapple with the consequences of 70 years of Communism.

I've read about the curtailment of your posting in Kyiv, and I have seen the shameful attacks made on you by those who lack your character and devotion to country. While we will doubtless explore more fully the circumstances of your premature recall during this interview, I'm appalled that any administration would treat a dedicated public servant as you have been treated.

As you know, the White House and the Secretary of State have spared no effort in trying to prevent you and others from meeting with us to tell us the facts. Because of the

administration's efforts to block your deposition and obstruct your inquiry, the committee had no choice but to compel your appearance today. We thank you for complying with the duly authorized congressional subpoena.

Finally, I want you to know that the Congress will not tolerate any attempt to retaliate against you or to exact retribution of any kind. We expect that you'll be treated in accordance with your rank, and offered assignments commensurate with your expertise and long service. Should that not be the case, we will hold those responsible to account.

Before I turn to committee counsel to begin the deposition, I invite Ranking Member Nunes or any member of HPSCI, or in their absence, any of my minority colleagues to make opening remarks on Mr. Nunes' behalf.

MR. JORDAN: Thank you, Mr. Chairman. Just for the record, on October 2nd, 2019, the Speaker of the House, Nancy Pelosi, said that she would treat the President with fairness. Fairness requires certain things. Just a few minutes ago, the chairman of the Intel Committee said that this is an official impeachment inquiry.

If it's an official impeachment inquiry, we should be following precedent. Every recent impeachment has permitted minority 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. That is not the case today, has not been the case since this, quote, "official impeachment inquiry" began.

Democrats' failure to provide ranking members with equal subpoena power shows this is a partisan investigation. Second, Democrats have threatened witnesses who request agency counsel to be present for their transcribed interview and/or deposition. State Department lawyers have a right to protect executive branch interests, including national security interests. Democrats have threatened to withhold salaries of State Department officials who ask for the presence of State Department lawyers in depositions.

I've been in countless number of depositions and/or transcribed interviews, this is only the second one I've ever seen where agency counsel was not permitted to be in the room when a witness was deposed or asked questions, the first was last Thursday. The first witness as a part of this, quote, "official impeachment inquiry."

And, finally, fairness requires due process. The President and minority should have the right to see all evidence, both favorable and unfavorable. The President and minority should have the ability to present evidence bearing on the credibility of testifying witnesses. The President and the minority should have the ability to raise objections

relating to examination of witnesses, and the admissibility of testimony and evidence. And the President and the minority should have the ability to respond to all evidence and testimony presented.

With that, I would like to yield to my colleague from the Foreign Affairs Committee, Mr. Zeldin, for a few items to put on the record as well.

MR. ZELDIN: Yesterday, Ranking Member McCaul sent a letter to Chairman Engel consistent with what Mr. Jordan was just referencing on the record, calling on the chair to honor the bipartisan Rodino Hyde precedence that governed both the Nixon and Clinton impeachment inquires, which guaranteed the President's counsel the right to participate in these proceedings, and allowed the minority to exercise coequal subpoena authority.

Moving on. The question is, what specific provision of House rules gives the House Permanent Select Committee on Intelligence the jurisdiction and authority to convene an investigative inquiry of a State Department diplomat regarding the conduct of U.S. foreign policy toward Ukraine? That is clearly the jurisdiction of the Foreign Affairs Committee, and to date, the House has not voted to give the Intel Committee any additional authority to conduct an impeachment inquiry outside of its jurisdictional lane, which concerns intelligence-related activities.

Can you please point us to anything in the House rules that gives you this authority?

THE CHAIRMAN: We're going to move forward with the deposition rather than address the mischaracterizations of both impeachment history and inquiries and process. I would now recognize Mr. Goldman.

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

THE CHAIRMAN: My colleague, we're not going to allow --

MR. MEADOWS: Well, you can't not allow -- I'm here to tell you, Mr. Schiff --

THE CHAIRMAN: We're not going to allow any dilatory --

MR. MEADOWS: -- you know the House rules allows for point of order in any --

THE CHAIRMAN: State your point of order.

MR. MEADOWS: The point of order is the rules of the House are very clear. The gentleman raised a valid point that there are no rules that would give the authority of you to actually depose this witness. And so, under what authority -- I would say you're out of order.

THE CHAIRMAN: I appreciate your opinion, but the House deposition rules say otherwise. So, Mr. Goldman, you are recognized.

MR. ZELDIN: Point of order, though, we are asking what that rule is that gives you the authority to conduct today's

deposition.

MR. MEADOWS: Rule 11 doesn't outline anything.

THE CHAIRMAN: We won't allow any further dilatory motions. Mr. Goldman, you're recognized.

MR. ZELDIN: We're asking a simple question.

MR. GOLDMAN: This is the deposition of Ambassador Marie Yovanovitch conducted by the House Permanent Select Committee on Intelligence, also called HPSCI, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th.

MR. GOLDMAN: Ambassador Yovanovitch, could you please state your full name and spell your last name for the record.

MR. ROBBINS: I'm sorry, before we begin the deposition. Sorry, I represent the witness. My name is Larry Robbins. The ambassador has an opening statement to make.

MR. GOLDMAN: We're going to get to that.

MR. ROBBINS: I see.

MR. GOLDMAN: After we lay out the ground rules here, we'll turn it over to the Ambassador.

MR. ROBBINS: Okay. It's a deal.

MR. GOLDMAN: All right. If you could go ahead and please state your full name and spell it for the record.

MS. YOVANOVITCH: Marie Louise Yovanovitch. Marie, M-A-R-I-E, Louise, L-O-U-I-S-E, Yovanovitch, Y-O-V-A-N-O-V-I-T-C-H.

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MR. GOLDMAN: Thank you. Along with other proceedings in furtherance of the inquiry, the deposition is part of a joint investigation led by the Permanent Select Committee on Intelligence in coordination with the Committee on Foreign Affairs, and the Committee on Oversight and Reform.

In the room today, I believe, are at least given the option of having two majority staff and two minority staff from both the Foreign Affairs and the Oversight Committees, as well as majority and minority staff from HPSCI. This is a staff-led deposition, but members, of course, may ask questions during the allotted time.

My name is Daniel Goldman, I'm a senior advisor and director of investigations for the HPSCI majority staff, and I'd like to thank you for coming in today for this deposition. I'd like to do some brief introductions. To my right is Nicolas Mitchell, senior investigative counsel for HPSCI. Mr. Mitchell and I will be conducting most of the interview for the majority.

And I will now let my counterparts who will be asking any questions introduce themselves.

MR. CASTOR: Good morning, Ambassador. My name is Steve Castor, I'm a staffer with the Oversight and Government Reform Committee, minority staff.

MR. BREWER: Good morning. I'm David Brewer from Oversight as well.

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MR. GOLDMAN: This deposition will be conducted entirely at the unclassified level. However, the deposition is being conducted in HPSCI's secure spaces, and in the presence of staff who all have appropriate security clearances. It is the committee's expectation that neither questions asked of the witness nor answers by the witness or the witness' counsel will require discussion of any information that is currently, or at any point could be properly classified under executive order 13526.

Moreover, EO-13526 states that, quote, "in no case shall information be classified, continue to be maintained as classified, or fail to be declassified," unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity. If any of our questions can only be answered with classified information, Ambassador Yovanovitch, we'd ask you to inform us of that and we will adjust accordingly.

I would also just note for the record that my understanding is that Ambassador Yovanovitch's counsel also has the necessary security clearances. Is that right?

MR. ROBBINS: That is correct.

MR. GOLDMAN: All right. Today's deposition is not being taken in executive session, but because of the sensitive and confidential nature of some of the topics and materials that will be discussed, access to the transcript of

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the deposition will be limited to three committees in attendance. You and your attorney will have an opportunity to review the transcript as well. Per the House rules for this deposition, no members or staff may discuss the contents of this deposition outside of the three committees, including in public.

Before we begin, I'd like to briefly go over the ground rules for this deposition. We'll be following the House regulations for depositions. We have previously provided your counsel with a copy of those regulations, and we have copies here if you would like to review them at any time. The deposition will proceed as follows:

The majority will be given 1 hour to ask questions and then the minority will be given 1 hour to ask questions. Thereafter, we will alternate back and forth between majority and minority in 45-minute rounds until questioning is complete. We will take periodic breaks, but if you need a break at any time, please let us know.

Under the House deposition rules, counsel for other persons or government agencies may not attend. And we can point you to the deposition rule if anyone would like to look at it. You are allowed to have an attorney present during this deposition, and I see that you have brought three. And at this time, if counsel could state their names for the record.

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MR. ROBBINS: So I'm Lawrence Robbins from the firm of Robbins Russell, representing the Ambassador. With me are Laurie Rubenstein and Rachel Li Wai Suen, also from our firm, also for the witness.

MR. GOLDMAN: There is a stenographer, or two, taking down everything that is said here in order to make a written record of the deposition. For the record to be clear, please wait until the questions are finished before you begin your answer, and we will wait until you finish your response before asking the next question. The stenographer cannot record nonverbal answers, such as shaking your head. So it is important that you answer each question with an audible verbal answer.

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

You may only refuse to answer a question to preserve a privilege that is recognized by the committee. If you refuse to answer a question on the basis of privilege, staff may either proceed with the deposition or seek a ruling from Chairman Schiff on the objection during the deposition at a time of the majority staff's choosing. If the chair overrules any such objection during the deposition, you are

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required to answer the question. These are the House deposition rules.

Finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff. It is imperative that you not only answer our questions truthfully, but that you give full and complete answers to all questions asked of you. Omissions may also be considered false statements.

Now, as this deposition is under oath, Ambassador Yovanovitch, would you please raise your right hand and stand and you'll be sworn in. Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

MS. YOVANOVITCH: I do.

MR. GOLDMAN: Thank you. The record will reflect that the witness has been duly sworn, and you may be seated. Now, Ambassador Yovanovitch, I understand you have some opening remarks and now is the time to do them.

MS. YOVANOVITCH: Thank you. Chairman Schiff, Mr. Jordan, and other members and staff who are here today. I really do thank you for the opportunity to start with a statement. And I'd like to introduce myself. For the last -- for the last 33 years, it's been my great honor to serve the American people as a Foreign Service Officer over six administrations, four Republican and two Democrat. I

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have served in seven different countries; five of them have been hardship posts, and I was appointed to serve as an ambassador three times, twice by a Republican President, once by a Democratic President.

Throughout my career, I have stayed true to the oath that Foreign Service Officers take and observe every day, that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same. Like all Foreign Service Officers with whom I have been privileged to serve, I have understood that oath as a commitment to serve on a strictly nonpartisan basis, to advance the foreign policy determined by the incumbent President, and to work at all times to strengthen our national security and promote our national interests.

I come by these beliefs honestly and through personal experience. My parents fled Communist and Nazi regimes. And having seen, firsthand, the war and poverty and displacement common to totalitarian regimes, they valued the freedom and democracy the U.S. offers, and that the United States represents. And they raised me to cherish those values as well.

Their sacrifice allowed me to attend Princeton University, where I focused my studies on the former Soviet Union. And given my upbringing and my background, it has

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been the honor of a lifetime to help to foster those principles as a career Foreign Service Officer. From August 2016 until May 2019, I served as the U.S. Ambassador to Ukraine. Our policy, fully embraced by Democrats and Republicans alike, was to help Ukraine become a stable and independent democratic state, with a market economy integrated into Europe. Ukraine is a sovereign country whose borders are inviolate, and whose people have the right to determine their own destiny. These are the bedrock principles of our policy.

Because of Ukraine's geostrategic position bordering Russia on its east, the warm waters of the oil-rich Black Sea to its south, and four NATO allies to its west, it is critical to the security of the United States that Ukraine remain free and democratic, and that it continue to resist Russian expansionism.

Russia's purported annexation of Crimea, its invasion of Eastern Ukraine, and its de facto control over the Sea of Azov, make clear Russia's malign intentions towards Ukraine. If we allow Russia's actions to stand, we will set a precedent that the United States will regret for decades to come.

So supporting Ukraine's integration into Europe and combating Russia's efforts to destabilize Ukraine have anchored our policy since the Ukrainian people protested on

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the Maidan in 2014 and demanded to be a part of Europe and live according to the rule of law. That was U.S. policy when I became ambassador in August 2016, and it was reaffirmed as that policy as the policy of the current administration in early 2017.

The Revolution of Dignity and the Ukrainian people's demand to end corruption forced the new Ukrainian Government to take measures to fight the rampant corruption that long permeated that country's political and economic systems. We have long understood that strong anti-corruption efforts must form an essential part of our policy in Ukraine, and now there was a window of opportunity to do just exactly that.

And so why is that important? And why is it important to us? Put simply, anti-corruption efforts serve Ukraine's interests, but they also serve ours as well. Corrupt leaders are inherently less trustworthy, while honest and accountable Ukrainian leadership makes a U.S.-Ukraine partnership more reliable and more valuable to us. A level playing field in this strategically located country, one with a European landmass exceeded only by Russia, and with one of the largest populations in Europe, creates an environment in which U.S. business can make more easily trade, invest, and profit. Corruption is a security issue as well because corrupt officials are vulnerable to Moscow. In short, it is in our national security interest to help Ukraine transform into a

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country where the rule of law governs and corruption is held in check.

But change takes time, and the aspiration to instill rule of law of values has still not been fulfilled. Since 2014, Ukraine has been at war, not just with Russia, but within itself, as political and economic forces compete to determine what kind of country Ukraine will become. The same old oligarch-dominated Ukraine where corruption is not just prevalent, but frankly is the system. Or the country that Ukrainians demanded in the Revolution of Dignity. A country where rule of law is the system, corruption is tamed, and people are treated equally, and according to the law.

During the 2019 presidential elections in Ukraine, the people answered that question once again. Angered by insufficient progress in the fight against corruption, Ukrainian voters overwhelmingly voted for a man who said that ending corruption would be his number one priority. The transition, however, created fear among the political elite, setting the stage for some of the issues I expect we will be discussing today.

Understanding Ukraine's recent history, including the significant tension between those who seek to transform the country, and those who wish to continue profiting from the old ways, is, I believe, of critical importance to understanding the events you asked me here today to describe.

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Many of these events, and the false narratives that emerge from them, resulted from an unfortunate alliance between Ukrainians who continue to operate within a corrupt system and Americans who either did not understand that system, that corrupt system, or who may have chosen, for their own purposes, to ignore it.

It is seems obvious, but I think bears stating under the circumstances, that when dealing with officials from any country, or those claiming contacts -- or connections to officialdom, one must understand their background, their personal interest, and what they hope to get out of that particular interaction before deciding how to evaluate their description of events or acting on their information.

To be clear, Ukraine is full of people who want the very things we have always said we want for the United States, a government that acts in the interest of the people, a government of the people, by the people, for the people. The overwhelming support for President Zelensky in April's election proved that. And it was one of our most important tasks at the embassy in Kyiv to understand and act upon the difference between those who sought to serve their people and those who sought to serve only themselves.

With that background in mind, I would like to briefly address some of the specific issues raised in the press that I anticipate you may ask me about today. So just to repeat.

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I arrived in Ukraine on August 22, 2016, and I left Ukraine permanently on May 20, 2019. Several of the events with which you may be concerned occurred before I was even in the country before I was ambassador. Here are just a few:

The release of the so-called Black Ledger, and Mr. Manafort's subsequent resignation from the Trump campaign. The Embassy's April 2016 letter to the Prosecutor General's Office about the investigation into the Anti-Corruption Action Center or AntAC. And the departure from office of former Prosecutor General Viktor Shokin, who I have never met. These events all occurred before I arrived.

There are several events that occurred after I was recalled from Ukraine. These include President Trump's July 25th call with President Zelensky; all of the many discussions that have been in the press surrounding that phone call; and any discussion surrounding the reported delay of security assistance to Ukraine in summer 2019. So that happened after I departed.

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As for the events during my tenure in Ukraine. I really want to make clear and I want to categorically state that I have never, myself or through others, directly or indirectly, ever directed, suggested, or in any other way asked, for any government or government official in Ukraine or elsewhere to refrain from investigating or prosecuting actual corruption.

As Mr. Lutsenko, the former Ukraine prosecutor general, has recently acknowledged, the notion that I created or disseminated or verbally told him a do-not-prosecute list is completely false. And that is a story that Mr. Lutsenko himself has since retracted.

Equally fictitious is the notion that I am disloyal to President Trump. I have heard the allegation in the media that I supposedly told our embassy team to ignore the President's orders since he was going to be impeached. That allegation is false. I have never said such a thing to my embassy colleagues or anyone else.

Next, the Obama administration did not ask me to help the Clinton campaign, or harm the Trump campaign, and if they had, I would never have taken any such steps. I have never met Hunter Biden, nor have I had any direct or indirect conversations with him. Of course, I have met former Vice President Biden several times over the course of our many years in government, but neither he nor the previous administration ever directly or indirectly raised the issue

either of Burisma or Hunter Biden with me.

With respect to Mayor Giuliani, I have only had minimal contact with him, a total of three that I recall. None related to the events at issue. I do not know Mr. Giuliani's motives for attacking me. But individuals who have been named in the press who have contact with Mr. Giuliani may well have believed that their personal and financial ambitions were stymied by our anti-corruption policy in Ukraine.

Finally, after being asked by the Department in early March to extend my tour, to stay on an extra year until 2020, in late April, I was then abruptly asked to come back to Washington from Ukraine on the next plane. You will understandably want to ask why my posting ended so suddenly. I wanted to learn that, too, and I tried to find out.

I met with the Deputy Secretary of State, who informed me of the curtailment of my term. He said that the President had lost confidence in me, and no longer wished me to serve as an ambassador. He added that there had been a concerted campaign against me, and that the Department had been under pressure from the President to remove me since the summer of 2018. He also said that I had done nothing wrong, and that this was not like other situations where he had recalled ambassadors for cause. I departed Ukraine for good this past May.

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Although I understand, everyone understands, that I served at the pleasure of the President, I was nevertheless incredulous that the U.S. Government chose to remove an ambassador based, as far as I can tell, on unfounded and false claims by people with clearly questionable motives. To make matters worse, all of this occurred during an especially challenging time in bilateral relations with a newly elected Ukrainian President. This was precisely the time when continuity at the U.S. Embassy in Ukraine was most needed.

Before I close, I must share with you the deep disappointment and dismay I have felt as these events have unfolded. I have served this Nation honorably for more than 30 years. I have proudly promoted and served American interests as the representative of the American people and six different Presidents over the last three decades. Throughout that time, I, like my colleagues at the State Department, have always believed that we have enjoyed a sacred trust with our government.

We make a difference every day. And I know many of you have been out to embassies around the world, and you know that to be true. Whether it's a matter of war and peace, trade and investment, or simply helping an American citizen with a lost passport. We repeatedly uproot our lives, and we frequently put ourselves in harm's way to serve our Nation, and we do that willingly, because we believe in America and

its special role in the world.

We also believe that in return, our government will have our backs and protect us if we come under attack from foreign interests.

That basic understanding no longer holds true. Today, we see the State Department attacked and hollowed out from within. State Department leadership with Congress needs to take action now to defend this great institution, and its thousands of loyal and effective employees. We need to rebuild diplomacy as the first resort to advance America's interest, and the front line of America's defense. I fear that not doing so will harm our Nation's interest, perhaps irreparably. That harm will come not just through the inevitable and continuing resignation and loss of many of this Nation's most loyal and talented public servants. It also will come when those diplomats who soldier on and do their best to represent our Nation, face partners abroad who question whether the ambassador really speaks for the President, and can be counted upon as a reliable partner.

The harm will come when private interests circumvent professional diplomats for their own gain, not for the public good. The harm will come when bad actors and countries beyond Ukraine see how easy it is to use fiction and innuendo to manipulate our system. In such circumstances, the only interests that are going to be served are those of our

strategic adversaries like Russia, that spread chaos and attack the institutions and norms that the U.S. helped create and which we have benefited from for the last 75 years.

I am proud of my work in Ukraine. The U.S. Embassy under my leadership represented and advanced the policies of the United States Government as articulated first by the Obama administration, and then by the Trump administration. Our efforts were intended, and evidently succeeded, in thwarting corrupt interests in Ukraine who fought back by selling baseless conspiracy theories to anyone who would listen. Sadly, someone was listening, and our Nation is worse off for that.

So I want to thank you for your attention, and I welcome your questions. Thank you.

THE CHAIRMAN: Thank you very much for your testimony. Mr. Goldman.

MR. ROBBINS: Excuse me, just before we begin. Pardon me, I have a terrible cold this morning and I apologize if I'm hard to hear. Mr. Chairman, I'd just like to put the following on the record before we begin today's deposition.

As you know, the Department of State, in which the ambassador is still employed, has asserted that its lawyers should be allowed to attend this deposition so that they can assert privileges or objections the Department might wish to assert on behalf of the executive branch. As we have told

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both State Department lawyers and committee lawyers, it is not our place to get in the middle of that or to take sides in a dispute between the Congress and the executive branch, and we don't intend to.

Ambassador Yovanovitch has been subpoenaed to testify, and as we read the law, she is obliged to be here and testify, and she will. We have repeatedly asked the State Department's office of the legal advisor to provide us with a written statement that we could read on their behalf so that their concerns regarding what they term, quote, "executive branch confidentiality interests," end quote, could be heard by this committee. We have asked them to specify in writing particular topics with respect to which they wish us to point out their interests. And although we were told we would receive such a statement, we have not.

So that Ambassador Yovanovitch can be as diligent as possible in complying with her employer's wishes, I will do my best, during the course of this hearing, to point out questions that might elicit information that I understand to fall within the scope of their concerns. I will also tell you now that the Department told us that they don't want our appearance today to be construed as a waiver of any privileges they may hold.

I want to be clear that I am not asserting any of those privileges on the client's behalf because, of course, we

don't have a right to assert those privileges at all. If they exist, they belong to the Department, and we will, of course, make those objections subject to whatever ruling the chair chooses to make in the wake of those objections.

And with that on the record, I turn this over to counsel for the majority.

THE CHAIRMAN: Thank you. Mr. Goldman.

MR. GOLDMAN: Thank you, Mr. Chairman. Thank you for that opening statement, Ambassador Yovanovitch. I think everyone recognizes and appreciates your long service to this country.

EXAMINATION

BY MR. GOLDMAN:

Q We are going to get into the circumstances surrounding your abrupt removal, but in order, I think, to fully understand that, we need to back up a little bit. And I want to focus at the outset on press reports and other indications of Rudy Giuliani's involvement in Ukraine.

When did you first become aware that Rudy Giuliani had an interest in or was communicating with anyone in Ukraine?

A Probably around November, December timeframe of 2018.

Q And describe those circumstances when you first learned about it.

A Basically, it was people in the Ukrainian

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Government who said that Mr. Lutsenko, the former prosecutor general, was in communication with Mayor Giuliani, and that they had plans, and that they were going to, you know, do things, including to me.

Q So you first heard about it from the Ukrainian officials?

A That's correct.

Q Did you understand how they were aware of this information?

A So I can tell you what I think, you know, this is perhaps not a fact. But the impression that I received is that Mr. Lutsenko was talking rather freely about this in, you know, certain circles, and so others heard about it who wanted to let us know.

THE CHAIRMAN: Can you move the microphone a little closer.

MS. YOVANOVITCH: Sorry.

BY MR. GOLDMAN:

Q Were these Ukrainian Government officials?

A Yes.

Q Can you describe for us who the former Prosecutor General Lutsenko is, and give us some context as to his background and what your assessment of him is?

A Yeah, he's a Ukrainian politician. He's been in politics I would say, probably, the last 20 years or so, and

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he has held many high government positions. He's a political ally of former President Poroshenko, or at least was until the time I left, I don't know where that status is now. And he is a man who was the head of the Poroshenko faction and the Rada, which is the Ukrainian parliament, until the spring of 2016 when he was voted in to become the prosecutor general.

Q Is he a lawyer?

A No.

Q So how did he become the prosecutor general?

A Because the Rada had to take a prior vote that would allow that exception, which I believe is actually even in the constitution, either constitution or law.

Q So he was the prosecutor general the entire time that you were in Ukraine. Is that right?

A That's correct.

Q And can you just describe briefly what the role of the prosecutor general is in Ukraine?

A Yes. And because Ukraine is a country in transition, that role was in the process of becoming reformed. So the prosecutor general's office is, or position, is a very powerful one, it's a hold-over from the Soviet Union days. And that individual is in charge of both investigatory actions, like the FBI, for example, as well as the actual prosecution. So it's tremendous power.

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And Mr. Lutsenko was brought in to reform that office to split the offices, investigatory and prosecutorial, and to make real reforms so that -- because the PGO, Prosecutor General's Office, was viewed as an instrument of corruption basically, to grant people favors, they could open cases, they could close cases based on money passing hands or whatever was most opportune, and it trickled down to the ordinary people's lives as well. So it was seen as a place where ironically corruption thrived and he was brought in to clean that up.

Q Was he successful in cleaning that up?

A No.

Q How would you assess his character?

A He's very smart. He can be very charming. He, I think, is an opportunist and will ally himself, sometimes simultaneously, I believe, with whatever political or economic forces he believes will suit his interests best at the time.

Q Would you call him someone who is corrupt?

A I have certainly heard a lot of people call him corrupt, and there are certainly a lot of stories about his actions that would indicate that.

Q You mentioned in your opening statement that there were false statements that were spread about you. Was he one of the individuals who spread those false statements about

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you?

A Yes.

Q Now, let's go back to first learning about Rudy Giuliani's involvement. What did you understand in late 2018 to be Mr. Giuliani's interest in Ukraine?

A I wasn't really sure, but he had clients in Ukraine, so that was one possible thing. But he also obviously is the President's personal lawyer. So I wasn't really sure what exactly was going on.

Q Did you come to learn what his interest in Ukraine was?

A Well, you know, I read the press and watch TV just like everybody else in this room, so yeah, I learned.

Q Did you have any further conversations with Ukrainian Government officials about Mr. Giuliani's activities in Ukraine?

A Yes, I did. Most of the conversations were not with me directly, people on the embassy staff, but yes, I did have other conversations.

Q And from your staff members or your own conversations, what did you come to learn about Mr. Giuliani's interest in Ukraine?

A That basically there had been a number of meetings between Mr. Lutsenko and Mayor Giuliani, and that they were looking -- I should say that Mr. Lutsenko was looking to hurt

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me in the U.S. I couldn't imagine what that was. But, you know, now I see.

Q What do you see now?

A Well, that I'm no longer in Ukraine.

Q Fair enough. But describe the evolution of your understanding as to how Mr. Lutsenko was trying to hurt you in the U.S.?

A I think, and again, I am getting this partly from conversations with people who may or may not know what really happened, as well as what has been in the media, both in Ukraine and here in the United States. So I'll tell you what I think. I can't say that --

Q Let me just interrupt you there. Is some of your knowledge based on Mr. Giuliani's statements himself?

A To the press.

Q Okay.

A So I think that there was -- Mr. Lutsenko was not pleased that -- that we continued at the embassy to call for cleaning up the PGO, the Prosecutor General's Office, and he came into office with, you know, three goals: One was to reform the office, one was to prosecute those who killed the innocent people on the Maidan during the Revolution of Dignity, and one was to prosecute money laundering cases to get back the $40 billion-plus that the previous president and his cronies had absconded with. None of those things were

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done. And we thought those were great goals, and we wanted him to encourage him to continue with those goals. That did not happen.

And so, we continued to encourage him, and I don't think he really appreciated it. What he wanted from the U.S. Embassy was for us to set up meetings with the Attorney General, with the Director of the FBI, et cetera. And he would say, I have important information for them. As perhaps many of you know, there are, you know, usual processes for that kind of thing. We don't have principals meet and, you know, the foreign principal springs new information that may or may not be valid to an American cabinet member, we just don't do that.

And so what we kept on encouraging him to do was to meet with the legat, the legal attache, the FBI at the embassy. That is precisely why we have the FBI in countries overseas, to work with host country counterparts and get information, whatever that information might be, develop cases, et cetera. He didn't want to share that information. And now, I think I understand that that information was falsehoods about me.

Q What falsehoods about you?

A Well, for example, as I mentioned in the testimony, in the statement, the opening statement, that I gave him a do-not-prosecute list, a list of individuals that he should not touch.

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Q And did you do that?
A No.
Q Did you learn whether there was any additional information that he wanted to share with U.S. Government officials?
A Well, I think, you know, it was other things along that line.
Q One of the things that has been publicized quite significantly is information that Prosecutor General Lutsenko may have had in connection to either Paul Manafort or the 2016 election?
A Uh-huh.
Q Did you come to learn anything about either of those topics?
A He didn't share anything with me.
Q Did he share anything with any other Ukrainian officials that you then learned about it from, or learned about this from?
A I think, yeah, I think they may have been aware that that was more broadly what he also might share with Mr. Giuliani.
Q Well, let me ask the question this way: Other than information about you --
A Uh-huh.
Q -- what other information did you come to learn

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while you were at post about what Mr. Lutsenko wanted to share with American officials?

MR. ROBBINS: So you're asking now while she was ambassador as opposed to things she's read in the paper and media since she was recalled?

BY MR. GOLDMAN:

Q Yes, I'm asking while you were there, what did you understand?

A Yeah, it was very amorphous, because while there was sort of that gossip out there, the gossip that I was going to be recalled, and you know, people would ask me, and I'd say No, no, I'm here, I'm working. But it was very amorphous, and so at the time, I didn't know. When it became clearer was on March 24th with the publication of The Hill interview with Mr. Lutsenko.

So that, you know, that was sort of the first kind of public, on the record, in the United States, and then over the ensuing days there was more in the U.S. media, Mr. Giuliani spoke publicly, and Donald Trump Jr. also tweeted that I should be removed.

Q So let's separate out your removal from any of the other information.

A Okay.

Q Because we are going to get to your removal, and we're going to focus on that. But just to get the lay of the

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land here. What did you -- when you referenced The Hill, what did you come to learn from The Hill about information that Lutsenko was trying to share?

A Well, I think, I mean, I think I've already told you. So he shared information that there was -- he raised questions -- again, this happened before I arrived, but he raised questions about U.S. Government assistance to the PGO, and whether there was a discrepancy in the funding and whether he should be investigating it, and that the embassy had assured him, again, before I arrived, that we had fully accounted for all U.S. funds, and that we were not concerned about this. So that was one line that he talked about. There was the do-not-prosecute list. There was, I mean, you know, a number of issues.

Q Was there anything about the 2016 election or Paul Manafort?

A I think, yeah, I think that was in The Hill article as well.

Q And what about former Vice President Joe Biden or Burisma?

A I think that was in the article as well.

Q So after you learned about this in The Hill, did you have any additional conversations with people, either Americans in the embassy, or Ukrainian officials about the reports?

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A Well, in the embassy we were trying to figure out what was going on. I also, of course, was in touch with folks in Washington at the NSC, and at the State Department to try to figure out what was this, what was going on.

Q What did you learn?

A Not much. I mean, I think people were not sure. On the 25th, the day after The Hill article came out, the State Department had a pretty strong statement that said that Mr. Lutsenko's allegations were a fabrication, and then, you know, over the weekend, there was a lot more in the media. And, you know, the State Department was trying to figure out how to respond, I think, during that time and the following week. But I didn't get very much information.

Q At that point, were you aware that Mr. Giuliani had met with Mr. Lutsenko previously?

A Yeah, I think it became pretty clear.

Q What do you mean by that?

A Because I think it was in the media, and I think they said it.

Q So at this point, just so we're clear. Mr. Giuliani was never an employee of the State Department, right?

A Not to my knowledge.

Q You said that you met with him, I think, three times. Can you describe those meetings?

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A Uh-huh.

THE CHAIRMAN: Just ask -- before we get to that, counsel. Did you know at the time or have you learned since why Mr. Lutsenko was engaged in pushing out these smears against you? Why did he want to get rid of you?

MS. YOVANOVITCH: Well, again, I can tell you what I think, but I don't know for a fact.

THE CHAIRMAN: You know, based on what you've learned from colleagues, what you've learned in the press, what is your best understanding of why Lutsenko was trying to push you out of Ukraine?

MS. YOVANOVITCH: I think that he felt that I and the embassy were effective at helping Ukrainians who wanted to reform, Ukrainians who wanted to fight against corruption, and he did not -- you know, that was not in his interest. I think also that he was, I mean, it's hard to believe, I think he was personally angry with me that we weren't -- we did work with the PGO's office, but he wanted us to work with him in different ways, you know, and that we didn't have a closer relationship, and that I was not facilitating trips for him to the United States with our cabinet members, when there was, frankly, nothing to talk about because he wasn't a good partner for us.

THE CHAIRMAN: You had mentioned earlier that you were trying to make sure that Ukrainian officials used proper

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legal channels --

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: -- if they had information that they wanted to share with U.S. law enforcement?

MS. YOVANOVITCH: Right.

THE CHAIRMAN: Do you think that your insistence or advocacy for following the proper procedures in terms of using legat and legal channels was part of the reason why he wanted you removed?

MS. YOVANOVITCH: Maybe. Maybe. I mean, he clearly wanted to work around the system where I think there's less transparency, there are more opportunities to, you know, kind of fiddle the system, shall we say.

BY MR. GOLDMAN:

Q Okay. And when you say work around the system, did you come to understand that that was a role that Mr. Giuliani could play for him, for Mr. Lutsenko?

A Well, now it certainly appears that way.

Q But when did you come to understand that?

A You know, now, you know, with the advantage of hindsight, you're going to think that I'm incredibly naive, but I couldn't imagine all of the things that have happened over the last 6 or 7 months, I just couldn't imagine it.

So we knew that there was something out there. We were asking ourselves, you know, what is going on? But then it

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became clear with The Hill interview and all the subsequent things that came out in the press.

Q So the State Department issued a statement essentially denying what was reported in The Hill?

A Uh-huh.

Q Did you ever receive any pressure from anyone at the State Department to reconsider your position or in any way consider some of the advocacy of Mr. Giuliani?

A I don't quite understand the --

Q I'm wondering if you got any messages or suggestions or directions from the State Department that were consistent with what Mr. Giuliani was discussing and what his interests were?

A No.

Q You also said that, I believe, after this information came out in The Hill in late March, you had a number of conversations both with people in the embassy and people back in Washington. Who were you speaking to within the State Department about this issue?

A Assistant Secretary -- or Acting Assistant Secretary Phil Reeker of the European Bureau, who is my boss. I spoke once with David Hale, who is the Under Secretary for Political Affairs. And at the NSC with Fiona Hill.

Q And what was the message that you generally received from them?

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A Total support.

Q They understood that this was a fabrication?

A Yeah, I mean, until today, nobody has ever actually asked me the question from the U.S. Government of whether I am actually guilty of all of these things I'm supposed to have done. Nobody even asked, because I think everybody just thought it was so outrageous.

Q Did you ever have any conversations after November, December 2018, with Ukrainian officials about Mr. Giuliani up until the time that you left in May?

A I think perhaps in the February time period, I did where one of the senior Ukrainian officials was very concerned, and told me I really needed to watch my back.

Q Describe that conversation.

A Well, I mean, he basically said, and went into some detail, that there were two individuals from Florida, Mr. Parnas and Mr. Fruman, who were working with Mayor Giuliani, and that they had set up the meetings for Mr. Giuliani with Mr. Lutsenko. And that they were interested in having a different ambassador at post, I guess for -- because they wanted to have business dealings in Ukraine, or additional business dealings.

I didn't understand that because nobody at the embassy had ever met those two individuals. And, you know, one of the biggest jobs of an American ambassador of the U.S.

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Embassy is to promote U.S. business. So, of course, if legitimate business comes to us, you know, that's what we do, we promote U.S. business. But, yeah, so --

Q So did you deduce or infer or come to learn that the business interests they had were therefore not legitimate?

A Honestly, I didn't know. I didn't know enough about it at the time. I thought it was exceedingly strange. And then later on in April -- at some point in April, there was an open letter, as it's called, from somebody in the energy business, Dale Perry, who kind of put out a lot of information of meetings that individuals had had, and he also indicated that these two individuals wanted a different ambassador in place, that they had energy interests that they were interested in, according to this open letter, that they had energy interests, selling LNG to Ukraine.

Again, you know, that's like apple pie, motherhood, obviously we would support exporting LNG to Ukraine at the U.S. embassy.

Q Is that because in part --

MR. ROBBINS: For the benefit of the court reporter, that's LNG, which stands for, I believe, liquefied natural gas.

BY MR. GOLDMAN:

Q Can explain why you supported the export of LNG to

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Ukraine?

A Well it never actually came up. But if an American business walks through the door, we usually help them.

Q And am I correct that the importation of LNG into Ukraine would alleviate Ukrainian dependence on oil from other countries, including Russia?

A Yeah, I mean, multiple sources of supply are always an important thing.

Q Who was the Ukrainian -- senior Ukrainian official that you spoke to in February of Parnas and Fruman?

A Minister Avakov, A-V-A-K-O-V.

Q And just for the record, what is he the minister of?

A He was then and he is still now in the new administration, Minister of Interior.

Q Had he spoken with either Mr. Giuliani, Mr. Parnas, or Mr. Fruman directly, to your knowledge?

A He told me that Mr. Giuliani was trying to reach out to him, and had actually reached him when Mr. Avakov was in the United States in either late January or early February, and they had spoken briefly on the phone, but that he didn't actually want to meet with Mayor Giuliani because of his concerns about what they were doing.

Q What were his concerns as expressed to you?

A He thought it was -- so he thought it was very

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dangerous. That Ukraine, since its independence, has had bipartisan support from both Democrats and Republicans all these years, and that to start kind of getting into U.S. politics, into U.S. domestic politics, was a dangerous place for Ukraine to be.

Q Why did he think that he would be getting into U.S. domestic politics by speaking with Mr. Giuliani?

A Well, because -- well, he told me that, but because of what you had mentioned before, the issue of the Black Ledger. Mr. Manafort's resignation from the Trump campaign as a result. And looking into that and how did all of that come about; the issue of whether, you know, it was Russia collusion or whether it was really Ukraine collusion, and, you know, looking forward to the 2020 election campaign, and whether this would somehow hurt former Vice President Biden. I think he felt that that was just very dangerous terrain for another country to be in.

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[11:39 a.m.]

BY MR. GOLDMAN:

Q So your understanding in February and your meeting with Minister Avakov was that he was aware at that time of Mr. Giuliani's interests in those topics?

A Yes.

Q Did you have an understanding as to whether other Ukrainian Government officials were also aware of Mr. Giuliani's interest in those specific topics?

A I -- I got the impression that it was relatively openly discussed at the very, very most senior levels, but nobody else was sharing this with me at that time.

Q And so, was it your understanding that the Minister Avakov or other senior Ukrainian officials were aware of Mr. Giuliani's connection to President Trump?

A Yes, everybody knew that.

Q What did they know?

A That he was the President's personal lawyer.

Q Was it your understanding that they believed that Rudy Giuliani spoke on behalf of, or for the President?

A I think -- I think they didn't know. I think they hoped that he did, and --

Q Hoped that he did or didn't?

A Hoped -- well, the individuals who were meeting with Mr. Giuliani certainly hoped that Mr. Giuliani was

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speaking on behalf of the President.

Q Why did they hope that?

A Because I think that they were hoping that -- so in the case of Mr. Lutsenko, I think he was hoping that Mr. Giuliani would open doors for him in Washington. I think that he was also hoping in the early period -- you need to remember that this was during presidential elections in Ukraine. And President Poroshenko, the polling numbers were not good for him.

And so I think there was always a hope that President Trump would endorse President Poroshenko. And so this is something that President Poroshenko wanted. And I think Lutsenko -- Mr. Lutsenko was hoping that maybe, as a result of providing information that is of interest to Mr. Giuliani that maybe there could be an endorsement.

Q So in addition to Mr. Lutsenko, were the other Ukrainian officials that you spoke to, such as Minister Avakov, also aware of this connection?

A Which connection?

Q Sorry, between Mr. Giuliani and Mr. Trump.

A Yes.

Q And did they under -- I guess I'm trying to understand why it was of concern to the more anticorrupt or democratic Ukrainian officials about Mr. Giuliani's activities there, and what they perceived Mr. Giuliani to be

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representing.

A Well, I think, first of all, they weren't entirely sure, right? And they -- but I think that what they hoped is that they could -- you know, that they would get something out of the relationship as well.

Am I not understanding the question?

THE CHAIRMAN: Let me ask one clarification. You described the conversation you had with Minister --

MS. YOVANOVITCH: Avakov.

THE CHAIRMAN: -- Avakov, and the minister raising concerns about how the actions of these two individuals or Mr. Giuliani might pull Ukraine into U.S. politics. And you mentioned the Manafort ledger. You mentioned the issue of Ukraine collusion versus Russian collusion.

Did the issue also come up in that conversation or others about the Giuliani and his associates' interest in the Bidens and Burisma?

MS. YOVANOVITCH: Yeah. I mean, looking backwards to what happened in the past, with a view to finding things that could be possibly damaging to a Presidential run.

THE CHAIRMAN: By Joe Biden?

MS. YOVANOVITCH: Uh-huh.

BY MR. GOLDMAN:

Q That was a yes, just for the record?

A Yes.

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Q Thank you.

You mentioned this Minister Avakov, who still is the Interior Minister. Are you aware of whether he took a trip to the United States in or about April of this year?

A I'm not aware of that. It doesn't mean he didn't, but I'm not aware.

Q As the ambassador, how involved were you in organizing any government-led trips for any Ukrainians to go to the United States?

A So it really depends. I mean, Ukrainians are here probably in many of your offices every day of the week. And sometimes, the embassy is facilitating that, the embassy in Kyiv is facilitating that, and sometimes people are making independent trips and so forth.

You know, when it's higher level, for Ministers in this example, you know, often people have private visits to the United States, like Mr. Lutsenko did when he met with Mr. Giuliani in January. Mr. Avakov came to the United States and was promoting a book once, for example. And we didn't -- obviously, that is not U.S. Government business, so we didn't, you know, facilitate all of that. But when he was going officially and meeting with counterparts, we would definitely facilitate with that.

Q After your conversation with Mr. Avakov in February, did you report back to the State Department what he

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said?

A Yes.

Q And what was the feedback that you got from your superiors at the State Department?

A Well, you know, everybody is sort of shocked. We have a long relationship with Mr. Avakov, and the things he has told us are mostly credible. You know, we kind of tried to find out more about that and what was going on, but, you know, not with any results.

Q Was there concern that Mr. Giuliani was actively involved at the highest levels of the Ukrainian Government at this point?

MR. ROBBINS: Sorry, concern by whom?

BY MR. GOLDMAN:

Q Within the State Department.

A Yes, but, you know, I mean, we now have lots more information than we did at the time. And so, you know, we were trying to put our arms around it. We weren't quite sure what was going on.

Q Was Mr. Giuliani representing the State Department when he was having these conversations with Ukrainians?

A No, no.

Q And after this meeting with Minister Avakov, who did you speak to at the State Department?

A I don't really recall, but it would either have

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been Phil Reeker, the Acting Assistant Secretary of State -- and I'm pausing because maybe he wasn't already encumbering that job -- or it would have been Deputy Assistant Secretary George Kent.

Q Did you communicate -- how did you communicate usually with Washington from the embassy?

A On -- well, we communicate with Washington in many different ways, but on this, it was either on a secure phone or in what we call a SVTC, a secure video teleconference.

Q Any cables on the topic?

A No.

Q Why not?

A It just felt too political.

Q So your concern at this point was that this was political, that this related to domestic politics, which -- and explain why that was a concern of yours?

A Well, you know, as I stated in my opening statement, in the Foreign Service at embassies, we have to leave politics in the United States. I mean, we represent all Americans. We represent our policy. And for us to start, you know, meddling around in, you know, Presidential elections, politics, et cetera, we lose our credibility that way. We need to be, you know, as credible to this side of the aisle as to that side of the aisle. And so, we didn't know what was going on, but I was not comfortable with

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putting anything in front channel.

Q You mentioned this information from Dale Perry. Who is Dale Perry?

A He had an energy company in the Ukraine, which, according to this open letter that he put out in April, he was kind of putting on pause for a while.

Q He was putting his company on pause?

A I said that kind of loosely, but I think that he was going to be -- it's been a long time since I've read it. He was going to, you know, focus on his business in the United States rather than in the Ukraine. Maybe that's a better way of putting it.

Q And can you describe the sum and substance of this open letter and why it caught your eye in particular?

A Well, because it was the first -- except for the meeting with Mr. Avakov, it was the first time that I heard the names of Mr. Parnas and Fruman. And there was some detail there about meetings and so forth.

Q And what did you come to understand about Mr. Parnas and Mr. Fruman?

MR. MALONEY: Excuse me. Would it be possible for the witness to speak into the microphone?

MS. YOVANOVITCH: Yes, of course. I'm sorry.

I'm sorry, what was the question?

BY MR. GOLDMAN:

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Q I asked what the open letter revealed about Mr. Parnas and Mr. Fruman?

A That they had business interests in the United States, that they were looking to, I think expand is probably a better way of putting it, their business interests in Ukraine through this energy company, and that they needed a better ambassador to sort of facilitate their business' efforts here.

Q And at that point, did you understand what their concern was about you?

A Not really. I found it completely mysterious.

Q And did you learn whether Mr. Giuliani shared the concerns of Mr. Parnas and Mr. Fruman in and around April?

A I don't recall when, you know, when -- well, actually, I think Mr. Avakov actually mentioned it to me in February, that these were the two individuals that had helped Mr. Lutsenko make contact with Mr. Giuliani.

Q And did you become aware of whether Mr. Parnas and Mr. Fruman met with any other senior Ukrainian officials?

A I'm not aware of it.

Q Other than encouraging your -- or speaking out against you, was there anything else in that Dale Perry open letter that was particularly relevant to your role as the ambassador in Ukraine?

A I don't recall. I mean, I simply don't recall.

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Q Now, let's talk for a second about the three contacts you had with Mr. Giuliani. Can you describe those for us?

A Uh-huh. The first time I met Mr. Giuliani was in the 2003-2004 timeframe, and I was the deputy at the embassy in Ukraine. And Mayor Giuliani placed a courtesy call with his wife on our ambassador at the time, Ambassador Herbst. And the ambassador asked me to sit in on that call.

Q Okay. Did you -- let me ask it this way: While you were ambassador of Ukraine, did you ever meet with Mr. Giuliani?

A Yes, I met with him twice. The first time was in the spring, I think it was June of 2017, 2017. And -- yes, it was 2017. It was at a dinner that one of the -- Victor Pinchuk, who's a businessman/oligarch in Ukraine, and he has a YES Foundation where he invites prominent people from all over the world, not just Americans, to come and address students and do various things. And then he always has a dinner where he invites, you know, top Ukrainian politicians and several ambassadors.

So it was a dinner for about 25 people, and then at the end of that dinner, I introduced myself to Mayor Giuliani as the ambassador.

Q And did you talk about anything more substantively than small talk?

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A No. I mean, I introduced myself. I told him, you know, if there was anything I could do to help him, I'd be happy to help.

Q And then when was the next time?

A And then the next time was that fall in November of 2017, where he invited me -- he was coming to Ukraine, and through one of his associates, he invited me to a breakfast at the hotel that he was staying in.

Q Who was his associate?

A John Huvane, H-u-v-a-n-e.

Q And what was the purpose of the breakfast?

A I wasn't exactly sure. But, you know, obviously Mayor Giuliani is an important person in the United States, and so I agreed to go. And he -- yeah. So not quite clear why he wanted me there.

Q What did you discuss at the breakfast?

A He -- it was -- he had just been in Kharkiv, which is a city to the north in Ukraine, and he had -- some of the people who were present -- I don't recall all of the people who were present -- are from -- were from Kharkiv, one of the Rada deputies from Kharkiv, also a businessman and oligarch named Fuchs from Kharkiv.

So he had just been up there, and he had been talking to the mayor, Mayor Kernes, about helping them set up a system similar to our 911 system; and then the other thing is

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helping them set up police forces, city police, municipal police forces similar to our own, because in Ukraine it's all run at the national level.

Q And so you never -- you didn't speak to him since --

A No.

Q -- November 2017?

A No.

Q Are you aware of whether Mr. Giuliani spoke to anyone else in the embassy in Kyiv?

A I don't think so. I think they would have told me if that had been the case.

Q How about Mr. Parnas or Mr. Fruman?

A No. When the open letter came out, I did ask our economic and couns -- excuse me, commercial attaches whether, you know, I mean, did these individuals reach out and were they interested in setting stuff up and how did we help them, because clearly we hadn't helped them very well. And nobody had heard those names before.

Q Was it your view that what you understood Mr. Giuliani's efforts to be in Ukraine, did they contradict, to your understanding, U.S. policy in Ukraine?

MR. ROBBINS: I'm sorry, are you asking whether she formed that view while she was in office or whether, in retrospect, she has that view today?

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BY MR. GOLDMAN:

Q Let's start while you were in office. In the February meeting with Minister Avakov, where you understood that Mr. Giuliani was promoting -- well, let me ask you, was he promoting investigations related to Paul Manafort and the collusion and Burisma and Joe Biden?

A It wasn't entirely clear to me what was going on. I mean, I'm sorry to be not specific, but it wasn't entirely clear.

Q But you understood that he was speaking to the Prosecutor General Lutsenko about those topics?

A Uh-huh, uh-huh.

Q Sorry, you need to say yes.

A Yes. Excuse me.

Q And what was your assessment of whether those interests -- or how did those interests relate to official U.S. policy?

A Well, I mean, when I think about official U.S. policy, I think of people who are in government shaping that policy, creating the policy, or implementing it, whether they are in the executive branch or, you know, in Congress. Obviously, there's a partnership there for that. So private individuals, for the most part, I mean, that's not official U.S. anything.

Q Right. And so, as someone who was effecting

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official U.S. policy, what was your view of Mr. Giuliani's efforts there?

A Well, we were concerned, like I said. You know, I mean, we talked to Washington, what do you think is going on here? It was worrisome, in the sense that the Ukrainians also didn't know how to understand it. And obviously, some felt that they could -- like Mr. Lutsenko, that they could manage that relationship and it would benefit them.

Q Now, you came to understand, right, that Mr. Giuliani was pushing Mr. Lutsenko to open investigations into these topics, is that right, while you were there?

A You know, it's hard to remember when exactly I sort of put it together.

Q Well, Mr. Lutsenko -- while you were still there, Mr. Lutsenko announced the initiation of investigations on these topics. Do you recall that?

A I guess I haven't at the moment, but --

Q I'm sorry?

A No.

THE CHAIRMAN: Let me, just for clarification, follow up on my colleague's question. He asked you about whether what you understood at the time to be the efforts of Mr. Giuliani and his associates were furthering, or antagonistic to U.S. policy interests.

If Mr. Giuliani and his associates were pushing Ukraine

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to involve itself in U.S. domestic politics, let alone the 2020 election, would that have been inconsistent with U.S. policy, inconsistent with U.S. interests?

MS. YOVANOVITCH: I mean, I think the short answer is probably yes. I mean, I don't think we had a policy -- because this is sort of unprecedented. It's not like we had a policy that Ukraine should not become involved in our domestic politics or, you know, somehow become involved in 2020 elections, but clearly, that is not in U.S. interests for Ukraine to start playing such a role.

THE CHAIRMAN: And it wouldn't be in Ukraine's interests either?

MS. YOVANOVITCH: No.

BY MR. GOLDMAN:

Q Would you call that, to some extent, antidemocratic?

A Let me just say that I think that American elections should be for Americans to decide.

Q Do you recall a speech you gave on March 5th?

A I do.

Q And I believe in that speech, you said that it is -- I don't remember the exact quote, but it is inappropriate for governments to engage in domestic politics in other countries. Is that right?

A Yes.

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Q Or, actually, in their own -- I don't think you specified as to other countries, right?

A I don't actually recall saying that particular thing, but I'll take your word for it.

Q It was an interesting quote so -- here it is. I believe you said: Government resources should never be used to target political opponents.

A Yes.

Q What did you mean by that at that time?

THE CHAIRMAN: Could you move the microphone a little closer.

MS. YOVANOVITCH: Yes. Thank you for reminding me. What I meant was -- I mean, this was a speech where it was during Presidential elections, and what we were seeing was that President Poroshenko's polls were going down. There were a lot of people afraid that Poroshenko was going to lose and what would that mean for them and their interests. And so we were seeing the rollback of some reforms that the Poroshenko administration had done, and that we had, you know, thought was very important that we had helped them with.

And so that was the purpose of that speech was to say, these are important accomplishments, and you need to keep on working at that and don't roll it back.

And so that particular point was that in the former

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Soviet Union, in a number of countries, including Ukraine at one time, if you're in power you have a lot of what they call administrative resources, especially in a country where there is, you know, a vertical power, as they call it, where the President can tell the mayor, or the governor, because they appoint those individuals, you need to, you know, bring out this crowd, here's money to pay off voters or whatever. And so that was a reference to that, that that is not an acceptable practice.

Q So you were trying to promote in Ukraine the idea that politicians targeting their political rivals was inappropriate, right?

A Well, I mean, democracy is all about the competition between political rivals, but one needs to do it in an appropriate way and not take government resources to do so.

Q Would that also apply to using government resources to impact elections in other countries?

A Yeah. I mean, I would think so, although, again, that was not the purpose of this speech.

Q Understood. Were you aware, after you expressed your concerns back to the State Department in D.C., were you aware whether anyone tried to curtail Mr. Giuliani's activities in Ukraine?

A I -- curtail? I don't know. I don't know. I

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mean, I think there was concern.

Q Okay. And did anyone act on that concern in any way?

A I'm not sure. I'm not sure.

Q You don't know of anything, but you can't be sure whether anyone did or not?

A Yes.

Q Did you document these concerns anywhere?

A Yes. At the request -- and as I said before, I don't -- I didn't want to put anything in writing, certainly not front channel; but at the request of Under Secretary Hale, he asked me to send him a classified email, sort of putting out what -- this would have been like about March, like, maybe 27th, 28th, that Sunday that the tweet came out. And he asked me to send him an email on the classified system putting down my understanding of what was going on, which was very unformed still, and then why were people doing this. And so I did send that email to him.

Q Did this follow the conversation that you had with Mr. Hale?

A Yes.

Q Can you describe the nature of that -- the nature and substance of that conversation with Mr. Hale?

A Well, I had told -- I had sent an email to the State Department, because there was just an avalanche of

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attacks on me, on the embassy, in the press, and sort of Twitter storms and everything else. And so, I had told David Hale, among others, via email, that the State Department needed to come out and come out strong, because otherwise it just wasn't a sustainable position.

Q Why not?

A Well, if you have the President's son saying, you know, we need to pull these clowns, or however he referred to me, it makes it hard to be a credible ambassador in a country.

Q And so what did you want Mr. Hale to do?

A What I wanted was the Secretary of State to issue a statement that said that, you know, I have his full confidence or something like that, to indicate that I, in fact, am the ambassador in Ukraine, and that I speak for the President, for the Secretary of State, for our country.

Q In contrast to Mr. Giuliani?

A I didn't put it that way.

Q But was that what you meant?

A Well, what I meant was that -- exactly what I just said.

Q So it wasn't necessarily in direct relation to Mr. Giuliani. It was as much in response to the attacks on you from --

A Yes.

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Q -- others, including the President's son?
A Yes.
Q And what did Mr. Hale say in response to that request?
A He said he would talk to the Secretary.
Q Did you ever hear back about that?
A No.
Q Was a statement ever issued?
A No.
Q Did you ever speak to the Secretary directly --
A No.
Q -- about any of this?
A No.
Q Did you ever speak to Ulrich Brechbuhl directly about this?
A No. So I spoke with the Acting Assistant Secretary Phil Reeker, and he was talking I think to people on the seventh floor about this.
Q So Mr. Reeker was relaying messages?
A Uh-huh.
Q And did he relay back to you what the responses were from the seventh floor?
A Yes.
Q And what were those?
A I was told that there was caution about any kind of

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a statement, because it could be undermined.

Q I'm sorry, it could be what?

A It could be undermined.

Q The statement could be undermined?

A Uh-huh.

Q By whom?

A The President.

Q In what way?

A Well, a tweet or something. I mean, that was not made specific to me.

THE CHAIRMAN: I just want to make sure I'm understanding. The statement you're talking about, is that the requested statement by the Secretary of State?

MS. YOVANOVITCH: Yeah.

THE CHAIRMAN: So you were informed, basically, that the statement was not going to be issued by the Secretary of State because it could be undermined by the President?

MS. YOVANOVITCH: Yes. No statement was going to be issued, not by the Secretary, not by anybody else.

THE CHAIRMAN: Because if the Secretary did issue a statement, it might be undermined by the President?

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: Is that a yes?

MS. YOVANOVITCH: Yes, that is a yes.

BY MR. GOLDMAN:

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Q Now, you say you sent this email to Mr. Hale on the classified system, but were any of the contents of the email actually classified or was it just in order to maintain confidentiality?

A I think it was just that it was so sensitive that, you know, I wouldn't have wanted to put it on the open system.

Q Okay. I'll probably circle back to this a little bit in the next -- in our next round, but I want to just jump for the last couple minutes to the April 21st phone call that President Trump had on election night with President Zelensky.

A Yes.

Q Did you know that that call was going to happen?

A Yeah, uh-huh.

Q When did you learn that it was going to happen?

A We had been recommending it, because it was clear that Zelensky was going to win, and win in a landslide. So we had been recommending it, you know, probably the previous week and, you know, as we thought about elections, even prior to that, you know, what is our engagement going to be with the new team and so forth?

And so most appropriate is for the President of the United States to make a call, and he did, on that Sunday night I think it was, Ukraine night.

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Q Did you help prepare the President for the call in any way?

A No.

Q Were you on the call?

A No.

Q Did you listen in?

A No.

Q Were you provided with a transcript or a summary of it?

A No.

Q Did you get a readout of what --

A All I was told is that it was a good call and the two Presidents hit it off.

Q Who --

A And that it was a short call.

Q Who told you this?

A I -- I don't recall, actually. It was somebody in the State Department probably.

THE CHAIRMAN: Can I just ask on that, would it be customary for the ambassador to get a readout of a conversation between the President of the United States and the President of the country to which they're the ambassador?

MS. YOVANOVITCH: It depends on the administration.

THE CHAIRMAN: Okay. Would it be useful, as ambassador, to know --

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MS. YOVANOVITCH: It would be very useful.

BY MR. GOLDMAN:

Q And when you say, it depends on the administration, what happened in the Obama administration?

A We would get a transcript.

Q You would get a transcript?

A Uh-huh.

Q And what happened during your tenure in the Trump administration?

A And when I say "transcript," I mean, sometimes it was a transcript, sometimes it was a summary.

And what was your question?

Q And what happened in the Trump administration?

A Well, there weren't that many calls, at least to Ukraine. And, you know, sometimes we would get sort of an oral readout or, you know, brief little points, but never a -- to my recollection, at least, never a full, you know, transcript.

Q And what about in the Bush administration, when you were an ambassador in W. Bush?

A Right. Again, because I was in Kyrgyzstan and Armenia, there weren't that many Presidential calls.

Q Understood.

MR. GOLDMAN: I think our time is up. So we'll resume after the minority, but would you like to take a quick

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bathroom break?

MR. ROBBINS: For sure.

THE CHAIRMAN: Let's take a 5-minute break and resume.

[Recess.]

THE CHAIRMAN: All right, folks. Let's come back to order. Counsel for the minority, you have one hour.

BY MR. CASTOR:

Q Good afternoon, Ambassador, Steve Castor with the Republican staff. Thanks for coming in. And I'd like to state at the outset, I'm not a career Foreign Service person. I'm a congressional staffer and have been for some time, specializing in investigations.

So, to the extent I mispronounce some of these names or mix up something, please accept my apologies in advance. I mean no disrespect. Our staff, and certainly our members, have the utmost respect for you and for the men and women of the Foreign Service, and they do such an important job on the front lines of diplomacy. So --

A Thank you.

Q Can you just help us understand the direction you've been given, in terms of what constitutes executive branch confidentiality and privileges?

MR. ROBBINS: So anything she would know, Mr. Castor, on that subject, she would know through advice of counsel. So would you just as soon get that information from me, since it

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would be privileged coming from her?

MR. CASTOR: Certainly, sir.

MR. ROBBINS: So I tried to share that with you at the outset. The State Department has advised us, in discussions that we've had with them, that there may be communications as to which they would wish to assert not executive privilege as such, because that's a privilege that belongs to the President, but, rather, a different category of privilege which extends, in their view, to executive communications between members of the executive branch other than direct communications with the President himself.

Because I thought it appropriate to assert on their behalf such privileges where they were appropriate, I invited them to give us a document, a letter, if you will. I believe I shared this fact with you over the phone.

I had reason until yesterday to believe that we would, in fact, receive such a letter, which I had told them I would share with the committee at the outset of these proceedings so that the scope of their objections would be clear at the outset, and it would spare me the obligation of having to anticipate what those objections might be.

In the end, for reasons I cannot provide, because I don't know, I never received such a letter. So I guess I could do my best to tell you what I think they think, but I can't be sure I'm right.

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MR. CASTOR: Thank you.

BY MR. CASTOR:

Q Ambassador, do you believe you're authorized to testify here today, on behalf of the State Department?

MR. ROBBINS: That sounds like a -- calls for a legal conclusion. I can tell you, as her counsel, that -- and I believe, again, you know all these things since I've shared them all with you as I have with majority counsel -- she received a direction by the Under Secretary to decline to appear voluntarily.

It did not address the question whether she should or should not appear in response to a subpoena. A subpoena thereafter issued. She is here pursuant to that subpoena. I have shared with both sides of the aisle a letter explaining why, in my view, it was appropriate, indeed required, for her to appear pursuant to that subpoena.

The question whether she is, quote/unquote, "authorized" strikes me as a question of law. As I expect you know, she is not a lawyer, and anything she would venture on that question would be the result of privileged communications, which I am directing her not to reveal.

BY MR. CASTOR:

Q Can you help us understand the Washington chain of command, how administration policy was communicated to you?

A Yes. I mean, you know, it happens in different

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ways, but, you know, we communicate by phone, through cable traffic, through emails. And because Ukraine, you know, it was a very challenging period during the time that I was there. It was a very challenging period during the time that I was there. And so we often would have interagency meetings via secure teleconferencing. And so, you know, through all those ways, you know, we work as a team together.

Q And who did you report to back in Washington?

A Either Assistant Secretary Wess Mitchell, and then when he left, Acting Assistant Secretary Phil Reeker. They are my, you know, formal bosses, shall we say. The day-to-day was generally with the Deputy Assistant Secretary. So in the beginning, it was Bridget Brink, and then it was George Kent.

And just to clarify, not all communication goes through me. We have a big interagency at the embassy, and so, you know, there's lots of communication back and forth.

Q And what communications did you have with the White House or the National Security Council?

A There was less of that. The State Department, as you may know, likes to manage that themselves through Washington, and -- but often, they were on emails. Sometimes I would reach out, hopefully always copying my colleagues at the State Department, and that sort of thing.

Q You mentioned --

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A And they would be obviously running the interagency meetings.

Q You mentioned Dr. Fiona Hill this morning --

A Yes.

Q -- as one of the National Security Council officials that was in your -- in this area of interest?

A Uh-huh. Yes.

Q Any other National Security Council officials? Was she your primary liaison at NSC?

A Uh-huh.

Q And how frequently did you communicate with her?

A Not that often.

Q By "not that often," is that weekly, monthly?

A Yeah. I mean, on the phone, fairly rarely. You know, interagency meetings, you know, we would have them. She wouldn't always chair them, but, you know, sometimes -- it would depend what would happen, but every 2 weeks.

I'm being helped here.

Yes. And -- I'm sorry, I've lost my train of thought. So how often --

Q Communicate with Fiona Hill?

A But she would be on emails too.

Q Was she providing direction to you, or were you providing direction to her? How did that information flow?

A Well, it's a partnership. I mean, obviously, the

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NSC works for the President directly. And so, you know, they may share information or tell us what to do, and we provide information about what's going on in the field. We provide suggestions. You know, in the previous example about the telephone call between -- the first telephone call between President Trump and President Zelensky, we thought that that was an important first step in engaging a new administration, for example.

Q Can you tell us about the political environment in the Ukraine leading up to the election of President Zelensky?

A Well, it was -- so 5 years after the Revolution of Dignity. And the Revolution of Dignity really sparked a big change in Ukraine. I think the Poroshenko administration did a lot, but, clearly, the electorate felt that it didn't do enough.

And so Zelensky in two rounds won over 70 percent of the vote. I mean, that's a pretty big mandate. And I think it seemed to be based on this issue of corruption. He said it was his number one goal, although he was also very focused on bringing peace to the country in the Donbass.

And I think that there was, you know, as is true, I think, probably in any country during Presidential elections, a lot of -- a lot of concerns among people. This was I think a big surprise for the political elite of Ukraine, which is relatively small. And so, I don't think they saw it coming

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really until the very end. And, so, there was surprise and, you know, all the stages of grief, anger, disbelief, how is this happening?

Q When did you and the embassy first realize that Zelensky may be elected?

A Well, we were watching the polls. I mean, you know, that's one of the things we do. And he was rising in the spring and kind of over the summer, but, you know, not much happens over the summer. So I asked to meet with him for the first time in September of 2018.

Q And at what point did you realize that he was likely to win?

A You know, it's hard to look back and actually know without sort of reference to notes and stuff. I think -- I mean, we were taking him seriously, very seriously by December. And, you know, January, February, I think we felt he was probably going to be the next President.

Q And how did you feel about that? What were your views of Zelensky? Did you think he was going to be a good advocate for the anticorruption initiatives, as he was campaigning on?

A We didn't know. I mean, he was an untried politician. Obviously, he has a background as a comedian, as an actor, as a businessperson, but we didn't know what he would be like as a President.

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Q And what were your views on President Poroshenko?

A I think President Poroshenko, you know, like many leaders, is a very complicated man. And so he has worked in -- he has been active in Ukrainian politics since, I want to say, the late 1990s, certainly the early 2000s, when I was there before. He is a businessman and very accomplished in many different ways.

And he came into office -- I believe he might be the only President who was voted into office in the first round, not going to a second round. People really wanted to give him that mandate, because the country was in a surprising war in 2014, and they thought that even though he was an oligarch himself, that he could bring the country forward.

And I think what we've seen in his administration is that he made a lot of important changes. There were more reforms in Ukraine during President Poroshenko's term than, frankly, in all the preceding -- under all the preceding Presidents.

But I think that, you know, as time passed, as the, shall we say the old system wasn't as scared anymore as they were in 2014, as they felt there was more space to kind of pursue their own interests, it became harder to pursue those reforms and there was less interest. Because when you reform, especially on the very sensitive issue of corruption issues, every time you make a decision, you're probably going

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against your own interests or a friend's interests or something like that when you make a new law or whatever it might be. And so it's hard.

And so there was kind of a slowing down. And I think what we've seen in 2014, in 2019, is that what the Ukrainian people want is transformation. They don't want just a couple of changes here and there and kind of sugarcoating it on the top.

Q So the Ukrainian people thought that he wasn't changing fast enough?

A That is our analysis.

Q And that first became real crystal clear in December 2018, or --

A Well, no. I mean, he was -- in about 2016, he was starting to go down in the polls, before I arrived. And I think it's because there was a lot of political in-fighting between him and his prime minister. People apparently didn't like that. But I think there was also a sense in the country that he was attending to his own personal interests as well, and people didn't appreciate that.

Q And can you explain a little bit about how, as the ambassador, you have to toggle between the current President, the incumbent President, and what could be a new President?

A Right, right. So, you know, our role is obviously to represent the United States, but it's also to, you know,

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meet with as many different kinds of people as possible, as many political forces as possible, not just me, but, you know, there's a whole embassy that is involved in this, and, you know, to get information, obviously, so that we can let Washington know what we think is happening in a country, what our analysis is of this, what it means for our interests, and provide advice, policy options for how to move forward.

I mean, often Presidents don't like it when you are meeting with their political rivals, but, I mean, we're pretty transparent, and we let people know that, you know, this is what the U.S. does. We meet with everybody who's a legitimate political force out there. And, you know, often the other -- we wouldn't, you know, publicize it, but often, the people that we are meeting with do. So it wasn't like there were any secrets or anything like that.

And, you know, you do business with the current President. You do -- you -- we talked to his campaign manager often about, you know, where they were, what their strategies were, what they thought was going to happen, et cetera, et cetera. We met with, you know, not just Zelensky but with the others who were running for President. And we conveyed that back to Washington.

Q And what do you think President Zelensky felt about you?

A Well, until I read the -- you know, the summary of

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the conversation of the July 25th call, I thought he liked me.

Q So the transcript of the July 25th call took you by surprise?

A Yes.

Q And do you have any reason to know why President Zelensky felt that way?

A Well, I can't say I know. I can't say I know.

Q What do you think?

A Well, what I think is that he thought that that would be something pleasing for President Trump.

Q Do you think that some of the interested parties that you discussed in the first round this morning had gotten to Zelensky, or do you think Zelensky had just --

MR. ROBBINS: Do you really want her to engage in that degree of speculation? I mean, she'll answer the question, but she's already made clear that she was totally surprised by the contents of that conversation. So anything she could tell you -- and she will respond, but it's all guesswork. If that's what you'd like, that's what she'll give you.

BY MR. CASTOR:

Q Have you learned anything since that information came out to help you better understand exactly what happened leading up to that call?

A The July 25th call?

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Q Yes.

A No.

Q The various anticorruption initiatives in Ukraine, could you walk us through sort of the landscape of the various entities? There's, you know, the National Anticorruption Bureau, and then the prosecutor general has a special prosecutor. Could you sort of walk us through the anticorruption institutions?

A Uh-huh. So after the 2014 elections, the Ukrainian people had made clear in that election that they were done with corruption, and they wanted to live a life with dignity, called the Revolution of Dignity. And what that term means for Ukrainians is that it's rule of law, that what applies to you applies to me. It doesn't matter whether, you know, we hold different jobs or different status in society. It should be about the rule of law. And we wanted to support that effort, and there was kind of an all-out effort.

And in the very, very beginning, one of the things -- and the Ukrainians, and we supported them in other ways on anticorruption issues, but I will just address the question. So they thought that it would be a good idea to set up this architecture, as you call it, of a special investigative office that would be all about the crimes of corruption above a certain level of public officials. And so it would be devoted to that. So they would set up that organization,

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kind of like an FBI, but for a particular mission.

Secondly, there would be a special independent anticorruption prosecutor, which, as you said, reported to Mr. Lutsenko. And then there would be a special anticorruption court. So that you would have, you know, this continuum of new organizations with vetted individuals who are trained who are handling these crimes, people who would get reasonable salaries so that they wouldn't actually be forced to go out and take bribes.

And so when I arrived in the summer of 2016, August 2016, the NABU, the investigatory branch had already been established, as had the anticorruption prosecutor, they were all -- they were both established. The court was not established until much later, and it only started working in September of this year, September 2019.

So, you know, first of all, I mean, there's so many forces working against these courts, but it was -- against these institutions, but it was also kind of an issue that when they had court cases ready to go, they would go into the same old court system as before, which had not been reformed at that time.

Q And who was the special prosecutor?

A Mr. Kholodnitsky.

Q Was he the only special prosecutor or did somebody precede him?

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A He's the only one.
Q And he's still there today?
A Yes. I believe so. Yes.
Q What is your impression of his work? Better than Lutsenko, worse?
A Well, if I may, I don't think that comparisons are helpful here. I think that in the beginning, perhaps Kholodnitsky was committed, you know, to his mission, but I think over time, there's a lot of pressure, as I said, from all of the forces that will, you know, help you with funding, shall we say, or, alternatively, have what they call kompromat, or compromising information on you. They play hardball there.
And so I think it became harder and harder to resist, and it appeared that he was not making progress in the way that we had originally hoped. And then he was -- there was a tape that was revealed where he was heard coaching individuals on how to testify and various other things. And so that's clearly not an acceptable practice for a prosecutor.
Q Who was he trying to coach?
A I don't recall at the moment.
Q Was he trying to coach people that were under actual investigation?
A Yes. I'm sorry, I didn't realize. I thought you

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wanted the name. Yeah.

Q And he reported to Lutsenko?

A Yeah. It was kind of complicated. I think it was -- he did. Although it was sort of more of a dotted line, but yes, he did report to Mr. Lutsenko.

Q And what was your relationship with Kholodnitsky? Did you have meetings with him? Did you have an exchange of ideas?

A I mean, yes, but not very often. We had a -- you know, many other people in the embassy handled that relationship.

Q Now, during your tenure, did you ever have to call for the resignation or firing of any Ukrainian official?

A In the speech that you referred to on March 5th, when we were very concerned about some of the rollbacks, as I said, as they were looking at the Presidential elections coming up. And one of the things I said is that it was inappropriate, or words to that effect, for somebody who had engaged in those kinds of activities to still be in his job.

Q Was that taken as that you were calling for Kholodnitsky's ouster?

A Uh-huh.

Q And was that position something that you carefully thought out before the speech, or was it just a product of where the conversation took you? Did you go into the speech

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knowing that you were going to be --

A Yes.

Q You did, okay.

And was that the position of the embassy?

A Yes.

Q And, so, you planned that out, and before you did that, did you make any -- your position known? Did you try anything on the nonpublic side?

A Yes.

Q And could you describe those efforts?

A We worked with Mr. Lutsenko on that, because he was one of the individuals -- there were various stages, and he was one of the people who was responsible at the end.

Q This do-not-prosecute list -- and you'll have to excuse me if -- you know, you've stated that it's been -- Lutsenko's recanted various statements about the do-not-prosecute list, but if I may, can I walk through with you your understanding of where this comes from?

A Uh-huh.

Q Okay. How many -- how frequently did you meet with Lutsenko?

A Maybe about 10 or 12 times over 3 years, maybe more.

Q Was it a regular -- did you have like a regular standing meeting --

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A No.

Q -- or did you just meet with him when he asked you?

A As with, you know, Mr. Kholodnitsky, we have a pretty big embassy in Ukraine, and so there are a number of offices that handle law enforcement or prosecutorial, et cetera, issues.

And so those people mostly handle those relationships. And, you know, if there was a need for me to meet with him then I would meet with him, or if he requested a meeting, for example.

Q When did the do-not-investigate list first come into your awareness?

A From --

MR. ROBBINS: I'm sorry, forgive me, but that question sort of presupposes that it's an actual thing.

MR. CASTOR: Well, it's an allegation that Lutsenko has made.

MR. ROBBINS: Would you mind just rephrasing it? When did the allegation of such a list come to your attention as opposed to presupposing that it's an actual thing in the world, which it is not.

BY MR. CASTOR:

Q When did this allegation first come to your attention, and when do you think Lutsenko is alleging the communication happened between you and him?

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A Well, according to the article, or the interview in The Hill, from, I think, it was March 24th, that's when I first became aware of these allegations. And he claims that it was -- in that interview, he claimed that it was in the first meeting with me.

Q And when was the first meeting with him, if you can remember generally?

A October 2016.

Q So clearly, this took you by surprise. Is that fair?

A That is very fair.

Q And did you communicate your surprise or your anger to Lutsenko's office or him directly after it came to your attention?

A I don't think so. I didn't think there would have been any point in that.

Q Or by that time, had your relationship soured to the point where it wasn't worth it to you?

A Well, I wasn't aware until I read that article of how sour the relationship was.

Q After the article, did you have any meetings with Lutsenko?

A No.

Q When is the last time you met with him?

A You know, maybe in the fall of 2018.

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Q Did you develop any intelligence between the fall of 2018 and March 24th that the relationship with Lutsenko has gone south?

A Well, as I described previously, Mr. Avakov let me know that Mr. Lutsenko was communicating with Mr. Giuliani.

Q When was the meeting with Avakov, again?

A In February of 2019.

Q When you read about this allegation, why didn't you try to reach out to Lutsenko and holler at him and say, Why are you saying this? This is completely untrue.

A I didn't really think there was any point.

Q Did any of your embassy staff communicate at a lower level?

A I'm sure they did, but I don't know.

Q But not at your behest?

A No.

Q When you were in your opening statement this morning, which, by the way, I'm not sure if you brought copies of that, but it might be helpful for the members.

MR. ROBBINS: We're happy to provide whatever you need.

MR. CASTOR: You're making some copies, okay. We heard during the break that The Washington Post has it and there's all sorts of discussion about it, and so here in the secure environment, we --

MS. LI WAI SUEN: It was provided electronically before.

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We provided an electronic copy to the House staff.

MR. CASTOR: Okay, me? Okay. We didn't get a copy of it so --

MS. RUBENSTEIN: We provided it to the security folks, is that who? It wasn't provided to either Democratic or Republican staff, as we understand it.

BY MR. CASTOR:

Q Anyway, it's apparently been provided to The Washington Post, so some of our members during the break asked me to ascertain if you know how that may have happened.

MR. ROBBINS: Anything she would know about that, she would know through counsel, so she's not going to answer that.

MR. CASTOR: Did you provide it to The Washington Post?

MR. ROBBINS: I'm not going to answer that either.

MR. CASTOR: Why?

MR. ROBBINS: Because I'm not going to answer that.

MR. MEADOWS: Steve, can I ask one follow-up?

MR. CASTOR: Certainly, sir.

MR. MEADOWS: So, Counselor, if, indeed, you gave it to The Washington Post, did you believe that that was something that would be supported by this committee?

MR. ROBBINS: I'm sorry, I'm not going to engage in any answers regarding work product or attorney-client privilege, and I'm not the witness. So if you have another pending

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question for the ambassador, you should ask it.

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[12:57 p.m.]

MR. MEADOWS: Ambassador, are you aware of anyone connected to you that might have given that to The Washington Post?

MR. ROBBINS: Anything she would know regarding that, she would know through counsel, if at all, and she's not going to answer that question.

MR. ZELDIN: Are you saying that it's subject to an attorney-client privilege, your communications with The Washington Post?

MR. ROBBINS: I'm sorry. Any communication that she may have had between -- no, no. Well, they have a copy. We made the copies available to the security -- to the security folks for the committee from either side of the aisle.

Anything that the witness knows -- and I'm not saying she knows anything -- but anything she knows, she would know through counsel, and she's instructed not to answer that question.

MR. ZELDIN: Are you asserting an attorney-client privilege for communications that you have had with The Washington Post?

MR. ROBBINS: No. Let me try it again. I'm asserting an attorney-client privilege with respect to communications between me and the witness.

The question is pending to the witness. The question

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was, does the witness know how, if at all, The Washington Post got a copy of this document. That calls for privileged communications, period. That's the subject of my objection.

MR. JORDAN: I think that, Mr. Chairman, you can instruct him to answer that question, I believe. And I would also ask, did --

THE CHAIRMAN: Counsel will please direct their questions to the witness and leave the counsel for the witness to advise the witness of what the witness can answer or not answer based on attorney-client privilege.

MR. JORDAN: Did -- if I could, Ambassador, did prior -- if, in fact, you did -- did you talk to the State Department about the possibility of releasing your opening statement to the press?

MS. YOVANOVITCH: I haven't talked to the State Department.

MR. ROBBINS: You can answer that.

MS. YOVANOVITCH: I haven't talked to the State Department.

MR. JORDAN: Did your counselor talk to the State Department about releasing your opening statement to the press?

MR. ROBBINS: Same exact objection. She would know that, if at all, only by virtue of privileged communications between the lawyers and her, and she's not going to answer

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that.

Next question.

MR. CASTOR: There's a -- you know, part of our deposition rules, there's a prohibition against disclosing the contents of the testimony. And so in case that's helpful for you to understand why there's some concern.

MR. ROBBINS: Yeah. I'm totally mindful of that.

MR. ZELDIN: Ambassador Yovanovitch --

THE CHAIRMAN: Let me clarify for the Members. There's no prohibition on what this witness can say to us or to the public. The Members are prohibited from discussing the contents of the deposition.

MR. ZELDIN: Ambassador Yovanovitch, do you believe that it is appropriate for your opening statement to be provided to The Washington Post?

MR. ROBBINS: If you have an opinion on that, you can answer it.

MS. YOVANOVITCH: I think that there's a lot of interest in this deposition.

MR. ZELDIN: Is it your opinion that only your opening statement should be provided to The Washington Post?

MR. ROBBINS: If you have a view on that, you can answer it.

MR. BITAR: Sorry. For the record, the opening statement is being circulated in hard copy. It was provided

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prior to the interview to the nonpartisan security staff of the House Intelligence Committee. They had not made sufficient copies at the time, but at the request, more copies were made and they are circulating now, so all Members should have a copy. Thank you.

MR. ZELDIN: Ambassador Yovanovitch, would you like to answer that question? Do you believe that only your opening statement should be provided to the press?

[Discussion off the record.]

MR. ROBBINS: If you have an opinion, you can answer his question.

MS. YOVANOVITCH: Okay. I actually don't really have an opinion on that. I haven't thought about this in terms of what is most appropriate or not appropriate to share with the greater public, but I do know that there is a lot of interest in this.

BY MR. CASTOR:

Q How did the -- how does the embassy and the State Department collect information from social media?

A I'm sorry. Could you repeat?

Q Could you help us understand how the embassy and the State Department back in Washington collects information on social media?

A I can't really answer the question, because I don't know all the inner details of how the press section works to

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gather information. But they provide us with a press summary, or they used to provide me, I mean. They provide the embassy with a press summary and it goes out to other people at the State Department as well.

Q And is part of that monitoring social media accounts from --

A Yeah. I mean, in today's age, yeah, social media is really important.

Q And who determines which social media accounts are monitored?

A I don't really know. I mean, I think it's probably a corporate decision in the press section of what are the issues that we're most interested in at the time. And I'm sure that over time it often changes, because, you know, different media influencers, or whatever you call them, you know, are into different topics that might be of interest to us.

Q And when the efforts to bring you back took shape, did the embassy begin to step up their efforts in trying to figure out where these initiatives were coming from by looking at social media accounts?

A Well, I think what the embassy was -- you know, after the March 24th Hill article, I think then -- and then there was just an explosion in parts of the media and on social media. And so -- so we, you know, were interested in,

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you know, kind of keeping track of the story so that we would know what was going on.

Q And --

A Because, I mean, there's an interest -- obviously, I had an interest since I was being directly attacked --

Q Yeah.

A -- but there's also -- I mean, it's not like the Ukrainians where we were working were not following this as well. And so, you know, one had to be aware.

Q Are you familiar with something called CrowdTangle?

A No.

Q It's a software for mining open source materials.

A Uh-huh.

Q So you're not familiar with that?

A No.

Q At any point did you -- did you know who, you know, which Americans were being monitored?

MR. ROBBINS: I'm sorry. By "monitored," you mean --

MR. CASTOR: On the social media. We were talking about social media, mining social media, trying to better understand --

MR. ROBBINS: I'm sorry. Mining? That is to say, like, data mining?

MR. CASTOR: Yes.

MR. ROBBINS: Okay. Are you presuming that there was

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data mining going on?

MR. CASTOR: Presuming that social media -- it's my understanding of her testimony that social media accounts were studied and examined and --

MR. ROBBINS: I'm sorry. Do you want to restate your testimony as to how social media is followed in the embassy at the time you were ambassador, because I think there may be a misunderstanding about the nature of that work?

MS. YOVANOVITCH: Yeah. And, honestly, I don't really know. I mean, I received the finished product, which is a summary of what folks in the press section thought was the most important, you know, whether it's hard print, a CNN or a FOX interview, you know, tweets or Facebook postings or whatever. I'm not -- I'm just not involved in the details of how -- how things happen, you know, how --

BY MR. CASTOR:

Q And do you know if the embassy staff that dealt with this liaised with Washington for extra assistance or did they handle it all themselves?

A At a certain point, to take advantage of the 7-hour time difference, because this was, you know, kind of a pretty -- pretty big task for our press section, they did request assistance from -- from Washington, yes.

Q And who in Washington is responsible for that?

A Public Affairs in the European Bureau was who I

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think that they reached out to.

Q And did you have any discussions with any officials in D.C. about that?

A Yeah. I felt that our staff in Kyiv was really being kind of run ragged, and could we get some more assistance.

Q And who did you speak with?

A I know I spoke with George Kent. I'm not sure if I spoke with anybody else. And he was, just to remind, he was the deputy assistant secretary. So -- yeah.

Q And did you have a request or did your media affairs officials put the request through? Did you just ask for resources or did you ask for a specific request?

A Well, we thought that what would be most helpful, since it was a 7-hour time difference, that, you know, when we, you know, go home, that maybe Washington could take over, like, looking and seeing what, you know, what's playing out in real time, and they could do a little summary and, you know, send it back to us so that we could have that kind of really good coverage.

Q And did that occur?

A No.

Q And did you ask for reasons why that didn't occur?

A Well, I mean, what we were told is that folks in Washington were too busy to do this, et cetera, et cetera. I

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mean, it's always kind of a, you know, personnel or resource issue and so forth.

Q Okay. How many times did you discuss this with George Kent?

A I don't know. Maybe once or twice.

Q Once or twice.

A I mean, I don't recall.

Q Is it possible your staff was having additional communications with George Kent's folks?

A Oh, I'm sure, yeah.

Q And did they get any feedback as to why they couldn't support the request?

A Yeah. I mean, it was a resourcing issue, is my understanding.

Q It was a resource issue?

A Yeah.

Q Were there certain political --

A And so, I mean, so they would -- you know, obviously it's dealt with at the working level first. And then when there was no, shall we say, the kind of response we would have liked, then I talked to George at some point and saying, Really, you know, you really can't help us? And the answer was no.

Q In your opening statement, I guess it's page 6 --

A I might have different pagination.

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Q Oh, okay.
A Okay. I have different pagination, I believe, from you, so you might have to --
Q It's page 6 of the statement, the bullet point. It begins with, "As for events during my tenure in Ukraine."
A Uh-huh.
Q "I want to categorically state that I have never myself or through others directly or indirectly ever directed, suggested, or in any way asked for any government or government official in Ukraine or elsewhere to refrain from investigating or prosecuting actual corruption."
Was there ever an initiative to urge the, you know, any of these prosecutors from not prosecuting good government, you know, people that were interested in good government and anticorruption initiatives?
A Could you restate that question?
Q Was there ever any communication to the prosecutors offices whether they should not prosecute people in favor of supporting anticorruption initiatives, good government actors? Were the good government actors ever at risk for prosecution?
A Yeah. I mean, it happens all the time. It's one of the ways that a corrupt government can pressure people.
Q And did you or the embassy ever urge the prosecutor not to prosecute those individuals that were in favor of good

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government and anticorruption initiatives?

A Well, what we would say is that any kind of prosecution of whoever, whether they are, you know, good actors or bad actors, needs to be done according to the law and there needs -- and it needs to be not politically motivated.

Q And so the question is, did you ever think that someone was being prosecuted wrongly because they were a good government actor, they were trying to support anticorruption initiatives?

A I think there was probably a lot of politically motivated prosecution going on in Ukraine.

Q And did you ever urge the prosecutor not to prosecute those individuals or entities?

A I think that -- I think there's kind of a line there. And so, you know, conversations about you need to be sure that, you know, there is a real case that is not politically motivated, that this isn't just harassment and pressure, so those conversations, you know, certainly took place.

Q And were names used?

A Yeah, probably.

Q And entities?

A I'm not -- no.

Q Can you remember the names?

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A I think that the -- the head of NABU was -- there were a number of cases that looked like harassment cases to us that were opened up against him.

Q And can you think of anybody else? Who's the head of NABU?

A You know, I'm sorry, I'm blanking on his name right now.

Q Can you think of anybody else, other than the head of NABU, that was -- that you urged not to prosecute?

A I wouldn't say it like that.

Q Okay. How would you say it?

A I would say that when we had conversations, we would say that any prosecutions need to be done, you know, legally, by the law, not politically motivated.

Q But then you indicated that actual names did come up from time to time?

A Well, the only one I can recall is NABU, and I'm not even recalling that, but I will in a second.

Q Is Sintac the right name?

A Sytnyk.

Q Sytnyk. Okay.

A Thank you.

Q Can you remember any other names?

A No.

Q But there were names?

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A No. I don't think so.
Q So there weren't names?
A I think we just discussed one person, Mr. Sytnyk.
Q Okay. So it's a name, not names?
A To the best of my recollection.
Q And I guess what I'm getting to is, is it possible Lutsenko took that name as an example of somebody not to prosecute?
A I can't really speak for his motivations or what was in his mind.
Q Before the removal of Lutsenko's predecessor, Shokin, there was effort on behalf of the U.S. Government, including Vice President Biden, to have Shokin removed, correct?
A Well, one thing, just to remind, as I said in my opening statement, which you now have, I was not present at that time, but I can tell you what I understand to be the case.
Q Yes. Please do.
A So Vice President Biden, the IMF, pretty much every -- every country that is present in Ukraine all felt that Mr. Shokin as prosecutor general was not doing his job.
Q Which led to calls to oust him?
A Yes.
Q And the legislature has to remove him. Is that

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correct?

A Yes, that's correct.

Q And then that occurred.

A Yes.

Q And then Lutsenko comes on board.

A Yes.

Q And was he, in your experience -- because you're very knowledgeable about the region, so when I ask you in your opinion, you have a very informed opinion -- was Lutsenko better or worse than Shokin?

A I mean, honestly, I don't know. I mean, I think they're cut from the same cloth.

Q Equally bad?

A I'm not sure that these comparisons are helpful.

Q Okay. And there was also an issue with the special prosecutor, Kholodnitsky?

A Uh-huh.

Q Were there any -- any other beacons of hope in the prosecutorial world of Ukraine?

A Well, it was kind of an unreformed office, shall we say. So I think -- I think some of the people, who I didn't actually personally know, but some of the people who came in in the early days after the Revolution of Dignity, were considered to be quite good. And I think some of them have been brought back again under -- under this new President,

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Zelensky. So, you know, I'm always hopeful about the possibility for change.

Q There was never as much of a clamor to remove Lutsenko as there was Shokin. Is that fair to say?

A Yeah, I think that's fair.

Q And what do you account for that?

A I would say that there was, I think, still a hope that one could work with Mr. Lutsenko. There was also the prospect of Presidential elections coming up, and as seemed likely by, you know, December, January, February, whatever the time was, that there would be a change of government. And I think we certainly hoped that Mr. Lutsenko would be replaced in the natural order of things, which is, in fact, what happened.

We also had more leverage before. I mean, this was not easy. President Poroshenko and Mr. Shokin go way back. In fact, I think they are godfathers to each other's children. So this was, you know, this was a big deal. But we had assistance, as did the IMF, that we could condition.

MR. GOLDMAN: Could I just make one point of clarification? You said President Poroshenko and Mr. Shokin go way back?

MS. YOVANOVITCH: Yes.

MR. GOLDMAN: Do you mean Shokin or Lutsenko?

MS. YOVANOVITCH: Well, I think they probably all go way

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back. It's a small elite. But President Poroshenko and Shokin go way back, because my understanding is that they are each other's -- godparents for each other's children.

BY MR. CASTOR:

Q What do you know about the investigation of Burisma?

A Not very much. And, again, that happened before I arrived.

Q Do you know when they were being investigated and what exactly for?

A So was it -- actually, I think I'm more familiar with the case against Zlochevsky, the head of Burisma. Is that what you're talking about?

Q Both.

A Okay.

Q Do you know if Burisma was under investigation separate from its leader?

A I believe so. And I believe that -- and, again, I need to stress that this all happened before I arrived. But I believe that with Burisma, the -- as I understand it, again, mostly from media reports -- that the investigation was dormant by the time that Lutsenko came to be prosecutor general, and that -- but I also understand, you know, from things in Ukrainian media and people would sort of mention, that the investigation was never formally closed by Lutsenko,

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because it's, frankly, useful to keep that company hanging on a hook, right? And so -- so it was dormant, but it wasn't fully closed and done with.

Q There was a -- press reports in the Ukraine that -- shortly before you came back the end of March -- that the Ukrainian state prosecutor's office was reexamining issues related to Burisma. Do you have any familiarity with that?

A Well, that question was asked earlier, and I don't actually remember that. So, no, I don't.

Q Do you have any idea why the -- why Burisma -- again, this is before your time, but just wondering if you have any idea why they would make an effort to put U.S. people on their board.

A I mean, I don't know, but I can give you an opinion.

MS. YOVANOVITCH: Is that --

MR. ROBBINS: Is it more than a guess?

MS. YOVANOVITCH: I mean, it's an opinion. It's a guess.

MR. MEADOWS: Yeah. I would think, Ambassador, it would be an informed opinion. Ambassador Volker was able to give us some of the same commentary. We would like to hear it from your perspective since he held you in very high regard.

MS. YOVANOVITCH: I -- so just to be clear, I mean, I don't actually know, but I think that they probably did it

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for the same reason most companies put, you know, people with name recognition, experts, et cetera, on their boards, to increase prestige, to let people know that they are good companies, well valued, and so forth.

BY MR. CASTOR:

Q Do you know if they sought out experts in corporate governance for their boards?

A I'm not familiar with that. I don't know.

Q Or experts in fighting corruption for their boards?

A I don't know.

Q Or did they just pick names of, you know, prominent people?

A I really don't know. I mean, I don't know how they went about selecting them.

Q Did a lot of the Ukrainian companies do this? Is it a fairly widespread practice that sophisticated companies in Ukraine, you know, name U.S. officials to their board?

A Well, I'm not sure they're officials.

Q Or U.S. persons. Sorry.

A So, yes. I think, you know, over time, this has -- this has been happening. So DTEK, which is one of the largest companies in Ukraine, owned by a Ukrainian, has a number of internationally recognized people.

I had mentioned Victor Pinchuk earlier, who hosted Mayor Giuliani and other -- other people for his foundation. On

his foundation are, you know, former officials from around the world, including Americans.

So, yeah, I mean, I think that people feel that this gives greater gravitas, shall we say, to their board, whether it's a foundation or whether it's a company.

Q Do you think it has any effect? Do you think --

A I don't know. You know, what do you mean by "effect"?

Q Does it foster, you know, anti -- you know, an anticorruption environment? Does it --

A Well, I mean, just to say I'm not sure that that's why people put, you know, luminaries on their board, to foster an anticorruption environment.

Q Do you know if NABU encourages people to -- encourages companies to put officials like this on a board, or U.S. persons, or AntAC?

A There -- one of the ideas for good governance -- so this is separate from private corporations or private foundations, such as the YES Foundation that Pinchuk ran.

One of the things that I think started after the Revolution of Dignity was that the state monopolies, and there are many in Ukraine, that they would establish boards for those organizations.

Is that maybe what you're talking about?

Q Uh-huh.

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A And so what the government did was they would run these open and transparent kind of competitions for who would be on those boards. And the idea was you get experts and you do get people who would, you know, foster an open environment and so forth.

So -- and, you know, to your point, I mean there were international experts on those boards, for the gas monopoly, Naftogaz, and others.

Q And do you think that worked? Do you think that it helped?

A I do think it -- you know, in -- with the public companies, the monopolies, yes, I do think it was helpful.

MR. CASTOR: And my time is just about up, but I wanted to turn to see if any of our Members had something quickly.

MR. ZELDIN: How much time do we have?

MS. LAX: Less than a minute.

MR. CASTOR: Oh. Sorry. So we're -- we'll --

MS. YOVANOVITCH: We're done?

MR. CASTOR: We'll take a break with our first hour.

MS. YOVANOVITCH: Okay.

MR. CASTOR: Thank you.

THE CHAIRMAN: Ambassador, would you like to take a brief lunch break?

MS. YOVANOVITCH: Sure. I mean, I'm at your disposal, I'm ready to go.

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THE CHAIRMAN: Why don't we resume at 2 o'clock?

MS. YOVANOVITCH: Okay.

THE CHAIRMAN: Give people a chance to grab a bite to eat. And so we'll resume at 2 o'clock.

MS. YOVANOVITCH: Okay. Thank you.

[Recess.]

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[2:07 p.m.]

THE CHAIRMAN: Before I turn it back to Mr. Goldman, I wanted to just follow up on one of the questions that my colleagues in the minority asked.

They asked you, Ambassador, about what advice you had given Ukraine in terms of whether they should engage in politically motivated prosecutions or prosecutions that were not based on the law or facts, what in themselves would be corrupt.

And I think you said that you gave general guidance along those lines, that they shouldn't -- they should follow the rule of law and they shouldn't engage in political prosecutions. And you mentioned that one of the -- or the one person you mentioned in this context that was by specific name was the head of NABU.

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: And then you were asked, well, could this have been the do not prosecute list that Lutsenko was referring to.

I just want to ask again, Lutsenko recanted that whole allegation, right?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: So when counsel for the minority asked you, well, could that have been what Lutsenko was referring to, Lutsenko himself has said it was nonsense.

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MS. YOVANOVITCH: Yes, that is true.

THE CHAIRMAN: Mr. Goldman.

MR. GOLDMAN: Thank you, Mr. Chairman.

BY MR. GOLDMAN:

Q We left off a little bit on the April 21st call between President Zelensky and President Trump right after President Zelensky won the election, and you said you got a general readout of the call afterwards. Who did you speak to to get that readout?

A I don't recall. I don't recall. And when I say "general," I mean really general: It was a good call, they hit it off.

Q Did you speak to any Ukrainian officials about the call?

A I don't recall, because, I mean, that happened on a Sunday night. On Wednesday night, I got the call to return to the United States. So there wasn't a lot of time in there.

Q Okay. So let's move into that, then. It was just 3 days after that call that you got a call to go back to the States?

A Yes.

Q Who called you to order you to do that?

A The director general of the State Department.

Q Who's that?

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A Carol Perez.

Q What did she say to you?

A Well, in the first call, which happened at quarter of 10 in the evening Kyiv time, she said that she was giving me a heads-up, that things were going wrong, kind of off the -- off the track, and she wanted to give me a heads-up. She didn't know what was happening, but there was a lot of nervousness on the seventh floor and up the street.

Q What did she mean by "up the street"?

A The White House.

Q Did you understand what she meant about nervousness?

A No. And I asked her. I said, well, thanks for giving me a heads-up. What's the problem? Tell me what's going on. And she said she didn't know.

I asked her, well, is this, you know, about the allegations about me by Lutsenko -- and, of course, now it was also by Mayor Giuliani.

And she didn't seem to be aware of that, and she said, I don't know, I don't know anything about that.

And she said that she would try to get more information and she would call me back.

Because I said, Okay. So we have this heads-up that there's a problem, but what's the next step? Because I don't know what the problem is.

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And she said she would try to get more information and she would try to call me at midnight.

Q Did she say whether anyone had asked her to call you to give you this heads-up?

A I got that impression, but now I don't recall. I mean, that's kind of the impression I have now.

Q And when you said by now Giuliani was also speaking out against you, do you mean that by that time you were aware that Giuliani was --

A Uh-huh.

Q -- make -- calling --

A Yes.

Q -- for your removal?

A Yes.

Q Who else were you aware of who was publicly calling for your removal?

A Well, as I recounted earlier, there were -- you know, there was a lot in social media from various people, including Donald Trump, Jr. So, I mean, there was a lot out there.

Q What about from the President himself? Were you aware of his feelings towards you at that point?

A No, but he had posted some things. There were some tweets out there, not directly about me, but some tweets out there about, you know, Ukraine, concerns about Ukraine.

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Q And you obviously understood that -- well, I won't put words in your mouth.

Did you understand that if Donald Trump, Jr., is speaking and Rudy Giuliani is speaking, that they represented to some extent the President's views as well at that point?

A I didn't know, but, you know, that was certainly an inference one could draw and --

Q Well, would that inference -- go ahead.

A And I would also add that I told you in my opening statement that I had been asked to extend. But then about, I would say, the week after the Hill article, the State Department, Phil Reeker in this case, was saying, well, it's not going to be possible to extend you -- I mean, I obviously realized that as well -- and we'll have to talk about dates for your departure.

So there was already discussion of when I would go. But when I got the call from Carol, and I think that was the 24th of April, or I should say Ambassador Perez, she -- I had understood and Phil Reeker had understood that there was agreement at the State Department that I could stay on through July 2019, after the July Fourth party, which is our -- it's the biggest representational thing that we do in a host country, and that had been my original plan for departure. And I thought, well, we can just go back to plan A. And there seemed to have been agreement about that. And

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then I got the call from Ambassador Perez.

Q Okay. I want to go through this step by step. But just going back to what your understanding was as the motivating factor for Ambassador Perez's call to you, to that point you had only received support from the State Department all the way up to the seventh floor. Is that right?

A Yeah. I mean, they -- I mean, they took back the offer of an extension, but were working with me on, you know, what a good departure date would look like and so forth.

Q And did you get the sense that the State Department had issues with your performance in any way?

A Quite the opposite.

Q So I think that's sort of what I'm getting at. So from the State Department's perspective, everyone on up to Secretary Pompeo supported the work that you were doing in Ukraine and had no problems with your performance, to your knowledge?

A Yes. That is my understanding.

Q Okay. And then you see on social media that Donald Trump, Jr., and Rudy Giuliani are calling for your ouster. Is that right?

A Yes.

Q And then Ambassador Perez calls you and says, just a heads-up. There's some nervousness, I think was your term.

A Uh-huh.

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Q I mean, there don't seem to me to be too many conclusions, but I don't want to put any words in your mouth.

What did you think was driving this concern at that point?

A Well, that's why I asked her, is this about, you know, the allegations against me that are out there. And she said she didn't know, but that she would try to find out and would try to call me back.

Q So what happened when --

THE CHAIRMAN: Can I ask you one clarifying question? My colleague asked, as far as you knew in the State Department, everyone was pleased with your performance, indeed, they wanted you to extend another year.

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: And I think my colleague asked you, all the way up to the Secretary? But did you, in fact, know where the Secretary was in all of this?

MS. YOVANOVITCH: I had understood that -- well, I'm not exactly sure who decides on extensions of this kind, but I had understood that there was a seventh floor blessing, if not the Secretary himself, those around him who are, you know, long-term colleagues and that he trusts and that can speak for him.

So I had understood that there was a blessing of that extension. But to answer your question, I don't really know.

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THE CHAIRMAN: And did you ever find out when, you know, the allegations were being made or the attacks were being made by Donald Trump, Jr., or Rudy Giuliani, did you ever find out what the Secretary of State's position, whether the Secretary of State was going to defend you or not, apart from the refusal by the Secretary to issue a statement in your defense?

MS. YOVANOVITCH: What I was told by Phil Reeker was that the Secretary or perhaps somebody around him was going to place a call to Mr. Hannity on FOX News to say, you know, what is going on? I mean, do you have proof of these kinds of allegations or not? And if you have proof, you know, tell me, and if not, stop.

And I understand that that call was made. I don't know whether it was the Secretary or somebody else in his inner circle. And for a time, you know, things kind of simmered down.

THE CHAIRMAN: I mean, does that seem extraordinary to you that the Secretary of State or some other high-ranking official would call a talk show host to figure out whether you should be retained as ambassador?

MS. YOVANOVITCH: Well, I'm not sure that's exactly what was being asked.

THE CHAIRMAN: Well, they were asking if -- what basis they -- was Hannity one of the people criticizing you?

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MS. YOVANOVITCH: Yes.

THE CHAIRMAN: So some top administration official was going to him to find out what the basis of this FOX host was attacking you for?

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: And did you ever get any readout on what the result of that conversation was?

MS. YOVANOVITCH: No, I didn't, although I was told that it did take place.

But what we thought we saw was, you know, as a result of the media monitoring, which I'm sure everybody does, what we thought we saw was that there -- it simmered down for a while.

THE CHAIRMAN: Until what point?

MS. YOVANOVITCH: Well, there would be, you know, like, little blips and stuff. But I think when it took off was really after the elections, the 21st of April, the second round.

THE CHAIRMAN: And so you don't know who it was that reached out to Mr. Hannity, but at some point after that conversation, things settled until after the election?

MS. YOVANOVITCH: That's what it appeared to us. And I should add, to the best of my recollection.

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BY MR. GOLDMAN:

Q Do you recall when this conversation that the Secretary or someone close to him had with Sean Hannity was?

A So the article, I think, was on the -- was on the 26th -- is that right? -- 26th or the 24th of April, the Hill article, that sort of --

Q Of April or March?

A Of March. Thank you. And so it would have been the following week.

Q So soon after the Hill, and --

A Yes.

Q -- so it simmered down, you said, through the election?

A That's what I seem to recall. There were -- you know, it was -- it was out there, but it seemed to be, you know, simmering rather than at a high peak.

Q Do you know whether there was anyone else publicly advocating for your removal? You just added Sean Hannity. I just want to make sure we have the full universe of people that you recall.

A Well, there were a lot of people opining about -- about me and what should be done. I can't remember everything that everybody said, but there were a lot of people out there.

Q Okay. So Sean Hannity, Donald Trump, Jr., and Rudy

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Giuliani. Did you have an understanding that these were all close advisers of the President?

A Well, they appeared to be close to the President from, you know, far, far away.

Q From Ukraine?

A Yeah.

Q Understood.

A From my vantage point from far away, I should say.

Q Did you ever learn about any public concerns expressed back in 2018 by Congressman Pete Sessions about your performance?

A I learned about it in that article from The Hill by John Solomon.

Q So you didn't know about it in realtime?

A No.

Q You had only heard about it --

A No.

Q -- in that article?

So you -- when there were discussions, I think you said, on the seventh floor -- well, let me take a step back.

When were you given the offer of an extension?

A So the Undersecretary for Political Affairs, David Hale, was in Ukraine. He arrived the evening of the 5th, stayed a couple days. And at the end of that trip to Ukraine he said that, you know, with elections coming up and, I mean,

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he could see how complicated it was. At that time we thought parliamentary elections would be in October. Obviously it's always complicated to -- sorry -- it's always complicated to get another ambassador named and confirmed. It's a long, drawn-out process.

And so concerns about having Kyiv be empty at the top. And so he asked me to -- whether I would consider staying for another full year. I -- yeah.

Q And you said the 5th. Is that -- what month?

A Of March.

Q 5th of March.

A Same day as --

Q Around the time you gave the speech?

A Yeah.

Q And did you agree to do that?

A Not initially. You know, it's a tough post. I mean, I loved my work there, I thought we did great work, but, you know, it was a tough post. But in the end, I did agree.

Q Around when did you agree?

A He asked me to call him, like, that following Monday or something -- or be in touch. I think I emailed him the following Monday.

Q Now, you also just referenced a conversation you had with Phil Reeker shortly after the Hill articles came

out? Is that right?

A Uh-huh. Yeah.

Q And what did he say to you about this potential extension?

A Well, Phil was the person -- so David Hale broached this with me. And then Phil was the person who was kind of working it through the system with the personnel people, Director General Carol Perez, with whoever on the seventh floor needs to bless these decisions and so forth.

And my understanding was that it had been -- it had been approved and that, you know, then they were going to go forward for the formal paperwork.

Q I guess I just want to understand, when you had the conversation you described with Phil Reeker where he said -- he indicated to you that you were not going to be able to stay for the full year --

A Oh, yeah. That was --

Q -- you went back to plan A?

A Yeah.

Q So that was after the Hill articles, right?

A Well, the Hill article was at the end of March, and then there was a little bit of a pause in all of this. Then the second round of Presidential elections was the 21st of April. And then the 24th -- yeah -- the 24th of April was when I got the call from Ambassador Perez, and -- yeah.

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So the conversation with Phil was shortly after -- you're right -- shortly after the -- about a week after the Hill article came out that probably --

Q So this would be early April?

A Yeah, very early April. Perhaps even the end of March.

Q Why -- well, did Mr. Reeker explain you to why it would be impossible for you to stay for your year only 2 or 3 weeks after you had agreed to do it?

A Not really. I mean, it was pretty clear why.

Q And what was pretty clear? Can you explain?

A Well, that this was -- you know, my presence at post was a sensitive issue for the administration.

Q So he didn't explain to you, he just assumed that you understood?

A Yeah.

Q And why did you understand that it was -- had become a sensitive issue? Because of the article in The Hill?

A Because of the article in The Hill, because of all of the attendant, you know, tweets and postings and interviews and talk shows and various other things, and the fact that, as we discussed earlier, the State Department did not feel that they could actually even issue, in the face of all of this, a full-throated kind of statement of support for

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me.

Q And can you explain again why you understood that the State Department could not issue a statement of support?

A What I was told is that there was concern that the rug would be pulled out from underneath the State Department if they put out something publicly.

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[2:27 p.m.]

BY MR. GOLDMAN:

Q By whom?

A The President.

Q And in what way would the rug be pulled out from under them?

A You know, that perhaps there would be a tweet of disagreement or something else.

Q Did you have an understanding that the State Department brass or the State Department executives understood that the President did not support you?

A I mean, yeah, that seemed to be the conclusion.

Q And did you understand why?

A Well, again, I assumed that it was as a result of the partnership, if that's the right word, between Mr. Lutsenko and Mr. Giuliani.

Q And then the relationship between Mr. Giuliani and Mr. Trump?

A Yeah, I think that's a fair conclusion.

Q So you said Ambassador Perez said she would get back to you at midnight on the night of April 24th. Did she call you then?

A She called me about an hour later, so it's now 1 a.m. in the Ukraine.

Q And what did she say to you then?

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A She said that there was a lot of concern for me, that I needed to be on the next plane home to Washington.

And I was like, what? What happened? And she said, I don't know, but this is about your security. You need to come home immediately. You need to come home on the next plane.

And I said, physical security? I mean, is there something going on here in the Ukraine? Because sometimes Washington has intel or something else that we don't necessarily know. And she said, no, I didn't get that impression, but you need to come back immediately.

And, I mean, I argued with her. I told her I thought it was really unfair that she was pulling me out of post without any explanation, I mean, really none, and so summarily.

Q She didn't give you an explanation for why it had to be so soon?

A She said it was for my security, that this was for my well-being, people were concerned.

Q What did you understand that to mean?

A I didn't know because she didn't say, but my assumption was that, you know, something had happened, some conversations or something, and that, you know, now it was important that I had to leave immediately because -- I didn't really know.

Q So what did you do next?

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A Well, I went home and I told, you know, my secretary, my staff assistant, and the number two at the embassy, the management officer, I asked them to come to my residence at 8 a.m. in the morning -- I, of course, had a full slate of meetings that day -- and to, you know, to start the wheels going in motion to buy me a ticket. I couldn't leave on the next -- I mean, there wasn't a next plane because it was 1 a.m. when I got this news, right? So the next plane was at 6 a.m. or something like that on Friday morning. To get tickets. To inform them what had happened. To sort of give advice and instruction.

I didn't know how long I would be in Washington. Carol couldn't tell me that. And I had asked -- I said, you know, well, this doesn't look good. I mean, I can see where this is going. So could you just leave me here for another week, I will pack out and I will go.

And she said, no, you have to be, you know, you have to leave immediately. This is for you. We're concerned about you. And I said, well, you will let me come back to pack out, and she couldn't even give me an answer on that.

Q Did you speak to anybody else at the State Department about this directive?

A Yeah.

MR. ROBBINS: Do you mean then or ever?

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BY MR. GOLDMAN:

Q No. Sorry. The day after you got the call and you were in the embassy trying to get everything organized, did you -- prior to flying back to D.C., I think that's the best way to put it -- did you speak to anybody else other than Ambassador Perez at the State Department about the request for you to come home?

A I'm sure I did. I don't recall right now. And, actually, I wasn't really in the embassy that day because the embassy is a little bit outside of town. I mean, I kept my meeting schedule for that day.

Q Okay. Before you flew home, did you have a better sense of why you were --

A No.

Q -- requested to come home?

A No.

Q What did you do when you arrived in D.C.?

A Well, it was a Friday afternoon, and so I had the whole weekend to think about this. And my niece lives here, so I saw her, I saw friends.

Q Who did you first meet at the State Department after arriving in Washington?

A So that would be Monday morning. And there wasn't really any -- there weren't any meetings on Monday morning. At about 1 o'clock, I think it was, I met with Assistant

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Secretary Phil Reeker, who previewed the next meeting, which was with Deputy Secretary Sullivan, which took place at around 4 o'clock.

Q What did Mr. Reeker say to you at that point?

A Mr. Reeker said that I, you know, I would need to leave. I needed to leave as soon as possible. That apparently, as I stated in my statement, the President had been -- had wanted me to leave since July of 2018 and -- or the summer, I should say, the middle of the summer of 2018 -- and that the Secretary had tried to protect me but was no longer able to do that.

Q Who had concerns as of July of 2018?

A President Trump.

Q And was that the first that you had heard of that?

A Yes.

Q What did you say in response?

A I was shocked.

Q Did he explain why President Trump had concerns?

A No. No. I think there was just a general assumption that it must have had to do with the information that Mr. Lutsenko provided to Mr. Giuliani. But we really didn't get into that because, you know, we, Phil and I had -- or Ambassador Reeker and I had had previous discussions about this. And, yeah, there just didn't seem to be much point.

Q Can you, without getting into all the details, can

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you summarize those previous discussions just so we understand what knowledge you had going into that meeting?

A Well, most of the discussions with Ambassador Reeker, you know, first it was about extending me for a year. Then after the Hill article he wanted to -- he was talking to me about, you know, my departure plans.

Initially he had thought it would be good if I went to work for -- to be a political adviser to one of our four-star generals. He had just departed EUCOM, so General Scaparotti (ph) did not have a political adviser and he thought that maybe I could leave Ukraine early and go and incumber that position. And initially I was sort of thinking about that, and then I just didn't have the heart for it, frankly.

And so then -- then it became, well, when would you leave Ukraine? And then I thought we had -- I mean, I think we all thought that we had come to an agreement that I could leave right after the big representational event in July to honor our Independence Day.

Q Okay. And just to be clear, in any of those conversations with Mr. Reeker, Ambassador Reeker, leading up to what I guess was the April 29th meeting on that Monday --

A Uh-huh.

Q -- had he indicated to you that the concerns about you had escalated all the way up to President Trump?

A No, I don't think -- no.

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Q So when you -- when he said that to you in that meeting, that was the first you had heard of that?

A Yes.

Q And in addition to any shock, did you say anything else to him? Did you ask why? Did you get an explanation as to why?

A I'm sure I did ask why, and I'm sure, you know, I expressed my anger, I'm sure I did all those things, but now I can't really recall the conversation.

Q Can you -- and then you then met with the Deputy Secretary?

A Uh-huh.

Q Can you describe that meeting for us? What did he say to you?

A Yeah. So the Deputy Secretary said that, you know, he was sorry this was all happening, that the President had lost confidence, and I would need to depart my post. That, you know, he had -- you know, I said, what have I done wrong? And he said, you've done nothing wrong. And he said that he had had to speak to ambassadors who had been recalled for cause before and this was not that.

And he, you know, expressed concern for what I would do next, and, you know, kind of how I would -- you know, kind of my state of mind, shall we say.

And he also, I think, he repeated what Phil had already

told me, which is that this was coming from President Trump, this was, you know, final, and that I -- that the reason they pulled me back is that they were worried that if I wasn't, you know, physically out of Ukraine, that there would be, you know, some sort of public either tweet or something else from the White House. And so this was to make sure that I would be treated with as much respect as possible.

He said that my departure date was up to me. If I wanted to keep the previously agreed upon date of, you know, after the July Fourth event, that would be okay, but he could not guarantee what would happen.

Q What did you say to him?

A Well, you know, I expressed my dismay and my disappointment. I asked him what this meant for our policy, what was the message that --

MR. GOLDMAN: Do you want to take a minute?

MS. YOVANOVITCH: Yeah, just a minute. I'm just going to exit it for 1 minute.

MR. GOLDMAN: Yeah, we can go off the record. Can we pause the time?

[Discussion off the record.]

MR. GOLDMAN: Back on the record, and start the clock.

Ambassador Yovanovitch, we understand this is a difficult and emotional topic, and we thank you for your honest recollection and answers.

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MR. ROBBINS: Is there a pending -- I just want to hear if is there a pending question that she had not finished answering or if you just want to ask a new one.

MR. GOLDMAN: I'll just ask a new one.

BY MR. GOLDMAN:

Q I think where we were was I had asked you, you were explaining what your reaction to Deputy Secretary Sullivan was?

A I was upset. And I, you know, I wanted an explanation because this is rather unusual. But he could not offer one beyond the fact that the President had made a decision. And it is the President's to make, as we know.

I did ask him though, you know, what does this mean for our foreign policy? What does it mean for our position on anticorruption? What message are we sending to the Ukrainians, to the world? How were, you know, I mean, beyond me, how were we going to explain this? And what are we going to say, you know, not only to the people at U.S. Embassy Kyiv, but more broadly to the State Department?

And I told him I thought that this was a dangerous precedent, that as far as I could tell, since I didn't have any other explanation, that private interests and people who don't like a particular American ambassador could combine to, you know, find somebody who was more suitable for their interests. That, you know, it should be the State

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Department, the President, who makes decisions about which ambassador. And, obviously, the President did make a decision, but I think influenced by some who are not trustworthy.

Q Who are you referring to?

A Mr. Lutsenko.

Q You don't have any information that President Trump ever met with Mr. Lutsenko, though, do you?

A There was a rumor in Kyiv that during the meeting between Mr. -- Mayor Giuliani and Mr. Lutsenko in January that the President got on the line.

Q Did you ever verify whether that was true or not?

A No.

Q But your understanding is the information came from Lutsenko via intermediaries to the President?

A Yes.

Q And if this -- you asked what this would do to the anticorruption message. What do you mean by that?

A Well, I felt that -- I felt that in the public discussion of this, in social media and in other media, they were portraying this as, you know, Lutsenko going after me because I had stymied what he wanted to do, and that I was, you know, upholding our policy about helping the Ukrainians transform their -- themselves so that it wouldn't be a system of corruption.

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And if I were to leave as the symbol of that effort, I think it would send a message. And I wanted to know how the State Department was going -- was thinking about that, how they were going to manage that message in a way that would be least damaging to our interests.

Q Now, you referenced the specific attacks on you. Were you also aware by this point of public statements encouraging Ukraine to investigate Joe Biden or some sort of collusion between Ukraine and the Democratic National Committee in 2016 by that point?

A Yeah, I think I was probably aware of that at that point.

Q For example, Rudy Giuliani on the morning of April 24th, went on "FOX and Friends," said, quote, "Keep your eye on Ukraine," unquote, and discussed both of those investigations. Were you aware of that?

A Yes, I aware of that. And, actually, I do now recall that actually Minister Avakov also laid that out in February.

Q Are you also aware that on the night of April 25th that President Trump went on Sean Hannity's show and discussed Ukraine?

A Yes. He was asked a question about Russia and he answered by responding about Ukraine.

Q And what was your reaction to that?

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A Well, you know, I mean, I was concerned about what this would all mean.

Q In what way?

A Well, obviously, for me personally, not to make it all about me, but for me personally. But also, what does this mean for our policy? Where are we going?

Q And can you just briefly describe would it be beneficial -- well, I'll get to that in a minute.

So you understood in realtime as you were being recalled suddenly that there was a flurry of media activity in connection to these investigations in Ukraine. Is that right?

A Yes.

Q Now, did you have any understanding of the nature of these investigative theories? Did you know whether they were accurate or inaccurate or factual or had been investigated? Did you know anything about them by this point?

A I mean, my understanding, again, from the press was that, you know, the allegation that there was Ukrainian interference in our elections in 2016, that it wasn't Russia, it was Ukraine, that that had been debunked long ago.

But, again, it wasn't the subject of my work. And so I -- again, because it's so political, I mean, it really kind of crosses the line into what I feel is proper for a foreign

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service officer, you know, I didn't go digging into that.

Q But were you aware that the Intelligence Community had uniformly concluded that Russia was responsible for the interference in the election?

A Yes.

Q And were you aware by that point that Robert Mueller, the special counsel, had issued a dozens-of-page indictment detailing in great detail the Russian interference in the election?

A Yes.

Q Would it benefit Russia if Ukraine were -- if the allegations that Ukraine was involved in the 2016 election were true?

A I think so.

Q How so?

A Because, you know, I think most Americans believe that there shouldn't be meddling in our elections. And if Ukraine is the one that had been meddling in our elections, I think that the support that all of you have provided to Ukraine over the last almost 30 years, I don't know that -- I think people would ask themselves questions about that.

Q Is there anything else about the meeting with Deputy Secretary Sullivan that you recall?

MR. ROBBINS: You mean the first meeting?

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BY MR. GOLDMAN:

Q The meeting on April 29th.

A No, not right now.

Q Did you meet with anybody else after you met with Deputy Secretary Sullivan while you were in Washington, D.C., about this matter?

A Well, at his request I met with him again the following day, which I think --

Q I'm sorry, when you say "him," Deputy Secretary Sullivan?

A Yes, sorry. And, I mean, it was a relatively short meeting. I think he just wanted to make sure I was okay. And, you know, he was kind of trying to point me to the future on "So what do you think you would like to do next in the Foreign Service" type thing. So --

Q Did you feel like the State Department supported you still at this point?

A Yes. I mean, I think it was not a well-known story at that time, but I think that anybody who was aware of it was very supportive of me.

Q And did you meet with Secretary Pompeo at all while you were in Washington?

A No.

Q Did you ever meet with him after that point?

A No.

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Q Did you ever receive any communication from him?
A No.
Q Did you meet with any anybody else from the State Department on the 30th or around that time?
A So maybe it was April or May 1st, the Wednesday of that week, I met with Carol Perez, who is the head of personnel, the Director General. She, you know -- so Deputy Secretary Sullivan had said, you know, help her, you know, find -- find employment basically.
And so Carol asked me what I would like to do next. And I asked whether it would be possible to be a fellow at Georgetown University. And that was arranged for me, and I'm very grateful.
Q Just going back to Secretary Pompeo. Did you ever ask to meet with him or speak to him?
A No. I asked to speak with the counselor, Ulrich Brechbuhl, who had been handling this matter.
Q What do you mean by handling this matter?
A Exactly what I said. I mean, he was -- he seemed to be the point person that Ambassador Reeker was talking to.
Q Did you speak with Counselor Brechbuhl?
A No.
Q Why not?
A He didn't accept the meeting request.
Q What effect, if any, do you think that this abrupt

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recall has had on your career?

A Well, I mean, I wasn't planning a long career afterwards. I mean, my plan A had been that I would come back after my tour, a normal tour in the Ukraine, and retire. So it's not like I was expecting an ambassadorship or anything else. So I don't think from a State Department point of view it has had any effect.

Q Because you were able to land at Georgetown, that's been --

A Yes.

Q On May 14th, so this would have been about 2 weeks later, Rudy Giuliani told a Ukrainian journalist that you were recalled, quote, because you were part of the efforts against the President, unquote. Do you recall that statement?

A I do.

Q How did you react to that?

A You know, it was just more of the same. I mean, I had no idea what he was talking about.

Q Did you ever badmouth President Trump in Ukraine?

A No.

Q Do you ever speak ill of U.S. policy in Ukraine?

A No. You know, I mean, I was the chief spokesperson for our policy in Ukraine. And I actually felt that in the 3 years that I was there, partly because of my efforts, but

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also the interagency team, and President Trump's decision to provide lethal weapons to Ukraine, that our policy actually got stronger over the three last 3 years.

Q You were very focused on anticorruption efforts in Ukraine. Is that right?

A Uh-huh.

Q What impact do you think --

A Yes.

Q -- it would have -- what impact do you think it had for someone acting as an agent of the President to be encouraging Ukraine to open investigations for U.S. political purposes? How did that impact the U.S. anticorruption message?

A Well, I would say it's not -- could you rephrase the question or repeat the question?

Q Sure. I was just asking that if Rudy Giuliani is promoting these investigations that are related to American politics --

A Uh-huh.

Q -- and you have testified here today about how part of the anticorruption message is that investigations in Ukraine should be conducted devoid of any political influence, how would that impact your message, your anticorruption message, if an agent of the President is promoting investigations related to political interests?

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A Well, that's what I was concerned about, and that's what I asked the Deputy Secretary.

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

THE CHAIRMAN: Let me ask you before we turn it over, and what was his response when you raised that concern?

MS. YOVANOVITCH: Well, he said he'd have to think about that.

THE CHAIRMAN: I yield to minority.

BY MR. CASTOR:

Q Were you aware of the President's deep-rooted skepticism about Ukraine's business environment?

A Yes.

Q And what did you know about that?

A That he -- I mean, he shared that concern directly with President Poroshenko in their first meeting in the Oval Office.

Q What else did you know about it? Was it a source of discussion at the embassy that the President was not confident in Ukraine's ability to move past their corruption issues?

MR. ROBBINS: So I should just say that we have been instructed by the State Department that conversations directly with the President of the United States are subject to a potential executive department-based privilege. I don't know exactly which one they would invoke if they were here,

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but I rather suspect that a direct communication, as your question is addressing, would elicit such an objection. It isn't an objection that we hold.

MR. CASTOR: Okay.

MR. ROBBINS: It's one that we have pledged to assert.

MR. CASTOR: Got it. I got it.

BY MR. CASTOR:

Q The administration had concerns about corruption in Ukraine, correct?

A We all did.

Q And were there efforts --

A We all did.

Q -- you know, once President Zelensky was elected, were there efforts to convince the White House, convince the National Security Council, that Zelensky was a genuine reformer?

A That really would have been after I left. So he was elected President on the 21st of April. I had the phone conversation with Carol Perez on Wednesday the 24th. I departed the Ukraine for the first time on the 26th of April.

On the 29th, I basically, even though I was still ambassador technically, I basically took myself out of all -- kind of all of these sorts of issues because I didn't feel it was proper, to tell you the truth.

And so I was in Washington for a couple weeks. I went

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back to Ukraine to pack out for a week. And the day that I departed Ukraine permanently was May 20th, which is the same day that President Zelensky was inaugurated. So I didn't -- I wasn't privy to whatever the conversation was.

Q Can you testify to the difference the changes in aid to Ukraine with the new administration starting in 2017? The different initiatives, you know, as far as providing lethal weapons and --

A Yeah. Well, I think that most of the assistance programs that we had, you know, continued, and due to the generosity of the Congress actually were increased. And so that was a really positive thing, I think, for Ukraine and for us.

In terms of lethal assistance, we all felt it was very significant that this administration made the decision to provide lethal weapons to Ukraine.

Q Did you advocate for that?

A Yes.

Q And did you advocate for that prior to the new administration back in 2016?

A Well, yeah.

Q What was the hold up there? What was the issue preventing it?

A So I arrived in Ukraine towards the end of August, August 22nd of 2016, and President Trump was elected that

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November, and then there was the inauguration in January.

So there wasn't -- there wasn't as much discussion about all those things. I mean, I certainly had a strong view that this would be a good thing. That was held by the interagency both in Ukraine and I think in Washington as well. But there were not, you know, just given the end of the administration, there was not sort of a big ongoing discussion about that issue at that time.

Q Was it a heavy lift to change the policy in the new administration?

MR. ROBBINS: So, again, we have been given advice by the State Department that questions of internal policy discussions within the State Department are subject to some executive department-based --

MR. MEADOWS: But, counsel, with all due respect, this is not a personal conversation. This is policy that obviously affected Ukraine that we are all very well aware of. And so to suggest for her commenting on policy that has already been implemented that somehow violates some privilege, that just doesn't add up.

MR. ROBBINS: And I hope the Congressman will appreciate that I'm not making this objection, I'm just relaying --

MR. MEADOWS: What I'm saying is that objection in the obscure manner in which you're invoking it goes contrary to all the other testimony that she's been giving. You know,

it's amazing, every hour you wake up, every other hour you wake up.

And so I think it's totally appropriate, the chairman, I believe, would agree, totally appropriate for her to give her personal professional opinion on Ukrainian policy.

THE CHAIRMAN: Let me just interject here.

The State Department has not provided counsel with any itemized list, as counsel requested, about what questions could be answered or could not. They chose not to give any guidance.

In light of that, it is the position of the chair that the question is appropriate and the witness should be permitted to answer it.

MR. MEADOWS: I thank the chairman.

MS. YOVANOVITCH: Could you repeat the question?

BY MR. CASTOR:

Q Basically trying to understand the difference in the Obama administration to the Trump administration in aid and support that was provided to Ukraine. You indicated -- you testified that you were in favor of lethal weapons. And I think I had asked, was it a heavy lift on your end or your allies to get the lethal weapons?

A These are big decisions, and so properly there is a lot of discussion about it. And I can't compare, because I was not in those discussions in the Obama administration.

But I think -- I'm trying to remember exactly when the President made the decision. But it was -- there was a long, a long lead up to it. I think it was a year and a half into the administration.

I also would say, these are big decisions, especially for a new administration.

Q What was the rationale not to provide lethal weapons?

A I think that some may have had concerns that it could be escalatory.

Q But ultimately you felt that the lethal weapons were more important?

A Are you asking for my opinion?

Q Yes.

A Yes. I felt that it was important, although it was also important -- I mean, I think, just to be clear, it's not like we were providing unlimited numbers of Javelins. We were providing a very set amount, and there are a lot fewer Javelins than there are Russian tanks.

So it was a symbolic message to Russia and also to the Ukrainians that we support Ukraine. And it was, I think, you know, every Russian tanker knew that those Javelins were coming to Ukraine -- or maybe were already in Ukraine -- and it gives them pause when they are given an order.

So I thought it was important that if this war became a

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tank war again, because it isn't right now, it was important that Ukraine have them at their disposal for that kind of massive onslaught. But its primary import was the symbolic message that it sent.

Q Were you satisfied that the administration was doing what was necessary to support Ukraine?

A In what respect?

Q In, you know, helping them deter Russian aggression, helping them with foreign aid, foreign assistance?

A Yeah.

Q Was it enough?

A I think that, you know, I was the ambassador to Ukraine, so you always want more, right? So I think on the nonmilitary side, we actually were sort of at capacity in terms of what the Ukrainian government, Ukrainian civil society could absorb.

I think on the other side, on the military security side, I think we were still exploring ways that we could provide additional assistance to Ukraine.

Q But things were moving in the right direction. Is that a fair statement? Increasing?

A Certainly in the interagency. And, yes, increasing.

Q Were you encouraged by that?

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A Yes, I thought that was a positive.

Q And so were you pleased with the direction the administration was heading with Ukraine policy?

A On the official policy side everything seemed to be in order.

Q And on the unofficial side?

A Well, we had these other issues that were sending perhaps a contradictory message to the Ukrainians.

Q But outside of the Lutsenko and the Giuliani?

A Well, I have to say that it was, you know, people would ask me, are you being recalled?

Are you speaking for the President? Our country needs a representative, whether it's me or somebody else, that speaks for the administration.

Q That didn't -- you mentioned earlier this morning that that didn't really take root until the fall of 2018. Is that fair? Or did it start happening earlier?

A So --

Q You had about 2 years, right, before the Lutsenko allegations really.

A Yeah. So my understanding -- or one of the things I've heard, and maybe that's a rumor, is that the first meeting, we actually heard this from one of Mr. Lutsenko's deputies, that the first meeting between Mr. Lutsenko and Mayor Giuliani was actually in June of 2018. There was the

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Pete Sessions letter. There was, you know, as I now know, the President's concerns that started in the summer of 2018.

I think that, you know, since there seems to be a back channel, shall we say, between Ukrainian officials and American officials -- or American people -- I think that while I may not have been in the loop, I think others were.

Q Backing up a little bit, what was Vice President Biden's role with Ukraine policy, to your knowledge?

A He was --

Q Did he have an official responsibility?

A Well, he was the Vice President. And he was the one who sort of led the effort, an interagency effort on helping Ukraine after 2014, the Maidan (ph), pulling our assistance together, pulling our policy together. He was very active in terms of managing the relationship with President Poroshenko and with the prime minister.

Q And you may have mentioned this when we were speaking before lunch, but when did the issues related to Burisma first get your attention? Was that as soon as you arrived in country?

A Not really. I first became aware of it when I was being prepared for my Senate confirmation hearings. So I'm sure you're familiar with the concept of questions and answers and various other things.

And so there was one there about Burisma, and so, you

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know, that's when I first heard that word.

Q Were there any other companies that were mentioned in connection with Burisma?

A I don't recall.

Q And was it in the general sense of corruption, there was a company bereft with corrupt?

A The way the question was phrased in this model Q&A was, what can you tell us about Hunter Biden's, you know, being named to the board of Burisma?

Q Once you arrived in country did the embassy staff brief you on issues relating to Burisma?

A No, it was -- it was not -- I don't recall that I was briefed on that. But I was drinking from a fire hose when I arrived. I mean, there were a lot of things that were going on. And as we spoke before, Burisma and the Zlochevsky case was dormant. Not closed, but dormant.

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[3:09 p.m.]

BY MR. CASTOR:

Q Was it the general understanding that Burisma was a company Burisma was a company that suffered from allegations of corruption?

A Yes.

Q And it's -- the head of the company?

A Mr. Zlochevsky?

Q Yes, the former minister.

A What about him?

Q That he had at various times been under investigation.

A Yes.

Q And was that characteristic of other oligarchs in the Ukraine, or was that specific to him?

A Well, it is characteristic that there are --

Q Are they all under investigation? Do they all battle allegations of corruption or --

A They all battle allegations of corruption. Some of them are investigated, some for cause, some because it's an easy way, as we discussed before, to put forward political pressure on your political opponents. So yeah.

Q Did Burisma ever come up in your meetings with Lutsenko?

A I don't believe so. I mean, to the best of my

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recollection, I don't think so.

Q So subsequently, when Lutsenko raised issues of Burisma, that caught you by surprise?

A Yeah.

Q Did Lutsenko mention any other companies in his -- you know, in his allegation that --

A I don't believe so.

Q -- you know, he was given instruction not to investigate?

A I don't believe so.

Q Did anyone at the State Department -- when you were coming on board as the new ambassador, did anyone at the State Department brief you about this tricky issue, that Hunter Biden was on the board of this company and the company suffered from allegations of corruption, and provide you guidance?

A Well, there was that Q&A that I mentioned.

Q But once you became the ambassador, did you have any debriefings with the State Department that alerted you to this, what could be a tricky issue?

A No. It was, as I mentioned, it just wasn't a front burner issue at the time.

Q And did it ever become front burner?

A Well, only when Mr. Giuliani and Mr. Lutsenko kind of raised it to what you see now, starting with that Hill

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interview.

Q You talked about the Vice President, Vice President Biden's advocating for the removal of Shokin, among other institutions. The IMF was advocating for his removal, you mentioned. Did the -- did anyone ever formally call for Lutsenko's resignation in the same public way, whether it was the IMF or --

A I don't believe so.

Q Okay. And can you account for why that is? Is it because Lutsenko wasn't quite as bad as Shokin, or it just hadn't -- it hadn't reached the dramatic climax there?

A Well, as I mentioned before, when you asked me this question, I think that, you know, we were hopeful in the beginning that we could have a really good working relationship with him. He had three goals that he wanted to pursue, and so, we were hopeful in the beginning, even though we weren't seeing progress.

And then, of course, it got closer to Presidential elections. It was pretty clear that Mr. Zelensky was going to win, which he did. And we were hopeful that he would replace Mr. Lutsenko, which he has done.

The other thing I would say is that, you know, as I said before, you know, it's -- these are -- to use your phrase, these are heavy lifts, and you need to make sure that the international community is speaking with one voice and you

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have to have a certain amount of leverage to do it, because Mr. Lutsenko was a close -- I mean, not without controversy, but he had a close working relationship with President Poroshenko.

Q When you called for the removal of Kholodnitsky in March, could you -- and I know I asked you this this morning, and I apologize for asking you again, if you think I am, but could you just walk us through all the facts that you had that led to your decision to call for his removal, to the extent you can remember them.

Obviously, this is earlier this year, many months have elapsed, but if you could just walk us through the thought process there, I think that might be helpful.

A Yeah. We were very concerned that there was a tape, which he acknowledged was genuine, and that everybody would understand once the circumstances were out, where he is coaching witnesses for how to avoid prosecution, et cetera, in anticorruption cases that, as I understood it, were in front of both NABU and his office.

That seemed to us -- not just to us but to the entire international community and any Ukrainian that was paying attention, to be beyond the pale. I mean, this is a man who was put in his position to fight corruption, and yet there he is on tape coaching witnesses how to obstruct justice.

And so there was a process that the Ukrainian Government

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went through. Mr. Lutsenko, in the end, made a decision that, you know, he was not going to remove Mr. Kholodnitsky. And I would say that it really undermined the credibility of the special anticorruption prosecutor when you have the guy who's there at the top not holding true to the mission of that office.

Q Was there any blow-back to your call for removal?

A Yes. There was -- there was a lot of criticism.

Q On which different fronts?

A Well, the -- Kholodnitsky himself, as you can imagine, was not happy with that. There were -- you know, there was other criticism in kind of pro-Poroshenko, pro-administration media and so forth.

Civil society, others who, you know, perhaps are more genuine in their desires to transform Ukraine, were very happy. So, you know, as always, in any controversy, there's two sides.

Q And your decision to call for the removal, was that something that was the product of just people on -- you know, U.S. officials in country, or was that something you socialized with Washington before you did it?

A I believe -- you know, I'm forgetting now, but I believe I socialized it with Washington. If I didn't, somebody else did.

Q And was it more of a heads-up or is that something

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you need to get authorization for?

A I think it was more of a heads-up.

Q But nobody expressed any concerns?

A No.

MR. CASTOR: I want to pivot to Mr. Zeldin.

Twenty-two minutes.

MR. ZELDIN: Ambassador, going back to page 6 of your opening statement this morning, we discussed the bullet starting with "as for events during my tenure in Ukraine." And there was a brief discussion to follow in question and answer with regards to which cases you did, in fact, end up asking the government to refrain from investigating or prosecuting, and the NABU case was the only specific case that was referenced in that Q&A this morning.

MS. YOVANOVITCH: And if I may just correct the record, that I think what I said is there was a discussion. I don't believe I have ever said, you know, don't prosecute this individual. But what I did say is that it's important to do these things according to the rule of law and not on a politically motivated basis.

MR. ZELDIN: Do you recall how many cases you discussed with Ukraine?

MS. YOVANOVITCH: No.

MR. ZELDIN: Was the NABU -- can you give us an estimate? I mean, are we talking about 5, 20, 50, 100?

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MS. YOVANOVITCH: Honestly, I don't know. And as I told your colleague, the -- most of the relationship with any of these law enforcement offices was not -- that's not what I did. There were others in the embassy, whether it was the FBI, whether it was other State Department officers, other agencies. They were the ones who handled those relationships.

MR. ZELDIN: But in addition to the NABU case, did you discuss any other individual cases with Ukraine?

MS. YOVANOVITCH: Yeah, probably.

MR. ZELDIN: And can you estimate? Are we talking about five or are we talking about 5,000? Can you give us some perspective as to how many individual cases you discussed with Ukraine?

MS. YOVANOVITCH: Well, it certainly isn't 5,000. I wish there were that many cases on anticorruption in Ukraine. But honestly, I don't know, and I don't want to mislead you.

MR. ZELDIN: But the number is more than one, but you can't tell us anything beyond that?

MS. YOVANOVITCH: Yes, that is correct.

MR. ZELDIN: And when you would discuss individual cases with Ukraine, how would you reference the case in your conversation? Earlier, there was back-and-forth where you stated that there was -- you don't recall ever discussing an entity and you only recall discussing a name once. So how

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would you reference the case in your conversation with Ukraine if you weren't referencing it by entity or name?

MS. YOVANOVITCH: Well, earlier, what we were specifically talking about was the allegations against me, that I was giving instructions not to prosecute, right? So when you asked the question, you were asking did we talk about cases. That's a different set of circumstances.

MR. ZELDIN: Okay. I'm asking how many cases, individual cases did you speak to Ukraine about? The only answer I've been able to get so far is that the answer is more than one. You can't recall ever referencing entities in that conversation, and you only recall referencing a name once. So I'm asking, in that conversation with Ukraine about individual cases, how did you reference the case if you weren't referring to entity or name?

MS. YOVANOVITCH: I mean, I'm sorry, I don't -- I can't answer your question. I don't know.

MR. ZELDIN: Did you use case numbers? Did you -- was there code? How did you reference these individual -- how did you have a conversation with Ukraine about an individual case, not referencing name or entity?

MS. YOVANOVITCH: I mean, I -- ask me again. I just don't know what you're trying to get at.

MR. ZELDIN: Okay. You stated that you spoke to Ukraine about individual cases of corruption. You stated that you

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spoke to them about more than one case, but you don't know how many cases. How did you engage in a conversation with Ukraine on -- how did you reference an individual case with Ukraine if you weren't referencing entity or name?

MS. YOVANOVITCH: So here's the thing: I know that we spent a lot of today talking about anticorruption cases. That's not the whole universe out there. So when I spoke to you about Mr. Sytnyk in that respect, I mean, that is what I recall in that sphere, but I know there were other areas. And how would we have referred to it? Certainly not by case number, I'm not in the weeds like that, but by somebody's name. But --

MR. ZELDIN: How many corruption cases -- aside from NABU, did you speak to Ukraine about other corruption cases?

MS. YOVANOVITCH: Well, at this point, I only recall that -- you know, and in this context where you are asking me whether -- or one of you was asking me whether I told people not to prosecute, right? So, in that context, what I recall now is the conversation with regard to Mr. Sytnyk.

MR. ZELDIN: Okay. But just to clarify so that there's no misunderstanding, my question is, how many individual cases did you speak to Ukraine about related to corruption? Is your answer one, or is your answer more than one?

MS. YOVANOVITCH: You know, at this point, I can't recall anything else.

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MR. ZELDIN: To clarify one other thing about your opening statement, turning to page 7, the next bullet after the one that we were just discussing, there's a sentence that said: I have heard the allegation in the media that I supposedly told the embassy team to ignore the President's orders, quote, "since he was going to be impeached." That allegation is false.

Just to clarify, so we understand the wording of your opening statement, when you say, "that allegation is false," is that specifically with regards to that quote, or are you saying that you never told the embassy team to ignore the President's orders?

MS. YOVANOVITCH: Both. I never told anybody in the embassy or anyplace else to ignore the President's orders. That would be wrong.

MR. ZELDIN: That's why I'm asking the question, just so we're on the same page. Go ahead.

MR. ROBBINS: She hadn't finished her answer. Are you done?

MS. YOVANOVITCH: Yeah. I just I guess also wanted to say that I certainly never said that the President was going to be impeached, because I didn't believe that at the time, I mean, you know, when I was still in Ukraine.

MR. ZELDIN: Thank you. I wanted to understand what you were saying when you said the allegation is false, to make

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sure you weren't specifically just referring to your quote and you were, in fact, talking about --

MS. YOVANOVITCH: Thank you for clarifying.

MR. ZELDIN: Have you read the July 25th transcript of the call between President Trump and President Zelensky?

MS. YOVANOVITCH: Yes.

MR. ZELDIN: And did you read what President Zelensky had to say about you?

MS. YOVANOVITCH: Yes.

MR. ZELDIN: When did you first meet President Zelensky?

MS. YOVANOVITCH: In September of 2018.

MR. ZELDIN: And how would you characterize your relationship with President Zelensky?

MS. YOVANOVITCH: I mean, I didn't meet him often enough to have, you know, kind of a relationship, but I thought that we were off to a good start. I met with him for over an hour on the 20th of April, the day before the final round of Presidential elections.

All of us thought that that was a really positive sign of, you know, Ukrainian -- the new administration's, because we were pretty sure he was going to win, interest in a strong relationship with the United States. And so I thought it was a pretty good relationship.

MR. ZELDIN: So President Zelensky, as you know, in the transcript didn't have some nice things to say about you. He

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referred to you as, quote, "a bad ambassador." This is going to be hard to hear, but in order to ask the question. Quote: 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.

Is there anything in your interactions with President Zelensky directly that you recall that would support that statement of President Zelensky?

MS. YOVANOVITCH: No. I was very surprised by that statement.

MR. ZELDIN: Do you know where President Zelensky formed his opinion about your loyalty to the prior ambassador, your attitude towards President Zelensky, calling you a bad ambassador? Do you know where President Zelensky got that from?

MS. YOVANOVITCH: I have no idea.

MR. ZELDIN: And how would you characterize your relationship with Poroshenko?

MS. YOVANOVITCH: Complicated.

MR. ZELDIN: Did you get along with him? Was it cordial, adversarial?

MS. YOVANOVITCH: It was cordial, but I think he believed that I was insufficiently supportive, that I -- I and the embassy talked too much about the things that still needed to be done without giving proper credit with the

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things that had been done and had been accomplished.

MR. ZELDIN: How would you characterize your relationship with former Vice President Biden?

MS. YOVANOVITCH: I mean, I've met him, I don't know, a handful of times over, you know, the years that I've been in government service.

MR. ZELDIN: What was the closest that you've worked with Vice President Biden? What position? When? When did you have that opportunity to interact with him the most?

MS. YOVANOVITCH: Probably when I was ambassador to Ukraine in the waning days of the Obama administration, where there -- I only met him once in that period of time in January of 2017, his last trip to Ukraine.

But there were phone calls between former Vice President Biden and the Prime Minister and the President, and so there would be preparatory calls to, you know, get him up to speed on the issues, and then we would often be on the line as well.

MR. ZELDIN: Earlier, you were asked about Burisma and Hunter Biden. Vice President Biden was the point man for relationships between the Obama administration and Ukraine. Were you aware at that time of Hunter Biden's role with Burisma?

MS. YOVANOVITCH: Yes. As I mentioned, I became aware during the Q&A in the prep for my testimony.

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MR. ZELDIN: Were you aware of just how much money Hunter Biden was getting paid by Burisma?

MS. YOVANOVITCH: No, I wasn't aware of that.

MR. ZELDIN: Did you know that he was getting paid by Burisma?

MS. YOVANOVITCH: I can't say that as a fact, but I assumed he was.

MR. ZELDIN: You have -- you now know that Hunter Biden was getting paid money from Burisma for his position?

MS. YOVANOVITCH: Yes, according to the news reports.

MR. ZELDIN: But while you were serving with Vice President Biden, you were not aware of, at any point, Hunter Biden being paid for that position?

MS. YOVANOVITCH: Well, as I said, I assumed he was since it is, you know, corporate practice that you pay board members, but this was not, as we discussed earlier -- Burisma wasn't a big issue in the fall of 2018 -- 2016, when I arrived.

MR. ZELDIN: When you state that Burisma, the investigation was dormant, if I understand your testimony at the beginning of the day, you base that word from press reports that you read?

MS. YOVANOVITCH: Yeah, but I think there was also -- you know, I think there was other -- other information, and I don't recall exactly what. But the impression that I had was

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that it wasn't closed because it was convenient to -- it was a convenient lever to put pressure on Burisma or the owner of the company.

MR. ZELDIN: What's your source outside of press reports?

MS. YOVANOVITCH: I don't recall.

MR. ZELDIN: Is it possible that you didn't -- I'm trying to understand, because -- I'm trying to understand your testimony, because earlier in the day you said that, based on press reports, your understanding was that it was dormant. You may have had additional information it was dormant, or you don't know?

MS. YOVANOVITCH: Yes. And all I can tell you is it was a long time ago and it just wasn't a big issue.

MR. ZELDIN: So I just want to understand your position. Obviously, you knew that Burisma was dormant, based on press reports. That was what you stated earlier.

MS. YOVANOVITCH: Uh-huh.

MR. ZELDIN: But you're saying that you may have had other information, but you don't recall that now?

MS. YOVANOVITCH: I may have had other information, but I don't recall how I had that impression that it was being used as a lever to turn the pressure on and off. Maybe that, too, came from the press, or maybe it was, you know, somebody who told me that. I just don't recall.

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MR. ZELDIN: Are you aware of a May 4th, 2018, letter sent to Lutsenko from three Senate Democrats, Menendez, Leahy, and Durbin?

MS. YOVANOVITCH: 2018?

MR. ZELDIN: May 4th of 2018?

MS. YOVANOVITCH: Can you refresh my memory?

MR. ZELDIN: May 4th, 2018, there was a letter sent to the prosecutor general from three Democratic Members of the United States Senate: Robert Menendez, Patrick Leahy, and Richard Durbin.

THE CHAIRMAN: Mr. Zeldin, can you show her the letter?

MR. ZELDIN: Yes, we can enter it into an exhibit if we want to make a copy if we want to pause the time.

THE CHAIRMAN: Do you have only the one copy?

MR. ZELDIN: I would be happy if there's a way to make a copy, we can formally enter it into as an exhibit.

So we'll come back to the question with regards to May 4, 2018. I'm going to turn it over to Mr. Jordan.

MR. JORDAN: Ambassador, so in your testimony on page 4, you talk about two wars, the war with Russia and, of course, the war on corruption, which we've talked a lot about today. I just want to make sure I got everything straight from the first hour with questioning from, I believe, Mr. Goldman and maybe Mr. Castor.

So Shokin and Poroshenko were good friends. You said

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they were godfather to each other's children.

MS. YOVANOVITCH: Yes.

MR. JORDAN: Right?

MS. YOVANOVITCH: Yes.

MR. JORDAN: And Mr. Shokin is a bad guy. Everyone, I think you said that pretty much the whole darn world wanted him fired. Is that right?

MS. YOVANOVITCH: Yes. And just to recall, that was before I arrived.

MR. JORDAN: But then the guy they replaced him with is also a friend of Mr. -- of the President, right?

MS. YOVANOVITCH: I don't know if they're friends in the same way, but they've certainly, you know, been political allies for a great many years, on and off.

MR. JORDAN: I think you said in the first hour this morning, you said Mr. Lutsenko is cut from the same cloth as Mr. Shokin. Is that right?

MS. YOVANOVITCH: Yes.

MR. JORDAN: And you've indicated here several times that Mr. Lutsenko is not the kind of prosecutor we want when you're dealing with a war on corruption.

MS. YOVANOVITCH: That's certainly my opinion.

MR. JORDAN: In your testimony, your written testimony, you said that in oligarch-dominated Ukraine, where corruption is not just prevalent, it is the system -- so this is like

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this is as important as it gets. So the one bad guy goes, the other bad guy comes in, and Mr. Poroshenko is the guy responsible for both of these bad guys being the top guy to deal with corruption. Is that fair?

MS. YOVANOVITCH: Uh-huh.

MR. JORDAN: Then, as Mr. Zeldin indicated --

THE CHAIRMAN: I'm sorry, can you just say yes or no?

MS. YOVANOVITCH: Yes.

MR. JORDAN: As Mr. Zeldin indicated -- oh, in your statement then on the same page, you said: In the 2019 Presidential election, you got this reformer coming along who has made ending corruption his number one priority. See that on page 4, middle of page 4?

MS. YOVANOVITCH: Uh-huh.

MR. JORDAN: And that's referring to current President Zelensky. Is that right?

MS. YOVANOVITCH: That's correct.

MR. JORDAN: So this is like this is what you want, this is the guy. You got Poroshenko, who had Shokin, who's bad, Lutsenko he replaced him with, who's just as bad, cut from the same cloth. And now you get a guy elected who is as good as it gets, right?

MS. YOVANOVITCH: Well, let me just recast that, if possible, and if my counsel allows. So just as I don't believe Ukrainians should be interfering in our elections, I

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don't think Americans should be interfering in Ukrainian elections.

MR. JORDAN: I'm not asking that. I'm just saying -- I'm just looking at what you said. You said, this guy Zelensky's number one priority, what he ran the entire campaign on was ending corruption. Fair enough?

MS. YOVANOVITCH: That's what he said, but let me just tell you, assuming I can say this, what my advice was to the State Department, that we don't -- you know, we can't really make -- there were many people very comfortable with Mr. Poroshenko. But we don't have either the pull nor should we try to indicate in any way that we have favorites, number one.

Number two, all three of the top candidates -- there was also Yuliya Timoshenko, who you probably know. All three of the top candidates are flawed in some way, as, you know, frankly, all of us are. But we could probably work with each of them. And that what we need to do in the preelectoral period is to -- somebody, I think you asked, you know, how do we do that outreach during campaigns and everything.

We need to keep those lines open so that whoever wins, we will be able to get in through the door and start advancing our -- continuing our advances, if it was Poroshenko, of the advance of U.S. interests, or start advancing those interests with new partners. So that's what

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was the most important thing. So we didn't have a dog in that fight. I just want to make that clear.

MR. JORDAN: I'm not asking that. I'm just saying, this guy comes along, runs a campaign base, on your testimony, your written testimony, that his number one focus was dealing with corruption, and he wins overwhelmingly. So he wins, he gets elected, and yet, when he's having a call with the President of the United States, he says he's glad you're being recalled.

And I'm wondering, like, how does that happen? The guy who is all about dealing with anticorruption and focused on that who wins a major overwhelming win, how does he form that judgment if that has been the entire focus and, as you say, an actual war that goes on in his country dealing with corruption?

MS. YOVANOVITCH: I don't know. As I told you before, everybody before, I was very surprised, because I thought we had a good beginning to a good relationship.

MR. JORDAN: But I think you said to Mr. Goldman, you thought he was responding to what President Trump said to him when he said that you were bad news. Is that -- you said that earlier?

MS. YOVANOVITCH: I think there's a certain element to that.

MR. JORDAN: But he didn't just -- it seems to me if he

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was responding that way, he would say, okay, Mr. President, I agree with you, but he didn't say that. He said, she admired the previous President and was on his side. And you just told me you don't do that.

So I'm wondering how the current President of Ukraine felt that you were on the side of Mr. Poroshenko and said this to the President of the United States.

MS. YOVANOVITCH: I have no idea, because I think if you ask President Poroshenko, he would not agree with that statement.

THE CHAIRMAN: The time is expired. Would you like to take a little break?

MR. ROBBINS: Thank you.

THE CHAIRMAN: Why don't we take about a 5- or 10-minute break.

[Recess.]

THE CHAIRMAN: Okay, let's go back on the record.

I just had a couple follow-up questions and then I want to pass it over to Mr. Mitchell.

My colleague in the minority asked you if official policy towards the Ukraine was, in your view, good policy, and I think you said that it was. Is that right?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: And, indeed, you were the spokesperson for that official policy?

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MS. YOVANOVITCH: Yes.

THE CHAIRMAN: I think what you've described, though, is the problem wasn't the official policy. The problem was the unofficial or back channel being executed by Mr. Giuliani, his associates, and possibly others. Was that the issue?

MS. YOVANOVITCH: Yes. It complicated things.

THE CHAIRMAN: And it complicated things, not the least in part because the message you were advocating, as the representative of the United States, was, Ukraine, you should be fighting corruption; and here you had people that were potentially engaging in corruption, advocating through a back channel to the White House?

MS. YOVANOVITCH: So when we say "people," are we talking about Ukrainian people?

THE CHAIRMAN: Well, it may involve Ukrainian people, but if the policy of the United States is not to be engaging in political prosecutions or political investigations, and you have a lawyer for the President advocating with Ukrainian officials to do exactly that, to engage in political investigations and prosecutions, didn't that run directly contrary to U.S. policy and an anticorruption message?

MS. YOVANOVITCH: I believe it did.

THE CHAIRMAN: I also wanted to ask you, Mr. Zeldin read you a portion of the call record in which he quoted the call record as saying, referring to you: Her attitude towards me

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was far from the best, as she admired the previous President, et cetera. Mr. Zeldin didn't read you the line immediately before that, so let me read that to you. President Zelensky says: It was great that you were the first one who told me that she was a bad ambassador, because I agree with you 100 percent.

Now, do you know whether President Zelensky is referring to the fact that the President had brought you up in the conversation first, or whether the President had brought you up in a prior conversation?

MS. YOVANOVITCH: I don't know. I had assumed it was the April 21st phone call, that first phone call, because that, to my knowledge, is the only time -- other time that they talked. But you're right, I mean, maybe it could be earlier in this transcript.

THE CHAIRMAN: Do you know whether part of the reason you didn't get a readout of the first call may have involved the President bashing you in the first call?

MS. YOVANOVITCH: It's possible.

THE CHAIRMAN: Now, President Zelensky desperately wanted a meeting with the President at the White House, didn't he?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: And that kind of a meeting is important for a new President to show they have a relationship with the

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U.S. President?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: And this is at a time in which Ukraine is militarily dependent on the United States?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: Economically dependent on the United States?

MS. YOVANOVITCH: To a certain extent, yes.

THE CHAIRMAN: Diplomatically dependent on the United States?

MS. YOVANOVITCH: We are the most important partner for Ukraine.

THE CHAIRMAN: And because we're the most important partner for Ukraine, the President is the most important person in that partnership with the United States?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: So maintaining, establishing a relationship is really important to this new President Zelensky?

MS. YOVANOVITCH: Critical.

THE CHAIRMAN: And does President Zelensky, therefore, in this conversation, have an incentive to agree with the President?

MS. YOVANOVITCH: Yes, I think so.

THE CHAIRMAN: And if he believes that the President

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doesn't like the former U.S. Ambassador to the Ukraine, does it make sense for him to express his agreement with the President?

MS. YOVANOVITCH: Yeah, absolutely, especially since I was already gone.

THE CHAIRMAN: And prior to this call, there had been an effort to get Ukraine to initiate two investigations that would be politically beneficial to the President, one involving the 2016 election and one involving the Bidens. Is that right?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: And those efforts you now can tell us involved Rudy Giuliani and some of his associates?

MS. YOVANOVITCH: So yes, I think that's true. Yes.

THE CHAIRMAN: My colleague will ask you more questions about this, but at the time that this was going on -- and most of our questions to you have been what you knew at the time that this was going on when you were the ambassador. You now know a lot more has come out since and text messages and whatnot.

Generally, what can you tell us now, looking back on what was going on that you only dimly understood, what can you tell us now that was going on in the run-up to this call?

MS. YOVANOVITCH: I -- I mean, I don't have -- I mean, since I wasn't there, I mean, I left May 20th, and this -- of

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course, this phone call took place 2 months later. So I -- I can't actually really tell you beyond what I've seen of the texts back and forth and so forth that, you know, this investigation unearthed.

THE CHAIRMAN: Now, when you got recalled as ambassador, were you replaced as ambassador?

MS. YOVANOVITCH: Bill Taylor, Ambassador Bill Taylor went out as Charge.

THE CHAIRMAN: And what was Ambassador Sondland's role?

MS. YOVANOVITCH: Ambassador Sondland is, of course, our ambassador to the EU, and he took a special interest in Ukraine and Georgia I know. I don't know whether he took on other countries.

THE CHAIRMAN: And had he taken on that interest while you were still there or that happened after you left?

MS. YOVANOVITCH: It started while I was still there. And he came in February. He and Ambassador Volker sort of put together a delegation of EU important figures to come to Odessa, Ukraine, when we had a ship visit. And so, that was actually a really good initiative to show the U.S. and Europe together supporting Ukraine. This, as you will recall, was several months after the Russians seized three ships and the 21 sailors.

THE CHAIRMAN: Mr. Mitchell.

BY MR. MITCHELL:

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Q Good afternoon.
A Hi.
Q You testified earlier that the first time you became aware of the May 2018 letter from then-Congressman Sessions was the following year in approximately late March of 2019, as a result of the John Solomon article in The Hill. Is that correct?
A That is correct.
MR. HECK: Mr. Mitchell, please pull the mic closer.
BY MR. MITCHELL:
Q Are you aware of the reporting that Mr. Parnas and Mr. Fruman, who we've discussed earlier are associates of Mr. Giuliani, had dinner with Congressman Sessions the day that that letter was sent?
A Well, I've become aware of reporting to that effect recently.
Q And you testified earlier that you learned from, I believe, a deputy of Mr. Lutsenko that there were rumors that Mr. Giuliani had met with Mr. Lutsenko sometime in the summer of 2018. Is that correct?
A Yes.
Q That's around the same time that Congressman Sessions sent this letter about you?
A Yes.
Q You also testified earlier today about a meeting

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that you had, I believe, with Mr. Giuliani in approximately June of 2017. Is that right?

A Uh-huh.

Q In connection with the Victor Pinchuk Foundation?

A Yes.

Q And you indicated obviously, Mr. Giuliani was there and you were there?

A Yes.

Q Was Mr. Poroshenko there as well?

A No.

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

BY MR. MITCHELL:

Q I'm going to hand you a press release from the Pinchuk fund. I'm going to mark it as Majority Exhibit No. 1. Take your time reading it, ma'am, but I'm going to direct your attention to the very last paragraph.

A [Witness reviewed the document.]

Q So I'm going to direct your attention to the very last paragraph. This is a point that I think we can quickly dispatch with. It says: Besides giving the lecture, Rudy Giuliani met with the President of Ukraine, Petro Poroshenko, the Prime Minister, the Kyiv mayor, as well as Prosecutor General of Ukraine, Yuriy Lutsenko. Do you see that?

A Yes, I do.

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Q Were you part of that meeting?
A No.
Q Were you aware that Mr. Giuliani met with Mr. Lutsenko in connection with this Victor Pinchuk Foundation?
A I don't think I knew that.
Q Have you seen the indictment against Mr. Parnas, Mr. Fruman, and others that was unsealed yesterday, I believe it was?
A I haven't read it, but I've read about it.
[Majority Exhibit No. 2 was marked for identification.]
BY MR. MITCHELL:
Q I'm going to hand you Majority Exhibit No. 2, and, again, I'm going to direct you to particular spots in the indictment. I'm going to start the bottom of page 7. Paragraph 17, are you there?
A Yes.
Q It says in the middle: These contributions were made for the purpose of getting influence with politicians so as to advance their own personal financial interests and the political interests of Ukrainian Government officials.
A I'm sorry, where are you reading?
Q Page 7, paragraph 17.
A Okay. I'm with you now.

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MR. ROBBINS: You're starting in the middle of a sentence.

MR. MITCHELL: Correct.

BY MR. MITCHELL:

Q I'll start at the beginning: Much as with the contributions described above, these contributions were made for the purpose of gaining influence with politicians so as to advance their own personal financial interests and the political interests of Ukrainian Government officials, including at least one Ukrainian Government official with whom they were working.

Do you know who the Ukrainian Government officials with whom they were working?

A No.

Q On page 8, the following page, the paragraph in the middle, it's paragraph number 1. It says: At and around the same time Parnas and Fruman committed to raising those funds for Congressman 1, Parnas met with Congressman 1 and sought Congressman 1's assistance in causing the U.S. Government to remove or recall the then U.S. Ambassador to Ukraine, the ambassador. Do you understand that reference to be to you?

A I do.

Q And then the next sentence says: Parnas' efforts to remove the ambassador were conducted, at least in part, at the request of one or more Ukrainian Government officials.

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Do you know who those one or more Ukrainian Government officials are?

A No.

Q What was your reaction when you first saw these allegations concerning you in this indictment?

A Again, I mean, just feel shock.

Q Do you have any reason to believe that the Ukrainian Government officials referenced here could involve Mr. Lutsenko?

A I think that would be a good guess.

Q Now, you testified earlier, with regard to Mr. Lutsenko, that the Burisma investigation was dormant -- and I might have written this down incorrectly, but I want to make sure I have it correct -- because it was useful to have that hook I think is what I wrote down. Do I have that right?

A Yes.

Q What did you mean by that?

A That because -- because Ukraine is not yet a rule of law country, prosecutions are used as leverage over people for -- to acquire funds, to get them to do certain things or whatever. And so, if you have a case that is not completely closed, it's always there as a way of keeping somebody, as I said before, on the hook. That was, you know, something that I had understood by that phrase "dormant."

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Q So it could keep Burisma on the hook?
A Yes.
Q It could keep anyone involved in Burisma on the hook?
A Uh-huh.
Q You have to answer yes or no.
A Yes. Yes.
Q And it could keep anyone interested in the investigation on the hook?
A What do you mean by that?
Q So if Mr. Lutsenko, as I believe you are suggesting -- correct me if I'm wrong -- had the Burisma investigation in his back pocket, and that he had the authority or the power to revive the investigation at will --
A Yes.
Q -- he could use that as a hook to, or as leverage against Burisma, correct?
A Yes.
Q Against people involved with Burisma --
A Yes.
Q -- or people who would actually want that investigation to go forward?
A Uh-huh.
Q Is that correct?
A Yeah.

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Q You testified a little bit about the July 25th call.

A Yes.

Q And that was long after you had left --

A Yes.

Q -- the ambassadorship in Ukraine, and since you've been working at Georgetown. Is that correct?

A Yes.

Q When did you first learn of the contents of the July 25th call between President Trump and President Zelensky?

A The day it was made public, like about 2 weeks ago, by the White House.

Q What about the general subject matter of that call? Did you learn anything about what was discussed between the two Presidents from sources other than simple press reporting?

A Yes. In passing, Deputy Assistant George Kent had mentioned that there was this phone call.

Q And did Deputy Assistant George Kent say anything about what took place during that call?

A He -- I mean, I'm trying to recall now exactly what he said, but he -- he did indicate that there had been a request by the President for assistance, as we now know, but my understanding of that conversation with Mr. Kent was that

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President Zelensky had not sort of agreed, and that he noted that, you know, it was the previous administration that was responsible for some of these things and that he was going to have his own prosecutor.

Q And what was your reaction to Mr. Kent's recitation of the substance of this call?

A My reaction was that, you know, to be frank, a little bit of dismay that President Trump had made those requests. And I was happy that President Zelensky had apparently not acceded.

Q And, again, that was based on information that Mr. Kent had provided to you and what you believed to be the truth at the time?

A Yes.

Q And since then, you've read a copy of the rough transcript of that call?

A Yes.

Q And it turns out that Mr. Kent's recitation was inaccurate at least in one regard. Is that right?

A Yeah. I mean, I think there's room for interpretation, but yeah, I now have a different view.

Q And do you happen to have a copy of that call in front of you now?

A Yes. This call, is that what you're talking about?

MR. GOLDMAN: Yes. It's marked as an exhibit.

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MS. YOVANOVITCH: No, that's our copy.

MR. MITCHELL: Let's go ahead and mark it.

MR. ROBBINS: You're not going to mark our copy.

MR. MITCHELL: No. We'll go ahead and mark it as exhibit No. 3.

[Majority Exhibit No. 3 was marked for identification.]

BY MR. MITCHELL:

Q Prior to me getting to the text of this call, what was Mr. Kent's reaction to the substance of the call when you had that initial discussion about it?

A So just to clarify, he was not on the call so he was getting, you know, readouts, et cetera. I think he thought it was, you know, a relatively positive reaction from the Ukrainian President.

Q So, in other words, the fact that President Zelensky did not accede to this request by President Trump was viewed positively by both you and Mr. Kent?

A Yes.

Q I'll take you to page 3 of the call. And President Trump at the bottom says: Good, because I heard you had a prosecutor who was very good and he was shut down and that's really unfair.

Do you know -- who do you believe President Trump was talking about when he said, you had a prosecutor who was very

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good and was shut down?

A Well, I don't know, but I believe that it's Mr. Lutsenko.

Q Mr. Lutsenko was still in office at the time of this call, correct?

A Yes.

Q But had Mr. -- excuse me, President Zelensky announced by the time of this call, July 25th, that Mr. Lutsenko was going to be replaced?

A Yes, I believe he had.

Q Do you have any opinion as to why you believe that President Trump would speak positively about Mr. Lutsenko?

A I mean, the only thing I can conclude is that he had been told good things about Mr. Lutsenko.

Q By people who had possibly met with Mr. Lutsenko?

A Uh-huh. Yes.

Q Like Mr. Giuliani?

A Most likely.

Q Do you know whether anyone in the State Department at the time had generally a positive view of Mr. Lutsenko?

A Well, you know, it's hard to speak for everybody, but certainly the people that I knew did not have a good opinion of Mr. Lutsenko.

Q For all the reasons that you testified about earlier?

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A Uh-huh.

THE CHAIRMAN: Yes?

MS. YOVANOVITCH: Yes. Excuse me.

BY MR. MITCHELL:

Q So despite President Trump's comments to President Zelensky, wouldn't Mr. Lutsenko's removal have been viewed positively by your colleagues at the Department of State?

A Yes.

Q On page 2, going back a page, at the bottom, the very bottom, last sentence, it says: 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. And that's President Zelensky, correct?

A Yes.

Q And you testified a little bit earlier about Javelins being U.S.-made anti-tank missiles. Is that right?

A Yes.

Q Made by Raytheon?

A Yes.

Q If you know, did the Ukrainians believe that it was important for them to have Javelins for their own defense?

A Yes, they thought it was important.

Q And were you involved, when you were ambassador to Ukraine, about any discussions involving providing Javelins

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to the United States -- or, excuse me, to Ukraine?

A Yes.

Q And I believe you testified earlier that you were supportive of providing those. Is that correct?

A Yes.

Q Because it was not only in Ukraine's best interests, but it was also in the best interests of the United States as well for Ukrainians to have these anti-tank missiles. Is that correct?

A I thought it strengthened the bilateral relationship and sent a powerful signal of our support for Ukraine.

Q Then immediately after President Zelensky mentions the Javelins, on the top of page 3, President Trump mentions CrowdStrike, and then he also says, The server, they say Ukraine has it.

A Yeah.

Q Do you have any understanding of what the President was talking about there?

A Well, I didn't at the time that I first read this summary, but obviously, there has been explanation in the news.

Q And what's your understanding?

A Well, that the server that was used to hack the DNC was somehow in Ukraine or moved to Ukraine, controlled by the

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Ukrainians. The Ukrainians then put out some sort of disinformation that it was Russia. And that this is what the President is referring to that it's important to get to the bottom of it.

Q In that same paragraph he continues, and I'm not starting at the beginning of the sentence, but he mentions Robert Mueller and he says: 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. Do you see that?

A Yes.

Q Do you have any understanding of what the President is referring to there?

A I think it's the belief that Ukraine was behind interference in our 2016 elections.

Q And then President Trump continues at the top of page 4, and he mentions: 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. Do you see that?

A Yes.

Q And you testified earlier that your understanding here is that the President, President Trump, was encouraging

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President Zelensky to conduct an investigation involving Hunter Biden. Is that correct?

A That's how I understood it.

Q And what was your reaction when you saw this transcript for the first time, and particularly, these requests that we just went through by President Trump?

A Well, I was surprised and dismayed.

Q And in your experience, do U.S. Presidents typically ask foreign governments to conduct particular investigations like the ones that are requested here, or are they just general requests, such as fighting corruption, for example?

A I think generally -- generally, there's preparation for phone calls and there are talking points that are prepared for the principal. And obviously, it's up to the principal whether they choose to, you know, keep it general, keep it more specific, whatever the case might be. But it's usually vetted and it's usually requests that would be in our national security interests, right?

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[4:26 p.m.]

MR. MITCHELL: As opposed to the President's personal political interests?

MS. YOVANOVITCH: Correct.

MR. MITCHELL: Which is what was happening on this call. Is that correct?

MR. ROBBINS: Again, she was not present for this call. She was not the ambassador during this call. All she can do is interpret it as a reader after the fact, and I don't really think this is within the compass of her expertise.

BY MR. MITCHELL:

Q Well, based on your decades of experience, Ambassador, did you find this call and these requests to be outside of the norm?

A Usually specific requests on prosecutions and investigations goes through the Department of Justice through our MLAT process. That's the mutual legal assistance treaty.

Q Is it your understanding that that's what happened here?

A Well, as far as -- as far as I know, no.

Q Also on page 4, at the top, President Trump said, "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."

Do you see that?

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A Yes.

Q What was your reaction when you saw that?

A Again, I hate to be repetitive, but I was shocked. I mean, I was very surprised that President Trump would -- first of all, that I would feature repeatedly in a Presidential phone call, but secondly, that the President would speak about me or any ambassador in that way to a foreign counterpart.

Q At the bottom of that same page, President Trump says, "Well, she's going to go through some things."

What did you understand that to mean?

A I didn't know what it meant. I was very concerned. I still am.

Q Did you feel threatened?

A Yes.

Q Did you feel that you might be retaliated against?

A You know, there's a universe of what it could mean. I don't know.

Q Well, what did you interpret it to be?

A Maybe. I was wondering -- you know, soon after this transcript came out there was the news that the IG brought to this committee, all sorts of documentation, I guess, about me that had been transferred to the FBI.

You know, I was wondering, is there an active investigation against me in the FBI? I don't know. I mean,

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I just simply don't know what this could mean, but it does not leave me in a comfortable position.

Q Are you concerned about your employment?

A Yes.

Q Are you concerned about your pension?

A Yes.

Q Do you have concerns about your personal safety?

A So far, no.

Q But you hesitate in saying, "So far, no," or you condition that on what might happen in the future. So what --

A Well, I would say a number of my friends are very concerned.

Q You talked about earlier that you spoke to Mr. Kent prior to the release of this transcript. Have you spoken with anybody at the Department of State after the release of this transcript about this transcript?

A Yes, but not anybody who is, like, working on these issues. So I have friends at the State Department who are not necessarily, you know, focused on these issues. So, yes, but not in a work context, if that's what you're asking.

Q So you didn't speak to Mr. Kent, for example?

A [Nonverbal response.]

Q I'm sorry.

A Oh, no, I did not.

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Q What about any Ukrainian officials that you may still be in contact with? Have you had an opportunity to talk to them about this call after it was released?

A No. I mean, I have talked to Ukrainians, but not about this.

Q When you read this call transcript, did you raise any concerns about the transcript through any sort of official channels with the Department of State?

A No.

Q And did anyone at the Department of State reach out to you about their concerns concerning this call after the transcript was released?

A Yes.

Q Other than the friends who don't work on these issues?

A Yes.

Q And who was that?

A Mike McKinley.

Q I'm sorry?

A Mike McKinley.

Q What was your conversation with Mr. McKinley about?

A He wanted to see how I was doing, and he was concerned that there had been no outreach to me.

Q And what --

A I should also -- oh, yeah. He wanted to know how I

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was doing and he was concerned that there had been no outreach and no kind of public support from the Department.

I also wanted to say that that's from kind of a senior level. The European Bureau did have a deputy director of an office, of the Ukraine office, reach out to me. The deputy director of the Ukraine office was also instructed to reach out to me.

Q Was also instructed to reach out to you?

A Uh-huh.

Q And what's the name of that individual?

A Brad Freden.

Q And who instructed Mr. Freden to reach out to you?

A The principal deputy assistant secretary for EUR, so Phil Reeker's deputy.

Q And can you just describe generally that conversation that you had with Mr. Freden?

A Yeah. I mean, he called to see how I was doing -- you know, obviously we had worked very closely together before, when I was in Ukraine -- and said that, you know, everybody was concerned and wanted to see how I was doing and did I need anything.

Q And did he have any sort of reaction about the call itself or was he just -- was he just reaching out to see how you were doing?

A He was reaching out to see how I was doing.

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Q What about the conversation with Mr. McKinley?
A He also wanted to see how I was doing, wanted to know, you know, kind of what communication with the Department had been like.
Q Did you call -- did you discuss the contents of the call with Mr. McKinley?
A I think, you know, if we did, it doesn't -- it doesn't come back to me. I mean, I think it was the meta of, you know, everything else that's going on.
Q Have you spoken to Mr. McKinley about his resignation?
A He called me before it became public to let me know.
Q Other than just notifying you that this was going to happen, did he talk to you about why he was resigning?
A Yes. He said that he was concerned about how the Department was handling, you know, this cluster of issues.
Q Can you elaborate further, please?
A I think he felt that the Department should stand by its officers.
Q And was he referring to you in that regard?
A Yes.
Q Was he referring to others as well?
A I think perhaps George Kent as well. And for all I know, there may have been others as well.

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Q Can you explain why he was referring to George Kent?

A Well, he's also been asked to come and testify.

Q All right. So Mr. Kent has been asked to testify, and Mr. McKinley indicated that he was disappointed that the Department was not standing behind its employees. Is that correct?

A Yes.

Q Okay. So did he explain to you why he believed that the Department was not standing behind Mr. Kent?

A He did. He noted that there had been a difficult conversation with the State Department lawyers and that George had shared that with him.

Q A difficult conversation between the State Department lawyers and?

A George Kent.

Q And Mr. Kent. Okay. About coming to testify?

A I think it was about the response to the subpoena for documents. I think that was the issue where there was a disagreement.

Q What did Mr. McKinley say in that regard?

A That he was concerned about the way George had been treated.

Q But did he explain how George had been treated?

A He said that there had been an argument and that he

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was going to, you know, share this further up, is what he said -- I don't know what "up" means or who that means -- and that -- because he didn't feel that ostracizing employees and bullying employees was the appropriate reaction from the Department.

Q What was the argument?

A I don't exactly know, but I do know that it had to do with the subpoena for documents.

Q So Mr. McKinley didn't describe to you exactly the nature of the document -- or excuse me, the nature of the argument, simply that it was about the documents?

A Yeah. And that George and at least one lawyer, perhaps more, had had a disagreement about that.

Q Okay. And just to be clear, when we say "the documents" and you said disagreement about that, what we're talking about is a production of documents in response to a congressional request. Is that right?

A Yes, I believe that's correct.

Q And at the time -- when did you have this conversation with Mr. McKinley?

A Well, it was the Sunday after -- actually, I think I'm conflating two conversations now.

I think he first just reached out to me, you know, as a human being, basically. And then I think he called me later, perhaps sometime midweek last week, maybe, to just share the

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information and ask me whether -- you know, how I was being treated.

Q Okay. It was during this more recent conversation that you discussed this disagreement about the production of documents?

A Right, right.

Q So that would have been in response to a congressional subpoena. Is that correct?

A Yes.

Q And do you know whether the disagreement surrounded on whether the Department of State should produce documents in response to the subpoena?

A Actually, I don't know.

Q Do you know whether Kent was arguing for the production of documents?

A I can't tell you. I don't know.

Q Do you know whether the argument was at all related to whether Mr. Kent should come and testify before this committee?

A He -- Mike didn't say that, so I don't know.

THE CHAIRMAN: If I can just interject with a question. Are you aware of any specific documents for which there was a concern that they may be provided to the committee?

MS. YOVANOVITCH: No. I have been instructed by my lawyers --

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MR. ROBBINS: Ah, ah, ah, ah, ah.
MS. YOVANOVITCH: Okay. Sorry.
THE CHAIRMAN: Any -- anything --
MR. ROBBINS: That's only one time an hour that I wake up.
THE CHAIRMAN: Any time a witness --
MR. ROBBINS: That's the moment.
MR. MEADOWS: Let the record reflect there was one time you woke up for the other side.
THE CHAIRMAN: I'll yield back to Mr. Mitchell.
BY MR. MITCHELL:
Q Without divulging any communications that you may have had with your attorney --
A Okay. Yeah.
Q -- have you had any disagreements with the Department of State about any production of documents concerning you?
A No.
Q All right.
A But I should also say, I haven't had --
MR. ROBBINS: Ah.
MS. YOVANOVITCH: Okay. All right.
MR. MITCHELL: Were you about to say that you have not had any conversations with the Department of State about these matters?

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MR. ROBBINS: Her lawyers have done all the talking.

BY MR. MITCHELL:

Q I believe you said that -- I believe you used the word "bullying." Is that right?

A Yes.

Q What did you mean by that?

A Well, it wasn't my word. It's what -- it's what Mike said.

Q And in the context of the way in which Mr. McKinley used the word "bullying," what was your understanding of that term?

A My understanding was that in this dispute, whatever it was between L, the legal people and Mr. Kent, that the lawyers bullied George. That was my understanding, but he didn't go into the details and I don't know what form that would have taken.

Q All right. Did Mr. McKinley mention any other individuals from the Department of State who may have been involved in this dispute regarding the production of documents?

A I can't recall whether he named anybody.

Q Do you recall whether Mr. McKinley mentioned Secretary Pompeo during the course of this call?

A Not -- not that I recall. I mean, no, I don't think he did.

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Q And you said that Mr. McKinley said that the Department is not supporting the employees. What did you understand that to mean?

A Well, I think, you know, as we had discussed earlier, that there are all sorts of attacks and allegations out there, and the Department is not saying anything about it. That's very unusual if, in fact, there is no cause for my removal.

MR. MITCHELL: I think my time is up.

THE CHAIRMAN: And just to let Members know, we are going to turn the air back on. It's feast or famine here, and we're -- my staff tells me it started to smell like a locker room in here.

So we'll turn it over to the minority and we'll turn the air back on.

Mr. CASTOR: Mr. Jordan.

MR. JORDAN: Ambassador, last hour with Mr. Mitchell, you mentioned -- you were talking some about your conversation with George Kent.

What's George Kent's title again at the State Department?

MS. YOVANOVITCH: Deputy Assistant Secretary of State in the European Bureau.

MR. JORDAN: Okay. And you'd dealt with him before?

MS. YOVANOVITCH: Yes.

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MR. JORDAN. Okay. And you officially left your duties in the Ukraine?

MS. YOVANOVITCH: May 20th.

MR. JORDAN. May 20th. And then when were you hired at Georgetown for the teaching position?

MS. YOVANOVITCH: I took home leave, and I started on I think it was July 25th.

MR. JORDAN. July 25th. Okay. And Mr. -- yeah. That's interesting.

MS. YOVANOVITCH: I hadn't actually made that connection.

MR. JORDAN. Mr. Mitchell said you talked to Mr. Kent about the call that President Trump had with President Zelensky. Is that right?

MS. YOVANOVITCH: Yes, uh-huh.

MR. JORDAN. And can you give me the date of that conversation you had?

MS. YOVANOVITCH: No. I mean, some time after that.

MR. JORDAN. Some time after what?

MS. YOVANOVITCH: After the call.

MR. JORDAN: Okay. And some time before September 25th?

MS. YOVANOVITCH: Yes.

MR. JORDAN: Was it in September? Was it in August? Was it in July?

MS. YOVANOVITCH: I don't recall exactly, but it was

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probably some -- well, it might even have been in September.

I would say probably August, but I also know that they were on vacation, so maybe it was even in September.

MR. JORDAN. So you got a readout of what transpired -- you were not on the call.

MS. YOVANOVITCH: No.

MR. JORDAN. Right? Mr. Kent was not on the call?

MS. YOVANOVITCH: No.

MR. JORDAN. But you got a readout from what happened on the call prior to any of us in the public knowing about the contents of the call between President Trump and President Zelensky?

MS. YOVANOVITCH: I think readout is a, you know, a big term.

MR. JORDAN. And you --

MS. YOVANOVITCH: He shared with me some -- some information about it.

MR. JORDAN. And you think that was in August or early September?

MS. YOVANOVITCH: [Nonverbal response.]

MR. JORDAN. So weeks before the -- September 25th, the date the rest of us got to see what was in that --

MS. YOVANOVITCH: Right.

MR. JORDAN: -- and got the transcript and it was public. So you got that information weeks before?

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MS. YOVANOVITCH: Yes.

MR. JORDAN. Why did you get that information? Did you have any other responsibilities with -- continuing responsibilities with Ukraine and your former position there?

MS. YOVANOVITCH: No.

MR. JORDAN: Why would Mr. Kent share that with you?

MS. YOVANOVITCH: I think he knows that I still care about the bilateral relationship and I'm still interested.

MR. JORDAN. Is that normal?

MS. YOVANOVITCH: Yeah. I mean, I think that -- that there are conversations about, you know, all sorts of things that take place.

MR. JORDAN. I guess what I'm asking is you got a call between two heads of state. You have certain staff, I assume NSC staff, some State Department staff, potentially Justice Department, I don't know who's all on that call, but it's probably not something that should be shared and probably not common knowledge. And yet the Deputy Assistant Secretary of State shares it with someone who is no longer involved with Ukraine, who's teaching a course at Georgetown. And I'm just wondering, is that -- has that ever happened before, to your knowledge?

MS. YOVANOVITCH: I'm sure it has.

MR. JORDAN. Really?

MS. YOVANOVITCH: Yeah.

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MR. JORDAN. People would just share the contents of two heads of states, the President of the United States' call with someone who's not working in that particular area?

MS. YOVANOVITCH: I -- I mean, you're asking me my opinion.

MR. JORDAN. Okay.

MS. YOVANOVITCH: So I'm sharing my opinion that I'm sure something like that has happened before.

MR. JORDAN: Did anyone else talk to you about the contents of the call between President Trump and President Zelensky prior to September 25th when it was made public?

MS. YOVANOVITCH: No.

MR. JORDAN. Did Mr. Kent say that he had shared this information with anyone else prior to when the rest of the country got to see it?

MS. YOVANOVITCH: No. I mean, I don't think he said that.

MR. JORDAN. Okay.

MR. CASTOR: Have you talked to anybody else about your testimony?

MR. ROBBINS: I'm sorry. Could I hear that question again?

MR. CASTOR: Have you talked to anybody else at the State Department since you've been invited to testify about some of the facts here?

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MS. YOVANOVITCH: No. But I was subpoenaed to testify.

MR. JORDAN. Hey, Steve, just give me one second. Just a quick follow. I apologize, Steve.

That call is classified? The call between President Trump and President Zelensky, do you know if it was unclassified at the time that he shared information about the contents of the call?

MS. YOVANOVITCH: I don't know.

MR. JORDAN: Okay.

BY MR. CASTOR:

Q Other than with your lawyer, who have you had discussions with about your testimony today?

A My brother. My brother has come up --

Q And your family members. I'm sorry. I don't want to ask you about discussions with your family.

A Yes. I have not discussed my testimony with anybody.

Q Okay. So since you've been invited to testify, or subpoenaed -- initially it was a voluntary invite and then it turned into a subpoena -- you haven't had any discussions with the key players?

A No.

MR. CASTOR: I want to mark as exhibit -- are we up to 4?

MR. GOLDMAN: Yes.

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MR. CASTOR: And we don't need to do majority, minority? We just call it No. 4?

MR. GOLDMAN: We're all friends.

MR. ROBBINS: Sorry. Could we have just one moment?

Mr. CASTOR: Sure.

[Discussion off the record.]

[Majority Exhibit No. 4 was marked for identification.]

MR. ROBBINS: I have a -- for minority counsel.

MR. CASTOR: Sure.

MR. ROBBINS: The witness would like to expand on a prior answer --

Mr. CASTOR: Of course.

MR. ROBBINS: -- that she gave a moment ago.

Mr. CASTOR: Please, please. At any time, feel free to do that. There's nothing wrong with --

MS. YOVANOVITCH: Thank you.

So you had asked me about discussions with State Department lawyers, and I answered that I wasn't having any conversations with State Department lawyers.

But I've been reminded that in August one of the staffers reached out to me on my personal email, and I alerted the State Department about that, the request to, you know, come and talk to the committee.

And so subsequently, and I think it was the week before

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Labor Day, I had a telephone conversation with Cliff Johnson, [redacted] from the State Department Legal Affairs office, as well as [redacted] from the Legislative office.

So just to be sure that I'm absolutely factual.

BY MR. CASTOR:

Q We've marked Exhibit 4. This is a letter. I'll give it to you first.

A Thank you.

Q This is the letter we are referring to in the last round with Mr. Zeldin. I'll ask some questions and then I'll ask Mr. Zeldin if he has any additional.

This is the letter to Lutsenko from Senators Menendez, Durbin, and Leahy, dated May 4th, 2018?

A Yes.

Q Do you need a little bit of time to look at it or -- are you familiar with this letter? Is this the first time you've seen it?

A I don't think I've seen it before.

Q But this was during your tenure as the ambassador?

A Yes. Yeah, but Congress doesn't always and doesn't have to share correspondence with foreign governments with us.

Q Of course. I'm just asking if you've seen it or if you know of anybody at the embassy that was aware of this issue.

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A I -- you know, I just don't recall ever having seen this before.

Q When senators, especially senators involved with the committees of jurisdiction, transmit letters, is that ordinarily something that gets called to the embassy's attention?

A It just depends.

Q Or does it happen so frequently that it's not necessarily an issue?

A I would say it just depends.

Q Okay. And so you had no advance notice this letter was coming? Nobody at the -- on any of the Senate staffs communicated with the embassy, to your knowledge?

A I don't believe so.

Q And do you know if anybody at Lutsenko's office communicated with the embassy that they received this letter? Do you know how they handled this letter?

A I don't know that Mr. Lutsenko or anybody in his office communicated with us about this, and I don't know whether they responded, or any of that.

Q Is there anything else about this communication, about this set of facts, that you can share with us that you do remember, whether it was at the time or subsequently?

A I mean, do you want to ask me a more specific question?

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Q I'm just asking if --

A Yeah.

Q -- if you can recall anything else about this letter, three senators, I believe they're all on the Foreign Relations Committee, writing to express great concern about reports that Lutsenko's office has taken steps to impede cooperation with the Mueller probe.

A Uh-huh. Yeah.

Q So the question is, can you recall any additional set of facts about this particular letter?

A No. No, I can't.

Q And do you have any facts about the Mueller probe and officials in Ukraine cooperating or not cooperating with the Mueller probe outside of this letter?

A No.

Q Did you know it was an issue or an alleged issue?

A No, I didn't. But, you know, before I was saying that we have a mutual legal assistance treaty with Ukraine. And so when there are matters, you know, that appropriately would be taken up by DOJ or the FBI or something like that, they go through those channels.

And they don't always, depending on what the issue is, whether it's either so insignificant or whether it's, you know, compartmentalized and very closely held, they don't always share with us those things.

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I'm assuming -- well, yeah. So I'm not aware.

Mr. CASTOR: Mr. Zeldin, do you have any additional follow-up on this one?

MR. ZELDIN: Ambassador, you just testified that someone had reached out to you personally in August on your personal device?

MS. YOVANOVITCH: I'm sorry?

MR. ZELDIN: In clarifying an answer to a question asked by the majority, I just want to understand what you were saying. A staffer or somebody reached out to you in August?

MS. YOVANOVITCH: Oh, yeah. Uh-huh. Yeah. On my personal email.

MR. ZELDIN: And what was that about?

MS. YOVANOVITCH: They -- from the Foreign Affairs Committee, and they wanted me to come in and talk about, I guess, the circumstances of my departure.

MR. ZELDIN: Come in and talk where? Who -- where were they calling from?

MS. YOVANOVITCH: No. This was an email.

MR. ZELDIN: An email. Where were they emailing you from?

MS. YOVANOVITCH: I presume Washington. It was House Foreign Affairs.

MR. ZELDIN: A House Foreign Affairs staffer --

MS. YOVANOVITCH: Yeah.

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MR. ZELDIN: -- reached out to you in August?
MS. YOVANOVITCH: Uh-huh.
MR. ZELDIN: Do you remember when in August that was?
MS. YOVANOVITCH: I want to say, like, maybe August -- mid-August, maybe. Maybe mid-August.
MR. ZELDIN: Did you know this person?
MS. YOVANOVITCH: Yes.
MR. ZELDIN: And how did -- where did you know that person from?
MS. YOVANOVITCH: She had previously worked at the State Department.
MR. ZELDIN: And how do you know that person at the State Department?
MS. YOVANOVITCH: Because she worked at the State Department.
MR. ZELDIN: Where did you work together at the State Department?
MS. YOVANOVITCH: Well, I'm not exactly sure. I think she worked in DRL and in the office that handles human rights, and it must have been either in connection with my Ukraine work or previous work in the European Bureau. I don't recall exactly when we met.
MR. ZELDIN: And when was -- how often do you communicate with this person?
MS. YOVANOVITCH: That was the only time.

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MR. ZELDIN: When was the last time you had communicated with that person?

MS. YOVANOVITCH: Well, I should actually clarify. So she emailed me. I alerted the State Department and, you know, asked them to handle the correspondence. And she emailed me again and said, you know, who should I be in touch with?

MR. ZELDIN: To try to get you to come in and testify to the House Foreign Affairs Committee?

MS. YOVANOVITCH: It wasn't clear to me whether it was going to be -- whether this was a discussion with her, whether this was a discussion with other staffers, whether it was a deposition. I mean, it just didn't get that far, because I transferred that information to the State Department lawyers -- well, H, actually.

MR. ZELDIN: And what specifically was she asking you to speak about?

MS. YOVANOVITCH: I think -- I think it was the circumstances of my departure, or maybe she just kept it more general and said to catch up, but I understood it as that.

MR. ZELDIN: Do you know if she had reached out to other people about that?

MS. YOVANOVITCH: I don't know.

MR. ZELDIN: And you -- one more time. And what did you do after you received the email?

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MS. YOVANOVITCH: I alerted the State Department, because I'm still an employee and so matters are generally handled through the State Department.

MR. ZELDIN: Was that person responded to by you or someone else?

MS. YOVANOVITCH: I believe, yes, by [redacted] in the Legislative Affairs office.

MR. ZELDIN: Did you receive any subsequent requests to testify to the House Foreign Affairs Committee or to come in to speak to someone at the House Foreign Affairs Committee following that initial email? Was there any follow-up?

MS. YOVANOVITCH: Well, as I said, there was the second email where she said, oh, okay, you know, who should I be talking to?

I didn't respond to that email, because I had already transferred everything to the State Department and I figured they would be in touch, and they were.

MR. ZELDIN: Shifting gears, a question. Do you know who a member of the Ukraine parliament is named Andrei Derkach?

MS. YOVANOVITCH: Yes.

MR. ZELDIN: And what can you tell us about Andrei Derkach? Did you have any personal interaction with this person?

MS. YOVANOVITCH: I don't think so. I don't think so.

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He was the son of a former intel chief and was a Rada deputy, as you just pointed out.

MR. ZELDIN: Was this -- was Andrei Derkach respected in the Ukraine, not respected? Do you know anything about his character or reputation?

MS. YOVANOVITCH: I think he was generally believed to be kind of part of the old system, shall we say, and so not terribly respected by those who were trying to reform Ukraine.

MR. ZELDIN: Are you aware of Andrei Derkach ever lying about anything stated publicly?

MS. YOVANOVITCH: I just don't know him and know him that well, and I can't recall at this time.

MR. PERRY: Good afternoon, Ambassador. Scott Perry from Pennsylvania.

You strike me as a person who loves her country and loves her enterprise.

MS. YOVANOVITCH: Thank you.

MR. PERRY: I appreciate your indulgence and patience today.

MS. YOVANOVITCH: Thank you.

MR. PERRY: I want to go back to your opening statement, page 7 for me here. I don't know where it is for you. But the line in quotes, "since he was going to be impeached."

And I'm just wondering, you said the allegation is

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false, but would there be anything that you could think of where one of your team members or somebody close to you would -- you might imply something that you said would imply or that they would infer a negative connotation regarding the administration, administration policy, the President particularly, other than that exact verbiage? Like, instead of saying "since he was going to be impeached," you might say, "Well, he's not going to be around very long," anything like that at all?

MS. YOVANOVITCH: No.

MR. PERRY: Nothing at all that you would think that would be negative that you -- they could imply or infer?

MS. YOVANOVITCH: Not -- not what -- not what you're talking about, no.

MR. PERRY: Okay, ma'am.

Moving on. Ukrainian oligarch Victor Pinchuk, I think -- I'm hoping you're aware, so I'm going to ask you a couple questions. I think he's a donor to the Clinton Foundation and the Atlantic Council. Also Mr. Pinchuk and Burisma helped fund the Atlantic Council.

And the Atlantic Council, I don't know whether you're aware, but I'm asking to ask you if you are, released a report regarding their assertion of Shokin's corruption. Are you aware of that?

MS. YOVANOVITCH: No, but it's in line with the kind of

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work that they do.

MR. PERRY: Okay. And that, like I said, Victor Pinchuk and Burisma both helped to fund the Atlantic Council and maybe even some of the Burisma members are on the board of the Atlantic Council.

Once they released that report, shortly thereafter, Shokin got fired, and then very shortly thereafter Burisma went to the new prosecutor general and asked for a reset.

Does that -- and I know that earlier you kind of implied that you didn't want to get involved or didn't see it as your position to get involved in the politics, the elections, et cetera, of kind of either country in some way, the United States of America or Ukraine, but because of some of the relationships there, are you -- do you know who Victor Pinchuk is? Do you have a relationship with him?

MS. YOVANOVITCH: Yes.

MR. PERRY: What is your relationship?

MS. YOVANOVITCH: He's one of the wealthiest men in Ukraine. He's the son-in-law of former President Kuchma. And so he is wealthy and obviously very involved in his businesses.

But he also is interested in politics, I think funds, you know, various political actors. At one time, he had his own political party. At one time, he was a Rada deputy himself.

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And he also has this YES Foundation, the Yalta Economic Summit, which previously was held in Crimea, now is held in Kyiv every year, and he invites all sorts of luminaries from all over the world to come to that.

And then throughout the year he does various events where he'll invite somebody, like Mayor Giuliani, for example, and then they'll have events, and one of the events is a dinner.

So they do all sorts of things with --

MR. PERRY: But it didn't strike you at all concerning -- I mean, with corruption being a kind of a -- one of the hallmarks, unfortunately, of the country of Ukraine, it didn't strike you -- well, you didn't know anything about the Atlantic Council's report?

MS. YOVANOVITCH: Well, it sounds from the way you're describing the timeline of events --

MR. PERRY: Chain of events, correct.

MS. YOVANOVITCH: -- that that would -- that the release of that article or report would have been well before I arrived in Ukraine.

MR. PERRY: Okay.

MS. YOVANOVITCH: And as I said before, I wasn't aware of that particular report from the Atlantic Council.

MR. PERRY: Fair enough, then. But then moving on, regarding the 2016 elections, and you arrived in August

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of 2016, did you have any concerns regarding corruption about Ukraine's involvement in the Manafort investigation, Burisma Holdings, et cetera, and the fact that in December of '18, so that's about 2 years -- a little over 2 years after you arrived, there were two convictions in Ukraine regarding election interference of the United States? So did that concern you?

And just as a curiosity for me, and maybe everybody else, what do you see the ambassador's role in that, especially with the collaborative agreement that the United States has with Ukraine with this alleged or actual corruption and the convictions?

MS. YOVANOVITCH: Well, my understanding is that the lower court -- are you talking about Mr. Leshchenko?

MR. PERRY: There were two convictions. I don't have the individuals' names at this time. But I'm sure we can get them.

MS. YOVANOVITCH: Well, there was -- so I'll tell you what I know.

MR. PERRY: Sure.

MS. YOVANOVITCH: There was a court case, and you're correct that in the lower courts, they were found guilty. And I'm not exactly sure what the charge was, but it was overturned in the upper courts.

MR. PERRY: But it wasn't overturned until recently?

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MS. YOVANOVITCH: That's correct.

MR. PERRY: So at that time, you're the ambassador at that time, and, of course, you see everything that's going on in the United States regarding the charge of Russian collusion and Russian interference into the election, and even though I think you said at some point that the Ukrainian involvement was debunked, apparently it wasn't debunked in 2018 when these two individuals were convicted.

What was your role, if any, or what did you see your role as in regarding our collateral relationship in the form of a treaty regarding corruption between the United States and Ukraine, you as the ambassador? Did you have any interest? Did you do anything? Should you have done anything?

MS. YOVANOVITCH: I -- so you put a lot of things on the table, and so if I could just separate them out.

MR. PERRY: Yes, ma'am.

MS. YOVANOVITCH: So the issue of Burisma, I think, has been addressed. Or do you have other, more specific questions?

MR. PERRY: Well, I mean, it was part of -- it seems to be an ongoing part of the conversation, whether in the past with Pinchuk during the investigation heretofore, because you knew it was out there, it had been started, it was, what was the word you called?

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MS. YOVANOVITCH: Dormant.

MR. PERRY: It was dormant, but it was hanging out there maybe as leverage. And now, of course, it's come to light again and has been in some light.

So, again, to me corruption's a big issue. We've got a new President who just won a 70 percent election on corruption itself. There's all this corruption conversation going around, but quite honestly, no disrespect intended, I don't know what the ambassador's involvement is in dealing with that, so that's why I'm asking.

What is it? What should it be? What do you view your role to be? What was the expectation from the State Department?

MS. YOVANOVITCH: I think -- I mean, my role was to set direction, to support various offices. We had the FBI there, we had the narcotics law enforcement office, the State Department has a big presence there. We have a number of different offices, USAID, et cetera, et cetera, all of whom have, you know, some portion of some of the issues that you've raised.

And so my job is to set direction, provide support, and, you know, kind of be the public persona. I don't get involved in everything. People raise issues as they think it's appropriate or I need to get involved.

So I don't know if that gives you a sense --

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MR. PERRY: Did you have any conversations with the Department of State, your bosses, George Kent or otherwise, regarding Burisma, regarding the fact that it was involved in the investigation, and that Mr. Biden, Vice President Biden's son was a board member, or any -- or with the Department of Justice? Did you have any conversations at all regarding those proceedings and those occurrences over that course of time?

MS. YOVANOVITCH: So Mr. Kent was the deputy in the embassy until last summer, so we worked obviously very closely together at that time. We, to my knowledge, we never discussed Hunter Biden and his board role and all of that, or to my recollection, I should say.

MR. PERRY: Okay.

MS. YOVANOVITCH: He did share with me his understanding of what happened, what occurred with regard to the British court case against Zlochevsky, the head of Burisma. That, you know, again, happened before my arrival. That was, you know, pretty much it.

MR. PERRY: So it was Leshchenko who was one of the two persons convicted in 2018. Both were convicted of attempting to influence the 2016 U.S. election. I'm sure you must have had a keen awareness of it and the conviction. Just, do you have any further thoughts on that and what you were thinking at the time?

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MS. YOVANOVITCH: Yeah. I mean, honestly, I didn't believe the charges. I thought that they were politically motivated against Leshchenko. We -- I guess all of these things are judgment calls, but --

MR. PERRY: Okay.

MS. YOVANOVITCH: -- I did not feel --

MR. MEADOWS: So let me make sure. I want the spelling of this. Is this L-e-s-h-c-h-e-n-k-o? Is that Leshchenko?

MS. YOVANOVITCH: Yes. Yeah. I mean --

MR. MEADOWS: Go ahead.

MS. YOVANOVITCH: -- there's many different ways you can spell it, but that's one.

MR. MEADOWS: Well, for this North Carolina guy, that's as close as I'm going to get. All right.

Go ahead. I didn't mean to interrupt. I'm sorry.

MS. YOVANOVITCH: So I felt it was kind of a politically motivated charge against Mr. Leshchenko, and I -- again, you know, it felt too political to me. There were no instructions from the State Department or DOJ or, you know, Washington to, you know, go in and do X, Y, or Z, and so I really felt that we wanted to stay away from --

MR. PERRY: Okay.

MS. YOVANOVITCH: -- what seemed to be internal Ukrainian political fights kind of using us.

MR. PERRY: It didn't concern you as the ambassador,

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with everything that we were embroiled here in the United States, that you didn't hear anybody, anything from higher up in the State Department or in the Department of Justice regarding the conviction, regardless of what your view of it was? Does that seem -- because it was affecting the United States election. And I don't have to probably remind you of what's been going on for the last 2-1/2, 3 years here.

So it didn't strike you that you didn't get a phone call, an email, or anything, you know, saying what's happening here? Is this legitimate? Should we be concerned? Is this something we should pursue?

MS. YOVANOVITCH: The court system in Ukraine, and certainly at the time that we're talking about, was still not reformed, and so the court system didn't have a great deal, and still does not enjoy, a great deal of credibility.

MR. PERRY: Okay.

MS. YOVANOVITCH: So I think people, you know, just didn't find it to be credible.

MR. MEADOWS: So, Ambassador -- excuse me, Scott, if I can jump in, because I want to follow up, I guess, on a couple of questions that have come up earlier.

MS. YOVANOVITCH: Uh-huh.

MR. MEADOWS: Because you've said that you have not gotten involved really in the political sense, and yet here we have --

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MS. YOVANOVITCH: I try very hard.

MR. MEADOWS: Here we have a conviction of U.S. meddling, and you just viewed that as not being significant and you just dismissed it?

I just find that -- you know, everything else you've been saying today, you know, that just is hard to believe that, based on the backdrop of what we have, that you just dismissed that and suggested that it just wasn't credible.

MS. YOVANOVITCH: Well, that was our view, that it wasn't credible. The court process was continuing. And in the end, they were acquitted.

MR. MEADOWS: So let me go a little bit further.

MS. YOVANOVITCH: Okay.

MR. MEADOWS: So you're saying -- sorry, I jumped on the end of your statement. The court process was continuing and they've been -- it's been overturned by a higher court now. Is that what you were going to say?

MS. YOVANOVITCH: Yes.

MR. MEADOWS: So earlier you were asked about people that you might have mentioned, when Mr. Zeldin was asking you questions, and you could only recall.

MS. YOVANOVITCH: Mr. Sytnyk.

MR. MEADOWS: And so I've got some names that I just want to kind of lay out for you to maybe would refresh year memory. And one the of those names, actually the reason why

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I spelled it out, was this very individual that Mr. Perry is bringing up, that according to some of our sources would indicate that the State Department and your group may have mentioned that you wanted certain guardrails around Mr. Leshchenko. Is that correct?

MS. YOVANOVITCH: No.

MR. MEADOWS: So you've never had a conversation with anybody at the State Department regarding Mr. Leshchenko in terms of saying, well, we need to make sure that he's off limits?

MS. YOVANOVITCH: No.

MEADOWS: No special treatment for him?

MS. YOVANOVITCH: No.

MR. MEADOWS: All right. Well, you mentioned, was it Nayem? Is that correct? Have you mentioned that before?

MS. YOVANOVITCH: Have I mentioned what?

MR. MEADOWS: So who was the one individual you said that you weighed in on?

Mr. CASTOR: Sytnyk.

MS. YOVANOVITCH: Sytnyk. Sytnyk.

MR. MEADOWS: All right. How about AntAC? Does that name ring a bell to you?

MS. YOVANOVITCH: Yes.

MR. MEADOWS: So have you weighed in verbally with regards to any special treatment for AntAC?

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MS. YOVANOVITCH: No. But here's the thing. What I have consistently done is said that any prosecutions need to be done according to the law and not be politically motivated.

MR. MEADOWS: And that's consistent with your earlier testimony. However, earlier, when Mr. Zeldin was asking you about individual cases that you might have brought up and he was saying case numbers, there seemed to be a little bit of confusion. I guess is this one of the cases that you might have brought up with other individuals at the State Department?

MS. YOVANOVITCH: There was -- at the State Department? We probably --

MR. MEADOWS: Or anywhere else.

MS. YOVANOVITCH: Yeah. So there was -- one of the leaders of AntAC was -- there were demonstrations, I think, in the -- I can't remember whether it was the fall or the spring of 2016, and one of the individuals that leads AntAC was -- there was, like, some hooliganism charge or something like that where he had -- there was some charge like that. Again, I'm sorry, it was a long time ago. I don't recall the details.

So this is, again, not an anticorruption case. But, again, cases should be dealt with in a consistent manner, and, again, not politically motivated, and according to the

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rule of law.

And I think, you know, in that hooliganism case, I think members of the embassy probably did raise the issue that he seemed to be scapegoating and being held to a different standard than others who were maybe more aligned with the administration.

MR. MEADOWS: So you did weigh in on that one in terms of --

MS. YOVANOVITCH: It was not an anticorruption issue.

MR. MEADOWS: Okay. So let me give you another name, then. Is it Shabunin, S-h-a-b-u-n-i-n?

MS. YOVANOVITCH: That's actually the name of the individual.

MR. MEADOWS: All right. So that's the individual with AntAC?

MS. YOVANOVITCH: That was up on hooliganism charges.

MR. MEADOWS: All right. And how about Nayem, N-a-y-e-m? Does that ring a bell?

MS. YOVANOVITCH: Mustafa (ph) Nayem?

MR. MEADOWS: I'm sorry. I'm not Ukrainian. So you --

MS. YOVANOVITCH: Neither am I. Yeah. I don't recall him actually --

MR. MEADOWS: So you don't recall weighing in with regards to that individual in any --

MS. YOVANOVITCH: I don't think he was ever arrested or

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charged with anything.

MR. MEADOWS: I didn't say that. I said did you weigh in in terms of putting guardrails in terms of --

MS. YOVANOVITCH: No.

MR. MEADOWS: -- the treatment of that particular individual with anyone from the embassy?

MS. YOVANOVITCH: And can I -- and I would also say, we don't put guardrails on individuals.

MR. MEADOWS: Okay. Well, let's change the words, because those are my words. So obviously you're saying we're looking at it a little differently. And obviously with regards to the one individual, you did say you felt like they were getting a bum deal. Is that correct?

MS. YOVANOVITCH: Yeah. I think what we try to do is to talk about the principles that should govern the way, you know, whether it's law enforcement or other things are conducted, but we don't say yea or nay.

MR. MEADOWS: Yeah. And so I want to make sure I'm -- you know, I'm saying weighing in. It was actually weighing in with the prosecutor, is what I'm talking about.

So when you've weighed in with the prosecutor on any of these four people, or the four names that I've given you, have you weighed in with the prosecutor from the embassy to the prosecutor in Ukraine at all?

MS. YOVANOVITCH: I'm not sure that conversation took

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place with the prosecutor.

MR. MEADOWS: Well, with anyone associated with the prosecutor?

And I think you know where I'm going with this, but if I need to spell it out, I'm willing to do that.

MS. YOVANOVITCH: So --

MR. MEADOWS: I just want to -- I want to make sure you clarify the record, because you've seemed like you're trying to get the testimony right, and that's why I'm giving you these names.

MS. YOVANOVITCH: Uh-huh. So you're saying that I weighed in.

What was actually happening is that on this particular case with Mr. Shabunin, the Presidential administration was weighing in with me and with us at the embassy, because they felt that we had influence with Mr. Shabunin and to see whether he could, you know, curtail his criticism, shall we say, of Mr. Poroshenko and events in Ukraine.

And they -- when there was this incident, which I don't recall very well, they raised that and said, you know, you see clearly he's a bad apple -- my words now, not theirs. And, you know, again, I said, well, you know, I mean, obviously you have processes, but they need to be according to the principles that we've been talking about for all this time.

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MR. MEADOWS: So let me switch gears real quickly, because I don't know that we've got much time left.

How much time do we have left.

Mr. CASTOR: The time expires at 5:27, so we've got about 7 minutes.

MR. MEADOWS: All right. So let me switch gears and follow up on something that Mr. Jordan had asked about. He was talking about the conversation you had in August with Mr. Kent.

MS. YOVANOVITCH: Yes.

MR. MEADOWS: And Mr. Kent shared, I guess, the details or his perception of a classified phone conversation between two leaders with you. Is that --

THE CHAIRMAN: If I could just interject. No one has said it was classified except --

MR. MEADOWS: Well, I mean, we had to have it unclassified for us to see it. I mean, it says "unclassified" on the top.

THE CHAIRMAN: Well, you're positing, though, that the witness has said that this is a classified call or that that's an established fact.

MR. MEADOWS: Well, let her answer that.

Did he indicate that it was a classified call?

MS. YOVANOVITCH: No.

MR. MEADOWS: Did you have any idea that it perhaps

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could be a classified call between two foreign leaders?

MS. YOVANOVITCH: [Nonverbal response.]

MR. MEADOWS: You're a career diplomat. I can't imagine that --

MS. YOVANOVITCH: Yeah. I didn't think that the particular thing, the particular part that he shared with me actually was classified.

MR. MEADOWS: What particular part did he share with you?

MS. YOVANOVITCH: Well, as I said --

MR. MEADOWS: Did he talk about a whistleblower at all in that conversation?

MS. YOVANOVITCH: No, no.

MR. MEADOWS: So why did he reach out to you?

MS. YOVANOVITCH: I'm not sure he reached out to me.

MR. MEADOWS: Well, you said he called you, right?

MS. YOVANOVITCH: No, I didn't. I mean, I think -- again, I can't recall whether it was in -- I think you were asking me whether it was in August or September. But we, you know, at a meeting or something, we spoke about this. It wasn't over a phone.

MR. MEADOWS: So at a meeting at Georgetown? Where was the meeting? I mean, because you weren't in your official capacity. I'm just trying to --

MS. YOVANOVITCH: Yeah.

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MR. MEADOWS: -- get a sense of why all of a sudden the two of you would be talking about something that we didn't find out about until weeks later.

MS. YOVANOVITCH: Right. I'm sorry. I can't remember the circumstances of the conversation.

MR. MEADOWS: Do you remember where the conversation took place?

MS. YOVANOVITCH: I do not. I do not.

MR. MEADOWS: So you just know that it took -- so it may have been in a meeting or it may have been in a phone call, but you don't recall?

MS. YOVANOVITCH: Well, I'm pretty sure it wasn't a phone call, because -- I'm pretty sure it wasn't a phone call.

But I -- you know, as to -- so you're asking why? I think because he knew that I was still interested, still interested in Ukraine.

MR. MEADOWS: So he was -- he knew you were interested in a phone call that took place that you didn't know had --

MS. YOVANOVITCH: Interested in the bilateral relationship.

MR. MEADOWS: I beg your pardon?

MS. YOVANOVITCH: Interested in the bilateral relationship, and, you know, hoping --

MR. MEADOWS: So did he say anything negative about the

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President of the United States in that conversation with you?

MS. YOVANOVITCH: No, I wouldn't say that.

MR. MEADOWS: So it was a -- he said it in a positive manner about -- I mean, help -- bring me into the room, into the conversation. How did he characterize the President's actions, in a positive or negative manner?

MS. YOVANOVITCH: I think it was just a factual manner, that this occurred and this was Zelensky's response.

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[5:25 p.m.]

MR. MEADOWS: And so Zelensky didn't see it as a big deal is what he said?

MS. YOVANOVITCH: He said that President Zelensky, that he noted that, you know, some of the things that President Trump was talking about happened, you know, under the previous administration, and that he would have his own person, you know, as prosecutor general.

And, you know, I don't think that Mr. Kent was on the call either, and so maybe he didn't have full information, but he took that to mean that President Zelensky had not accepted the proposal.

MR. MEADOWS: Do you recall how he shared with you how he found out about the call since he wasn't on it?

MS. YOVANOVITCH: No, I don't know.

MR. MEADOWS: So he just said it's water cooler talk? I mean, how would George Kent -- how would Mr. Kent, Ambassador Kent know about that?

MS. YOVANOVITCH: I don't know.

MR. MEADOWS: Okay. And then finally, I guess, is, once the characterization he made of the call when you read the transcript for yourself, was that consistent with the way that he characterized it?

MS. YOVANOVITCH: It didn't seem to -- well, I think that the call, the summary of the call is a little bit -- you

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can interpret it in different ways. And so it seemed that Mr. Zelensky was more open to the various proposals than I had understood.

MR. JORDAN: Ambassador, did he call you to talk about the corruption element of the phone call, or did he call to tell you that you were mentioned in the phone call?

MS. YOVANOVITCH: As I said, I am pretty sure it was not a phone call, number one.

MR. JORDAN: Okay. But the conversation, what was it about, both of those issues or -- because I'm not exactly sure what he communicated to you other than that there was this call between President Trump and President Zelensky, and then he characterized elements of, you know, what took place on that phone call in a meeting with you. What did he tell you?

MS. YOVANOVITCH: Well, he told me what I just relayed to your colleague. He did not say, however, anything about me. I had no idea that I featured in this conversation.

MR. JORDAN: So he didn't tell you that you were mentioned in the phone call between President Zelensky --

MS. YOVANOVITCH: No.

MR. JORDAN: Interesting, okay. Thank you.

MR. MEADOWS: And since we're out of time, I just want to know one thing. Ambassador Volker said awful nice things about you, and he said that you're called Masha.

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MS. YOVANOVITCH: Yes.

MR. MEADOWS: Where did you get that name from?

MS. YOVANOVITCH: Well, despite my posting to Ukraine, I'm actually half Russian, and it's a Russian nickname.

MR. MEADOWS: I yield back.

THE CHAIRMAN: Would you like to take a little break?

MS. YOVANOVITCH: How much longer?

MR. ROBBINS: How close are we to being done is the key question?

THE CHAIRMAN: I would hope -- although I can't guarantee, I would hope that maybe a 45-minute round, a 45-minute round, we should be close to done, but I don't want to promise, depending on -- but we're going to do our very best. Do you want to just keep motoring through?

MS. YOVANOVITCH: Well, why don't we keep motoring through, but if it's another 45 minutes after that, I am going to have to take a break.

THE CHAIRMAN: Okay, that sounds good.

I just had a quick follow-up question before I yielded to my colleagues. You were Ambassador to Ukraine for how long?

MS. YOVANOVITCH: Almost 3 years.

THE CHAIRMAN: Almost 3 years. And did you develop in these 3 years a deep interest in Ukraine and its future?

MS. YOVANOVITCH: I did. And I would also just say that

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this was my second tour in Ukraine, so yes.

THE CHAIRMAN: And when you stop being an Ambassador to a country, does that mean that you no longer have any interest in that country?

MS. YOVANOVITCH: No.

THE CHAIRMAN: And people in the Diplomatic Corps would know you were still interested in the happenings in that country, would they not?

MR. ROBBINS: That is correct.

THE CHAIRMAN: And, indeed, when you left prior posts in Armenia and elsewhere, people would continue to keep you informed on how Armenia was doing, I imagine.

MS. YOVANOVITCH: Still do.

THE CHAIRMAN: Still do. So not unusual at all once you leave a post for colleagues to continue sharing with you information about how that country is doing and how relations are between the U.S. and that country?

MS. YOVANOVITCH: That is correct.

THE CHAIRMAN: Mr. Maloney.

MR. MALONEY: Thank you, Mr. Chairman.

Ambassador Yovanovitch, my name is Sean Maloney. I represent a district in New York. We've been here for more than 7 hours so, first of all, thank you very much for your patience with us.

And I think it's useful sometimes at that point in the

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day just to summarize, and so I just have a few summary questions and I just want to make sure I understand your testimony. And so please disagree with me if you think I'm misstating anything, but you spent more than 30 years in the Foreign Service. Is that correct?

MS. YOVANOVITCH: Thirty-three years.

MR. MALONEY: And you were the United States Ambassador to Ukraine; and having spent hours listening to you, it sure seems like you were committed to that job. Is that fair to say?

MS. YOVANOVITCH: Yes, very much so.

MR. MALONEY: And you were good at it, weren't you, ma'am?

MS. YOVANOVITCH: I think so.

MR. MALONEY: And you had the approval of your bosses at the State Department. In fact, they wanted to extend your tour. Is that fair to say?

MS. YOVANOVITCH: Yes.

MR. MALONEY: And then along came Rudy Giuliani, and he represented a group of American businessmen, now indicted, who believed that you were somehow in their way. Is that fair to say, that you were in the way of their business interests in Ukraine?

MS. YOVANOVITCH: That appears to be the case.

MR. MALONEY: We're talking about Mr. Parnas and

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Mr. Fruman?

MS. YOVANOVITCH: Yes.

MR. MALONEY: And he was also, of course, advancing President Trump's desire and interests, which the President has admitted in getting an investigation of the Bidens going in Ukraine. That's true as well, isn't it?

MS. YOVANOVITCH: It appears to be the case.

MR. MALONEY: But, again, you were in the way, at least in the minds of Mr. Giuliani and Mr. Trump and Mr. Parnas and Mr. Fruman. You were an obstacle, it seems, to President Trump's political interests and the financial interests of Mr. Giuliani's now-indicted associates. Is that the sum and substance of your testimony today?

MS. YOVANOVITCH: Well, that appears to be how events have unfolded.

MR. MALONEY: And so, they partnered -- I believe that was your word -- they partnered with Mr. Lutsenko to get you fired. Isn't that right?

MS. YOVANOVITCH: Yes.

MR. MALONEY: They got a story in The Hill newspaper about you. They fired up Sean Hannity. They got a Republican Congressman, Pete Sessions, to write a letter criticizing you. They made a bunch of illegal -- apparently illegal campaign contributions we now know about. They even tried to dump a bunch of dirt on you, as I understand,

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through the State Department IG. Is that all correct? You want me to leave off the last one?

MR. ROBBINS: Well, she's not a lawyer. She can't comment on whether these are campaign finance violations or not.

MR. MALONEY: I appreciate that, Mr. Robbins.

There was a story in The Hill newspaper. Sean Hannity got involved, Pete Sessions wrote a letter, and there are apparently illegal campaign contributions, all related to you, isn't that right, and the desire to get you fired?

MS. YOVANOVITCH: That appears to be the case.

MR. MALONEY: Well, and it worked, didn't it, Ambassador?

MS. YOVANOVITCH: Yes.

MR. MALONEY: They got you out of the way. It seems to me they threw you to the wolves. Is that what happened?

MS. YOVANOVITCH: Well, clearly, they didn't want me in Ukraine anymore.

MR. MALONEY: And so, if you were going to sum up why you were such a problem for the political interests of the President in trying to get this investigation started of the Bidens and the financial interests of Mr. Giuliani's now-indicted associates, why were you such a thorn in their side that you had to be fired?

MS. YOVANOVITCH: Honestly, it's a mystery to me; but

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all I can conclude from everything that I've seen over the last 5 or 6 months is that they felt that our policy to try to make Ukraine stronger and more resilient, through the anticorruption policies as well as through, you know, the other assistance that we've talked about today, and that our policies and our actions, and specifically my actions, as the leader of the U.S. embassy, were, you know, problematic for them. I don't know why that would be, though, because it is our policy.

MR. MALONEY: Well, Madam Ambassador, I want to tell you that I've spent years working at the White House in State government, years now in the Congress. I've spent a lot of time around a lot of senior government officials, a lot of members of the Foreign Service. I attended the Georgetown School of Foreign Service.

I want to let you know that I don't recall ever seeing someone treated as poorly as you've been treated, and I think you're owed an apology by your government. And I think you've served the country well and honorably for a long, long time, and you didn't deserve this. And I appreciate your appearance today, and I just want to let you know that some of us feel very badly about what's happened to you.

MS. YOVANOVITCH: Thank you.

THE CHAIRMAN: I'd just like to say amen to that.

Representative Heck.

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MR. HECK: Thank you, Mr. Chairman.

Madam Ambassador, my name is Denny Heck. I have the privilege to represent the 10th District of Washington State.

My questioning will be brief, beginning with: Once you reach ambassadorial ranking at the State Department, does the Department have any systematic feedback or performance for ambassadors, however formal or informal?

MS. YOVANOVITCH: Yes. We have an evaluation process every year that is written, and then there are counseling sessions, you know, three or four during the year. But there's a written document of how you have done that year.

MR. HECK: Did you have that evaluation performed while you were in Ukraine?

MS. YOVANOVITCH: Yes.

MR. HECK: Once or twice or three times?

MS. YOVANOVITCH: Actually, I'm not even sure, because there was -- it was at least four times, maybe even more, because there was a change of administration. So the direct supervisor, the Assistant Secretary changed, et cetera, et cetera. So a number of evaluations.

MR. HECK: Were any of those evaluations negative?

MS. YOVANOVITCH: No.

MR. HECK: Did any of them cite serious concerns for any aspect of your performance?

MS. YOVANOVITCH: No.

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MR. HECK: Is that also true of your entire 33 years at the State Department?

MS. YOVANOVITCH: Pretty much.

MR. HECK: Is it fair or accurate to say that during your 33 years at the State Department, more or less, you had a steady progression of responsibilities given to you?

MS. YOVANOVITCH: Yes.

MR. HECK: Thank you for your service, ma'am.

MS. YOVANOVITCH: Thank you.

THE CHAIRMAN: Malinowski.

MR. MALINOWSKI: Thank you.

Ambassador, I first want to echo Representative Maloney's comments.

MS. YOVANOVITCH: Thank you.

MR. MALINOWSKI: As you know, we served in the same institution on two separate occasions. I served at the NSC. What you're describing is completely alien to me, I guess with the caveat that I have seen it in other countries, but not in the United States of America, and shocked and dismayed is very diplomatic language that you used for what you described ensued.

I want to spend a little bit of time running through with you some of the things you said about our anticorruption policies. I want to have -- I want to make sure that everyone has a better understanding of what we as a country,

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we as a government are actually about.

That there was a comprehensive anticorruption policy being pursued by the administration through you, through the embassy and other agencies. That would have involved providing financial support, grants through USAID to anticorruption organizations operating in Ukraine. Is that correct?

MS. YOVANOVITCH: That is correct.

MR. MALINOWSKI: It would have involved a lot of advocacy aimed at strengthening the various anticorruption institutions in the country. You mentioned the National Anticorruption Bureau of Ukraine, NABU, for example, which was, would you agree, good in concept but needed improvement in terms of how it was operating?

MS. YOVANOVITCH: Yes, that is correct.

MR. MALINOWSKI: More support, more resources.

My understanding -- there's also an anticorruption court, which was an important reform, but also would you say something that needed significant improvement?

MS. YOVANOVITCH: Well, and it's only just been stood up. It just started working in September of this year.

MR. MALINOWSKI: Understood. My understanding is that over 100 cases, specific cases, have been referred from NABU to the anticorruption court that have not yet been acted on. Does that sound right to you?

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MS. YOVANOVITCH: That sounds right as of about the time that I left, but I don't know what the status is now.

MR. MALINOWSKI: Understood. So we would have been pushing these institutions to accelerate, intensify that work to show better results. Is that correct?

MS. YOVANOVITCH: Yeah. That's what the Ukrainian people want.

MR. MALINOWSKI: There was a law on illicit enrichment of public officials which was struck down by the courts, and then we were advocating that it be reintroduced by the new administration. Is that correct?

MS. YOVANOVITCH: Yes, and it was specifically one of the issues that I mentioned in that March 5th speech.

MR. MALINOWSKI: And I think you also mentioned in that speech the need to fight corruption in the defense sector. You mentioned Ukroboronprom, the main defense company.

MS. YOVANOVITCH: Uh-huh.

MR. MALINOWSKI: And there have been a lot of, you know, illicit contracts, people profiting on the side from arms acquisitions, and you were very concerned about that. You asked for an audit of that company. Is that correct?

MS. YOVANOVITCH: That is correct, because this was all taking place at a time when Ukraine was actually in a shooting war with Russia.

MR. MALINOWSKI: And then we have discussed the

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all-important office of the special anticorruption prosecutor, Mr. Kholodnitsky.

MS. YOVANOVITCH: Kholodnitsky.

MR. MALINOWSKI: Kholodnitsky. And in that speech, you pointed to the coaching of suspects in anticorruption cases, and you pointed out that nobody could serve effectively in that capacity who was caught doing such things.

The day after actually you gave that speech, Under Secretary Hale visited Ukraine. Is that --

MS. YOVANOVITCH: He arrived that night.

MR. MALINOWSKI: And so, those issues might -- were those issues raised by Under Secretary Hale?

MS. YOVANOVITCH: Yes, they were raised in bilateral meetings. And I obviously told him about the speech and gave him a copy and so forth.

MR. MALINOWSKI: And was that speech cleared in the Department?

MS. YOVANOVITCH: No.

MR. MALINOWSKI: But you did discuss it, as you mentioned before, with folks back home?

MS. YOVANOVITCH: It wasn't a surprise to anybody. I can't remember whether I had the conversation or somebody else did.

MR. MALINOWSKI: And nobody objected to the thrust of it?

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MS. YOVANOVITCH: No. We were quite concerned about the rollback of these reforms.

MR. MALINOWSKI: So this was a comprehensive anticorruption strategy with a lot of asks, probably many that I didn't mention and don't know about.

So my next question is, to your knowledge, did Mayor Giuliani, in any of his meetings with Ukrainian officials, in any of his public statements or interviews, did he press the Ukrainians to pursue those reforms to this system of corruption, these specific things that the U.S. Government, under the Trump administration, was asking the Ukrainians to do?

MS. YOVANOVITCH: I'm not sure, but I did notice that the -- one of the papers that you provided, which was Mr. Giuliani's speech at the YES Conference, he talked about the importance of fighting corruption and so forth. But I'm not sure --

MR. MALINOWSKI: In general terms, but did he --

MS. YOVANOVITCH: In general terms.

MR. MALINOWSKI: Did he raise the anticorruption court? Did he raise the need to strength NABU and to --

MS. YOVANOVITCH: Not that I'm aware of.

MR. MALINOWSKI: Did Ambassador Sondland, in his engagements with the Ukrainian authorities, press on these specific, not anticorruption in general, but press on these

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specific reforms and changes that we were seeking?

MS. YOVANOVITCH: I don't think so. Recalling that, you know, his sort of interest in Ukraine or engagement with Ukraine started sort of at the end of February, and I was gone by April 20th -- or May 20th.

MR. MALINOWSKI: To your knowledge, did the President or anyone purporting to speak for the President press the Ukrainians on these specific reforms?

MS. YOVANOVITCH: Well, of course --

MR. MALINOWSKI: I mean you, of course.

MS. YOVANOVITCH: -- we. We represent the President.

MR. MALINOWSKI: But, I mean, these emissaries, these sort of more informal folks who were coming in who were not you the ambassador or the State Department, were they pressing on this specific reform agenda?

MS. YOVANOVITCH: I do feel that Ambassador Sondland, as a businessman himself, understood that corruption was taking a heavy toll on Ukraine, and so he did the top note.

MR. MALINOWSKI: Right. But as far as specifics --

MS. YOVANOVITCH: I don't recall the specifics, yeah.

MR. MALINOWSKI: But as far as specifics, did these individuals raise any specific cases or issues other than Burisma and this theory about what may have happened in 2016, to your knowledge?

MS. YOVANOVITCH: Not to my knowledge.

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MR. MALINOWSKI: So it's been argued, you know, since this has become a major public issue, that perhaps the subsequent decisions that were made to hold up the provision of the Javelins, military aid, to hold a potential Presidential meeting with President Zelensky, that they were linked to broader concerns about corruption in Ukraine.

Is there any evidence that the folks who were communicating those decisions were, again, raising any specific concerns with regard to corruption, policy corruption reforms in Ukraine, other than Burisma and what they think happened in 2016?

MS. YOVANOVITCH: Not to my knowledge.

MR. MALINOWSKI: I mean, that's interesting, don't you think, that with all this rhetoric about corruption, and we have highly specific policies pursued by the Trump administration through the State Department, through official channels, and yet, with military assistance at stake, none of those issues get discussed. Do you find that odd?

MS. YOVANOVITCH: Yeah. I mean, there are a lot of important bilateral issues that need to be discussed at the highest levels.

MR. MALINOWSKI: So, speaking of the subsequent decisions -- and I know you were not there for the ultimate discussions about the aid being suspended, but I did want to ask you how you believe the Ukrainians would have perceived

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those decisions in this context.

You have, at the time that you were there, signs that there is perhaps a parallel policy. You've said that the official administration policy, as represented by the State Department, was very positive towards Ukraine. You strongly supported it, that it was, in one respect, better than the Obama administration's policy.

But did it begin to seem as if there was, perhaps, a parallel policy, represented by Mr. Giuliani and those around him, that had a different set of priorities?

MS. YOVANOVITCH: Well, in retrospect, you know, that characterization seems to be correct. But at the time, you know, we weren't seeing, you know, all of the pieces. I mean, we could feel that there was stuff out there, but we hadn't put it all together.

And so, you know, I mean, I was telling everybody, you know, keep on charging forward. This is our policy. This is agreed policy that Republicans, Democrats have all approved.

MR. MALINOWSKI: And before the aid was suspended, it would have been fair, perhaps, for the Ukrainian Government to share your view that the official policy was as you were representing it. Is that fair to say?

MS. YOVANOVITCH: Except I think that there were other emissaries, you know, perhaps sharing other things or focusing on other things that would have maybe confused

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people.

MR. MALINOWSKI: But would the knowledge on the part of the Ukrainians that there were now consequences, aid was suspended, a meeting was being held up, would that not have raised the level of alarm?

MS. YOVANOVITCH: Yes. Yes, absolutely.

MR. MALINOWSKI: And so in a sense the parallel policy, no pun intended, started to trump the official policy at that point, in retrospect, based on what you know?

MS. YOVANOVITCH: In retrospect, yes.

MR. MALINOWSKI: And if you're a foreign government, and you're receiving a message from people who you believe are emissaries of the President, would you believe that if it's coming from the President, then that's what you listen to above what you may be hearing from the State Department or other agencies that, again, no pun intended, the President trumps all others?

MS. YOVANOVITCH: Yes.

MR. MALINOWSKI: Thank you.

THE CHAIRMAN: Eleanor Holmes Norton.

MS. NORTON: Madam Ambassador, I want to commend you on the way you've handled yourself here today and as Ambassador.

I'd really like you -- my question really goes to your role as ambassador during such change in leadership in Ukraine, whether you felt your role was changing at all

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during that kind of upheaval in the country itself and, if so, how?

MS. YOVANOVITCH: You mean with regard to elections, Presidential elections?

MS. NORTON: No, with regard to the -- you are the ambassador. These changes are occurring during your tenure. You have to relate to not only these changes, but to changes in personnel. I'm trying to find out how you related to changes in personnel during your time as Ambassador.

MS. YOVANOVITCH: Yes, during -- with the new Zelensky team?

MS. NORTON: Excuse me?

MS. YOVANOVITCH: With the new Presidential team?

MS. NORTON: Yes.

MS. YOVANOVITCH: So that didn't fully occur until actually the day I left, because the day I left permanently, May 20th, was the day of President Zelensky's inauguration. But, again, we could see it coming, and so you want to make sure the relationships are solid, that there is, you know, some kind of a game plan, at least, for how we're going to be engaging with the new team and so forth.

And so, you know, after that first meeting that I had with President Zelensky in September where I still didn't believe that Poroshenko wouldn't be the -- you know, reelected, but we started, you know, having meetings with

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him. And in November, we started introducing him to visiting U.S. VIPs, as appropriate.

So when -- we've mentioned the David Hale visit. When David Hale was in town in March, we made sure that he had some time with Zelensky, because we wanted to, first of all, socialize Washington to the fact that there might be a pretty significant change; but secondly, you know, let Zelensky know that we -- you know, our foreign -- our leaders, we want our leaders to be able to meet with you, engage with you, and start that process.

And, you know, we had a whole team that was covering, obviously, the elections. And as Zelensky's team members became evident, people in the political section were reaching out to -- you know, to their appropriate contacts and so forth, because we want to make sure -- we have a very strong -- despite everything we've discussed today, we have a very strong bilateral relationship with Ukraine.

And we want to make sure that that continues, because we have huge equities in that country, you know, starting with the fact that we don't want Russia to win that war. And so, we wanted to make sure that from day one, the doors would still be open to us, as the new Zelensky government, you know, became acclimated to its new role.

Did that answer the question?

MS. NORTON: Yes. But were there discussions, specific

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discussions of military aid from the United States to Ukraine during -- before you left, and during those changes within the country, and were there differences or was that consistent with respect to how that military aid was viewed?

MS. YOVANOVITCH: Right. So yes, there are constant discussions of military assistance to Ukraine, both on the American side, on the Ukrainian side, and, you know, with other international partners that also are providing security and military assistance.

So there's a whole process that obviously is led by DOD of consultations on these issues. Where do the Ukrainians think they need help, which one of the foreign partners could best help Ukraine with that particular request, and so forth. So that goes on pretty much all year.

And then, of course, there is the budget process that the Congress is in charge of, and there are, you know, multiple discussions, as you probably know better than I, about, you know, what is most appropriate, what can we do? And, you know, Members have strong views and, obviously, those views are incorporated as well.

MS. NORTON: Finally, were there any instructions from Washington during these changes that you were experiencing, or were you essentially left to decide for yourself how to operate as ambassador?

MS. YOVANOVITCH: You know, that's a really good

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question. So it's -- you know, it's kind of an iterative process, that we're always in touch with each other. So we're -- you know, with modern communication, whether it's by email, whether it's by phone, whether it's, you know, a formal cable back to the Department, whether it's, you know, visitors coming, but we're always sharing what we're seeing, what we're thinking, what our advice is, what the possible challenges might be, how Washington can formulate the best policy to meet that challenge. And it's kind of an iterative process.

So we -- but, you know, I don't get to answer, you know, the specific question. It's very rare for an ambassador to get, you know, kind of a full instruction on Monday of the things you need to do that -- you know, that week. I mean, we might get an instruction to go in on a particular issue that we feel strongly about with regard to arms control or Iran or something, but usually, it's a very iterative process when it comes to bilateral affairs.

MS. NORTON: Well, thank you, Madam Ambassador, for your service in a very tough situation.

MS. YOVANOVITCH: Thank you.

THE CHAIRMAN: Mr. Mitchell.

BY MR. MITCHELL:

Q Madam Ambassador, are you familiar with an individual named Dmytry Firtash?

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A I know who he is.
Q What do you know about him?
A He is living in Vienna now and is fighting extradition to the U.S. by the FBI.
Q And do you know what he's been charged with in the United States?
A I think it's money laundering charges.
Q Do you know if he has any sort of -- Mr. Firtash has any sort of relationship with Mr. Parnas?
A I'm not sure.
Q What about with Mr. Fruman?
A I'm not -- I'm not sure.
Q Mr. Shokin?
A Yes.
Q What's their relationship?
A I don't know what the relationship is, but I saw, I think, it was last week that he testified in some court process in Vienna.
Q "He" being Mr. Shokin?
A Yes.
Q And do you know who represents Mr. Firtash in the United States?
A I'm not sufficiently confident to say.
Q Do you know whether Victoria Toensing and Joe diGenova represent Mr. Firtash?

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A I've read that in the press.
Q But you have nothing -- no other knowledge other than what you've read in the press about them?
A No.
Q Okay. And you indicated that Mr. Firtash resides in Vienna?
A Yes.
Q And are you aware that Mr. Parnas and Mr. Fruman were arrested a couple of days ago at Dulles Airport with tickets to Vienna?
A I read that in the news.
Q And are you aware that Mr. Giuliani has also said that he had tickets to Vienna?
A I wasn't aware of that.
Q Are you aware of any Congressmen traveling to Vienna this year?
A I'm sure lots of Congressmen travel to Vienna.
Q To meet with Mr. Firtash?
A That I'm not aware of.
Q Now, you testified earlier that you had a conversation with Mr. Avakov in about February of 2019, I believe, which you discussed with Mr. Avakov Mr. Giuliani's activities in Ukraine. You learned about what Mr. Avakov believed Mr. Giuliani was up to. Is that correct?
A Yeah, although, you know, he focused more on

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Mr. Lutsenko and Mr. Fruman and Mr. Parnas.

Q But Mr. Giuliani was also discussed during that conversation?

A Yes.

Q And you also indicated that you had at least one conversation with I believe a deputy of Mr. Lutsenko about the fact that Mr. Giuliani had met with Mr. Lutsenko sometime in the middle of 2018. Is that correct?

A I didn't have that conversation. The Charge at the time in Ukraine had that conversation.

Q And who was that?

A Joseph Pennington.

Q About what time period did you have that conversation with Mr. Pennington?

A It would have been -- it was the week -- the week that I left. So the end of April.

Q Did you have more than one conversation with Mr. Pennington or just that one about this topic?

A I think on, you know, what Yenin told him, Mr. Yenin told him, just the one.

Q But what about generally on the topic of Mr. Giuliani's activities in Ukraine, did you have more than one conversation with Mr. Pennington about that?

A I mean, the short answer is probably. I don't recall any particular conversation that stands out. Again, I

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tried to -- we were super busy at the embassy, because there was a Presidential election. We were covering it. We were trying to figure out how to move our policies forward in a time of change. And all of this I thought, I hoped was a distraction.

And so I tried to, you know, look at the media and not dwell on it too much. And my instructions to the team were full speed ahead. We have not been instructed by Washington to change our policy or activities in any way, and we need to be out there and demonstrating that we are still at work. We are still representing the American people.

Q Do you recall having any conversations with Kurt Volker about Giuliani's activities in Ukraine?

A No. About maybe a week, a week and a half after The Hill article, we had a conversation, but about the Donbass. And he started the conversation by saying, You know, it's going to be okay. It will all blow over. I know it's unpleasant now. But that was the extent of the conversation.

Q And when you say, "it will all blow over," he was referring to the article in The Hill?

A Yeah, the article, the -- you know, the tweets, the social media, the interviews, et cetera.

Q And what about conversations with George Kent about Giuliani's activities in Ukraine, did you have more than one

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conversation with Mr. Kent about that topic?

A Yes.

Q Do you recall roughly when the first time would have been when you had conversations with Mr. Kent about Giuliani's activities in Ukraine?

A Probably in the November-December 2018 time period, because that's when Avakov, Minister Avakov, not to me, but to embassy people, or an embassy person, said, you know, that there's something out there, she needs to be -- she, me, needs to be careful. And so, you know, the next phone conversation -- I mean, I didn't have anything specific to report except for what I just told you now.

Q And it sounds like you had more than one conversation with Mr. Kent about this topic?

A Yes.

Q So the first one would have been late 2018. When was the next time that you had an occasion to talk to Mr. Kent about this?

A Well, so the next time was probably when I was here in Washington for the Chief of Mission Conference in early January. And I saw, you know, George. So we discussed these issues. But, you know, there wasn't anything really there at that time.

Q That you were aware of?

A Yes, exactly. I mean, I didn't know at that time

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that Mr. Lutsenko was actually in the U.S. in January to meet with Mr. Giuliani.

Q So when you had this conversation with Mr. Kent in January of 2019, you knew, generally, of Mr. Giuliani's activities, but you knew a lot less then than you know now?

A Yeah.

Q Can you describe the nature of that conversation that you had with Mr. Kent?

A Yeah. So there was, you know, as reported, that there was this -- these contacts between Giuliani and Lutsenko. That was very nebulous and I didn't have much to go on, but there was also another issue that dealt with Mr. Giuliani, where the embassy had received -- so, just backing up to explain it.

The embassy had received a visa application for a tourist visa from Mr. Shokin, the previous prosecutor general. And he said that he was coming to visit his children, who live in the United States. And so, the consular folks, you know, got the application, recognized the name, and believed that he was ineligible for a visa, based on his, you know, known corrupt activities.

And they alerted me to this. And I said, Well, what would you do if he wasn't -- if it wasn't Mr. Shokin, if it was some other businessman that we didn't recognize the name? And they said, We would refuse the visa. And so, my

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understanding is that that's -- that that is what happened, either a formal hard refusal, or what we call a 221G, which is an administrative refusal, asking for more information.

The next thing we knew -- so I alerted Washington to this, that this had happened. And the next thing we knew, Mayor Giuliani was calling the White House as well as the Assistant Secretary for Consular Affairs, saying that I was blocking the visa for Mr. Shokin, and that Mr. Shokin was coming to meet him and provide information about corruption at the embassy, including my corruption.

Q Did you know the purported purpose of Mr. Shokin's travel to the United States at the time when you had this discussion with the consular folks about following normal protocol --

A No.

Q -- and not making any exceptions for Mr. Shokin?

A No. What he told -- I mean, we can only go by what a visa applicant tells us. What he told us was that he was going to -- I don't know if it's child or children, but a child, at least, in the United States, and so, we assumed that that was the truth.

Q And you indicated that you notified, or you alerted Washington. What do you mean by that?

A Well, you know, I called, again, the Deputy Assistant Secretary, George Kent, to let -- you know, since

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he's the person who is responsible day-to-day for Ukraine policy, I think I called him to let him know that this was out there. I wasn't sure whether there would be -- I mean, what I was imagining is that maybe President Poroshenko, since they have a close relationship, might complain, or that maybe the Ambassador here might complain.

I mean, because I thought that since he was a man who previously held a high position and continues to know those individuals that there might be complaints, and you never want to blindside Washington. So we let them know.

And, again, I know that Mr. Kent talked to Assistant Secretary of State Wess Mitchell. And Wess -- Mr. Mitchell was completely supportive, that this had been the right decision.

And when -- you know, of course, when the calls came from Mr. Giuliani to the White House and to the Assistant Secretary for Consular Affairs, they got in touch with the European Bureau, and Mr. Mitchell, you know, held firm. I mean, it was a consular decision. The consular folks felt that they had made the right decision. And, you know, there was the added issue that, you know, basically the notorious reputation of Mr. Shokin. And, frankly, at the end of the day, he lied on his visa application.

Q How did he lie?

A He told us that he was going to visit a child or

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children, but then the next thing that we know is he was really going to see Mayor Giuliani.

Q And you learned that?

A From Mayor Giuliani.

Q Mr. Giuliani stated such?

A Yeah. I mean, I didn't hear that directly, obviously, but --

Q Did you have any conversations with Ambassador Sondland about Giuliani's activities in Ukraine?

A The only activity I had was -- I'm sorry, the only conversation I had was after The Hill article, after the weekend of, you know, all the attacks and Hannity and everything else and the tweet from Donald Trump Jr., I called Mr. Sondland to ask him his advice of -- you know, when this appeared to be a Ukraine story, when it was Lutsenko's interview, the State Department was supportive. There was actually a visiting delegation of Congressional Members. They were very supportive and raised this in all issues, that this is not the way to treat our ambassador. I really appreciated that. But then when the story seemed to shift to the United States, then obviously it became much more delicate.

Q And what did Mr. Sondland say when you talked to him about this topic?

A He hadn't been aware of it, that the story had

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shifted, and he said, you know, you need to go big or go home. You need to, you know, tweet out there that you support the President, and that all these are lies and everything else. And, you know, so, you know, I mean, obviously, that was advice. It was advice that I did not see how I could implement in my role as an Ambassador, and as a Foreign Service officer.

Q Why not?

A Well, for one thing, the State Department was silent. I just didn't see that there would be any advantage to publicly taking on a fight with those who were criticizing me in the United States.

Q Was that your only conversation with Mr. Sondland about this?

A Yes. I mean, when it was a Ukraine story, I had talked to him about it, and he was quite helpful. But, you know, when it shifted locus, then that was the only one.

Q You testified earlier that Mr. Brechbuhl, I think you said, was running point on -- during the time period that you were recalled. Is that correct?

A Yes.

Q Did you have any conversations with Counsel Brechbuhl at any time about Mr. Giuliani's activities in Ukraine?

A No, I've never met him.

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MR. MITCHELL: Chairman, do you have any?

THE CHAIRMAN: I do. How much time do we have left?

MR. STOSZ: Four minutes.

THE CHAIRMAN: Four minutes.

Were you aware of whether Victoria Toensing or Joseph diGenova played any role in assisting Mr. Giuliani with getting Ukraine to conduct these two political investigations?

MS. YOVANOVITCH: No.

THE CHAIRMAN: You mentioned that there was a rumor that the President may have joined, by phone, a meeting between Mr. Giuliani and Mr. Lutsenko. What was the time of that meeting?

MS. YOVANOVITCH: That was the January 2018 meeting.

THE CHAIRMAN: And where did you hear this particular rumor from?

MS. YOVANOVITCH: From Mr. Yenin. And I didn't hear it directly. I heard it through Joseph Pennington, the Charge at the time. The --- I'm sorry, could you repeat the question?

THE CHAIRMAN: You were telling me where you had heard that rumor from.

MS. YOVANOVITCH: Oh, Mr. Yenin, the deputy -- well, he was one of the deputy prosecutors to Mr. Lutsenko and he handled international affairs.

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THE CHAIRMAN: So this came from the Ukrainians, this information or rumor that the President may have joined this meeting by phone?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: Did you hear that from anyone else?

MS. YOVANOVITCH: No, I don't think so.

THE CHAIRMAN: Did he tell you where he had heard that from?

MS. YOVANOVITCH: Again, I didn't have the conversation, but I -- my understanding was he was either -- that he had heard it from Mr. Lutsenko.

THE CHAIRMAN: So you're saying was that Mr. Lutsenko had told him that the President had phoned into their meeting?

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: Is that a yes?

MS. YOVANOVITCH: That's a yes.

THE CHAIRMAN: While you were Ambassador to Ukraine, did you ever raise any concerns with the State Department about Giuliani's activities in Ukraine?

MS. YOVANOVITCH: Well, you know, there was a series of conversations, as we learned more and more. And I don't know if that constitutes raising concerns. I would say it does constitute raising concerns, but it's not like I sent in a formal cable outlining everything. It felt very -- very

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sensitive and very political.

THE CHAIRMAN: And who did you express those concerns with?

MS. YOVANOVITCH: The European Bureau.

THE CHAIRMAN: And who in particular?

MS. YOVANOVITCH: George Kent; Phil Reeker, when he came on board.

THE CHAIRMAN: And what was their response when you raised the concerns that Giuliani was involved in activities that may be at odds with U.S. policy?

MS. YOVANOVITCH: Well, they were concerned too.

THE CHAIRMAN: And how did they express their concerns to you?

MS. YOVANOVITCH: I mean, I don't really know how to answer that question. I mean, it was -- it was kind of a what are you hearing, what do you think is happening? You know, it was that kind of a conversation.

THE CHAIRMAN: And one last question before I yield to the minority. Did anyone at the State Department try to stop those efforts?

MS. YOVANOVITCH: I don't think so. I don't think they felt they could.

THE CHAIRMAN: Do you want to take a break before we --

MR. ROBBINS: Yes. I wonder if I can inquire how much longer we're going tonight?

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THE CHAIRMAN: Let me ask the minority, do you expect you'll use the entire 45 minutes? Okay. We have a few more questions I think on our side. So would you like to take a break?

MR. ROBBINS: Well, among other things, I've got to plan a trip back to New York. So are we going past 7 o'clock tonight?

THE CHAIRMAN: Yeah. I think we are, yeah. All right, let's take a 10-minute break.

[Recess.]

THE CHAIRMAN: Okay, let's go back on the record, and the time is with the minority.

MR. CASTOR: Thank you.

BY MR. CASTOR:

Q Ambassador, once again, we want to you know, restate our appreciation for your participation here today as well as your 30-plus year career. We value your service and we thank you for it.

The fact that we're asking questions here today and some of the questions, you know, may or may not be the questions you'd like to be talking about here today, we're doing our best to try to find the facts, but thank you again for your service, and we have the utmost respect for your career and just wanted to officially say that to you.

A Thank you.

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Q In your February meeting with Minister Avakov, what specific issues did he say Mr. Giuliani was trying to raise with him?

A He said that Mr. Giuliani wanted to meet him.

Q And Avakov was trying to avoid that meeting?

A Yes.

Q And did he ever come to learn what Giuliani was trying to impart to him at that meeting?

A I don't believe he did. I think he assumed it had -- it was related to Mr. Lutsenko's work with Mr. Giuliani, because it was Mr. Lutsenko and Mr. Fruman and Parnas who were trying to persuade Mr. Avakov to meet with Mr. Giuliani.

Q To your knowledge, was Mr. Avakov, was he anti-Trump?

A I think he was pro-Avakov.

Q Okay. He had some -- he had some negative statements in the media about the President. Are you aware of that?

A No. I mean, maybe I was at the time, but it hasn't -- it didn't register with me.

Q You didn't especially identify him as an anti-Trump person?

A I think he is a very pragmatic man.

Q He asserted on Twitter the President was diagnosed

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as a dangerous misfit. Did you have any awareness of that?

A No. When did he do that?

[Exhibit No. 5
was marked for identification.]

BY MR. CASTOR:

Q This is in a Facebook post. I have a Politico article here. Maybe it's just helpful if I pass it around. I'll mark it as exhibit 5. I got copies. This is a Politico article from January 2017, so this is the beginning of your term. Have you ever seen this article before?

A I don't know. I mean, I can't read through it, and I'm not sure I would remember from early 2017.

Q Okay. It just -- it goes through various efforts of Ukrainians that were just trying to sabotage Trump, and Avakov is quoted on page 14: Ukrainian's Minister of Internal Affairs, Arsen Avakov, piled on, trashing Trump on Twitter in July as, quote, "a clown and asserting that Trump is, quote, an even bigger danger to the U.S. than terrorism."

The subsequent paragraph talks about the Facebook post, but does this refresh any of your recollection? Did you realize that he was as hotly anti-Trump as these comments?

A As I said, I mean, this obviously was before I arrived in Ukraine, and so, I might have seen it at the time. But during -- during my time in Ukraine, I mean, Avakov is a very pragmatic man. He's looking for partnerships. If the

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President of the United States is Donald Trump, he's going to work with Donald Trump. If it is you, he's going to work with you, and he's going to find partnerships and ways to make that work.

Q This Politico report talks about somebody by the name of Alexandra Chalupa, if I'm pronouncing that name correctly. Did you ever hear of her before?

A Yeah.

Q What do you know about her?

A Only what is in the press.

Q Have you ever met her?

A No, or at least to the best of my knowledge, I haven't met her, because, I mean, press also reported that she worked at the Ukrainian Embassy. So I've been obviously to the Ukrainian Embassy here, and I may have met her at an event or something.

Q Do you know about any efforts that she undertook to work with the Ukrainian Embassy to further negative information about the now-President Trump?

A All I know is what I've read in the media.

Q Has Chalupa ever come up at the embassy in your discussions at post?

A No, I don't think so.

Q On page 13 of this report, it talks about the Ukrainian Ambassador to the U.S., Chaly, publishing an op-ed

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chastising the President. Does that ring any bells? Do you have any familiarity with that?

A Where does it say that?

Q It's on page 13 of 18.

A Uh-huh.

Q The bottom paragraph: The Ambassador Chaly penned an op-ed for The Hill in which he chastised Trump for a confusing series of statements?

A Yeah, I do remember the op-ed.

Q Okay. What do you know about Ambassador Chaly's perspective on President Trump?

A Well, I think my recollection of the op-ed was that he was concerned about some statements that candidate Trump at the time had made with regard to, you know, whether Crimea was Russian or Ukrainian. And so, I think that was the reason for the op-ed. I mean, obviously, this is a very sensitive issue for the Ukrainians.

Q The story goes on to just talk about how the Ukrainian officials were, in fact, supporting Hillary Clinton, not President Trump. Is that a fair assessment of Ukrainian officials at the time, during the 2016 period leading up to the election?

A I mean, when you say supporting Hillary Clinton, I mean, I've read these articles, but, you know, I'm not sure that -- I mean, I can't judge the validity of what was

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happening here in the United States.

Q Fair enough. We spoke a couple different times about the communication you had with George Kent.

A Uh-huh.

Q And I thought it might be helpful to just go through the whole episode again from beginning to end, where you could just tell us exactly what happened, where it happened, anything you remember about that communication?

A I don't think I have anything to add to what I've told you previously.

Q So I guess we're asking you to just recount it again, because it came up during the questioning of a couple different Members and at a couple different times, and we're just trying to get a full accounting of it, if we may.

THE CHAIRMAN: Can I just suggest, because it's getting late, that she has talked about this quite a lot. If you have a specific question, I think, rather than having her repeat everything she's already said.

MR. MEADOWS: Mr. Chairman, with all due respect, we don't tell you how to ask questions and we haven't all day. And I don't think when it's the minority's time, it is appropriate, Mr. Chairman, to instruct us on how to ask questions.

THE CHAIRMAN: I'm making a recommendation to my colleague. He can follow it or not follow it. And the

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witness can say she's already answered the question if she wishes or she can go through it all over again, but in the interest of time -- it's been a long day for the Ambassador -- I'm recommending that we not simply retread ground we've already covered.

MR. JORDAN: Ambassador, what specifically did Mr. Kent tell you about the phone call between President Zelensky and President Trump?

MR. ROBBINS: I think we've covered this and I'll instruct the witness not to answer it yet another time.

MR. MEADOWS: Your objection, Counselor, is based on what? I mean, I'm just telling you, based on the transcripts that we have to date, it is unclear exactly what the full scope of her testimony is.

And so, I would suggest that there's been a lot of redundant questions here by the majority, and if you will just allow us to clarify, we want to make sure that we don't have the ambassador's words tangled up with our understanding.

MR. ROBBINS: Yeah. I don't accept the premise that -- I'm sorry, I wasn't quite finished. I don't accept the premise that the witness needs to clarify anything. I don't accept the premise that there have been lots of redundant questions.

And the predicate of the question that was pending is, I

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know you've said this several times, but just so I can hear it one more time. That sounds like a question that lawyers call -- I'm not done.

MR. MEADOWS: Well, I'm not done either. We can ask it in a different way, Counselor, if that's what we need to do.

MR. ROBBINS: All right. Well, I've stated my objection and the objection is pending, and I'll let the chairman rule as he wishes.

MR. JORDAN: Ambassador, when I asked you the question earlier, you said he did not talk to you about the fact that you were mentioned in the call. So we know that wasn't what happened. And all we're asking is -- we know that wasn't discussed. So all we're asking is, what was specifically discussed?

If it wasn't -- I think many people would think the first thing he would tell you is, Hey, there was a call between President Trump and President Zelensky, and you were mentioned in the call. That would seem to me to be the most obvious thing. But you told me directly a couple hours ago that that was not the case. He did not tell you that you were mentioned in the call. So all we're asking is, what did he say specifically about the call?

MR. ROBBINS: You can answer it one more time and that's it.

MS. YOVANOVITCH: The reason I was so emphatic about the

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fact that he didn't say that, that I was featured in this phone call, is that I would have remembered that. I mean, I can tell you that for sure. So --

MR. JORDAN: And if he knew that, Ambassador, you would have thought Mr. Kent would have probably told you that first thing, right?

MS. YOVANOVITCH: I think he would have told me.

MR. JORDAN: Okay. So all we're asking is, he made a point to talk to you about the call, but he didn't tell you the most obvious thing. Maybe he didn't know that, I don't know. So what did he tell you?

MS. YOVANOVITCH: So, you know, he -- this was a relatively short conversation. He said that the two Presidents had spoken. I said, good, because, you know, that's the sort of thing you always want, right, to strengthen a bilateral relationship, that kind of leadership engagement.

And what I recall him saying is that Trump had -- President Trump had asked for -- you know, for some assistance on the investigations, and that President Zelensky had said that, you know, all of the concerns that President Trump had, that happened, you know, in the previous administration and this was a new team and that he was going to be having his own prosecutor general. That's what I recall of the conversation.

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MR. JORDAN: Okay, thank you.

MR. CASTOR: Mr. Perry had some questions.

MR. PERRY: Thank you.

Ambassador Yovanovitch, I want to talk to you a little bit about social media activities. During your tenure in Ukraine, did your -- you talked about this a little bit, but I'm -- did your staff monitor social media accounts unrelated to visa applications? And I know you said you didn't get into the nuts and bolts of it, but --

MR. ROBBINS: May I just ask -- she'll answer the question. I just want to understand what the Member means by the word "monitor," because there have been some stories floating around the internet suggesting all kinds of surreptitious monitoring, and that word can --

MR. PERRY: I'm not going to use "surreptitious."

MR. ROBBINS: I understand, but the word connotes a number of different kinds of things, and I just want to be sure that the record is clear as to what the Member means when he uses the word "monitor."

MR. PERRY: Well, I would ask the ambassador to let us know what the scope of their monitoring was, but to me it would mean that you check on a regular basis the accounts and the activities of certain individuals that you're interested in.

MR. ROBBINS: That's fair enough. Please.

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MS. YOVANOVITCH: Yeah. I think -- I mean, that's what our press section did on issues that were of, you know, interest to the Ukraine-U.S. relationship, to other related issues. Obviously, when this whole set of issues came up, we were also following that.

I don't know exactly -- you know, discuss what the word "monitor" is and so forth. I don't know exactly how they -- how the press team did it, but I think they -- they knew who was most active, for example, on issues of, say, NATO membership, or IMF issues, et cetera, that would have been of interest. And I think over time, these things, you know, who we would follow -- I think that's the word we use -- might change over time, because an issue becomes less interesting over time for whatever reason.

MR. PERRY: Okay, let me ask you this: Who in the press office that would do this following or monitoring should we be interested in talking to, you know, to find out the scope? Is there a person that we can address that to, these questions?

MS. YOVANOVITCH: Well, I guess I would say, you know, the head of the section.

MR. PERRY: You don't know the name?

MS. YOVANOVITCH: I'm sorry, I'm getting tired, but I will remember by the end of this.

MR. PERRY: Do you know how they selected the specific

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people -- and I think you just said, but I want to clarify -- based on the subject they might be covering, whether it was the IMF or -- is that how they selected the individuals?

MS. YOVANOVITCH: Yeah. So we have -- you know, the press section is obviously very integrated into the rest of the work of the embassy. So they know what is of interest to us, you know, whether it's somebody in the econ section, the defense attache, somebody else. And so, they will, you know -- is it FOX News that's covering them most? Is it the New York Times? And so, they will -- you know, again, the term I know is "follow," but I don't precisely know what that means. They will follow those accounts, whether it's Facebook, whether it's Twitter or whatever.

MR. PERRY: Okay. So would that include following Americans?

MS. YOVANOVITCH: Yeah. I mean, many of -- you know, New York Times, FOX.

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[6:47 p.m.]

MR. PERRY: Let me -- I'm going to give you a list of names, and you can just say yes or no, if you know.

Did your staff request assistance from any D.C. bureau to monitor or follow the social media account of Jack Prezobiak (ph)?

MS. YOVANOVITCH: I don't know.

MR. PERRY: Donald Trump, Jr.?

MS. YOVANOVITCH: I'm not into that level of detail in terms of --

MR. PERRY: I'm just going to, if you don't mind, I'm going to ask you a list of names. You can say, I don't know, no, yes, but I want to go through the list of names.

So you said, "I don't know" to Donald Trump, Jr., right?

MS. YOVANOVITCH: Uh-huh.

MR. PERRY: Laura Ingraham.

MS. YOVANOVITCH: I don't know.

MR. PERRY: Sean Hannity.

MS. YOVANOVITCH: I don't know.

MR. PERRY: Michael McFaul.

MS. YOVANOVITCH: I don't know.

MR. PERRY: Dan Bongino.

MS. YOVANOVITCH: I don't know.

MR. PERRY: Ryan Sevettera (ph).

MS. YOVANOVITCH: I don't know.

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MR. PERRY: Rudy Giuliani.
MS. YOVANOVITCH: Don't know.
MR. PERRY: Sebastian Gorka.
MS. YOVANOVITCH: Don't know.
MR. PERRY: John Solomon. I'm getting to the end.
MS. YOVANOVITCH: Okay. Don't know.
MR. PERRY: Lou Dobbs.
MS. YOVANOVITCH: No, I don't know.
MR. PERRY: Pam Gellar.
MS. YOVANOVITCH: Pam Gellar?
MR. PERRY: Pam Gellar.
MS. YOVANOVITCH: No.
MR. PERRY: Sara Carter.
MS. YOVANOVITCH: No. I mean, I don't know.
MR. PERRY: Okay. Do you know if -- or did you promote the use of any following --
MS. YOVANOVITCH: And can I -- excuse me, sir.
MR. PERRY: Yes, ma'am.
MS. YOVANOVITCH: Can I just say that just because I don't know doesn't mean that a request wasn't made. There's, you know, lots of people doing this --
MR. PERRY: And I understand that. We're just trying to -- just trying to establish who knew what at what level and so on and so forth so we have a full view of what was happening and why it was happening. It's not meant to be

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intrusive or invasive or derogatory or anything like that. We're just -- and like I said, that's why I asked, too, if not you, who would know this information, because we're going to have to find out.

Do you know if you promoted the use of the following search terms intersecting with the above people: Yovanovitch, Ukraine ambassador, Ukraine Soros, or Ukraine Biden?

And I'm just going to -- well, I'm going to let you answer. Do you know if that was included in the mechanics of the search intersection?

MS. YOVANOVITCH: No, I don't know.

MR. PERRY: Okay. Can you just explain how any of this following or searching would be related to your official duties as ambassador?

MR. ROBBINS: That, of course, assumes that any of that happened.

MR. PERRY: Okay.

MR. ROBBINS: Right? So we don't know that and neither does she. She already told you that, right?

MR. PERRY: Well, she's told me she didn't know.

MR. ROBBINS: Right. So how is she going to possibly know the answer to that question?

MR. PERRY: I'm not going to put any words in her mouth or thoughts in her mind. I'm just asking the question, sir.

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All right. Did you discuss any of this activity with George Kent?

MS. YOVANOVITCH: I don't know how to answer that question, because I wasn't involved in requesting, you know, these kinds of --

MR. PERRY: Well, it seems to me if -- you either weren't involved or it wasn't happening, or if it was happening and you didn't know, then there would be no reason for you to discuss it, but so --

MS. YOVANOVITCH: So let me just go back to your previous conversation, where I did -- you know, when my staff -- because you put this in the context of the embassy requesting help --

MR. PERRY: Right.

MS. YOVANOVITCH: -- from Washington. So when that help -- and I don't know whether this is exactly what they were requesting or whether it was something else or in addition to, but when they didn't get the support they felt they needed --

MR. PERRY: The assistance.

MS. YOVANOVITCH: -- I -- you know, they told me. And so I talked to George about that. But that level of detail and whether that is exactly the same thing, I cannot --

MR. PERRY: Okay. Fair enough. But you did ask main State Department resources be made available on a 24/7 basis

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for following or monitoring?

MS. YOVANOVITCH: I don't recall putting it quite like that. The conversations we --

MR. PERRY: How would you put it?

MS. YOVANOVITCH: Well, what we were saying is because of the 7-hour time difference, that they could pick up when we went home type thing.

MR. PERRY: Okay. Let me ask you a couple other questions that are unrelated to the social monitoring or following.

Did you or anyone on your staff request unmasking of any individuals?

MS. YOVANOVITCH: Is that a technical term?

MR. PERRY: Unmasking. You're not familiar?

MS. YOVANOVITCH: Sorry.

MR. PERRY: Okay. Is there a better way to describe that?

MS. YOVANOVITCH: What does it mean?

MR. PERRY: If someone is -- their identity is unknown, you can make a -- and their -- and that identity is involved in official classified conversations, then there can be a request be made to see who that individual is, because they won't be listed by name in the description, it will be listed a different way, and so you can ask.

MR. BITAR: I'm sorry. One administrative matter. This

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is an unclassified briefing, so I just want to make that clear. If your question relates to unmasking of intelligence-related products or reports, that's going to be a separate matter that we --

MR. PERRY: Okay. I'm asking about unmasking of any kind, so not necessarily related to --

MR. MEADOWS: But it could include that.

MR. PERRY: It could include that.

MR. MEADOWS: And that wouldn't be classified.

THE CHAIRMAN: I don't think there is such a term of art apart from intelligence products, so --

MR. MEADOWS: Yeah, but we're not asking who, Mr. Chairman. We're just asking if the request was made, and so I don't know how that would be classified. It appears that she doesn't know anything about that, but the very fact that she asked is not classified unless we're talking about whom she asked to have unmasked.

THE CHAIRMAN: Well, I think she said she's not even familiar with that term.

MR. MEADOWS: Well, let her answer. But, I mean --

THE CHAIRMAN: As long as it doesn't involve anything in the classified realm, you certainly may answer if you know.

MS. YOVANOVITCH: Okay. So --

MR. MEADOWS: You can answer. He's got to run.

MR. PERRY: I'll be back.

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MS. YOVANOVITCH: Okay.

MR. PERRY: Sorry. Thank you.

MR. MEADOWS: It's nothing you said.

MR. CASTOR: Welcome to Congress.

MS. YOVANOVITCH: So I got lost a little bit in the conversation. Are we talking about --

MR. GOLDMAN: Let's ask him to repeat it. Oh.

MR. MEADOWS: You can ask the pecans.

MS. YOVANOVITCH: Would you mind repeating the question? Or -- we can't. Okay. So --

MR. MEADOWS: So I think the gentleman from Pennsylvania was talking about in general terms as it relates to monitoring, was there any -- let me phrase it this way.

Was there any special request to look at potential conversations that may not be normally monitored through open source methods? How about that?

MS. YOVANOVITCH: So it sounds --

MR. MEADOWS: Is that qualified enough?

THE CHAIRMAN: If you're just talking about what is the press section following in terms of what newspapers and what columns, whatever, I don't really think that's generally described as monitoring, but the witness can certainly answer to the best of her ability.

MS. YOVANOVITCH: So, you know, the press section just by its very name, it's all unclassified stuff, right? And

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all the press section did was look at, you know, what does The New York Times publish, The Wall Street Journal publish about Ukraine or U.S. bilateral relations with Ukraine, that sort of thing.

And now with the advent of social media, obviously there are many other kinds of outlets that are reviewed for, you know, what's out there in the news, what do we know, what do we need to take action on, et cetera.

MR. MEADOWS: But in the nonclassified realm. Is that what you're saying?

MS. YOVANOVITCH: It's all unclassified. It's press, yes. It's press review.

MR. MEADOWS: Right. So let me follow up, then, on one thing. This extraordinary activity that you asked the State Department to do, the 24/7, or however you want to classify it, when did that happen?

MR. ROBBINS: Okay. So I want to object to the insertion of the word "extraordinary" as if it's something not routine in some respect.

MR. MEADOWS: Well, the additional request -- I'll rephrase it, counselor -- the additional request that she made of the State Department to provide additional resources to monitor social media of certain individuals, when was that made?

MS. YOVANOVITCH: I'm not sure. At some --

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MR. MEADOWS: Was it made after the Hill article that --

MS. YOVANOVITCH: At some point after that, yes.

MR. MEADOWS: So was it directly related to the negative publicity that you were getting this request?

MS. YOVANOVITCH: It was related to the news blowing up around us.

MR. MEADOWS: Yeah. It seemed to relate all to the negative stories about you and the request for additional resources, is what it appeared. So you're saying the timing came after the Hill article?

MS. YOVANOVITCH: Uh-huh.

MR. MEADOWS: All right. I'll yield back.

MR. ZELDIN: I have one quick question, hopefully.

Earlier on, answering questions from the majority with regards to the July 25th call, you testified that it is your belief that President Trump was referring to Lutsenko. Do you know, in fact, he was referring to Lutsenko and not Shokin on that phone call?

MS. YOVANOVITCH: No.

BY MR. CASTOR:

Q Hello again. Our round ends at 7:11, in case you're looking at the clock.

Is it fair to say -- it's been related to us that at all times U.S. officials involved in this matter have acted with the highest degree of personal and professional integrity and

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with the best interests of the United States. Is that something you can --

A Which matter?

Q The matter we're here discussing, about the, you know, the call and the subsequent activities.

A So the July 25th call?

Q Uh-huh.

A Um --

Q And the relationship with Zelensky and the various, you know, efforts to, you know, bring him in for a White House meeting, some of the back and forth that there has been with the statement that occurred after you left.

THE CHAIRMAN: So clarification, counsel. Are you asking the witness if --

MS. YOVANOVITCH: Yeah. I'm not --

THE CHAIRMAN: -- she thinks that what took place on the call was appropriate?

MR. CASTOR: Subsequent to the call.

THE CHAIRMAN: Subsequent to the call? I'm not sure what you're asking, and I'm not sure the witness understands what you're asking, either.

MR. CASTOR: You know, Ambassador Volker testified about the difficulties that Rudy Giuliani presented, you know, in U.S.-Ukrainian relations, but he was very clear that at all times, he told us, U.S. officials acted with the highest

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degree of personal and professional integrity.

Is that something that you would agree with, based on the facts that you have at your disposal?

MS. YOVANOVITCH: I would say two things. In my dealings with -- in my dealings with Kurt Volker, and we are friends as well as colleagues, over the last 30-something years, I have -- I consider him to be a man of honor and somebody who's a brilliant diplomat. And, you know, I think he is working in the interests of our country.

With regard to the specific question that you are asking, I just -- you know, I wasn't there. I don't have the knowledge to be able to address it properly.

MR. CASTOR: But you think the individuals at the --

[Discussion off the record.]

BY MR. CASTOR:

Q Ambassador Volker mentioned the fact that to the extent there are corrupt Ukrainians and the United States is advocating for the Ukraine to investigate themselves, that certainly would be an appropriate initiative for U.S. officials to advocate for. Is that right?

A If that's what took place.

Q Have you ever used WhatsApp?

A Yes.

Q Is that a texting app? Is that something that's used by diplomats to communicate with -- back and forth

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across the overseas communications?

A I mean, it's used by lots of people.

Q Okay. So you don't attach a negative connotation to anybody that uses WhatsApp?

A No.

Q That's a legitimate app to use?

A So do you want to be more specific in your question?

Q Well, the Federal Records Act -- in compliance with the Federal Records Act, you know, texting over WhatsApp presents some unique issues for those that are, you know, concerned about -- from a Federal Records Act perspective.

A In terms of retention of documents?

Q Yes.

A Well, we were told that we needed to -- and forgive me, you know, I don't know all the technical terms -- but that we needed to kind of upload our texts to the cloud. And I got a special, I don't know what the right word is, but it was somehow done for me.

So, you know, my belief is based on, you know, the conversations when this first came out, that we needed to retain our texts, I mean, I think that that was being done for me and my texts are somewhere safe.

Q So assuming people are keeping their texts, the use of WhatsApp is completely appropriate, as far as you know?

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A Yeah. That's what the State Department told us. I mean, if I could just clarify, assuming it's not confidential or classified.

MR. CASTOR: Mr. Jordan, are you ready?

BY MR. CASTOR:

Q On Monday, we're going to be hearing from Fiona Hill.

A On Monday?

Q Uh-huh. And I just -- as we try to prepare for that interview, what do you think are the types of issues Dr. Hill can contribute to this discussion?

A Well, she is -- she was the director, obviously, as you know, of the National Security Council, the European division at the -- and she is a well known expert not only in the region, but on Russia itself, and has written a landmark book on President Putin.

So she would obviously have a lot of firsthand knowledge about our relations and what took place with regard to Russia, with regard to Ukraine, and other European countries.

Q How frequently did you speak with her in your --

A Not that -- not that often.

Q Not that often?

A Yeah. I mean, you know, I would call on her when I was in Washington. You know, she would run some of the NSC meetings. And sometimes she was on emails as well, you know,

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in the back and forth with Washington.

Q Now, do you have any personal knowledge or direct information regarding why the President curtailed your term?

A Only what Deputy Secretary of State Sullivan told me.

Q And you don't know if it actually was the President, then, that was responsible for curtailing your tour?

A Well, I guess I assumed that the deputy secretary was telling the truth.

MR. CASTOR: That's all I have. Does anybody --

MR. MEADOWS: Yeah. Just one.

There was a bicameral, bipartisan codel to the Ukraine, I think, where they had the honor of your presence. And the way it was characterized by some of my colleagues was that they believed that you had a pro-Poroshenko mindset. Would you agree with that characterization or disagree with it?

MS. YOVANOVITCH: Well, that's really interesting.

I thought that he was -- we could obviously continue to work with him, but it was clear that he was unpopular, and we did not believe at that time that he was going to be reelected president.

What I would also say, though, is that with regard to Zelensky, who was the other top candidate there, we didn't know what kind of a President he was going to be. He'd never

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held elective office. So, you know, there was a big question mark there. You know, he's very engaging, he, you know, said many of the right things, but we just didn't know.

MR. MEADOWS: The way it was characterized to me -- and you correct this, because, obviously, I'm just trying to figure out how accurate that is -- the way it was characterized to me was that you believed that the United States had made a substantial investment in the existing President, and that it was a known quantity, and that it was in the U.S. best interests if he were to remain as President, because of the unknown nature of Mr. Zelensky.

Would you agree with that?

MS. YOVANOVITCH: Not -- no. Not --

MR. MEADOWS: What part would you disagree with?

MS. YOVANOVITCH: I -- I thought that over time -- in the beginning, President Poroshenko was, as everybody was, was really driven by the inspiration of the Revolution of Dignity. And they moved on reforms and so forth in part because they were inspired, in part because their backs were up against the wall, there's this war with Russia, they were going bankrupt, and we were conditioning our assistance that they had to do certain things in order to receive the money that they needed to keep the country afloat.

So they were desperate, they were scared that if they didn't take action people would turn against them again, and

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I think they were inspired. So there were many, many motivations.

But as time passed and the country, you know, got a little bit of breathing space, they weren't, you know, fearing that they were going to go bankrupt, things were getting a little bit better, I think that space which, you know, in any country is never, you know, forever, the space for making reform, the kinds of things that we thought were best for Ukraine and our bilateral relationship with Ukraine and the reforms the Ukrainian people wanted, that space got narrower and it was harder to move things forward.

MR. MEADOWS: So it would be fair to say that my colleagues were wrong, in that you were more in the pro-Zelensky camp?

MS. YOVANOVITCH: Well, I would never want to say that a Member of Congress is wrong, but --

MR. MEADOWS: I can, but go ahead.

MS. YOVANOVITCH: But I -- you know, it's interesting to see how --

MR. MEADOWS: So you were more pro-Zelensky?

MS. YOVANOVITCH: I was more, you know, here is the analysis. We don't get to vote in this election.

MR. MEADOWS: Yeah, but you have an opinion, Ambassador. Come on. You've been here 30 years. You get paid to give your opinion from a foreign ops standpoint.

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So you had no opinion on who the President -- what would be in the best interests of the United States, which President would be the best fit for us going forward? You had no opinion?

MS. YOVANOVITCH: So I'll answer it with two sentences.

I thought we could work with any of the top three candidates. I think I said that before, and I continue to believe that.

I thought that Poroshenko's time was up, because the Ukrainian people were so angry with him, and that we needed to make the best efforts we could to work with Zelensky so that it would be a strong bilateral relationship.

MR. MEADOWS: So let me finish with this last question, then. So there was never a communication from you to anyone else in the State Department that you can recall where you said it would -- where you indicated that it was not better for the United States that Poroshenko would stay in office? You never communicated that to anybody at the State Department?

MS. YOVANOVITCH: I mean --

MR. MEADOWS: That you can recall.

MS. YOVANOVITCH: When?

MR. MEADOWS: Well, prior to his election.

MS. YOVANOVITCH: I mean, there were -- there was a lot of discussion. Who are these people? What would be the

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best for Ukraine? Best for us? How do we move the relationship forward? And so forth.

I think, you know, from a conservative point of view, I think there were a number of people who thought that we know Poroshenko, we are comfortable with him, et cetera.

MR. MEADOWS: And that's exactly my point. That's what my colleagues were saying.

So was that the prevailing thought that you had and others had, so --

MS. YOVANOVITCH: I don't think from the embassy point of view, because we could see that his number was up.

And so from our point of view, I mean, one just has to go with what you can see is going to happen and position the United States in the best way possible.

MR. JORDAN. Ambassador, which of the three top candidates were viewed as the reformer and more of the outsider?

MS. YOVANOVITCH: I think President Zelensky was viewed as the outsider, but also as the reformer.

MR. JORDAN. That's consistent with what Special Envoy Volker told us, that he was the reformer. And as the reformer, he would be viewed as the one most likely, as you said in your statement, that would be focused on making -- or ending corruption would be his number one priority. Is that fair to say as well?

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MS. YOVANOVITCH: That's what he said his platform was.

MR. JORDAN. Okay. So he's the outsider, he's the reformer, and his entire campaign was about ending corruption in Ukraine?

MS. YOVANOVITCH: And bringing piece to the Donbass.

MR. JORDAN. Thank you.

THE CHAIRMAN: We are almost to the end. This is the lightning round. We just have a few more questions.

MS. YOVANOVITCH: Okay.

THE CHAIRMAN: And then hopefully we'll be done.

My colleagues in the minority asked you quite a bit about the press operation.

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: That's not an operation that's unique to the Ukraine embassy, is it? This is something that almost every embassy of any size around the world would engage in, and that is, monitoring the press to see what issues are Ukrainians talking about, what are other people talking about, what rumors may be going viral, what issues are coming up? That's something every embassy does, is it not?

MS. YOVANOVITCH: It is. And every embassy has to do it to be current.

THE CHAIRMAN: You were also asked by my colleagues whether everyone in the State Department acted in the best interests of the Department, or something along those lines.

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We now know from text messages that have been produced that there was an effort to condition that sought-after meeting between President Zelensky and President Trump with getting a deliverable from Ukraine, and that deliverable was: We want Ukraine to investigate the Bidens and we want Ukraine to investigate 2016.

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: I think you've said that it was not in the interests of Ukraine to be pulled into the next Presidential election. Is that right?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: So an effort to condition a meeting that Ukraine desperately wanted and it was Ukraine's best interests on sucking them into the 2020 election would not have been good policy or conduct by the State Department?

MS. YOVANOVITCH: It was certainly not good policy, especially since, as I understand those texts and what occurred, is that this was not a foreign policy goal, something that is in the interests of all of us, a public good, but it was kind of a partisan game.

THE CHAIRMAN: It was in the interest of a political goal?

MS. YOVANOVITCH: Uh-huh.

THE CHAIRMAN: And that is to help the Presidential campaign in -- I'm sorry. You have to answer "yes" or "no."

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MS. YOVANOVITCH: I think -- I think the answer was "yes."

THE CHAIRMAN: And the goal was a political one to assist the President's campaign in 2020 through these two investigations?

MS. YOVANOVITCH: That's how I understand, you know, what is in the media and what was in the texts.

THE CHAIRMAN: And if it would not be appropriate to condition a sought-after meeting with the White House on these political investigations, I assume you would also -- you would also share the view that it would be even more damaging to condition vital military support on these two political investigations?

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: I have just a couple more questions, and if these repeat anything, I apologize, so just tell me I already went there and I won't bother it.

Were you aware that Kurt Volker introduced Andrey Yermak, one of President Zelensky's senior advisers, to Mr. Giuliani?

MS. YOVANOVITCH: I'm aware of that because of the media reports of that.

THE CHAIRMAN: But that took place after you had left?

MS. YOVANOVITCH: After I departed.

THE CHAIRMAN: Okay. In the call record, the President,

after President Zelensky talks about the need for more Javelins, our President says that he would like to ask a favor, though.

How would the President of Ukraine take a request from a U.S. President for a favor?

MS. YOVANOVITCH: I think, as we stated before, or as we discussed before, we are the single most important partner for Ukraine. And so I think a Ukrainian President would try, if at all possible, to do whatever an American President requested.

THE CHAIRMAN: Did anyone from the Trump administration or anyone acting on its behalf encourage the Ukrainian government or law enforcement officials not to cooperate with the investigation of Special Counsel Mueller?

MS. YOVANOVITCH: Not to my knowledge. I'm not aware of that.

THE CHAIRMAN: And do you know whether Mr. Giuliani played any role in that?

MS. YOVANOVITCH: I'm unaware.

THE CHAIRMAN: After President Zelensky in the call record says, "The former ambassador from the United States, the woman, was bad news and the people she was dealing with in Ukraine were bad news, so I just wanted to let you know that" -- I'm sorry, that's President Trump speaking -- the President thereafter, referring to you, says, "Well, she is

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going to go through some things."

MS. YOVANOVITCH: Yes.

THE CHAIRMAN: What did you -- what was your reaction when you saw the President had said that to his Ukrainian counterpart, that you were going to go through some things?

MS. YOVANOVITCH: I was shocked. I was shocked and I was -- I was shocked and I was apprehensive about what that meant.

THE CHAIRMAN: Mr. Malinowski.

MR. MALINOWSKI: Thank you. Just one question.

You mentioned, Ambassador, that Ambassador Sondland at one point had advised you to, quote, "go big or go home," and "go big" meant putting out a tweet or public statement saying that, I think you mentioned, that you supported President Trump and rejected all of these false accusations. Did he --

MS. YOVANOVITCH: Something like that.

MR. MALINOWSKI: Did he actually say, "support President Trump"? Was that his advice, that you publicly say something to that effect?

MS. YOVANOVITCH: Yes. I mean, he may not have used the words "support President Trump," but he said: You know the President. Well, maybe you don't know him personally, but you know, you know, the sorts of things that he likes. You know, go out there battling aggressively and, you know, praise him or support him.

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MR. MALINOWSKI: Is that a normal request from a political appointee to a career ambassador, in your experience?

MS. YOVANOVITCH: He said that in response to my request for advice on, How do I deal with this? I've never seen anything like this. I don't know what to do. And that was his response.

So, I mean, I have to admit that the advice took me aback, but I did ask him.

MR. MALINOWSKI: Okay.

Finally, I would say to all of my colleagues on both sides that I would be honored if you followed me on Twitter, and I will not accuse you of monitoring me. My handle is @malinowski.

MR. MEADOWS: How do you spell that one?

MR. MALINOWSKI: It's hard. Almost as hard as Yovanovitch.

MS. YOVANOVITCH: Exactly. Thank you.

THE CHAIRMAN: Mr. Goldman.

MR. GOLDMAN: Thank you. Just a few last things.

You ultimately --

THE CHAIRMAN: I thought your handle was @pecan.

BY MR. GOLDMAN:

Q You left Ukraine for good May 20th. Is that right?

A That's correct.

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Q And that was the day of Zelensky's inauguration?
A Coincidentally, yes.
Q Were you aware at all of the formation of the U.S. delegation to the inauguration in Ukraine?
A Not really. I mean, I was, you know, so busy, frankly, packing out and everything. I had heard that Ambassador Sondland was on the delegation, for example. But, I mean, I wasn't following. I mean, I was super busy trying to sort of pull everything together and leave Ukraine.
Q So you were not really engaged in the prep for the inauguration --
A No.
Q -- in any way?
A Huh-uh.
Q Who led that?
A I think -- yeah. I think at that time, Joseph Pennington was charge.
Q Were you aware of a Bloomberg article on May 14th, so it would have been 6 days before you left, where Lutsenko stated that he had, quote, no evidence of wrongdoing, unquote, by either of the Bidens?
A Yes. I recall that.
Q You mentioned earlier Naftogaz.
A Yes.
Q What is Naftogaz?

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A It is the gas monopoly that is owned by the Government of Ukraine.

Q Has it had some corruption issues in the past, to your knowledge?

A It has. You know, it's really cleaned up its act. I mean, we consider it to be one of the success stories in Ukraine. But that doesn't mean it's done. I mean, there's still issues going forward.

Q Did the act cleaning up occur in conjunction with the fact that they added a supervisory board to the company?

A I think that was important. I think the most important thing, though, was actually the head of Naftogaz, a guy by the name of Andrei Kobalyev, who is, you know, as clean as they come, and was fearless and determined to sort of shake everything up and really made some amazing steps forward, I mean, from a country that was getting the vast majority, something like 93 percent, of its gas from Russia to importing zero from Russia.

So, I mean, if you think about that from a security standpoint, huge steps forward.

Q Right. Do you know when they added a supervisory board?

A I want to say, like, 2017.

Q And would that be somewhat similar to Burisma's board that we were talking about earlier, same concept?

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A Well, I don't exactly know what the, you know, the duties of the board for Burisma are or how they select their members, et cetera. But I suppose in principle it's kind of similar.

Q In principle in the sense that both boards include international individuals, right, non-Ukrainians? Is that your understanding?

A Yeah. Yeah. And I assume that both boards, you know, do traditionally what boards do, set direction and so forth.

Q Are you aware of any efforts this past year by Secretary Rick Perry of the Department of Energy to change some of the members on the Naftogaz board?

A I read about that in the media.

Q But were you aware of that while you were at post?

A No. This happened after -- according to the media, this was happening after I left.

Q And you didn't hear from any of your Department of State colleagues about this?

A No.

Q Did you ever hear about a March 2019 meeting in Houston between Parnas, Fruman, and a senior Naftogaz executive, Andrei Favorov?

A Yeah. That was in the open letter that I referenced many hours ago.

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Q The Dale Perry open letter?
A That's right. That's where I heard of that.
Q And what did you understand occurred in that Houston meeting?
A Well, you know, all I understood was what was -- what was said in that article. I have no way -- or open letter -- I have no way of knowing whether it's true or not, but that Mr. Parnas and Mr. Fruman wanted Mr. Favorov to take over and become the head of Naftogaz.
Q Why?
A I don't know, but I assume that they thought that that would be in their best interests.
Q Did you ask anyone at your embassy to follow up on this Dale Perry open letter, look into this?
A This was at the -- I want to say it was at the end of April, and I had a lot of other things going on then.
Q Okay. There's a new prosecutor general now, correct?
A Yes.
Q It's absolutely no chance I'm going to be able to pronounce the name. So am I correct that he was appointed August 29th?
A That sounds right.
Q Okay. Are you familiar with him from before his appointment?

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A I've met him a couple of times.
Q What do you know of him by reputation or otherwise?
A By reputation, I think we think that he's clean and he's a reformer. He spent the last couple of years -- the reason I don't really know him well or better is that he -- his wife has a job somewhere in Europe. And so he was living in Europe but came back to help President Zelensky with his campaign, and so I met him in that context.
Q And could you just say his name for the record and spell it, if you could?
A Is it Ryboshapka?
Q Sounds right. I'm not going to debate you.
A Spell it? R-y-a-b -- no. Sorry. Yeah.
Q Yeah. I think they have --
A So this is what I would do: R-y-b-o-s-h-a-p-k-a.
Q Okay. And you'll recall in that July 25th call between President Trump and Zelensky that President Zelensky said that the next prosecutor general was 100 percent going to be his guy. Is this person 100 percent his guy, as far as you know?
A Well, he came back from Europe to help him run the election campaign and now he's in the administration. I mean, when he was on the campaign he was saying that he was going to go back to Europe, but evidently not.
Q Okay. Two more questions.

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Are you aware of whether any other U.S. officials pressed any Ukrainian officials to investigate Joe Biden or the 2016 election, perhaps outside of the State Department?

A No.

Q And my last question for you is that you testified in response to some of Mr. Malinowski's questions about sort of parallel policies in Ukraine. One was the official U.S. policy of the State Department that you were promoting and one was the shadow Giuliani-Trump policy.

Now, looking back with the benefit of hindsight, can you describe how these two policies were proceeding on parallel tracks and what the impact was? Can you kind of summarize for us?

A Well, I mean, for one thing, it was -- although we really tried to keep our eye on the ball at the embassy, because, again, it was a challenging time, there was an election campaign, an election for president, and we needed to know what was happening and we needed to manage that and manage the relationship and whatever the future of the relationship would be. So it was distracting in many ways.

But the other thing is, because there were -- there was, you know, the press interview and then all of the other subsequent articles, social media postings, et cetera, Ukrainians were wondering whether I was going to be leaving, whether we really represented the President, U.S. policy,

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et cetera. And so I think it was -- you know, it really kind of cut the ground out from underneath us.

MR. GOLDMAN: I yield back.

MR. MEADOWS: Mr. Chairman, before you close it out, I think we had 4 minutes left, and I want to follow up on one thing that you had --

THE CHAIRMAN: Please.

MR. ZELDIN: We had more than 4 minutes.

MR. MEADOWS: Okay. Okay.

THE CHAIRMAN: Go ahead.

MR. MEADOWS: All right. Thank you, Mr. Chairman.

Ambassador, there's been, and Chairman Schiff kind of alluded to this, and when we start talking about Javelins and foreign aid, for the record, I want to make sure that we're clear. The foreign aid that was -- has been reported as being held up, it doesn't relate to Javelins, does it?

MS. YOVANOVITCH: No. At least I'm not aware that it does.

MR. MEADOWS: Because foreign military sales, or FMS, as you would call it, is really a totally separate track, is it not? Foreign military sales get approved, but they're actually a purchase that happens with, in this case, it would have been Ukraine. Is that correct?

MS. YOVANOVITCH: So, yes. President Zelensky was talking about a purchase. But separately, as I understand

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it, and, again, this is from news accounts, the security assistance that was being held up was security assistance, it wasn't the FMS.

MR. MEADOWS: But it was actually aid that had been appropriated and it had nothing to do with Javelins. Would you agree with that?

MS. YOVANOVITCH: That's my understanding.

MR. MEADOWS: Yeah. Because it's critically important in his context when he says, "We're almost ready for the Javelins," that happens on cycles that are not necessarily just appropriation cycles.

In your history as a foreign service diplomat, you've seen that, I assume, over and over again. Is that correct?

MS. YOVANOVITCH: Yeah. I assumed that what it meant is that, you know, they were getting paperwork together, et cetera, and working with our military colleagues.

MR. MEADOWS: And when the aid ultimately came through, it didn't impact the purchase of those Javelins even when the aid ultimately was approved. Would you agree?

MS. YOVANOVITCH: Not to my -- not to my knowledge.

MR. MEADOWS: Right.

MR. ZELDIN: In response to one of the chairman's questions related to aid from the United States to Ukraine and investigations, you responded that that was not a good policy. What policy were you referring to when you said it

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was not a good policy?

MS. YOVANOVITCH: So I don't remember exactly what I said, but --

MR. ZELDIN: If you want, I could rephrase the question in a way that might make it easier for you to respond without even reflecting on the question and answer.

MS. YOVANOVITCH: Okay. Please.

MR. ZELDIN: Are you aware of a policy where aid from the United States to Ukraine was linked to investigating the Bidens?

MS. YOVANOVITCH: No, I am not. An official policy. There's no official policy.

MR. ZELDIN: Are you aware of an unofficial policy?

MS. YOVANOVITCH: Well, I mean, reading the texts and so forth, it made me wonder whether there was an unofficial policy.

MR. ZELDIN: Now, Ambassador Volker's testimony when he was here, he was testifying that Bill Taylor's text was as a follow-up to a Politico story that he had read that he was concerned about.

The texts that you reference also include responses to Ambassador Taylor where it says, the President has been absolutely crystal clear there's no quid pro quo.

So with regards to the texts, are you talking about some of the texts or all of the texts in saying that there was an

unofficial policy?

MS. YOVANOVITCH: I think that I probably should decline to answer that question, because I was not in the policy world at that point.

MR. ZELDIN: That's a fantastic answer, and I'm glad you're giving that answer, because I wouldn't say that there would be an unofficial policy without having all of your information to be able to say there actually was an unofficial policy.

So I think that -- I would have no further questions based off of that answer to the last question.

THE CHAIRMAN: Ambassador, we want to thank you very much for a very long day, and we want to thank you very much for a very long and distinguished career.

And we are adjourned.

MS. YOVANOVITCH: Thank you.

[Whereupon, at 7:31 p.m., the interview was concluded.]

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# NEWS

08.06.2017

## 107th Mayor of New York City Rudy Giuliani Gave Public Lecture at the Invitation of the Victor Pinchuk Foundation

On June 7, 2017, Rudy Giuliani, 107th Mayor of New York City, at the invitation of the Victor Pinchuk Foundation, gave a public lecture "Global Challenges, the Role of the US and the Place of Ukraine". More than 600 Ukrainian students, scholars and opinion-makers were among the listeners of the lecture.

In his remarks Rudy Giuliani told: *"You have to have laws that protect people and laws that are applied honestly and without corruption. I would say that Ukraine has unbelievable future: you have got great natural assets, you have wonderful terrifically inventive and hard working people, and now you have freedom - the things you need to be successful. I think what is forcing you back is corruption. It has to be rooted out of your society."* Mr. Giuliani explained that *"to have a rule of law means to have honest police, honest prosecutors, honest judges, and honest political leaders."*

Addressing the young people in the audience, Rudy Giuliani said that *"just electing people doesn't make you what we can really consider a democracy. I would call that a false democracy. A real democracy is a country where you elect officials but you also have a rule a law and you also have respect for human rights, for the rights of people and people's dignity. It is in your hands to do that and it is going to be up to you because you are the next generation."*

Expressing his attitude towards the situation in Ukraine, Rudy Giuliani stated *"I believe that Eastern Ukraine has to be returned to Ukraine and that has to be an objective of not just US but of western foreign policy. The invasion was illegal, the sanctions are in place for that reason. If they have to be strengthened they should be strengthened until you can make an arrangement and return to where you were before. Those borders were guaranteed with several agreements and treaties which were violated."*

*"I think Crimea is a violation of basic international law. It was an illegal invasion of a sovereign country that unfortunately happened because the US didn't respond the way it should. Western Europe was a display of our weakness. Maybe, if we acted right away and very quickly and posed enormously harsh sanctions from the very beginning, maybe we could have reversed it and it wouldn't have grown to the rest of Eastern Ukraine,"* he added.

The discussion was moderated by businessman and philanthropist Victor Pinchuk who invited the future leaders of Ukraine to shape proper messages that Mr. Giuliani would bring to US. Students' questions included cyber security, ecology, leadership, budgeting issues, and his experience of being a Mayor of New York.

At the end of his speech, Rudy Giuliani emphasized that to have goals is the first step to reach it. Thus, he advised the youth to have goals, to be optimistic and brave, work hard, and to develop communication skills.

Besides giving the lecture, Rudy Giuliani met with the President of Ukraine Petro Poroshenko, the Prime Minister of Ukraine Volodymyr Groysman, the Kyiv Mayor Vitali Klitschko, the Prosecutor General of Ukraine Yuriy Lutsenko, Minister of Foreign Affairs of Ukraine Pavlo Klimkin as well as young Ukrainian reformers.

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DEPOSITION EXHIBIT
1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - - - x

UNITED STATES OF AMERICA :

- v. - :

LEV PARNAS, :
IGOR FRUMAN,
DAVID CORREIA, and :
ANDREY KUKUSHKIN,

Defendants. :

- - - - - - - - - - - - - - - - - - - - x

SEALED INDICTMENT

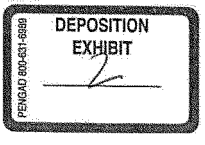
19 Cr.

19 CRIM 725

The Grand Jury charges:

INTRODUCTION

1. Through its election laws, Congress prohibits foreign nationals from making contributions, donations, and certain expenditures in connection with federal, State, and local elections, and prohibits anyone from making contributions in the name of another. Congress further requires public reporting through the Federal Election Commission (the "FEC") of the sources and amounts of contributions and expenditures made in connection with federal elections. A purpose of these laws, taken together, is to protect the United States electoral system from illegal foreign financial influence, and to further inform all candidates, their campaign committees, federal regulators, and the public of (i) the true sources of contributions to candidates for federal



office; and (ii) any effort by foreign nationals to influence federal, State, or local elections with foreign money.

2. LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, conspired to circumvent the federal laws against foreign influence by engaging in a scheme to funnel foreign money to candidates for federal and State office so that the defendants could buy potential influence with candidates, campaigns, and the candidates' governments. The defendants concealed the scheme from the candidates, campaigns, federal regulators, and the public by entering into secret agreements, laundering foreign money through bank accounts in the names of limited liability corporations, and through the use of straw donors (also known as "conduits" or "straw contributors") who purported to make legal campaign contributions in their own names, rather than in the name of the true source of the funds.

3. LEV PARNAS and IGOR FRUMAN, the defendants, made additional contributions to federal candidates, joint fundraising committees, and independent expenditure committees that either (i) were intentionally funneled through, and made in the name of, a limited liability corporation to conceal that PARNAS and FRUMAN were the true source of contributions and skirt the federal reporting requirements; or (ii) were reported in PARNAS's name but were funded by FRUMAN, which allowed FRUMAN to exceed limits on

contributions to candidates or committees to whom he had previously contributed. The defendants further concealed this aspect of the conspiracy by, among other things, making and causing others to make false statements to the FEC.

THE CAMPAIGN FINANCE LAWS

4. The Federal Election Campaign Act of 1971, as amended, Title 52, United States Code, Section 30101, *et seq.*, (the "Election Act"), prohibits certain financial influences on the election of candidates for federal office.

5. To prevent the influence of foreign nationals on elections, the Election Act prohibits foreign nationals, directly or indirectly, from making any contributions or donations in connection with federal, State, or local elections. Additionally, to limit the influence that any one person could have on the outcome of a federal election, the Election Act establishes limits on the amounts that even United States citizens or lawful permanent residents can contribute to a federal candidate and the candidate's authorized committee, including joint fundraising committees, which are committees established for the purpose of fundraising for multiple committees at the same time.

6. To prevent individuals from circumventing the Election Act, and to enable the detection of attempts to circumvent the Act, the Election Act also prohibits a person from making a

political contribution in the name of another in connection with any federal election, including, for example, by giving funds to a straw donor for the purpose of having the straw donor pass the funds on to a federal candidate or to a candidate's federal campaign committee or joint fundraising committee as a donation from the straw donor, rather than in the name of the true source of the money. The Election Act also prohibits contributing in the name of another to an independent expenditure committee spending to influence the outcome of that federal campaign.

7. The FEC is an agency and department of the United States with jurisdiction to enforce the limits and prohibitions of the Election Act, in part by requiring candidates, joint fundraising committees, and independent expenditure committees to file regular reports of the sources and amounts of the contributions they receive. To deter abuses of the Election Act and instill public confidence in the election process against corruption and the appearance of corruption, the Election Act requires the FEC to publish the reports that it receives so that all of the candidates, the entire public, and law enforcement may all see the specific information about the amounts and sources of political contributions and expenditures involving federal candidates and registered political committees.

RELEVANT INDIVIDUALS AND ENTITIES

8. LEV PARNAS, the defendant, is a businessman and United States citizen who was born in Ukraine.

9. IGOR FRUMAN, the defendant, is a businessman and United States citizen who was born in Belarus.

10. DAVID CORREIA, the defendant, is a businessman and United States citizen who was born in the United States.

11. ANDREY KUKUSHKIN, the defendant, is a businessman and United States citizen who was born in Ukraine.

12. Foreign National-1 is a foreign national Russian citizen and businessman who, at all relevant times, was not a citizen or lawful permanent resident of the United States.

THE STRAW DONOR SCHEME

13. Beginning in or about March 2018, LEV PARNAS and IGOR FRUMAN, the defendants, began attending political fundraising events in connection with federal elections and making substantial contributions to candidates, joint fundraising committees, and independent expenditure committees with the purpose of enhancing their influence in political circles and gaining access to politicians. PARNAS and FRUMAN, who had no significant prior history of political donations, sought to advance their personal financial interests and the political interests of at least one Ukrainian government official with whom they were working. In

order to conceal from third parties, including creditors, their sources of funding and capital, PARNAS and FRUMAN created a limited liability corporation, Global Energy Producers ("GEP"), and then intentionally caused certain large contributions to be reported in the name of GEP instead of in their own names.

14. Specifically, in or about May 2018, to obtain access to exclusive political events and gain influence with politicians, LEV PARNAS and IGOR FRUMAN, the defendants, made a $325,000 contribution to an independent expenditure committee ("Committee-1") and a $15,000 contribution to a second independent expenditure committee ("Committee-2"). Despite the fact that the FEC forms for these contributions required PARNAS and FRUMAN to disclose the true donor of the funds, they falsely reported that the contributions came from GEP, a purported liquefied natural gas ("LNG") import-export business that was incorporated by FRUMAN and PARNAS around the time the contributions were made.

15. In truth and in fact, the donations to Committee-1 and Committee-2 did not come from GEP funds. Rather, the funds came from a private lending transaction between FRUMAN and third parties, and never passed through a GEP account. Indeed, PARNAS and FRUMAN incorporated GEP at and around the time of the contributions to Committee-1 and Committee-2, and deliberately made the contributions in GEP's name, in order to evade the

reporting requirements under the Election Act and to conceal that they were the true source of the contributions. At that time, GEP had not engaged in the LNG business, and had no income or significant assets.

16. LEV PARNAS and IGOR FRUMAN, the defendants, intentionally reported that the contributions came from GEP to hide from creditors the fact that they had access to funding, and to conceal from the public and the FEC their involvement in making these contributions. Indeed, when media reports about the GEP contributions first surfaced, an individual working with PARNAS remarked, "[t]his is what happens when you become visible ... the buzzards descend," to which PARNAS responded, "[t]hat's why we need to stay under the radar..."

17. In addition to the contributions made and falsely reported in the name of GEP, LEV PARNAS and IGOR FRUMAN, the defendants, caused illegal contributions to be made in PARNAS's name that, in fact, were funded by FRUMAN, in order to evade federal contribution limits. Much as with the contributions described above, these contributions were made for the purpose of gaining influence with politicians so as to advance their own personal financial interests and the political interests of Ukrainian government officials, including at least one Ukrainian government official with whom they were working. For example, in

or about May and June 2018, PARNAS and FRUMAN committed to raise $20,000 or more for a then-sitting U.S. Congressman ("Congressman-1"), who had also been the beneficiary of approximately $3 million in independent expenditures by Committee-1 during the 2018 election cycle. PARNAS and FRUMAN had met Congressman-1 at an event sponsored by an independent expenditure committee to which FRUMAN had recently made a substantial contribution.[1] During the 2018 election cycle, Congressman-1 had been the beneficiary of approximately $3 million in independent expenditures by Committee-1. At and around the same time PARNAS and FRUMAN committed to raising those funds for Congressman-1, PARNAS met with Congressman-1 and sought Congressman-1's assistance in causing the U.S. Government to remove or recall the then-U.S. Ambassador to Ukraine (the "Ambassador"). PARNAS's efforts to remove the Ambassador were conducted, at least in part, at the request of one or more Ukrainian government officials. Moreover, in an effort to reach their contribution commitment to Congressman-1 and further their political goals, in or about June 2018, after FRUMAN had already made a maximum $2,700 contribution to Congressman-1,

[1] In fact, the contribution - and several other significant contributions made at and around the same time - was made in the name of "Igor Furman" not IGOR FRUMAN, the defendant, in a further effort to conceal the source of the funds and to evade federal reporting requirements.

FRUMAN paid for another maximum $2,700 contribution to Congressman-1 that was made and reported in PARNAS's name.

18. Similarly, in or about June 2018, to fulfill a financial commitment to gain access to an exclusive political event, LEV PARNAS and IGOR FRUMAN, the defendants, made an $11,000 contribution in PARNAS's name to a joint fundraising committee ("Committee-3") that was actually funded by FRUMAN. As a result of that contribution and a prior contribution FRUMAN had made to Committee-3 in his own name, FRUMAN made contributions in excess of legal contribution limits.

19. Moreover, and to further conceal the true source of the funds used to make certain of the donations described above, in or about October 2018, LEV PARNAS and IGOR FRUMAN, the defendants, submitted materially false sworn affidavits to the FEC. Specifically, and in response to a complaint filed with the FEC regarding the $325,000 contribution to Committee-1 described in paragraph 14, above, and the $2,700 donation to Congressman-1 made in the name of PARNAS, described in paragraph 17, above, PARNAS and FRUMAN made the following false statements, in substance and in part:

a. That "a $325,000 contribution to [Committee-1] . . . was made with GEP funds for GEP purposes," when in truth and in fact, the contribution was made with funds from a private

lending transaction for the purposes described in paragraph 17, above.

b. That "GEP is a real business enterprise funded with substantial bona fide capital investment; its major purpose is energy trading, not political activity," when in truth and in fact, GEP had no existing business, was not funded with bona fide capital investment, and was not engaged in energy trading, as described in paragraph 15, above.

c. That a contribution made by PARNAS on or about June 25, 2018 to [Congressman-1] "was made with a business credit card . . . which [PARNAS] reimbursed," when in truth and in fact, PARNAS did not reimburse FRUMAN or any other individual for that contribution.

THE FOREIGN NATIONAL DONOR SCHEME

20. From in or about June 2018 through April 2019, LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, and others known and unknown, conspired to make political donations - funded by Foreign National-1 - to politicians and candidates for federal and State office to gain influence with candidates as to policies that would benefit a future business venture. Moreover, and to conceal the true source of the contributions and donations funded by Foreign National-1, PARNAS, FRUMAN, CORREIA, and KUKUSHKIN caused the contributions and

donations to be made in the defendants' names rather than in the name of Foreign National-1.

21. Beginning in or around July 2018, LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, made plans to form a recreational marijuana business that would be funded by Foreign National-1 and required gaining access to retail marijuana licenses in particular States, including Nevada (the "Business Venture"). In early September 2018, PARNAS, FRUMAN, CORREIA, KUKUSHKIN, and Foreign National-1 met in Las Vegas, Nevada to discuss the Business Venture. While in Las Vegas, PARNAS, FRUMAN, and KUKUSHKIN also attended a political fundraiser for a State candidate in Nevada ("Candidate-1"). Shortly after that meeting, PARNAS, FRUMAN, CORREIA, and KUKUSHKIN began to formalize the Business Venture with Foreign National-1 and fund their lobbying efforts, but took steps to hide Foreign National-1's involvement in the Business Venture, including any political contributions associated with the Business Venture, due to, in KUKUSHKIN's words, "his Russian roots and current political paranoia about it."

22. To further the Business Venture, LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, planned to use Foreign National-1 as a source of funding for donations and contributions to State and federal candidates and

politicians in Nevada, New York, and other States to facilitate acquisitions of retail marijuana licenses. In or about September and October 2018, CORREIA drafted a table of political donations and contributions, which was subsequently circulated to the defendants and Foreign National-1. The table described a "multi-state license strategy" to further the Business Venture. The table contemplated approximately between $1 and $2 million in political contributions to federal and State political committees. The table also included a "funding" schedule of two $500,000 transfers. Foreign National-1 then arranged for two $500,000 wires on or about September 18, 2018 and October 16, 2018 to be sent from overseas accounts to a U.S. corporate bank account controlled by FRUMAN and another individual (the "FRUMAN Account").

23. LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, then used those funds transferred by Foreign National-1, in part, to attempt to gain influence and the appearance of influence with politicians and candidates. For example, on or about October 20, 2018, PARNAS, FRUMAN, and KUKUSHKIN attended a campaign rally for Candidate-1 in Nevada, at which a different Nevada State candidate was present ("Candidate-2"), and sent photographs of themselves posing with Candidate-2 to Foreign National-1. Following that event, on or about November

1, 2018, a donation in the amount of $10,000 was made to Candidate-2 in FRUMAN's name, but it was funded with funds from Foreign National-1. On or about November 1, 2018, a donation in the amount of $10,000 was made to Candidate-1 in FRUMAN's name, but it was funded with funds from Foreign National-1.

24. Notwithstanding the purported purpose of Business Venture-1 and the donations described above, LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, did not timely apply for a recreational marijuana license in September 2018, the then-deadline for such applications in Nevada. On or about October 25, 2018, KUKUSHKIN told Foreign National-1, as well as LEV PARNAS and IGOR FRUMAN, the defendants, that they were "2 months too late to the game unless we change the rules," and noted that they needed a particular Nevada State official, the position for which Candidate-1 was running, to "green light to implement this." As noted above, FRUMAN made a $10,000 donation, funded by Foreign National-1, to Candidate-1 on or about November 1, 2018. On or about November 4, 2018, PARNAS asked KUKUSHKIN to arrange for additional funding from Foreign National-1 to make an additional donation to Candidate-1, to which KUKUSHKIN responded that the $1 million Foreign National-1 had already provided to GEP was "in order to cover all the donations whatsoever."

25. Moreover, subsequent communications between Foreign National-1, and ANDREY KUKUSHKIN, LEV PARNAS, IGOR FRUMAN, and DAVID CORREIA, the defendants, confirm the defendants' use of foreign funds - and, in particular, funds from Foreign National-1 - to make the donations described above. For example, on or about October 30, 2018, Foreign National-1 wrote to PARNAS, FRUMAN, and KUKUSHKIN that he had "fulfilled all my obligations completely," including "500 [for] Nevada" in order to "work on obtaining licenses [in] these states." KUKUSHKIN similarly noted in response that "Money transferred by [Foreign National-1] to [GEP] was to support the very specific people & states (per [FRUMAN's] table) in order to obtain green light for licensing. I haven't changed any rules of our engagement and was present at all the scheduled meetings with officials in Nevada." Although PARNAS, FRUMAN, CORREIA, and Foreign National-1 continued to meet into the spring of 2019, the Business Venture did not come to fruition.

COUNT ONE
(Conspiracy)

26. From in or about March 2018 through at least in or about November 2018, in the Southern District of New York and elsewhere, LEV PARNAS and IGOR FRUMAN, the defendants, knowingly conspired with each other and with others known and unknown to:

a. Knowingly defraud the United States by impairing, obstructing, and defeating the lawful functions of a

department or agency of the United States; to wit, the FEC's function to administer federal law concerning source and amount restrictions in federal elections, including the prohibitions applicable to straw donors.

b. Knowingly and willfully make contributions to candidates for federal office, joint fundraising committees, and independent expenditure committees in the names of other persons, aggregating to $25,000 and more in a calendar year, in violation of Title 52, United States Code, Section 30122 and 30109(a)(1)(A).

27. In furtherance of the conspiracy and to effect the illegal objects thereof, LEV PARNAS and IGOR FRUMAN, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. In or about March 2018, PARNAS committed to making a $125,000 contribution to Committee-3 to attend a fundraising event in the Southern District of New York.

b. In or about May 2018, FRUMAN, and others known and unknown, obtained a private loan, the proceeds of which were used to fund the contribution made in the name of GEP to Committee-1.

c. In or about May 2018, FRUMAN and PARNAS, and others known and unknown, transferred the proceeds of FRUMAN's

private loan through multiple bank accounts - none of which were in the name of GEP - to conceal the true source of the funds before they were paid to Committee-1.

d. In or about May 2018, PARNAS caused a $325,000 contribution to Committee-1 to be falsely reported in the name of GEP.

e. In or about June 2018, PARNAS made an $11,000 contribution to Committee-3 using funds that belonged to FRUMAN and another individual.

f. In or about June 2018, PARNAS used a business credit card registered to a credit card account, with a registered address in the Southern District of New York, belonging to FRUMAN and another individual in order to make a maximum $2,700 contribution to Congressman-1's reelection campaign.

(Title 18, United States Code, Section 371, and Title 52, United States Code, Sections 30122 and 30109(d)(1)(A) & (D))

COUNT TWO
(False Statements to the FEC)

The Grand Jury further charges:

28. The Grand Jury incorporates the allegations contained in paragraphs 1 through 19 of this Indictment as though fully set forth herein.

29. In or about October 2018, in the Southern District of New York and elsewhere, LEV PARNAS and IGOR FRUMAN, the

defendants, willfully and knowingly did make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, PARNAS and FRUMAN made the materially false statements in their affidavits submitted to the FEC, described in paragraph 19 above, that "a $325,000 contribution to [Committee-1] . . . was made with GEP funds for GEP purposes;" that "GEP is a real business enterprise funded with substantial bona fide capital investment; its major purpose is energy trading, not political activity"; and that a contribution made by PARNAS on or about June 25, 2018 to Congressman-1's campaign for reelection "was made with a business credit card . . . which [PARNAS] reimbursed."

(Title 18, United States Code, Sections 1001(a)(2) and 2)

COUNT THREE
(Falsification of Records)

The Grand Jury further charges:

30. The Grand Jury incorporates the allegations contained in paragraphs 1 through 19 of this Indictment as though fully set forth herein.

31. In or about October 2018, in the Southern District of New York and elsewhere, LEV PARNAS and IGOR FRUMAN, the defendants, willfully and knowingly did falsify and make a false entry in a record and document with the intent to impede, obstruct,

or influence the investigation or proper administration of a matter within the jurisdiction of any department or agency of the United States, and in relation to and in contemplation of any such matter, to wit, PARNAS and FRUMAN made the materially false statements in affidavits submitted to the FEC, described in paragraph 19 above, including that "a $325,000 contribution to [Committee-1] . . . was made with GEP funds for GEP purposes;" that "GEP is a real business enterprise funded with substantial bona fide capital investment; its major purpose is energy trading, not political activity"; and that a contribution made by PARNAS on or about June 25, 2018 to Congressman-1's campaign for reelection "was made with a business credit card . . . which [PARNAS] reimbursed," with the intent to impede, obstruct, or influence the investigation and proper administration of a matter within the jurisdiction of the FEC.

(Title 18, United States Code, Sections 1519 and 2)

COUNT FOUR
(Conspiracy)

The Grand Jury further charges:

32. The Grand Jury incorporates the allegations contained in paragraphs 1 through 12 and 20 through 25 of this Indictment as though fully set forth herein.

33. From in or about June 2018 through at least in or about April 2019, in the Southern District of New York and elsewhere, LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY

KUKUSHKIN, the defendants, and others known and unknown, knowingly conspired with each other and with others known and unknown to:

a. Knowingly defraud the United States by impairing, obstructing, and defeating the lawful functions of a department or agency of the United States; to wit, the FEC's function to administer federal law concerning source and amount restrictions in federal and State elections, including the prohibitions applicable to foreign nationals and straw donors.

b. Knowingly and willfully make contributions and donations of money, or express or implied promises to make contributions or donations, directly and indirectly, by a foreign national in connection with federal and State elections, aggregating to $25,000 and more in a calendar year, in violation of Title 52, United States Code, Sections 30121 and 30109(a)(1)(A).

c. Knowingly and willfully make contributions to candidates for State and federal office, joint fundraising committees, and independent expenditure committees in the names of other persons, aggregating to $25,000 and more in a calendar year, in violation of Title 52, United States Code, Section 30122 and 30109(a)(1)(A)(D).

34. In furtherance of the conspiracy and to effect its illegal object, LEV PARNAS, IGOR FRUMAN, DAVID CORREIA, and ANDREY KUKUSHKIN, the defendants, and others known and unknown, committed

the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about September 18, 2018, Foreign National-1 wired $500,000 from a foreign bank account, through the Southern District of New York, to the defendants for purposes of making political contributions and donations.

b. On or about October 16, 2018, Foreign National-1 wired $500,000 from a foreign bank account, through the Southern District of New York, to the defendants for purposes of making political contributions and donations.

c. On or about November 1, 2018, the defendants used funds wired by Foreign National-1 to make maximum donations to two political candidates for State office in Nevada.

(Title 18, United States Code, Section 371, and Title 52, United States Code, Sections 30121, 30122 and 30109(d)(1)(A))

FOR [redacted]

GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LEV PARNAS,
IGOR FRUMAN,
DAVID CORREIA, and
ANDREY KUKUSHKIN,

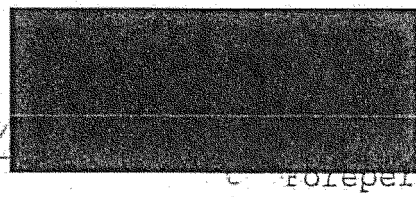
Defendants.

SEALED INDICTMENT

19 Cr.

Title 18, United States Code, Sections 371, 1001(a)(2), 1519, and 2 and Title 52, United States Code, Sections 30121, 30122 and 30109(d)(1)(A) & (D)).

GEOFFREY S. BERMAN
United States Attorney



Foreperson.

~~SECRET//ORCON/NOFORN~~

UNCLASSIFIED [PkgNumberShort]

Declassified by order of the President

September 24, 2019

~~EYES ONLY~~
~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(C)~~ Telephone Conversation with President Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

DATE, TIME AND PLACE: July 25, 2019, 9:03 - 9:33 a.m. EDT
Residence

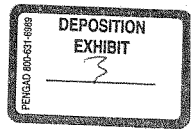
~~(S/NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(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





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.

~~(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

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

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 --

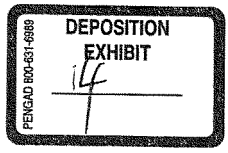
[7/25/19, 10:15:06 AM] Andrey Yermak: Phone call went well. President Trump proposed to choose any convenient dates. President Zelenskiy chose 20,21,22 September for the White House visit. Thank you again for your help! Please remind Mr. Mayor to share the Madrid's dates
[7/25/19, 10:16:42 AM] Kurt Volker: Great – thanks and will do!

# 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 Horbatyuk 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

POLITICO

POLITICO

DEPOSITION EXHIBIT 5

PENGAD 800-631-6989

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.

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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 Yanukovych, whom Manafort had been advising, abruptly backed out of a European Union pact linked to anti-corruption reforms. Instead, Yanukovych entered into a multibillion-dollar bailout agreement with Russia, sparking protests across Ukraine and prompting Yanukovych 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 Yanukovych 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 Yanukovych's rise, as well as his ties to the pro-Russian oligarchs who funded Yanukovych'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 Yanukovych.

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 Verveer, 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."

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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."

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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, Yanukovych.

The New York Times, in the August story revealing the ledgers' existence, reported that the payments earmarked for Manafort were "a focus" of an investigation by Ukrainian anti-corruption officials, while CNN reported days later that the FBI was pursuing an overlapping inquiry.

One of the most damaging Russia-related stories during Donald Trump's campaign can be traced to the Ukrainian government. | AP Photo

Clinton's campaign seized on the story to advance Democrats' argument that Trump's campaign was closely linked to Russia. The ledger represented "more troubling connections between Donald Trump's team and pro-Kremlin elements in Ukraine," Robby Mook, Clinton's campaign manager, said in a statement. He demanded that Trump "disclose campaign chair Paul Manafort's and all other campaign employees' and advisers' ties to Russian or pro-Kremlin entities, including whether any of Trump's employees or advisers are currently representing and or being paid by them."

A former Ukrainian investigative journalist and current parliamentarian named Serhiy Leshchenko, who was elected in 2014 as part of Poroshenko's party, held a news conference to highlight the ledgers, and to urge Ukrainian and American law enforcement to aggressively investigate Manafort.

"I believe and understand the basis of these payments are totally against the law — we have the proof from these books," Leshchenko said during the news conference, which attracted international media coverage. "If Mr. Manafort denies any allegations, I think he has to be interrogated into this case and prove his position that he was not involved in any misconduct on the territory of Ukraine," Leshchenko added.

Manafort denied receiving any off-books cash from Yanukovych's Party of Regions, and said that he had never been contacted about the ledger by Ukrainian or American investigators, later telling POLITICO "I was just caught in the crossfire."

According to a series of memos reportedly compiled for Trump's opponents by a former British intelligence agent, Yanukovych, in a secret meeting with Putin on the day after the *Times* published its report, admitted that he had authorized "substantial kickback payments to Manafort." But according to the report, which was published Tuesday by BuzzFeed but remains unverified. Yanukovych assured Putin "that there was no documentary trail left behind which could provide clear evidence of this" — an alleged statement that seemed to implicitly question the authenticity of the ledger.

**2016**
**Inside the fall of Paul Manafort**
By KENNETH P. VOGEL and **MARC CAPUTO**

The scrutiny around the ledgers — combined with that from other stories about his Ukraine work — proved too much, and he stepped down from the Trump campaign less than a week after the Times story.

At the time, Leshchenko suggested that his motivation was partly to undermine Trump. "For me, it was important to show not only the corruption aspect, but that he is [a] pro-Russian candidate who can break the geopolitical balance in the world," Leshchenko told the Financial Times about two weeks after his news conference. The newspaper noted that Trump's candidacy had spurred "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election," and the story quoted Leshchenko asserting that the majority of Ukraine's politicians are "on Hillary Clinton's side."

But by this month, Leshchenko was seeking to recast his motivation, telling Politico, "I didn't care who won the U.S. elections. This was a decision for the American voters to decide." His goal in highlighting the ledgers, he said was "to raise these issues on a political level and emphasize the importance of the investigation."

In a series of answers provided to Politico, a spokesman for Poroshenko distanced his administration from both Leshchenko's efforts and those of the agency that reLeshchenko Leshchenko leased the ledgers, The National Anti-Corruption Bureau of Ukraine. It was created in 2014 as a condition for Ukraine to receive aid from the U.S. and the European Union, and it signed an evidence-sharing agreement with the FBI in late June — less than a month and a half before it released the ledgers.

The bureau is "fully independent," the Poroshenko spokesman said, adding that when it came to the presidential administration there was "no targeted action against Manafort." He added "as to Serhiy Leshchenko, he positions himself as a representative of internal opposition in the Bloc of Petro Poroshenko's faction, despite [the fact that] he belongs to the faction," the spokesman said, adding, "it was about him personally who pushed [the anti-corruption bureau] to proceed with investigation on Manafort."

But an operative who has worked extensively in Ukraine, including as an adviser to Poroshenko, said it was highly unlikely that either Leshchenko or the anti-corruption bureau would have pushed the issue without at least tacit approval from Poroshenko or his closest allies.

"It was something that Poroshenko was probably aware of and could have stopped if he wanted to," said the operative.

And, almost immediately after Trump's stunning victory over Clinton, questions began mounting about the investigations into the ledgers — and the ledgers themselves.

An official with the anti-corruption bureau told a Ukrainian newspaper, "Mr. Manafort does not have a role in this case."

And, while the anti-corruption bureau told Politico late last month that a "general investigation [is] still ongoing" of the ledger, it said Manafort is not a target of the investigation. "As he is not the Ukrainian citizen, [the anti-corruption bureau] by the law couldn't investigate him personally," the bureau said in a statement.

Some Poroshenko critics have gone further, suggesting that the bureau is backing away from investigating because the ledgers might have been doctored or even forged.

Valentyn Nalyvaichenko, a Ukrainian former diplomat who served as the country's head of security under Poroshenko but is now affiliated with a leading opponent of Poroshenko, said it was fishy that "only one part of the black ledger appeared." He asked, "Where is the handwriting analysis?" and said it was "crazy" to announce an investigation based on the ledgers. He met last month in Washington with Trump allies, and said, "of course they all recognize that our [anti-corruption bureau] intervened in the presidential campaign."

And in an interview this week, Manafort, who re-emerged as an informal advisor to Trump after Election Day, suggested that the ledgers were inauthentic and called their publication "a politically motivated false attack on me. My role as a paid consultant was public. There was nothing off the books, but the way that this was presented tried to make it look shady."

He added that he felt particularly wronged by efforts to cast his work in Ukraine as pro-Russian, arguing "all my efforts were focused on helping Ukraine move into Europe and the West." He specifically cited his work on denuclearizing the country and on the European Union trade and political pact that Yanukovych 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.

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Beyond any efforts to sabotage Trump, Ukrainian officials didn't exactly extend a hand of friendship to the GOP nominee during the campaign.

The ambassador, Chaly, penned an op-ed for The Hill, in which he chastised Trump for a confusing series of statements in which the GOP candidate at one point expressed a willingness to consider recognizing Russia's annexation of the Ukrainian territory of Crimea as legitimate. The op-ed made some in the embassy uneasy, sources said.

"That was like too close for comfort, even for them," said Chalupa. "That was something that was as risky as they were going to be."

Former Ukrainian Prime Minister Arseny Yatseniuk warned on Facebook that Trump had "challenged the very values of the free world."

Ukraine's minister of internal affairs, Arsen Avakov, piled on, trashing Trump on Twitter in July as a "clown" and asserting that Trump is "an even bigger danger to the US than terrorism."

Avakov, in a Facebook post, lashed out at Trump for his confusing Crimea comments, calling the assessment the "diagnosis of a dangerous misfit," according to a translated screenshot featured in one media report, though he later deleted the post. He called Trump "dangerous for Ukraine and the US" and noted that Manafort worked with Yanukovych when the former Ukrainian leader "fled to Russia through Crimea. Where would Manafort lead Trump?"

INVESTIGATIONS
**Manafort's man in Kiev**
By KENNETH P. VOGEL

The Trump-Ukraine relationship grew even more fraught in September with reports that the GOP nominee had snubbed Poroshenko on the sidelines of the United Nations General Assembly in New York, where the Ukrainian president tried to meet both major party candidates, but scored only a meeting with Clinton.

Telizhenko, the former embassy staffer, said that, during the primaries, Chaly, the country's ambassador in Washington, had actually instructed the embassy not to reach out to Trump's campaign, even as it was engaging with those of Clinton and Trump's leading GOP rival, Ted Cruz.

"We had an order not to talk to the Trump team, because he was critical of Ukraine and the government and his critical position on Crimea and the conflict," said Telizhenko. "I was yelled at when I proposed to talk to Trump," he said, adding, "The ambassador said not to get involved — Hillary is going to win."

This account was confirmed by Nalyvaichenko, the former diplomat and security chief now affiliated with a Poroshenko opponent, who said, "The Ukrainian authorities closed all doors and windows — this is from the Ukrainian side." He called the strategy "bad and short-sighted."

Andriy Artemenko, a Ukrainian parliamentarian associated with a conservative opposition party, did meet with Trump's team during the campaign and said he personally offered to set up similar meetings for Chaly but was rebuffed.

"It was clear that they were supporting Hillary Clinton's candidacy," Artemenko said. "They did everything from organizing meetings with the Clinton team, to publicly supporting her, to criticizing Trump. ... I think that they simply didn't meet because they thought that Hillary would win."

Shulyar rejected the characterizations that the embassy had a ban on interacting with Trump, instead explaining that it "had different diplomats assigned for dealing with different teams tailoring the content and messaging. So it was not an instruction to abstain from the engagement but rather an internal discipline for diplomats not to get involved into a field she or he was not assigned to, but where another colleague was involved."

And she pointed out that Chaly traveled to the GOP convention in Cleveland in late July and met with members of Trump's foreign policy team "to highlight the importance of Ukraine and the support of it by the U.S."

Despite the outreach, Trump's campaign in Cleveland gutted a proposed amendment to the Republican Party platform that called for the U.S. to provide "lethal defensive weapons" for Ukraine to defend itself against Russian incursion, backers of the measure charged.

The outreach ramped up after Trump's victory. Shulyar pointed out that Poroshenko was among the first foreign leaders to call to congratulate Trump. And she said that, since Election Day, Chaly has met with close Trump allies, including Sens. Jeff Sessions, Trump's nominee for attorney general, and Bob Corker, the chairman of the Senate Foreign Relations Committee, while the ambassador accompanied Ivanna Klympush-Tsintsadze, Ukraine's vice prime minister for European and Euro-Atlantic integration, to a round of Washington meetings with Rep. Tom Marino (R-Pa.), an early Trump backer, and Jim DeMint, president of The Heritage Foundation, which played a prominent role in Trump's transition.

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Many Ukrainian officials and operatives and their American allies see Trump's inauguration this month as an existential threat to the country, made worse, they admit, by the dissemination of the secret ledger, the antagonistic social media posts and the perception that the embassy meddled against — or at least shut out — Trump.

"It's really bad. The [Poroshenko] administration right now is trying to re-coordinate communications," said Telizhenko, adding, "The Trump organization doesn't want to talk to our administration at all."

During Nalyvaichenko's trip to Washington last month, he detected lingering ill will toward Ukraine from some, and lack of interest from others, he recalled. "Ukraine is not on the top of the list, not even the middle," he said.

Poroshenko's allies are scrambling to figure out how to build a relationship with Trump, who is known for harboring and prosecuting grudges for years.

A delegation of Ukrainian parliamentarians allied with Poroshenko last month traveled to Washington partly to try to make inroads with the Trump transition team, but they were unable to secure a meeting, according to a Washington foreign policy operative familiar with the trip. And operatives in Washington and Kiev say that after the election, Poroshenko met in Kiev with top executives from the Washington lobbying firm BGR — including Ed Rogers and Lester Munson — about how to navigate the Trump regime.

## Ukrainians fall out of love with Europe

By DAVID STERN

Weeks later, BGR reported to the Department of Justice that the government of Ukraine would pay the firm $50,000 a month to "provide strategic public relations and government affairs counsel," including "outreach to U.S. government officials, non-government organizations, members of the media and other individuals."

Firm spokesman Jeffrey Birnbaum suggested that "pro-Putin oligarchs" were already trying to sow doubts about BGR's work with Poroshenko. While the firm maintains close relationships with GOP congressional leaders, several of its principals were dismissive or sharply critical of Trump during the GOP primary, which could limit their effectiveness lobbying the new administration.

The Poroshenko regime's standing with Trump is considered so dire that the president's allies after the election actually reached out to make amends with — and even seek assistance from — Manafort, according to two operatives familiar with Ukraine's efforts to make inroads with Trump.

Meanwhile, Poroshenko's rivals are seeking to capitalize on his dicey relationship with Trump's team. Some are pressuring him to replace Chaly, a close ally of Poroshenko's who

is being blamed by critics in Kiev and Washington for implementing — if not engineering — the country's anti-Trump efforts, according to Ukrainian and U.S. politicians and operatives interviewed for this story. They say that several potential Poroshenko opponents have been through Washington since the election seeking audiences of their own with Trump allies, though most have failed to do do so.

"None of the Ukrainians have any access to Trump — they are all desperate to get it, and are willing to pay big for it," said one American consultant whose company recently met in Washington with Yuriy Boyko, a former vice prime minister under Yanukovych. Boyko, who like Yanukovych has a pro-Russian worldview, is considering a presidential campaign of his own, and his representatives offered "to pay a shit-ton of money" to get access to Trump and his inaugural events, according to the consultant.

The consultant turned down the work, explaining, "It sounded shady, and we don't want to get in the middle of that kind of stuff."

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: KURT VOLKER

Thursday, October 3, 2019
Washington, D.C.

The interview in the above matter was held in Room

HVC-304, Capitol Visitor Center, commencing at 9:40 a.m.

Present: Representatives Schiff, Speier, Swalwell, Nunes, and Turner.

Also Present: Representatives Connelly, Raskin, Jordan, Meadows, Perry, and Zeldin.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[redacted]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[redacted]

For the COMMITTEE ON FOREIGN AFFAIRS:

[redacted]

For KURT VOLKER:

MARGARET E. DAUM,

PARTNER,

SQUIRE PATTON BOGGS LLP

2550 M STREET, NW

WASHINGTON, DC 20037

THE CHAIRMAN: Good morning. The interview will come to order.

I just want to make a few brief remarks before we get started.

This is the first witness interview as part of the impeachment inquiry. It is being conducted by the House Intelligence Committee with the participation of the Oversight and Foreign Affairs Committees.

This will be a staff-led interview. We have tried to keep the room to a reasonable size. We expect the questions to be professional, that you'll be treated civilly. We very much appreciate your coming in today.

Once my colleague makes some prefatory remarks you'll be given as much time as you'd like to make an opening statement. Then we'll begin the questioning, and my colleague will set out the time limits. But we appreciate your being here today.

MR. VOLKER: Thank you.

MR. GOLDMAN: Good morning, Ambassador Volker.

This is a transcribed interview that is conducted by the House Permanent Select Committee on Intelligence, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th.

Before we begin, if you could just please state your full name and spell your last name for the record.

MR. VOLKER: My name is Kurt Volker, and that is K-u-r-t V-o-l-k-e-r.

MR. GOLDMAN: Thank you.

Along with the other proceedings in furtherance of the inquiry, this interview is being led by the Intelligence Committee in exercise of its oversight and legislative jurisdiction and in coordination with the Committees on Foreign Affairs and Oversight and Reform.

In the room today are two majority staff members and two minority staff members from both the Foreign Affairs Committee and the Oversight Committee, as well as majority and minority staff from HPSCI.

My name is Daniel Goldman. I'm the director of investigations for the HPSCI majority staff, and I want to thank you for coming in today.

To my left here is Daniel Noble. He's a senior counsel for the majority staff, and he will be conducting the majority of the questions today.

Before we begin, I would just like to ask that we go around the room and that the staff members all introduce themselves and announce themselves for the record so that the court reporter knows who everybody is. I'll begin to my right.

[redacted]

[redacted]

MR. GOLDMAN: Thank you.

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This interview will be conducted entirely at the unclassified level. However, because the -- the interview is being conducted here in the Intelligence Committee's secure spaces and in the presence of staff who all have appropriate security clearances.

It is the committee's expectation that neither the questions asked of you, the witness, nor answers by you or your counsel would require discussion of any information that is currently or at any point could be properly classified under executive order 13526.

Moreover, EO 13526 states that, quote, "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified," unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity.

Today's interview is not being taken in executive session, but because of the sensitive and confidential nature of some of the topics and materials that will be discussed, access to the transcript will be limited to the three committees in attendance, the Intelligence Committee, Foreign Affairs Committee, and Committee on Oversight and Reform.

In advance of today's interview you voluntarily produced certain documents to the committees, which you have marked as confidential, and they have Bates numbers KV1 through KV65. We may refer to some of those documents today.

Mr. Volker, can you please confirm the documents you produced to the committees were generated on unclassified systems and that it is your understanding that the documents are today and were at all times unclassified?

MR. VOLKER: Yes, that is my understanding.

MR. GOLDMAN: Now, if any of our questions can only be answered with classified information, please inform us of that before you answer the question, and we will reserve time at the end for a classified portion of the interview.

Now, let me go over the ground rules for the interview.

First, the structure of this transcribed interview. The interview will proceed as follows. The majority will be given 1 hour to ask questions, then the minority will be given 1 hour to ask questions. Thereafter, we will alternate back and forth between majority and minority in 45-minute rounds until the questioning is complete. We will take periodic breaks as needed, and if you need a break at any time, please let us know.

Under the committee rules you are allowed to have an attorney present during this interview, and that I see you have brought one.

At this time, if counsel could state her appearance for the record.

MS. DAUM: Margaret Daum, Squire Patton Boggs, counsel for Ambassador Volker.

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MR. GOLDMAN: There is a stenographer to your left taking down everything that I say and everything that you say to make a written record of the interview. For the record to be clear, please wait until each question is asked before you answer, and we will wait until you finish your response before asking you the next question.

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

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

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

Now, as we are conducting this interview under oath, Mr. Volker, would you please raise your right hand to be sworn?

Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth, so help you God?

MR. VOLKER: I so swear.

MR. GOLDMAN: Thank you.

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

Now, Mr. Volker, with that, we turn it over to you for any opening statement that you would like to make.

MR. CASTOR: If we may, I believe Mr. Jordan has some welcoming remarks.

MR. JORDAN: I want to be clear on the ground rules. Members are permitted to ask questions?

THE CHAIRMAN: Mr. Jordan, it was our intention to make this a staff-only interview. I'm not going to prohibit Members, but we'd like to keep this professional at the staff level.

MR. JORDAN: Mr. Chairman, I've probably sat in on more transcribed interviews than maybe any other Member, at least on our side, and I have never seen an effort to prohibit Members from asking the witness questions. So we will be able to ask questions?

THE CHAIRMAN: I'm not going to prohibit you, Mr. Jordan, but we will expect you to treat the witness with respect.

MR. JORDAN: Certainly.

THE CHAIRMAN: We have conducted innumerable interviews in the HPSCI over the last several years without any difficulty, and I hope that the decorum that we expect here will be represented on both sides.

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MR. JORDAN: I certainly agree with that.

Just a couple other things I would like to get on the record.

In the countless number of transcribed interviews I have participated in before we have never seen the limitations placed on staff that you have done to the Oversight Committee and to the Foreign Affairs Committee. I have never seen a time where agency counsel was not allowed to be present. And I've certainly never seen an indication that you would prefer Members not even participate in the interview.

But with that, we'll proceed. But I at least wanted to get that on the record before we heard from our witness today.

THE CHAIRMAN: Thank you.

I yield back to Mr. Goldman.

MR. GOLDMAN: Mr. Volker, if you have an opening statement, now is the time for you to deliver it.

MR. VOLKER: Thank you. I do.

And thank you very much for the opportunity to provide this testimony today.

Allow me to begin by stressing that you and the American people can be reassured and proud that the Department of State and the Department of Defense and the professionals working there, civil and Foreign Service and military, have conducted themselves with the highest degree of

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professionalism, integrity, and dedication to the national interest. That is a testament to the strength of our people, our institutions, and our country.

MR. JORDAN: Ambassador, could you just pull it really close, the microphone?

MR. VOLKER: Oh, I'm sorry.

As a former member of the senior Foreign Service and in conducting my role as U.S. Special Representative for Ukraine negotiations, I have similarly acted solely to advance U.S. national interests, which included supporting democracy and reform in Ukraine, helping Ukraine better defend itself and deter Russian aggression, and leading U.S. negotiating efforts to end the war and restore Ukraine's territorial integrity.

Throughout my career, whether as a career diplomat, U.S. Ambassador to NATO, or in my other capacities, I have tried to be courageous, energetic, clear-eyed, and plainspoken, always acting with integrity to advance core American values and interests. My efforts as U.S. Special Representative for Ukraine negotiations were no different.

In carrying out this role I at some stage found myself faced with a choice: to be aware of a problem and to ignore it, or rather to accept that it was my responsibility to try to fix it. I would not have been true to myself, my duties, or my commitment to the people of the United States or

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Ukraine if I did not dive in and try to fix problems as best I could.

There are five key points I would like to stress in this testimony, and I would like to submit a longer version and timeline of events for the record.

THE CHAIRMAN: Without objection.

[The information follows:]

******** COMMITTEE INSERT ********

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MR. VOLKER: Let me be clear that I wish to be complete and open in my testimony in order to help get the facts out and the record straight.

First, my efforts were entirely focused on advancing U.S. foreign policy goals with respect to Ukraine. In this we were quite successful. U.S. policy toward Ukraine for the past 2 years has been strong, consistent, and has enjoyed support across the administration, bipartisan support in Congress, and support among our allies and Ukraine. While I will not be there to lead these efforts any longer, I sincerely hope that we are able to keep this policy strong going forward.

You may recall that in the spring of 2017, when then Secretary of State Tillerson asked if I would take on these responsibilities, there were major complicated questions swirling in public debate about the direction of U.S. policy towards Ukraine:

Would the administration lift sanctions against Russia?

Would it make some kind of grand bargain with Russia in which it would trade recognition of Russia's seizure of Ukrainian territory for some other deal in Syria or elsewhere?

Would the administration recognize Russia's claimed annexation of Crimea?

Will this just become another frozen conflict?

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There were also a number -- a vast number of vacancies in key diplomatic positions, so no one was really representing the United States in the negotiating process about ending the war in eastern Ukraine.

Caring deeply about supporting Ukraine, recognizing that it stands for all of us in building a democracy and pushing back Russian aggression on their soil, and seeking to make sure American policy is in the right place, I agreed to take on these responsibilities.

Then Secretary of State Tillerson and I agreed that our fundamental policy goals would be to restore the sovereignty and territorial integrity of Ukraine and to assure the safety and security of all Ukrainian citizens, regardless of ethnicity, nationality, or religion.

I did this on a voluntary basis, with no salary paid by the U.S. taxpayer, simply because I believed it was important to serve our country in this way. I believed I could steer U.S. policy in the right direction.

In 2 years the track record speaks for itself. I was the administration's most outspoken figure highlighting Russia's ongoing aggression against Ukraine and Russia's responsibility to end the war.

We coordinated closely with our European allies and Canada to maintain a united front against Russian aggression and for Ukraine's democracy, reform, sovereignty, and

territorial integrity. Ukraine policy is perhaps the one area where the U.S. and its European allies are in lockstep.

This coordination helped to strengthen U.S. sanctions against Russia and to maintain EU sanctions as well. Along with others in the administration, I strongly advocated for lifting the ban on the sale of lethal defensive arms to Ukraine, advocated for increasing U.S. security assistance to Ukraine, and urged other countries to follow the U.S. lead.

I engaged with our allies, with Ukraine, and with Russia in negotiations to implement the Minsk agreements, holding a firm line on insisting on the withdrawal of Russian forces, dismantling of the so-called People's Republics, and restoring Ukrainian sovereignty and territorial integrity.

In order to shine a spotlight on Russian aggression and to highlight the humanitarian plight suffered by the people in the Donbas as a result, I visited the war zone in Ukraine three times with media in tow.

Together with others in the administration, we kept U.S. policy steady through Presidential and parliamentary elections in Ukraine and worked hard to strengthen the U.S.-Ukraine bilateral relationship under the new President and government, helping shepherd a peaceful transition of power in Ukraine.

In short, whereas 2 years ago most observers would have said that time is on Russia's side, we've turned the tables,

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and now time is on Ukraine's side. That was first, but a very long point.

Second, in May of this year, I became concerned that a negative narrative about Ukraine fueled by assertions made by Ukraine's departing prosecutor general was reaching the President of the United States and impeding our ability to support the new Ukrainian government as robustly as I believed we should.

After sharing my concerns with the Ukrainian leadership, an adviser to President Zelensky asked me to connect him to the President's personal lawyer, Mayor Rudy Giuliani. I did so. I did so solely because I understood that the new Ukrainian leadership wanted to convince those, like Mayor Giuliani, who believed such a negative narrative about Ukraine, that times have changed and that, under President Zelensky, Ukraine is worthy of U.S. support.

I also made clear to the Ukrainians on a number of occasions that Mayor Giuliani is a private citizen and the President's personal lawyer and that he does not represent the United States Government.

Third, at no time was I aware of or took part in an effort to urge Ukraine to investigate former Vice President Biden. As you will see from the extensive text messages I am providing, which convey a sense of real-time dialogue with several different actors, Vice President Biden was never a

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topic of discussion.

Moreover, as I was aware of public accusations about the Vice President, Vice President Biden, several times I cautioned the Ukrainians to distinguish between highlighting their own efforts to fight corruption domestically, including investigating Ukrainian individuals, something we support as a matter of U.S. policy, and doing anything that could be seen as impacting U.S. elections, which is in neither the United States' nor Ukraine's own interest.

To the best of my knowledge, no such actions by Ukraine were ever taken, at least in part, I believe, because of the advice I gave them.

Notably, I did not listen in on the July 25th, 2019, phone call between President Trump and President Zelensky and received only superficial readouts about that conversation afterwards.

In addition, I was not aware that Vice President Biden's name was mentioned or a request was made to investigate him until the transcript of this call was released on September 25th, 2019.

Fourth, while executing my duties, I kept my colleagues at the State Department and National Security Council informed and also briefed Congress about my actions. This included in-person meetings with senior U.S. officials at State, Defense, and the NSC, as well as staff briefings on

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Capitol Hill and public testimony in the Senate on June 18th, 2019.

I have an extensive record of public commentary about our Ukraine policy. I have no doubt that there is a substantial paper trail of State Department correspondence concerning my meetings with Ukrainians, allies, and so forth. As a matter of practice, I did not edit or clear on these messages but told the reporting officers just to report as they normally would.

Fifth, and finally, I strongly supported the provision of U.S. security assistance, including lethal defensive weapons to Ukraine, throughout my tenure. I became aware of a hold on congressional notifications about proceeding with that assistance on July 18th, 2019, and immediately tried to weigh in to reverse that position.

I was confident that this position would indeed be reversed in the end because the provision of such assistance was uniformly supported at State, Defense, the National Security Council, the House of Representatives, the Senate, and the expert community in Washington.

As I was confident the position would not stand, I did not discuss the hold with my Ukrainian counterparts until the matter became public in late August. The position was indeed reversed and assistance allowed to continue within a few weeks after that.

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Thank you for the opportunity to provide this testimony, and I look forward to answering your questions.

EXAMINATION

BY MR. NOBLE:

Q Thank you, Mr. Volker. And, again, my name is Daniel Noble. I'm a senior counsel on HPSCI, and I'm going to be asking you most of the questions today.

Before I begin, I just want to remind you that you're under oath and that it's very important, obviously, for you to tell the truth today.

I want to begin at the beginning -- at the end actually -- and it's our understanding that on September 27th, 2019, you resigned your position as the Special Envoy for Ukraine. Is that correct?

A Yes, that is correct.

Q Why did you resign?

A I felt that I would no longer be effective as a special representative with this impeachment inquiry beginning and my name associated with that and all the media attention around that. I didn't think I would be able to go to Ukraine or meet with Russians and be able to carry out those duties in that way anymore.

I also wanted to make sure that I would be able to provide testimony, because I could see this coming, with as much candor and integrity as I possibly could.

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Q Okay. Was there any pressure from Secretary of State Mike Pompeo for you to resign?

A Quite the opposite. He was very disappointed.

Q Did you receive pressure from anyone in the Trump administration to resign?

A No.

Q Can you describe your conversation with Secretary Pompeo in connection with your resignation?

A Yes. I called him and told him that I was very sorry, I felt that I would not be able to be effective as a special representative going forward, and I thought it was important that I be able to provide testimony as I have just done.

He was disappointed because he was focused on the mission with Ukraine, and after the record that we had accomplished over 2 years it's going to be very difficult to have someone step in and pick that up from here.

Q Did you discuss anything regarding the investigations that were made aware -- made public in the whistleblower's complaint?

A I don't recall discussing the whistleblower's complaint with him in that call.

Q Did you discuss the July 25th call between President Trump and President Zelensky with Secretary Pompeo?

A No, we didn't.

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Q Did you discuss your resignation with anyone else at the State Department before resigning?

A I believe I spoke with Marik String, who is the acting legal adviser, before I spoke with the Secretary. And I believe I told Marik I was going to talk to the Secretary. I think it was within about a half an hour of each other.

Q Did you raise any concerns either with that person or Secretary Pompeo regarding Rudy Giuliani and his activities in Ukraine?

A I had several conversations with a number of people -- Marik String was not one of them -- but with others over the course of May through August.

Q Okay. Well, we'll get through those at some point today, but I was speaking specifically about in connection with your resignation discussion --

A No.

Q -- with Secretary Pompeo?

A No.

Q Okay. Did you discuss your resignation with Rudy Giuliani?

A No.

Q Did you destroy any records in connection with your departure from the State Department?

A No.

Q Did you discuss today's testimony with Secretary

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Pompeo or anyone else at the State Department before today?

A No.

Q Are you aware of any --

A May I -- may I -- I did not discuss the contents of the testimony that I just read. I did discuss the fact that I'm going to testify.

Q With whom did you discuss that?

A With Marik String, the legal adviser.

Q Okay. Are you aware of any efforts by Secretary Pompeo or others at the State Department to try to stop witnesses from cooperating with Congress in connection with this impeachment inquiry?

A I read the letter that Secretary Pompeo sent to the committee.

Q Do you consider that an effort by Secretary Pompeo to stop witnesses from cooperating with Congress?

A It did not provide any instruction not to cooperate, and neither did I receive any separate instruction.

Q Are you aware of any other efforts by Secretary Pompeo or others at the State Department to intimidate State Department employees in connection with this inquiry?

A I am not aware of any efforts like that.

Q Have you ever received any communications, written or otherwise, from the State Department about your testimony

today?

A Did we?

We did receive a letter.

Q From whom did you receive that letter?

A It would have been from Marik String?

MS. DAUM: That's correct.

BY MR. NOBLE:

Q We'd ask that you provide a copy of that letter to the committee for the record.

A Of course.

Q And do you have an extra copy for the minority as well?

A So this is a letter dated October 2nd, 2019. It is addressed to my attorney, Ms. Margaret Daum at Squire Patton Boggs. It is from Marik String, the acting legal adviser at the State Department.

Q And have you read that letter?

A I have not read it with any care, no.

[Volker Exhibit No. 1
Was marked for identification.]

BY MR. NOBLE:

Q For the record, we're going to mark the letter that's dated October 2nd, 2019, as Exhibit 1.

Do you have an extra copy for the minority? Otherwise we'll make a copy.

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During your discussion with the legal adviser, what, if anything, did he tell you about your testimony?

A I think the last conversation I had with him would have had to have been Tuesday of this week, which today is the 3rd, so it must have been the 1st of October. And he told me that he did not have any clear guidance -- that the administration was still deliberating internally what they would say. That was prior to Secretary Pompeo's letter being issued.

Q When did you first become aware of efforts by the President of the United States to try to instigate investigations by the Ukraine into a company called Burisma Holdings?

A By --

Q I'm sorry. Burisma Holdings.

A Burisma, yeah.

I became aware of the President's interest in -- well, let me take that back.

I don't recall ever hearing that the President was interested in investigating Burisma. I became aware of the President being interested in investigations concerning Vice President Biden and his son on September 25th when the transcript of the phone call came out.

Q Did you ever have any discussions with Rudy Giuliani or anyone at the State Department regarding

investigations into Burisma Holdings?

A Yes, I did.

Q Okay. We're going to go through some of your text messages that you turned over, and I'll ask you some more questions about that.

Did you ever learn of the President's desire for Ukraine to investigate the origins of their investigation into Paul Manafort?

A No.

Q Did you ever have any discussions with anyone at the State Department or with Rudy Giuliani regarding a desire on the part of Rudy Giuliani or the President for Ukraine to investigate the Paul Manafort case?

A No.

Q What about anything regarding interference in the 2016 U.S. Presidential election?

A Yes.

Q Are you aware that former Vice President Joe Biden's son Hunter Biden once sat on the board of Burisma Holdings?

A Yes.

Q Did you know that -- when did you first learn that?

A I think early this year, early 2019, as this was being reported in media in the U.S.

Q So during your discussions about Burisma Holdings,

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that we're going to get to in your text messages with other individuals at the State Department, you are aware that Burisma Holdings was associated with Hunter Biden?

A I was aware that -- yes, I was aware that he had been a board member.

Q Now, I believe in your opening statement you said that President Trump -- you were not aware of President Trump exerting pressure on Ukraine to open investigations. Is that correct?

A That's correct, to open investigations into Vice President Biden or his son.

Q What about to open up investigations into Burisma Holdings?

A No, never aware that he had an interest in Burisma.

Q What about openings up investigations into the origins of the 20 -- or into election interference in the 2016 election?

A I knew that he was concerned about the possibility of there having been election interference. I do not recall him asking for investigations in that. I did hear that separately from Mr. Giuliani.

Q And how did you learn that?

A We had a meeting with the President in May following my participation in a Presidential delegation for the inauguration of the new Ukrainian President.

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Q And that was on May 20th, the inauguration?

A No. I believe the inauguration was the 21st. Am I wrong?

Q May 20th or 21st, on or about?

A Okay.

Q Okay. And who participated in that meeting with you and the President?

A I know that those of us who were part of the Presidential delegation all took part. That was Secretary of Energy Rick Perry, it was Ambassador to the European Union Gordon Sondland, it was Senator Ron Johnson, and it was myself.

And there were other people in the room. I don't remember exactly who was there. I believe the deputy national security adviser, Mr. Kupperman (ph), was one person who was there.

Q And where did this meeting take place?

A It took place in the Oval Office.

Q Can you describe the conversation during that meeting?

A Yes. The four of us, who had been part of the Presidential delegation, had requested the meeting in order to brief the President after our participation at the inauguration of the new Ukrainian President, and meeting with the new President, an hour-long meeting that we had with him.

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And we had a very favorable impression of President Zelensky. We believed that he was sincerely committed to reform in Ukraine, to fighting corruption. And we believed that this was the best opportunity that Ukraine has had for 20-some years to really break the grip of corruption that has set the country back for so long.

And we wanted to convey this to the President and urge that the U.S. and that he personally engage with the President of Ukraine in order to demonstrate full U.S. support for him.

We thought that he would -- that he, being President Zelensky, would face a lot of challenges, that going after oligarchs and corruption in Ukraine is not going to be easy, and he's going to need support. And so we wanted to advocate for that U.S. support.

In response to that, President Trump demonstrated that he had a very deeply rooted negative view of Ukraine based on past corruption. And that's a reasonable position. Most people who would know anything about Ukraine would think that. That's why it was important that we wanted to brief him, because we were saying, it's different, this guy is different.

But the President had a very deeply rooted negative view. We urged that he invite President Zelensky to meet with him at the White House. He was skeptical of that. We

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persisted. And he finally agreed, okay, I'll do it.

Q Why --

A May I continue?

Q Yes.

A I'm sorry.

During the course of this conversation he did reference Mayor Giuliani, because he said that what we were saying as a positive narrative about Ukraine is not what he hears. And he gave the example of hearing from Rudy Giuliani that they're all corrupt, they're all terrible people, that they were -- they tried to take me down -- meaning the President in the 2016 election. And so he was clearly demonstrating that he had a negative view of and that information that he was getting from other sources was reinforcing that negative view.

Q And what did you understand him, the President, to mean when he said he believed that Ukraine had a role in trying to, I think you said, bring him down?

A Yes.

Q Can you explain that?

A Yes. There were accusations that had been made by the prosecutor general of Ukraine.

Q Is that Prosecutor General Lutsenko?

A Lutsenko.

Q Lutsenko.

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A Yuriy Lutsenko, L-u-t-s-e-n-k-o.

Q Thank you. I think that would be helpful for the court reporter to spell some of the Ukrainian names.

A Yes. Yuriy is Y-u-r-i-y.

And he, in early 2019 --

Q "He" being the President?

A No, "he" being the prosecutor general of Ukraine, made a couple of accusations or allegations in early 2019. I don't know exactly when. And they made their way into U.S. media, reported both in print and then a journalist's writing who was then interviewed on television, so it was major news.

Q And can I stop you there, Ambassador Volker?

A Yes.

Q Which news publication, written news publication in particular?

A I believe it was The Hill.

Q And do you know the author of these articles?

A I do.

Q Who?

A John Solomon.

Q Okay. Continue, please.

A Okay. These allegations were twofold. One of them that Ukrainians had sought to influence the 2016 election by providing derogatory information about President Trump and about Mr. Manafort to the Hillary Clinton campaign, that this

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was done by passing that information to our ambassador at the time in Ukraine, Masha Yovanovitch.

And --

Q Could you please spell that name for the record, too?

A Of course. Her proper name is Marie L. Yovanovitch, Y-o-v-a -- 1 second -- Y-o-v-a-n-o-v-i-t-c-h, and she goes by Masha, and I've known her for 30 years -- is that correct? -- '88 to now, so 31 years.

So the accusation was that derogatory material to influence the election was given to her and to the Ukrainian ambassador in Washington, Valeri, V-a-l-e-r-i, Chaliy, C-h-a-l-i-y. And this information was therefore intended to reach the Hillary campaign to influence the election. That was one allegation.

Q Can I stop you there --

A Yes.

Q -- before you get to the second allegation. You've used the word "allegation." Do you know whether or not that allegation was ever true or proven, or was there ever any evidence to support it?

A I do not know. I know the allegation was made. I have my opinions about the prosecutor general who made them.

Q What is your opinion about that allegation, whether it's true or false?

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A My opinion is that he was --

Q "He" being --

A He, the prosecutor general.

Q Lutsenko, for the record.

A Lutsenko, yes. Okay. That's right.

Q Because I believe we'll probably be discussing multiple prosecutor generals today.

A Yes. Yes. Yes.

Q So let's just be clear for the record.

A That's a good point. Thank you.

My opinion of Prosecutor General Lutsenko was that he was acting in a self-serving manner, frankly making things up, in order to appear important to the United States, because he wanted to save his job. He was on his way out with the election of a new President. You could read the writing on the wall. This was before Zelensky was elected, but you could see the wave of popularity.

He had been put in place by the former President, Petro Poroshenko. I think there were a couple motivations to this, but I think most important was that he would stay in office probably to prevent investigations into himself for things that he may have done as prosecutor general.

And so by making himself seem important and valuable to the United States, the United States then might object or prevent him from being removed by the new President.

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Q And to whom was he trying to make himself important precisely?

A Well, my assumption was the United States generally. The President himself, you know, the State Department. He --

Q What about Rudy Giuliani?

A Well, he obviously met with Rudy Giuliani, I've learned that from media reports, and therefore that was also a target of how to get information into the U.S. system.

Q Is it your opinion that President Trump believed these allegations?

A Yes, it is my opinion that he believed them. I know that Mr. Giuliani did, and I know that Mr. Giuliani reported to President Trump. So I believe that President Trump believed them. I don't know that he believed them.

Q Did President Trump want Ukraine to investigate those allegations?

A He never said that. He never raised that with me.

Q Did the President ever withhold a meeting with President Zelensky until the Ukrainians committed to investigating those allegations?

A We had a difficult time scheduling a bilateral meeting between President Zelensky and President Trump.

Q Ambassador Volker, that was a yes-or-no question.

A Well, if I -- can you repeat the question then?

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Q Sure. Did President Trump ever withhold a meeting with President Zelensky or delay a meeting with President Zelensky until the Ukrainians committed to investigate the allegations that you just described concerning the 2016 Presidential election?

A The answer to the question is no, if you want a yes-or-no answer. But the reason the answer is no is we did have difficulty scheduling a meeting, but there was no linkage like that.

Q Okay. Let's go to the second allegation. And we're going to come back to the President's interest in that investigation later on. But could you describe, you said there was a second allegation?

A Yes. The second allegation is the one about Burisma and Hunter Biden and Vice President Biden. And the allegation there is that Hunter Biden was put on the board of a corrupt company that a prior prosecutor general, Shokin -- I believe it's S-h-o-k-i-n -- was seeking to investigate that company and that Vice President Biden weighed in with the President of Ukraine to have that prosecutor general, Shokin, fired. That's the allegation.

Q Okay. And to your knowledge, is there any evidence to support that allegation?

A There is clear evidence that Vice President Biden did indeed weigh in with the President of Ukraine to have

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Shokin fired, but the motivations for that are entirely different from those contained in that allegation.

Q That were pushed by Prosecutor General Lutsenko --

A Correct.

Q -- and adopted by John Solomon in The Hill and then repeated on televised news?

A Correct. When Vice President Biden made those representations to President Poroshenko he was representing U.S. policy at the time. And it was a general assumption -- I was not doing U.S. policy at the time -- but a general assumption among the European Union, France, Germany, American diplomats, U.K., that Shokin was not doing his job as a prosecutor general. He was not pursuing corruption cases.

Q So it wasn't just former Vice President Biden who was pushing for his removal, it was those other parties you just mentioned?

A I don't know about any other specific efforts. It would not surprise me.

Q Now, you mentioned that during your Oval Office meeting with the President and others, following the May 20th or 21st inauguration, you urged the President to have a meeting with President Zelensky. Is that correct?

A That's correct.

Q Was that an Oval Office meeting that you were

urging?

A It was a White House visit, so, yes, it would have been an Oval Office meeting.

Q And why was the Oval Office meeting important to Ukraine?

A It was important to show support for the new Ukrainian President. He was taking on an effort to reform Ukraine, fight corruption, a big sea change in everything that had happened in Ukraine before, and demonstrating strong U.S. support for him would have been very important.

Q Okay. And what is it about an Oval Office meeting that is so significant, and why does it send such a strong signal of support for the new Ukrainian administration?

A It's just the optics. In addition to what the content of the meeting would be, where we do have a very strong policy of supporting Ukraine, the imagery of the Ukrainian President, you know, at the White House, walking down the colonnade, in the Rose Garden, whatever it might be, that imagery conveys a message of U.S. support.

Q Okay. I have two more questions on the second allegation, as you call it, and then I'm going to move on to your text messages.

First, did President Trump ever express an interest or desire for Ukraine to open or reopen an investigation of Burisma Holdings?

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A I never heard that from President Trump.
Q What about Giuliani, Rudy Giuliani?
A Giuliani did.
Q And who did Giuliani work for?
A He's President Trump's personal lawyer.
Q Does he have -- he has no official role at the State Department. Is that correct?
A I have --
Q What was your understanding?
A Yeah. I believed him to be a private citizen who is President Trump's personal attorney.
Q Okay. To your knowledge, has a new prosecutor general been appointed by President Zelensky or the Ukrainian Parliament?
A Yes.
Q Do you know that person's name?
A Yes. This is a tough one. Ryabshapka. And R-y-a-b-s-h-a-p-k-a. That's my best guess.
Q And I'm not even going to attempt it, so I'll just ask you, do you know approximately when the new prosecutor general was appointed?
A Approximately September 2nd to 5th timeframe, somewhere in that range, I believe.
Q Do you know whether the new prosecutor general has opened an investigation into what you called the first

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allegation?

A No, I don't.

Q Do you know whether he has opened an investigation or reopened an investigation into Burisma Holdings --

A No, I don't.

Q -- the second allegation that you described?

A No, I don't.

Q Okay. So I'd like to turn to some of your text messages that were produced.

So before we move to the text messages, I want to ask you a clarifying question. You said that you were not aware of any linkage between the delay in the Oval Office meeting between President Trump and President Zelensky and the Ukrainian commitment to investigate the two allegations as you described them, correct?

A Correct.

Q Do you know whether there was any linkage that Rudy Giuliani drew between the two of those things?

A No. If I can explain --

Q You do not know or he did not --

A I do not know whether he advocated for any linkage between those things or not.

Q Okay. What about President Trump, do you know one way or the other?

A No, I don't. May I say --

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Q Yes.

A So the issue as I understood it was this deep-rooted, skeptical view of Ukraine, a negative view of Ukraine, preexisting 2019, you know, going back.

When I started this I had one other meeting with President Trump and President Poroshenko. It was in September of 2017. And at that time he had a very skeptical view of Ukraine. So I know he had a very deep-rooted skeptical view.

And my understanding at the time was that even though he agreed in the meeting that we had with him, say, okay, I'll invite him, he didn't really want to do it. And that's why the meeting kept being delayed and delayed.

And we ended up at a point in talking with the Ukrainians -- who we'll come to this, but, you know, who had asked to communicate with Giuliani -- that they wanted to convey that they really are different. And we ended up talking about, well, then, make a statement about investigating corruption and your commitment to reform and so forth.

Q Is that the statement that you discussed in your text messages --

A Yes.

Q -- around August of 2019?

A Yes.

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Q Okay.

A Yeah. To say make a statement along those lines. And the thought behind that was just trying to be convincing that they are serious and different from the Ukraine of the past.

Q Now, I recall that in that text -- one of the text messages to Andrey Yermak -- I might have you spell that for the record.

A Okay. Andrey is A-n-d-r-e-y, and Yermak is Y-e-r-m-a-k, and he is an assistant to -- or a -- I don't know what the exact title is -- but an assistant to the President of Ukraine, probably his closest adviser.

Q I believe in the text messages, and we'll probably go through it, but you sent a proposed statement to Mr. Yermak for President Zelensky to release. Is that correct?

A It was the other way around. He sent it to me.

Q Okay. And in at least one version of that statement include references to investigations into Burisma Holdings, correct?

A That is correct.

Q And also into the 2016 election interference?

A That is correct.

Q Why did you single out those two specific allegations --

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A Right.

Q -- for the statement that President Zelensky was going to release --

A Yes.

Q -- in order to get the White House visit?

A Right. He sent the draft statement to me, and I discussed it with Gordon Sondland, our ambassador to the European Union, and with Rudy Giuliani, we had a conference call together, because I was hoping that this would be convincing, that this is --

Q Convincing to who?

A To Giuliani, and therefore that information flow reaching the President would be more positive than it had been.

And Rudy did not find that convincing. He said that if they're not willing to investigate those things, Burisma --

Q Referring to the two allegations we were discussing?

A Burisma -- correct -- Burisma and 2016, then what does it mean?

And so we talked about it, and I said, well, if it said Burisma, let's be clear, we're talking about the Ukrainian company and Ukrainians that may have violated Ukrainian law or whether any Ukrainians may have tried to influence U.S. elections, that's what we're talking about. And that was,

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yes, you know, that is what we were talking about.

I then wrote a version -- I added that to the statement that Mr. Yermak had sent me so we could look at it and say -- Gordon and I, I believe, looked at it -- say, is this what we're talking about? Gordon says, yes.

I sent that to Andrey Yermak and discussed it with him. And in that conversation with Andrey and a subsequent conversation I advised him, this is not a good idea.

Q Why did you think -- what specifically was not a good idea?

A To --

Q And why did you think that?

A Yeah. I advised him that making those specific references was not a good idea, that a generic statement about fighting corruption and, you know, if anyone had tried to interfere in U.S. domestic politics, it's unacceptable, we have to make sure that never happens again, that's fine. But making those specific references, I said, is not a good idea.

Andrey's argumentation, let me start with that, was that, first off, he didn't want to see any evidence destroyed by --

Q What do you mean by that?

A By -- yes. Very important point. Prosecutor General Lutsenko was at this time still in office, and so the one who's making these allegations, which, you know, there is

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no -- no evidence was brought forward to support. I thought they were very self-serving and not credible.

Q And not only that, since Prosecutor General Lutsenko made those allegations, didn't he later come out and retract the allegations as completely false?

A Yeah. I believe that he did.

Q Okay.

A Yeah. And so he said, first off, we don't want to -- if there is any evidence here, we don't want to say this and then have Lutsenko destroy it.

Secondly, we don't want to commit to anything that we might do as an investigation without having our own prosecutor general in place, that is the new team that took office.

And my comment back to him was I think those are good reasons. And in addition, I just think it's important that you avoid anything that would look like it would play into our domestic politics, and this could. So just don't do it. I agree with -- so I told Andrey, I agree with you, don't do it.

Q So you believe that if the Ukrainians were to announce that they were pursuing investigations into what we've been describing as the two allegations, that could have an impact on U.S. domestic politics?

A Yeah. For the reason that you highlighted earlier,

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which is that it was known that Hunter Biden was a board member of Burisma, so it could be interpreted that way.

Q And would it be fair to say that if the Ukrainians announce that they were opening an investigation into those two allegations, it could accrue to the benefit of President Trump's reelection campaign?

A We didn't discuss that.

Q Do you believe that it could be perceived that way here in the United States?

A Clearly, because it has now been perceived that way.

Q And you agree with that perception?

A Well, we're talking about what we see today especially in light of the phone call on July 25th. At the time I was not aware of that phone -- the contents of that phone call.

Q And yet, you raised concerns about it, correct?

A Yes, I was --

Q At the time.

A In August, because of conversations with Giuliani, I wanted to make sure that I was cautioning the Ukrainians, don't get sucked in.

Q Did you understand that Rudy Giuliani spoke for President Trump when he was dealing with the Ukrainians?

A No.

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Q Did he -- but you said he was his personal lawyer. Is that correct?

A Yes.

Q Was he -- do you know whether he was conveying -- Rudy Giuliani -- conveying messages that President Trump wanted conveyed to the Ukrainians?

A I did not have that impression. I believe that he was doing his own communication about what he believed and was interested in.

Q But you said he was working for President Trump?

A He is President Trump's personal attorney.

Q Yeah. So why would Rudy Giuliani have any role in dealing with the Ukrainians?

A Because the Ukrainians asked to be connected to him in order to try to get across their message of being different from the past.

Q So the Ukrainians believed that by speaking to Rudy Giuliani they could communicate to President Trump?

A That information flow would reach the President.

Q Because Rudy Giuliani would convey that information to the President presumably, correct?

A Yes.

Q Okay. So I do want to go through the text messages because I believe that they're a good anchor for some of the other topics that we've been discussing that I do want to

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discuss.

So I have a copy for you. I don't know if you --

A That's helpful if you do. Thank you.

Q Okay. So for the record, I'm handing the witness what the witness produced yesterday as KV1 through KV65. And we're not going to put this whole thing in as exhibits. We're going to do portions of them that we'll mark separately as separate exhibits.

[Volker Exhibit No. 2
Was marked for identification.]

BY MR. NOBLE:

Q So I'd like to first turn to page 36, and we're going to mark, as exhibit 2, 36, 37, 38, and 39.

A Am I correct that it's -- the bottom right is the page number?

Q Yes. On the bottom right it should say KV36. Do you see that?

A Yes.

Q Okay. Great.

Up at the top, this is a group message chat between Gordon and Bill. Is that correct?

A Yes.

Q And what medium were these messages exchanged in?

A I believe this was in WhatsApp.

Q Okay. And who are Gordon and Bill?

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A Gordon is U.S. Ambassador to the European Union Gordon Sondland; and Bill is Ambassador Bill Taylor, who is the Charge d'affaires in Kyiv.

Q So just a preliminary question. If you jump down to -- and I think it will be easiest to refer to the messages by the date and timestamps on the left-hand side. Do you see those?

A Yep.

Q Okay. So jumping down a few lines to 6/19/19 at 5:12 a.m., do you see where it says, "This message was deleted"?

A Yes.

Q That appears throughout your text messages that you produced. Do you know why certain text messages were deleted?

A Yes. Let me clarify that. When a person sends a text message in WhatsApp and then they go in themselves and delete it, because they're correcting what they were trying to say, I did this, didn't -- you know, I wanted to say something different instead, they delete that. And WhatsApp records that there was a prior message that was deleted before the next message is there.

Q Okay. So jumping down to 6/19/19 at 8:33 a.m.

A Yes.

Q Bill Taylor is writing. And just can you explain

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again who Bill Taylor is and where he was and what his role was?

A Yeah. Bill Taylor is the Charge d'affaires at the U.S. Embassy in Kyiv.

Q Okay. Is he a career U.S. State Foreign Service officer?

A He was a career civil servant, and he served as Ambassador to Ukraine, I believe, in the late 2000s. And when Ambassador Yovanovitch departed, the DCM at the Embassy also was at the end of her tour.

And it was my judgment, and I recommended this to Secretary Pompeo, that we needed a more seasoned diplomat in place to be the U.S. Charge. And so I recommended Bill. And Bill had been the vice president of USIP, and he took a leave of absence from that to take on the role of Charge.

Q Okay. And just generally, did you have conversations throughout, I guess, 2019 with Bill Taylor and Gordon Sondland regarding the issues that we've been discussing here today? Is that fair to say?

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[10:40 a.m.]

Mr. Volker. Yes. On a routine basis, we were very closely in touch.

BY MR. NOBLE:

Q Okay. Let's jump to 6/24/19 at 3:01 p.m. Do you see that one?

A Yes, I do.

Q And can you read that for the record, what Bill Taylor writes?

A So Bill Taylor writes.

Q Gordon.

A Yes. Bill Taylor: Gordon, can I ask you to see if you can break through on two key issues, a date from the White House for the Zelensky visit -- ZE visit means Zelensky.

Q And throughout this, sometimes there's a ZE. Throughout these messages, ZE or Z, that refers generally to President Zelensky of Ukraine?

A Correct. So can I ask you to see if you can break through on two key issues, a date from the White House for the Zelensky visit and a senior lead for a delegation to Kyiv for their Independence Day parade and celebration on August 24th? The date for the visit is urgent. The NSC has not been able to get a date. Many are travel -- in parentheses, many are traveling, of course. Two years ago, Secretary

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Mattis came for Independence Day. Last year Ambassador Bolton. Secretary Pompeo can't make it. The Vice President, question mark? Many thanks.

Q Please continue.

A A further message from Bill Taylor: Gordon, you might not have seen the message from George Kent on the high side that tells us that senior levels at the White House said that the visit is not happening any time soon. Very discouraging. Any chance you can turn this around? If not, I don't think a senior call with the Ukrainians on Friday, as your staff is suggesting, makes sense. Plus, it's a Ukrainian holiday, Constitution Day. Your thoughts?

Q Then you go on to say: Let's have an internal call on Friday?

A Let's have an internal call Friday, three of us plus Secretary Perry. So rallying that Presidential delegation.

Q And please go ahead and read the next line.

A Gordon Sondland: This is Vindman and is being fixed. Agree, Kurt, let's talk Friday.

Q Okay. I want to ask you about two of the people who are mentioned in these messages. Who is George Kent?

A George Kent is the Deputy Assistant Secretary of State responsible for Ukraine, Georgia, and this part of the world. He's formerly the Deputy Chief of Mission in Ukraine.

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Q Okay. And Mr. Vindman?

A Alex Vindman is a National Security Council staffer who has worked on Ukraine.

Q And can you explain just what you were -- you and Ambassador Sondland and Mr. Taylor were discussing on this -- in these exchanges?

A Yes. So this is after President Trump wrote a letter to President Zelensky, inviting him to meet with him at the White House. And then, in trying to nail down a date to propose to the Ukrainians for that visit, we were not getting anywhere. What Gordon is referring to is his belief when he says, "This is Vindman and is being fixed." He believed that Alex Vindman was slow-rolling this invitation to President Zelensky.

Q Who believed that?

A Gordon Sondland did. He believed that this is Vindman and is being fixed. He believed that the invitation was being slow-rolled by Alex, who was saying: We need to have more content to justify why we have this visit. There's no -- there's nothing for them to talk about. There's no deliverable. There's no accomplishments here. So we need to do more first with Ukraine to build up to White House visit.

Q And at this time, what was your position regarding whether or not a meeting should occur between President Trump and President Zelensky?

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A My -- first off, let me say that I don't think that was what Alex Vindman was doing.

Q Okay.

A I think Gordon was wrong about that. But it was what Gordon believed. And my view on a visit was that the opposite is true. We need the personal relationship between President Trump and President Zelensky. Once they get to know each other, that will give President Trump the confidence that this is a new day in Ukraine, a new President, a team committed to reform. So I just wanted to get the two of them together as quickly as possible.

Q Okay. Now, you referenced a letter from President Trump to President Zelensky congratulating him on his inauguration. Is that correct?

A Correct.

Q And you've produced a copy of that to us, which I believe is KV-12. Do you have that in front of you? And we're going to mark KV-12 as exhibit 3.

[Volker Exhibit No. 3
Was marked for identification.]

BY MR. NOBLE:

Q Do you see that?

A Yes, I do.

Q And this is the letter where President Trump invites President Zelensky to visit him in Washington, D.C.?

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A That is correct.
Q And the date of this letter is May 29th, 2019?
A That is correct.
Q And yet, as of the time of these text messages in late June, no meeting had yet been scheduled. Is that right?
A That is correct.
Q I'm going to jump down, still on page 36, to 6/28/19 at 8:30 a.m. And Ambassador Sondland says: Whoo, glad you stayed on.
And then can you read what Bill Taylor wrote? And just read the next few lines, and I'll tell you when to stop.
A Okay. Gordon Sondland: Whoo, glad you stayed on.
Bill Taylor: Me too. I might see him Sunday with Congressman Hoyer's delegation.
Bill Taylor: How do you plan to handle informing anyone else about the call? I will completely follow your lead.
Kurt Volker: I think we just keep it among ourselves and try to build a working relationship and get the damn date for the meeting.
Q The "damn" is blanked out, though, right?
A The "damn" is, yes. I don't usually -- and a smiley face because I don't normally use profanity. So I already felt bad about it.
Gordon Sondland: Agree with KV, very close hold.
Bill Taylor: Got it.

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Bill Taylor: Kurt had a good meeting with Zelensky, I hear.

This is now July 3rd.

Q Oh, yeah.

A I'm sorry. That's now July 3rd. So that's --

Q Yeah, let's stop there. Let's go back up. First of all, can you explain what Ambassador Sondland's role was with respect to Ukraine because you said he was the Ambassador to the European Union, correct?

A Yes.

Q Why was he involved in U.S.-Ukrainian relations?

A He took a strong interest in Ukraine at the EU. We wanted to strengthen EU support for Ukraine. They do a lot of budgetary assistance. We wanted more political assistance. And, for instance, February 28th, we had a U.S. Destroyer visit the Port of Odessa. I went there, as the senior representative, to be there for that Destroyer visit. And Ambassador Sondland came for that as well.

And then he was part of the Presidential delegation in May for the President's inauguration. And I found his engagement to be very useful. He had -- he's a political appointee and had close ties with the political side of the White House that I did not have.

Q Okay. And did you understand his -- you said political ties to President Trump, what the nature of those

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were?

A I don't know what the nature was. I just know that he had a relationship with President Trump that I did not have.

Q Are you aware that he donated a large sum of money to his inauguration fund?

A I would not be surprised. I didn't know that.

Q But you said he -- was he close -- would you say he was close to President Trump?

A I would say that he felt that he could call the President and that they could have conversations. I don't know how close.

Q Now, what is this call -- what is the call that you're discussing in these messages that you later say -- or Ambassador Sondland says, very close hold?

A Yes.

Q What is this call?

A Yes. So what I understand this to be -- it took me a while to reconstruct this in my own mind. I believe that Gordon and Bill had a phone call with President Zelensky, and they were -- I don't know what the purpose was, but they were trying to somehow steer President Zelensky on the where we are with the request for a meeting because we had the letter, you know --

Q From the President.

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A -- being invited to the White House, and we're not offering a date. And I believe they had a conversation with him about that.

Q Were the Ukrainians -- and I should be more specific. President Zelensky or his close adviser Andriy Yermak, were they pressing you or Ambassador Sondland or Bill Taylor to get this meeting with the President set up?

A Yes, they were.

Q Okay. And can you describe your conversations with them -- and let's just stick to this general timeframe, May-June of 2019 -- regarding a meeting?

A Yeah. They had the letter. They knew that the President was invited to the White House. We were not in a position to give them a date. And they would check in, I'd say, every other day. Anything new? You know, do you have -- and we would just report, you know, or answer their question, you know: Don't have anything. We are trying. We are trying to get a date out.

And we -- various different times, you know, we'd weigh in with the National Security Council staff, with -- I know that Gordon Sondland called the chief of staff once. But we were not getting anywhere in getting a date nailed down.

Q Why did the Ukrainians keeping contacting you about setting up this meeting with the President? Why was it so important to them? What's your understanding?

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A For the reason that we discussed earlier. That is a tremendous symbol of support to have their president visiting with our President in the White House.

Q Okay. Going back to these text messages, the call that you were discussing, which I believe you said you were not on the call?

A I was not.

Q Do you know what was discussed during that call?

A I believe it was trying to explain to President Zelensky personally: We are working this. We're committed to having you there. We are trying to get a date.

That's what I believe it was, but I don't know the specific contents.

Q Okay. Jumping down to the line that's 7/3/19 at 1:50 p.m.

A Yes. Gordon Sondland: I have not briefed Ulrich yet. Waiting for the Bolton meeting and then a comprehensive briefing. If you want to chat with him sooner, no worries on my end. Have a great Fourth.

Q Who is Ulrich?

A Ulrich is Ulrich Brechbuhl, who is the counselor of the State Department.

Q He's a counselor at the State Department, correct?

A Yes.

Q And what is -- are you aware of his relationship to

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Secretary Pompeo?

A I believe they have a very close relationship and work well together.

Q Okay. And what was Ulrich's role with respect to U.S.-Ukrainian relations during 2019?

A He played no real role in U.S.-Ukrainian relations at all. He was a way of communicating so that information could get to the Secretary if he needed it to.

Q Fair to say Ulrich was a conduit to Secretary Pompeo?

A Yes. And one that I did not use very much, but I think Gordon and Bill did call him a few more times than I did.

Q I'm sorry. Going back up to that call that we were discussing in the June 28, 2019, text messages, why were you not on that call?

A I don't know. I'd have to look at -- I'd have to think about calendar and where I might have been or what I was doing, but I'm not sure.

Q Would you normally have been on such calls with Bill Taylor and Gordon Sondland himself and President Zelensky?

A Well, there wasn't a normal. This was the only time it happened.

Q Okay. Going back down to the 7/3/19 line,

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Ambassador Sondland wrote: Waiting for the Bolton meeting.

What Bolton meeting was he referring to? And I assume he's referring to former National Security Advisor John Bolton?

A That is correct. That is who he's referring to. Let me check something. So I don't know what the Bolton meeting is. It may be that we had a meeting or -- waiting for the Bolton meeting. Ah, okay. I think I understand it. The name in here that is misspelled, in the 7/3/19 message, 1:22, it says: Did Dayliuk get confirmed with Bolton for next week?

That is a misspelling. It is Danylyuk.

Q Can you spell it correctly for the record?

A The correct spelling is D-a-n-y-l-y-u-k. And --

Q Oleksandr Danylyuk?

A Oleksandr Danylyuk --

Q Danylyuk.

A -- was at that time -- he's since resigned. He was at that time the chair of the National Security and Defense Council of Ukraine, appointed by President Zelensky. And he was seeking a meeting with National Security Advisor John Bolton as a first meeting with his counterpart.

Q I see.

A And I believe the meeting in question with Bolton -- waiting for the Bolton meeting I understand to be

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--

Q Is that the meeting that -- I apologize for interrupting, but is that the meeting that later took place on July 10th --

A That is correct.

Q -- at the White House?

A That is correct.

Q And Oleksandr Dany -- I can't pronounce it, but Danylyuk and Andriy Yermak attended that meeting on the Ukrainian side?

A That is correct. That is correct.

Q Okay. Does Oleksandr Danylyuk also go by Sasha?

A Yes.

Q Can we jump down to the text messages on July 10th, '19? And I'll just have you read those, starting with what Bill Taylor said at 7:56 a.m.

A Yes. So Bill Taylor on July 10th: Just had a meeting with Andriy and Vadym.

Q Apology there. Who are Andriy and who are Vadym, for the record?

A Vadym is Vadym Prystaiko, P-r-y-s-t-a-i-k-o. He is now the Foreign Minister of Ukraine but at this time was a diplomatic adviser to President Zelensky. Andriy could be one of two people. It could be Andriy Bohdan, A-n-d-r-i-y, Bohdan but spelled in the Ukrainian way, B-o-h-d-a-n. He's

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the chief of staff of the Presidential administration. That's who I think it is.

Q You believe it's Bohdan?

A I believe it's Bohdan. The other person it could be, however, is Andriy Yermak. His name is spelled A-n-d-r-e-y.

Q Okay. But, to be clear, you're not sure who Bill Taylor was referring to, which Andriy?

A I'm not sure. I believe it was Bohdan, but I'm not sure.

Q All right. Continue.

A Just had a meeting with Andriy and Vadym. Very concerned about what Lutsenko told them. That according to Rudy Giuliani --

Q That's RG in the text message?

A Yes. RG is Rudy Giuliani, yes.

The Zelensky-POTUS meeting will not happen. Advice?

And I responded, Kurt Volker: Good grief, please tell Vadym to let the official USG representatives speak for the U.S. Lutsenko has his own self-interest here. And this is what we discussed earlier.

Q And please continue.

A Okay.

Bill Taylor: Exactly what I told them.

Bill Taylor: And I said that RG, Rudy Giuliani, is a

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private citizen.

Bill Taylor: I briefed Ulrich this afternoon on this.

Bill Taylor: Eager to hear if your meeting with Danylyuk and Bolton resulted in a decision on a call, a phone call between President Trump and President Zelensky.

If I can explain that --

Q Let's finish the text, then we'll go back and have you explain some things.

A Sure.

Bill Taylor: How did the meeting go?

Kurt Volker: Not good, let's talk. KV.

Q And the meeting that's being referred to is the July 10th meeting at the White House?

A That's right.

Q All right. So I want to go back up to the first line. Andriy and Vadym were very concerned about what Lutsenko told them. Do you know what Lutsenko told them, you wrote?

A Just what it says here, that according to Rudy Giuliani, the Zelensky-POTUS meeting will not happen.

Q And how did Lutsenko know that?

A Because it says here "according to Rudy Giuliani." So, apparently, they spoke.

Q Are you aware of whether Prosecutor General Lutsenko and Rudy Giuliani had direct communication?

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A I know that they met earlier in the year. So it's possible that they had further communications, but I don't know.

Q Did Rudy Giuliani ever back brief you on those conversations he had with Lutsenko?

A No.

Q All right. Bill Taylor says he briefed Ulrich on this. Do you have an understanding why Bill Taylor briefed Ulrich on the situation?

A Yes, because with the message that Lutsenko said, that according to Rudy Giuliani this meeting will not happen, he wanted to make sure that the Secretary -- by briefing Ulrich, it would get to the Secretary -- that there's this issue, that this is what was said.

Q Do you know what Bill Taylor told Ulrich, Counselor Ulrich exactly?

A Well, when he says "briefed Ulrich this afternoon on this," I assume what it is, is that message from Andriy and Vadym about what Lutsenko told them.

Q Okay. So Bill Taylor learns from Andriy and Vadym that Rudy Giuliani told Lutsenko that the meeting with the President of the United States was not happening. Is that right?

A That's what it says.

Q Okay. And then Bill Taylor briefs that to

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Counselor Ulrich so that Ulrich can inform Secretary Pompeo. Is that fair?

A Yes.

Q Now, when you're asked about the meeting between Danylyuk and Bolton at the White House on July 10th, you say: It did not go -- you said -- when asked how it went, you said: Not good.

A Yes.

Q Sorry, that was garbled. But why did you say that?

A Because Alex Danylyuk led the meeting and was talking really very bureaucratically. He was getting into the weeds about restructuring the intelligence services, the security services in Ukraine, into the weeds about restructuring the Defense Ministry, how they were going to set up a National Security Council apparatus different from the one -- and this is not the level of conversation you should be having with the National Security Advisor of the United States.

You should be conveying a much more top-line strategic message: We're a new team. We understand the problems in Ukraine. We are committed to solving them. We want to work with -- that's what the message should have been, and he just didn't do it.

Q Okay. And who was in the room during that conversation?

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A John Bolton, of course, and with him Rick Perry, Secretary of Energy; Ambassador Sondland; myself. So we had this same Presidential delegation team. We kind of tried to shepherd this relationship together as best we could. Andriy Yermak. Obviously, Oleksandr Danylyuk.

There must have been an NSC staffer with John. I don't remember who it was now, whether it was Alex or -- Vindman or whether it was senior director at the time. I don't remember who that was.

Q Would that have been Fiona Hill?

A I don't remember when Fiona left and when Tim Morrison started.

Q Tony Morrison?

A No, Tim.

Q Tim Morrison, I'm sorry.

A Yes. So Fiona was there as senior director up to a point. And when she left, she was replaced by Tim Morrison, and I don't remember when that transition took place.

Q During that meeting, was there any discussion about setting up the July 25th telephone call with President Trump and President Zelensky?

A I believe -- let me just double-check what it says here too. Yes, there was, because Bill was asking me: Eager to hear if your meeting with Danylyuk and Bolton resulted in a decision on a call.

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And the reason we were now seeking a phone call was because it had been so long since the letter inviting the President of Ukraine to the White House without scheduling the visit that we thought it would be a good idea for President Trump to call him again.

And, in addition, we were looking forward to the Parliamentary election, which was going to be concluded on July 21st. And so we were saying: Let's see if we can get agreement that we'll do a phone call either just before or just after that Parliamentary election.

Q Thank you, Ambassador Volker.

My time is up, so I'm going to turn it over to my colleagues on the minority side.

MR. VOLKER: May we have a short biological break and come back?

THE CHAIRMAN: Yes, take a 5-minute break.

[Recess.]

MR. CASTOR: Back on the record. It's 11:13. Everybody comfortable to start now?

BY MR. CASTOR:

Q My name is Steve Castor with the Republican staff. Thank you so much for coming in. We were just amazed by your deep knowledge of the region, your ability to recall specific names, pronounce them. During the break, all of the members, the staff at large talked about it, just an incredible

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appreciation for your knowledge of the region. So thank you for coming in.

And we want to signal at the start that we have great respect for you. We have great respect for the career Foreign Service officers, and to the extent any Foreign Service officer is thrust into the political realm, we appreciate that that is just an unfortunate circumstance.

Nevertheless, you're here. You're here to answer all the questions. It's very encouraging. So, you know, I'm a congressional staffer. I'm not a career Foreign Service person. So, if I get any of the names, if I mispronounce it, anything of that sort, if I'm not as savvy as you, please forgive me. It in no way is a lack of respect for the job that you and your colleagues do. And, with that in mind, I mean, you mentioned in your opening statement that at all times you conducted yourself with the highest level of personal and professional integrity. Is that fair?

A Yes.

Q And so any of the facts here, you connecting Mr. Giuliani with Mr. Yermak and to the extent you were facilitating Mr. Giuliani's communication with anybody in the Ukraine, you were operating under the best interests of the United States?

A Absolutely.

Q And to the extent Mr. Giuliani is tight with the

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President, has a good relationship with him, has the ability to influence him, is it fair to say that, at times, it was in the U.S.' interest to have Mr. Giuliani connecting with these Ukrainian officials?

A Yes, I would say it this way: It was I think in the U.S. interest for the information that was reaching the President to be accurate and fresh and coming from the right people. And if some of what Mr. Giuliani believed or heard from, for instance, the former Prosecutor General Lutsenko was self-serving, inaccurate, wrong, et cetera, I think correcting that perception that he has is important, because to the extent that the President does hear from him, as he would, you don't want this dissonant information reaching the President.

Q And you mentioned that the President was skeptical, had a deep-rooted view of the Ukraine. Is that correct?

A That is correct.

Q And that, whether fair or unfair, he believed there were officials in Ukraine that were out to get him in the run-up to his election?

A That is correct.

Q So, to the extent there are allegations lodged, credible or uncredible, if the President was made aware of those allegations, whether it was via The Hill or, you know, via Mr. Giuliani or via cable news, if the President was made

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aware of these allegations, isn't it fair to say that he may, in fact, have believed they were credible?

A Yes, I believe so.

Q And to that end, did you feel that it was worthwhile to give a little bit with Mr. Giuliani, in terms of the statement?

A What I wanted to do with the statement -- and it was not my idea. I believe it must have come up in the conversation that Mr. Giuliani had with Mr. Yermak in Madrid on August 2nd because it was Yermak who came to me with a draft statement.

And I viewed this as valuable for getting the Ukrainian Government on the record about their commitment to reform and change and fighting corruption because I believed that would be helpful in overcoming this deep skepticism that the President had about Ukraine.

Q And the draft statement went through some iterations. Is that correct?

A Yeah. It was pretty quick, though. I don't know the timeline exactly. We have it. But, basically, Andriy sends me a text. I share it with Gordon Sondland. We have a conversation with Rudy to say: The Ukrainians are looking at this text.

Rudy says: Well, if it doesn't say Burisma and if it doesn't say 2016, what does it mean? You know, it's not

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credible. You know, they're hiding something.

And so we talked and I said: So what you're saying is just at the end of the -- same statement, just insert Burisma and 2016, you think that would be more credible?

And he said: Yes.

So I sent that back to Andriy, conveyed the conversation with him -- because he had spoken with Rudy prior to that, not me -- conveyed the conversation, and Andriy said that he was not -- he did not think this was a good idea, and I shared his view.

Q You had testified from the beginning you didn't think it was a good idea to mention Burisma or 2016.

A Correct.

Q But then, as I understand it, you came to believe that if we're going to do the statement, maybe it's necessary to have that reference in there, correct?

A I'd say I was in the middle. I wouldn't say I thought it was necessary to have it in there because I thought the target here is not the specific investigations. The target is getting Ukraine to be seen as credible in changing the country, fighting corruption, introducing reform, that Zelensky is the real deal.

You may remember that there was a statement that Rudy Giuliani made when he canceled his visit to Ukraine in May of 2019 that President Zelensky is surrounded by enemies of the

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United States. And I just knew that to be fundamentally not true. And so I think, when you talk about overcoming skepticism, that's kind of what I'm talking about, getting these guys out there publicly saying: We are different.

Q I guess what I'm trying to get to, though, is that there was a point where you tweaked --

A Oh, yeah. Yes.

Q -- the draft statement and you sent it back, even though you weren't really in favor of --

A Well, I wanted to do that because I was trying to communicate clearly. So what is it that you are saying here? You know, Rudy Giuliani, Gordon was on the phone with that as well. What are you saying? Is this what you're saying?

And there is an important distinction about Burisma that I think I made earlier, but I want to repeat it again. Burisma is known for years to have been a corrupt company accused of money laundering, et cetera. So, when someone says investigate Burisma, that's fine. You know, what were Ukrainian citizens doing, and do you want to look into that? Saying investigating Vice President Biden or his son, that is not fine. And that was never part of the conversation.

Q And you said earlier today that that was never part of any conversation --

A Correct.

Q -- you had with --

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A Yes. And if you go through the pages and pages here, you know, there's -- of everything that was the topic of conversation -- and there's a lot -- that never comes up.

Q Okay. And you're the official U.S. representative for the Ukraine, along with the Ambassador, right?

A For -- yes. Yes is probably the simplest way to say that.

Q And are you confident that the U.S. Ambassador to Ukraine also never ever advocated for the investigation of --

A Yes.

Q -- Vice President Biden or Hunter Biden?

A Yes. I am more than -- more than that, I know from having spoken with Bill Taylor, our Charge there, that he specifically advised Ukrainians: Don't do anything to interfere, that that would be seen as interfering in U.S. elections.

Q And the fact that the President may have been zeroed in on the four digits 2016 and Burisma is in line with the President's, you know, often stated concerns about attempts to damage him in the run-up to the 2016 election, right?

A That is correct.

Q I'd like to -- you know, the Burisma, it's a natural gas company, right, in Ukraine?

A Yes.

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Q Under the control of one of the oligarchs, Zlochevsky?

A. That sounds right. I don't know the name off the top of my head.

Q And he's a former Interior Minister?

A I don't know.

Q It's my understanding he's a former Interior Minister and that he has great control over energy companies in the energy sector. Is that something you're familiar with?

A I'm not really familiar with the details of the company.

Q And, you know, there was an issue of whether the former prosecutor general before Lutsenko -- so I guess two prosecutor generals ago?

A Yes. This would be Prosecutor General Shokin.

Q Shokin. There was a question of whether he was, you know -- some in the United States -- and maybe credible and maybe uncredible, people might get mad that I suggest it's credible, but -- were concerned that Shokin wasn't aggressively going after some of these companies controlled by this former Interior Minister?

A That is my understanding.

Q And Burisma is one of those companies?

A That is my understanding.

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Q And so, when folks are agitating for Shokin to go after Burisma, it's in the context of there are Ukrainians affiliated with this company that may have been involved with corrupt activities?

A Correct.

Q And are you aware of whether, you know, Burisma was sufficiently investigated in that time period during the Shokin era?

A I don't know. I was not really involved in policy at that time.

Q Do you have any awareness, given your deep understanding of the area, whether --

A I don't. I'll make one general comment. Ukraine has a long history of pervasive corruption throughout the economy throughout the country, and it has been incredibly difficult for Ukraine as a country to deal with this, to investigate it, to prosecute it.

It seemed -- let me put it this way: A slogan that I have used a lot or in explaining this to people is that in a situation where everybody is guilty of something, the choice of whom to prosecute is a political decision. And that's the way anticorruption was played out in Ukraine for decades, that it wasn't about just fighting corruption; it was about who are my enemies and who are my friends and back and forth.

Q Was Shokin regarded --

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A His reputation, as I know it -- I was not involved in policy at this time, but his reputation is one of a prosecutor general who was protecting certain interests rather than prosecuting them.

Q And looking to Lutsenko, did Lutsenko express an interest or advance, you know, did he advance investigations into the energy sector companies?

A I don't know.

Q Then what was the knock on Lutsenko, other than you had said earlier that he may not have been a reliable --

A Well, the information about Lutsenko -- and I'm not vouching for this; I'm telling you what was the rumor mill in Kyiv -- that he himself was corrupt, that he was protecting President Poroshenko and friends of President Poroshenko in this, you know, how does prosecution work. He was protecting those sorts of things. He was a politician himself who became the prosecutor general, not a judge or lawyer who got into that position directly, and playing a very political role as prosecutor general.

And that he saw the writing on the wall when Zelensky's popularity was rising and Poroshenko was likely to lose the election, and he was concerned about possible investigations into himself once he was out of office and possible investigations into President Poroshenko once he was out of office. So very anxious to see whether he would be able to

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stay on.

Q Going back to the statement of a possible White House meeting, the letter from the President was in May?

A May 29th.

Q In your experience as a veteran Foreign Service official, is this a long time? I mean, don't these meetings between countries sometimes take a long time to get scheduled?

A They do. They do.

Q And were the facts that were unfolding after the May 29th letter and the effort to try to expedite the meeting from the Ukrainian side and maybe the concerns from the U.S. side, did that strike you as novel?

A Not novel, no. It struck me as normal at the beginning, and then the longer it went on, it became clear there's an issue here. This is not moving.

Q But in your career as a Foreign Service veteran, you've seen these --

A I've seen that happen. I -- when I was at the National Security Council staff, trying to get meetings with President Bush for various leaders there, banging your head against the wall trying to get it scheduled.

Q And it can take months. It can take a year.

A It sometimes just doesn't happen.

Q And sometimes doesn't happen.

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And the same with the issue of the aid, the foreign assistance. You know, in your experience, foreign assistance sometimes gets locked up. There's issues to work through. Then it's released. Is what happened here unusual?

A You are correct. I agree with you in saying that assistance gets held up for a variety of reasons at various times. That is true.

In this case, here you had an instance where everyone that I spoke with in the policy side of the administration -- you know, Pentagon, military, civilian, State Department, National Security Council -- they all thought this is really important to provide this assistance. And so, in that circumstance, for there to be a hold placed struck me as unusual.

I didn't know the reason. No reason was ever given as to why that was. It came from OMB, so I immediately thought about budgetary issues, that, for whatever reason, there's a hold placed. There was one report about a hold placed on all assistance because of a concern about end-of-year spending not being done efficiently.

And I just didn't believe that this hold would ever be sustained because the policy community in the administration was determined to see it go forward.

Q And it did?

A And it did.

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Q Looking back on it now, is this something, in the grand scheme of things, that's very significant? I mean, is this worthy of investigating, or is this just another chapter in the rough and tumble world of diplomacy and foreign assistance?

A In my view, this hold on security assistance was not significant. I don't believe -- in fact, I am quite sure that at least I, Secretary Pompeo, the official representatives of the U.S., never communicated to Ukrainians that it is being held for a reason. We never had a reason.

And I tried to avoid talking to Ukrainians about it for as long as I could until it came out in Politico a month later because I was confident we were going to get it fixed internally.

Q So, as one of the official U.S. representatives to the Ukraine, you never explained to them that they needed to do X, Y, or Z to get the aid?

A No. By the time it hit Politico publicly, I believe it was the end of August. And I got a text message from, it was either the Foreign Minister or -- I think it was the future Foreign Minister.

And, you know, basically, you're just -- you're -- I have to verbalize this. You're just trying to explain that we are trying this. We have a complicated system. We have a lot of players in this. We are working this. Give us time

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to fix it.

Q So anybody on the Ukrainian side of things ever express like grave concern that this would not get worked out?

A Not that it wouldn't get worked out, no, they did not. They expressed concern that, since this has now come out publicly in this Politico article, it looks like that they're being, you know, singled out and penalized for some reason. That's the image that that would create in Ukraine.

Q And you assured them that --

A I told them that is absolutely not the case.

Q You were the -- you were working for free --

A Yes.

Q -- right? And it seems from going through your text messages, the United States Government, that taxpayers were getting a good value.

A It's kind of you to say.

Q You were working hard?

A I was.

Q And can you maybe just help us understand why you decided to do this for free?

A Yes. I was working and still am as the executive director of the McCain Institute. It was founded by Senator and Mrs. McCain and Arizona State University. I was the founding executive director in 2012. We were building this

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institute. Some of you may have heard of it by now, which means that we've been successfully building this institute. And I did not feel that I could leave those responsibilities, to leave the McCain family or Arizona State University in order to take on a full-time position.

But, because I cared about the issues and I knew that we had a gap, that we were not in the game on Ukraine in early 2017 the way we should be, I wanted to help. And so I asked then-Secretary of State Tillerson if he would be okay if I did this on a part-time, voluntary, unpaid basis rather than as a full-time employee because I didn't want -- I didn't feel I could give up the responsibilities I had taken on in developing the McCain Institute.

I also had some other personal reasons that I'd rather not dive into, but I did not want to be joining the administration full time at that point.

Q So the McCain Institute is your full-time job?

A Correct, correct.

Q And now you have, as a result largely of this firestorm, you've been -- you had to resign. Is that correct?

A No, that is not correct. I am still executive director.

Q No, from being a Special Envoy?

A Oh, yes. There I would say quite unfortunately

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because I think we were in a very -- we had developed a very strong Ukraine policy. We had developed a strong relationship with this new government now. We did have a bilateral meeting between the two Presidents in New York. We did get the arms -- the security assistance moving. And there is renewed pressure on Russia. The Ukrainians are being very smart about the negotiations right now, and it's developing some new pressure on Russia. So to be unable to be in a position to keep pressing that I think is very unfortunate.

Q So, I mean, is it fair to say you're a little bit of a victim here of this political --

A I don't characterize myself as a victim. I would rather characterize myself as a professional. You do the best job you can for as long as you can.

Q Secretary Pompeo, I mean, he was disappointed you had decided to leave?

A He was disappointed because he saw what I just described as well. We worked this policy well. It's been one of the bright spots in our foreign policy.

Q The decision to release the call transcript, the July 25th transcript between President Trump and President Zelensky, was unusual, correct?

A Absolutely.

Q And do you think it was a good idea -- generally

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speaking, is it a good idea to release call transcripts?

A Generally speaking, I take a view that we need to protect the conversations of our foreign interlocutors. We want to be able to have candid conversations with them, and we don't want to feel that they will not have that degree of openness in speaking with us if they believe what they tell us is going to be released publicly.

Q Do you think the release of this particular transcript, the thrusting of Ukraine into the number one national story, is good for Ukrainian-U.S. relations?

A That's -- the decision to release it is not my decision. That's taking place at a much higher pay grade. And you could -- as far as the impact on U.S.-Ukraine relations, I believe that the substance of those relations is pretty strong right now, and I don't see it changing. Ukraine needs the support of the United States. The U.S. is committed to supporting Ukraine.

Q Can you walk us through the foreign assistance provided by the United States since 2016 -- I'm sorry, since January 2017 a little bit?

A Yes.

Q Characterize it for us?

A Yes. So there has been U.S. assistance provided to Ukraine for some time, under the Bush administration, Obama administration, and now under the Trump administration. I

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was particularly interested in the security assistance and lethal defensive weapons. The reason for this is this was something that the Obama administration did not approve. They did not want to send lethal defensive arms to Ukraine.

I fundamentally disagreed with that decision. It is not my -- you know, I was just a private citizen, but that's my opinion. I thought that this is a country that is defending itself against Russian aggression. They had their military largely destroyed by Russia in 2014 and '15 and needed the help. And humanitarian assistance is great, and nonlethal assistance, you know, MREs and blankets and all, that's fine, but if you're being attacked with mortars and artilleries and tanks, you need to be able to fight back.

The argument against this assistance being provided, the lethal defensive assistance, was that it would be provocative and could escalate the fighting with Russia. I had a fundamentally different view that if we did not provide it, it's an inducement to Russia to keep up the aggression, and there's no deterrence of Russia from trying to go further into Ukraine. So I believed it was important to help them rebuild their defensive capabilities and to deter Russia. It's also a symbol of U.S. support.

So I argued very strongly from the time I was appointed by Secretary Tillerson that the rationale for why we were not providing lethal defensive assistance to me doesn't hold

water and that is a much stronger rationale that we should be doing it.

That eventually became administration policy. It took a while, but Secretary Tillerson, you know, he wanted to think it through, see how that would play out. How would the allies react to this? How would Russia react to this? How would the Ukrainians handle it? And we managed those issues. Secretary Mattis was very much in favor. And they met -- I did not meet with the President about this -- but they met with the President and the President approved it.

Q And how soon into 2017 did that assistance start flowing?

A Well, flowing, probably late 2017-early 2018. Decisionmaking about this really -- I started in July, and I think we had the decisionmaking beginning around September and then finalized a little bit later in the autumn.

Q And all along, the officials in the Ukraine knew that you were advocating for it?

A Absolutely. I was very public about it.

Q And could you characterize the assistance that was provided to Ukraine prior to that a little bit more than you have? You said about nonlethal assistance, MREs?

A Yeah. I mean, that's the pejorative. I mean, I'm sure there were other things, like night vision goggles, scopes for rifles, counter-battery radars. So, if you're

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being fired on with mortar or artillery, you can calibrate where that's coming from better with a counter-battery radar, and that enables you to then fire back more accurately.

So we weren't giving them the weapon to fire back, but we were giving them the radar. So these are the sorts of things that were being finessed by the Pentagon before we changed the policy. And then said, no, we're going to provide genuine lethal defensive arms, anti-tank missiles, anti-sniper systems, and so forth.

Q And has the lethal defensive arms that have been provided to date, has that been helpful?

A It has been extremely helpful.

Q And there has been a material -- you know, you can see materially that this is helping the country of Ukraine?

A Absolutely.

Q And stoking Russian aggression -- or preventing Russian aggression?

A Deterring further Russian incursions into Ukraine.

Q So it has been successful?

A Yes. Let me -- deterring further Russian incursions into Ukraine on land. They did attack the Ukrainian Navy and seize a bunch of sailors. We have not done as much in the naval and coastal defense area as we have on ground.

Q Turning back to President Trump's skepticism of

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Ukraine and the corruption there, do you think you made any inroads in convincing him that Zelensky was a good partner?

A I do. I do. I attended the President's meeting with President Zelensky in New York on, I guess it was the 25th of September. And I could see the body language and the chemistry between them was positive, and I felt that this is what we needed all along.

Q And there's been some controversy about the curtailment of the prior Ambassador's term?

A Yes.

Q Ambassador Yovanovitch?

A Yes.

Q And the facts leading up to her being brought home. How early was she brought home, do you know?

A I believe it was about 3 weeks prior to what the opening of the normal Foreign Service transfer season would be.

Q Okay. And granted that the facts relating to her being brought home early, it may be subject to debate, but if the President genuinely believed that Ambassador Yovanovitch was not on his team, if Ambassador Yovanovitch wasn't fully committed to the Trump administration, is it fair, in your view, if the President believed that, to make the decision that he did?

A Well, without commenting on the merits of it, it is

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absolutely the right of the President to determine who his Ambassadors are in the world. That is a Presidential nomination, a Senate confirmation, and the President has the right to recall anyone at any time that he wants.

Q The recall of the Ambassador has provoked some I'd even say emotion on the part of her allies. Would you agree with that?

A I would agree that she feels that it was improper and that she should not have been removed early, and there has been an emotional response to that. Yes, I agree with that.

Q The fact that she was brought home early, whether it's 3 weeks or whether that 3 weeks could be characterized as, yeah, actually, she would get to stay longer, do you think the extreme emotion around her being brought home is fair for her and her allies?

A Well, it impugns her character and credibility. It makes it look like she was doing something wrong. And I think that's unfortunate for her because she is a professional. She's hardworking. She did a good job in Ukraine. And I think it is unfair to her to have that reputational damage or that image created as a result.

Q I mean, there was one allegation, not that I'm trying to lend credibility to it, but there is, you know, one allegation that she was speaking negatively about President

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Trump in foreign relations circles?

A Yes, that is an allegation, and it was an allegation that made its way into media in the U.S. A I know that that -- well, let me say it this way. I don't know. President Trump would understandably be concerned if that was true because you want to have trust and confidence in your Ambassadors.

Q Do you know whether Ambassador Yovanovitch was maligning the President?

A I don't know. I have known her for 31 years. We served together in 1988 the first time. And I have always known her to be upstanding, high integrity, capable, honest, and professional in the way she carries out her duties.

Q So you never heard her besmirch the President?

A No.

Q Did you hear secondhand from anyone that you trust that perhaps that she did besmirch the President?

A No, no. It's only this public narrative that I saw.

Q And given her sophistication -- she's a sophisticated career Foreign Service diplomat, right?

A She is.

Q She's familiar with -- she's also sophisticated to know about the U.S. political system currently?

A Uh-huh.

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Q I mean, is it fair to say that -- I guess part of the trouble that some of my Republican colleagues are having with the emotion connected to her recall is, granted, anything that besmirches your character and integrity, anybody would be upset about that, to a degree a little bit emotional.

But the degree to which -- you know, in this environment, if the President for whatever reason, true or untrue, develops a feeling that he's got an Ambassador that isn't loyal to him, he's going to bring them home, correct?

A It's the President's right to do that.

Q And so the question is, okay, look, you know, is this as big of a deal as everybody is making it out to be?

A I think you can look at it as a matter of the President's prerogatives as President, and it's unquestionable. This is his right, as the President, to choose his Ambassadors.

If you look at it from the perspective of a capable career diplomat who then suffers some damage to her reputation or career or perceptions about her, that is unfortunate. And I think you can see both of those at the same time.

Q There have been allegations that, from time to time, not just on one occasion, that officials from the Embassy in Ukraine, whether it be Ambassador Yovanovitch or

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Ambassador Pyatt, communicated to the prosecutors general in Ukraine, both Shokin and Lutsenko at various points in time, that there were certain entities or individuals that should not be prosecuted. Are you aware of that allegation?

A I've heard of that allegation.

Q And do you have any firsthand knowledge of communications to that effect?

A I have no firsthand knowledge of anything like that.

Q Okay. And there's a question of whether or not a list was given by Ambassador Yovanovitch.

A I've seen that allegation as well, and I believe the State Department put out a statement addressing that. I don't recall exactly how it was addressed, but --

Q There certainly are facts on both sides, and there are -- like I said, this is one of those allegations that provokes great emotion. But Lutsenko has said that there was a list of, you know, entities not to prosecute. And you're aware of that?

A He said that. And this is the same prosecutor general who I described earlier as saying things that I believed were intended to be self-serving.

Q And Shokin I think at various points in time has alleged that he was encouraged not to investigate Burisma.

A Well, this -- there's more of a record on that,

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where it was a matter of U.S. policy to investigate corruption in Ukraine, disappointment with him in not doing that, and then a push to remove him for those reasons.

Q And you're not aware, you don't have any firsthand knowledge of anybody, whether it be Ambassador Yovanovitch or her predecessor, Ambassador Pyatt, ever communicating a list, whether it's orally --

A No. I have no knowledge of that.

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[11:45 a.m.]

BY MR. CASTOR:

Q So to the extent when that has been reported, given your knowledge of the area, your impression of that allegation is it's not --

A Yeah. My impression of that allegation is that it's made up.

Q Have you ever had any communications with Ambassador Yovanovitch about that allegation?

A No. Actually, I haven't.

Q Anybody else that might have, you know, firsthand knowledge of --

A I did communicate about it with George Kent, who was the deputy chief of mission at the time and is now the deputy assistant secretary of state, and he's the one that took the lead in putting together a response for the State Department about it.

Q Have you ever been in any official meetings with Ambassador Yovanovitch and Lutsenko?

A Not at the same time. I met with President Poroshenko once. I believe it -- well, I met with President Poroshenko many times. On one occasion when I met with him, he brought Prosecutor General Lutsenko to the meeting so I could meet with him. We shook hands. We spoke for 5 minutes, maybe. I was -- that was just me with President

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Poroshenko.

I don't remember how many meetings I had with him, but possibly, you know, 10, 12, something like that.

Ambassador Yovanovitch, we interacted quite regularly, just as you see with Bill Taylor here. When she was ambassador, we interacted quite a lot. And when I visited Ukraine, for the most part, we were in all our meetings together. There were a few when she was not there.

Q Did you ever speak with any, you know, U.S. official in the Embassy about the origins of this allegation?

A The allegation of there being a list?

Q Yes.

A Not really, no.

Q Okay. So do you think it was treated seriously or was it just thought, oh, this is Lutsenko talking out of school?

A Oh, I think -- again, I'd have to refer back to the statement that the State Department put out addressing this, because I think that was actually put together -- researched and put together. I don't think it was handled lightly.

Q There's another allegation that Lutsenko's visa was denied, he wanted to come to the U.S. and he had his visa denied. Are you aware of that allegation?

A Not aware of that, no.

Q How would -- if Lutsenko wanted to come to the

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United States, how would that visa ordinarily be processed?

A Right. Normally an applicant for a visa will go to the U.S. Embassy. They'll fill in the application. The Embassy will send that back to Washington. An interagency review process takes place pretty quickly. Normally it's purely electronic.

If a name is flagged for any reason, then it triggers a review by people, and then they make a decision as to whether to approve a visa or not.

Q So you have no knowledge of whether Lutsenko had a visa denied?

A I have no idea.

Q Have you seen it reported in the press?

A No, I haven't, actually.

Q If it was denied, would there be another mechanism for Lutsenko to get a second crack at it?

A If someone applies for a visa and the visa is denied, then you can apply for a waiver of the denial, depending on what the denial is.

And I used to do this when I was a visa officer in London. I was -- I was the -- I don't know what you would call it -- the waiver officer. And they submit an explanation, a petition, to have a waiver of the denial.

You send that back to Washington with a recommendation. The interagency community in Washington vets it, gives you an

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answer. You convey that answer to the applicant.

Q You know, if Lutsenko really wanted to come, you know, his visa was denied, would he have been able to have other Ukrainian officials go to bat for him with the U.S. Embassy in Ukraine?

A I don't know any of the circumstances of this.

Q Okay. You mentioned this morning that in advance of your coming in for the interview nobody at the State Department told you, you couldn't come. Is that correct?

A That is correct.

Q And while there was a letter from Pompeo and -- the State Department has concerns about their diplomatic --

A Yeah.

Q -- interests and information?

A Yeah. Let me -- they do. And let me say on that, I read Secretary Pompeo's letter. I think he made a few good points. One of them is the importance of protecting members of our Foreign Service. I agree with that.

Another is that it is difficult to put together information of the right quality for a committee like this in such a short period of time.

So I think those are fair things.

And I noticed even in the long form written testimony that I prepared for you, I already noticed this morning I got three dates wrong. So we'll correct those in what we give

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you.

And there's probably more that the State Department has that I have not had a chance to review, because I'm only going based on what my personal recollections and knowledge and what I can find from reviewing these text messages, and so there's probably more that would be in the State Department official reporting that I've not had a chance to review.

Q Other than the letter that we talked about from the Secretary and then there was a letter last night from Marik String to your lawyer, that's the extent of any communications you've had from the State Department? If we're trying to look at the whole record --

A Yes.

Q -- and the State Department's activities trying to block your testimony, that's --

A Yeah. So I had a conversation with the acting legal adviser, Marik String, on the Tuesday of this week, which had to have been the 1st of October. I saw -- I had prior conversations with him, but those prior conversations were not at a point where it would -- I had resigned and was -- clearly was going to testify.

It was only the 27th -- 27th of September is when I resigned, and then -- and that is a date when I spoke with Marik String. I may have called him over the weekend as

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well, and then October 1st.

In none of these conversations did he say I am instructed not to testify. In my conversation with Secretary Pompeo, he did not say that either.

I read the letter. The letter does not say, don't do it, and there was no formal instruction.

There was a concern expressed in this letter that was sent to my attorney last night about protection of classified material. As was asked earlier, I believe all of the information that is contained in these things that I'm discussing is unclassified. I was communicating on unclassified devices, I was doing it with people, there's no intelligence, there's no deep national security information.

There are a couple of conversations I would categorize as sensitive, but I would not characterize any of those as classified. And that is, however, one of the things that was communicated in that letter from Marik String.

Q Nobody from the White House told you not to cooperate?

A No. No. I had a conversation with White House Counsel lawyers soon after the -- not the subpoena -- when the request for transcribed testimony came in, and I had a conversation with White House Counsel.

Q But nobody told you not to cooperate with Congress?

A No, no. They -- that was a fact-finding phone

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call --

Q Okay.

A -- to find out what do I know about anything.

[Discussion off the record.]

MR. VOLKER: Yes. Thank you.

As a matter of completeness, the State Department acting legal adviser did call my attorney yesterday. Again, there was no request to have me not testify.

BY MR. CASTOR:

Q Okay. And to your knowledge, you didn't see any State Department lawyers or White House lawyers outside to try to prevent you from joining us here today?

A No, no.

Q In the whistleblower complaint, there's a reference to you.

A Yes.

Q I'm sure you're aware of that.

A I believe there's two.

Q So maybe we could just get you to talk about your reaction when you saw your name --

A Yeah.

Q -- thrust into this document.

A Yeah. I thought that it was a fairly accurate characterization. He got some facts wrong, but I thought that trying to do damage limitation -- I wouldn't have used

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the word "damage limitation," but I under -- I kind of get what he's talking about.

This is what I am referring to when I say make sure that there's a -- there's not a negative narrative about Ukraine that's reaching the President from other means, that we get one story straight.

And then secondly, helping the Ukrainians "navigate," was the word that he used, "requests," I believe he said from the President, if I'm not mistaken. There are some mistakes in this.

Helping Ukrainians navigate, I would say that's accurate, but navigate what? Navigate how to provide convincing presentation of themselves as being the new team that is committed to fighting corruption, that is committed to reform, and avoiding things that would drag them into U.S. domestic politics or anything relating to 2020, just helping them and coaching them, "Don't go there."

Q Right.

A So helping them navigate in that sense.

I -- the whistleblower report says that I was dispatched to Ukraine after the President's phone call to meet with President Zelensky to talk about it. That's not accurate.

I was planning a visit to Ukraine to fall after the 21st of July, which is when the parliamentary election was. I did not want to show up in Ukraine during an election campaign,

because all they do is ask you, do you like this candidate, do you like that candidate, did you talk to these -- so I just avoid going during election seasons.

So I wanted to go after that, and I wanted particularly to go to the conflict zone, which I tried to do every year, as a way of highlighting that Russia is still here killing people. And I did that.

So in setting that trip up, we arranged it to be around the 25th, 26th of July. I left Washington on the 23rd of July, and en route I learned that the proposed phone call, congratulatory phone call from President Trump to President Zelensky, was then starting to be scheduled. I didn't know whether or when it would take place.

It turns out that it took place on the 25th of July, which was the day I was in Kyiv already having meetings.

The next day is when my meeting with President Zelensky was scheduled, and then after that meeting, we went out to eastern Ukraine to the conflict zone.

Q So you're in Ukraine when the call happens. You weren't on the call?

A Correct.

Q You get a readout from the call?

A I got an oral readout from the staffer who works for me in the State Department and our Charge, as well as from Andriy Yermak, who had been on the call in Ukraine

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himself.

Q So you got two readouts?

A Yeah.

Q One from each side?

A Correct.

Q What was the top line message you got from the State Department?

A Well, they were the same, actually, which is interesting. But the message was congratulations from the President to President Zelensky; President Zelensky reiterating that he is committed to fighting corruption and reform in the Ukraine; and President Trump reiterating an invitation for President Zelensky to visit him at the White House. That was it.

Q When it subsequently came out the President was talking about investigating Burisma and the facts relating to the 2016 election, did that surprise you?

A Yes, it did.

Q Okay. But that was not related to you in any of the readouts?

A No, it wasn't.

Q Okay. So if there's a top line message coming from the Ukrainians, it didn't involve that?

A That's correct.

Q The top line message coming from your people at the

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State Department, the people that you work with, it wasn't in that?

A That is correct.

Q I'm running out of time, so I'll wrap up. And we like to be real strict with our 1 hour, so I will literally try to stop in the middle of a sentence at my hour, because we don't want to abuse the process.

Your text messages with Rudy Giuliani, you know, evidence that you were carrying on somewhat regular communications with Rudy Giuliani, right?

A Yes, for a period of time, from -- I had some initial contact when I heard that he was going to visit Ukraine in mid-May. He cancelled that visit, and that kind of dropped off.

And then in July, I was starting to see that there's a problem here, that we're -- we're not -- how do I want to put that?

We saw in text messages that we discussed earlier, on July 10th, Giuliani apparently had been in touch with Lutsenko. And in my view, that's the wrong person to be talking to in Ukraine.

And so I could see we have a problem of this negative feed, coming possibly from Lutsenko through Rudy Giuliani, reinforcing a negative perception of the President, possibly.

So I resumed contact with Rudy, saying, can we get

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together and can we try to get this in the box?

MR. CASTOR: Okay. I've been advised Congressman Zeldin had a brief question. I want to defer to him.

MR. ZELDIN: Ambassador Volker, Lee Zeldin from New York 1. Thank you for being here. Just a few quick followups.

When do you learn that you were referenced in the whistleblower report?

MR. VOLKER: When it came out publicly.

MR. ZELDIN: Have you had any contact with the whistleblower?

MR. VOLKER: I don't know who the whistleblower is.

MR. ZELDIN: With regards to Burisma, are you aware of what specific role Hunter Biden had with the company?

MR. VOLKER: I was vaguely aware, meaning I had heard in early 2019 that he was on the board of Burisma. I didn't know much more about the company or the details than that -- other than that it had a bad reputation, which is probably why they wanted him on the board.

MR. ZELDIN: Do you know when Hunter Biden became a board member of Burisma?

MR. VOLKER: I don't.

MR. ZELDIN: Do you know why Hunter Biden joined Burisma?

MR. VOLKER: I don't know why.

MR. ZELDIN: Have you had any communications with Hunter

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Biden?

MR. VOLKER: No, I have not.

MR. ZELDIN: Do you know if Hunter Biden had any business expertise related to the Ukrainian energy industry?

MR. VOLKER: I don't know Hunter Biden and I don't know what expertise he has.

MR. ZELDIN: Do you have any thought as to why he would have been hired by Burisma?

MR. VOLKER: My suspicion is that Burisma, having had a very bad reputation as a company for corruption and money laundering, was looking to spruce up its image by having, you know, prominent-named people on its board.

MR. ZELDIN: Do you know if Viktor Shokin was investigating Burisma at the time he was removed as prosecutor?

MR. VOLKER: I don't know.

MR. ZELDIN: Do you know what has happened with the Burisma investigation since --

MR. VOLKER: I don't.

MR. ZELDIN: -- Mr. Shokin was --

MR. VOLKER: I don't.

MR. ZELDIN: Do you know who Christopher Heinz is?

MR. VOLKER: I'm sorry. Christopher?

MR. ZELDIN: Heinz.

MR. VOLKER: Heinz. Chris Heinz. That name rings a

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bell, but I can't place it.

MR. ZELDIN: Christopher Heinz is the stepson of then Secretary of State John Kerry, co-owned --

MR. VOLKER: I -- yes.

MR. ZELDIN: -- Rosemont Seneca Partners with Hunter Biden.

MR. VOLKER: Yes. I heard -- that's where I heard the name, yes, in a press report.

MR. ZELDIN: Are you familiar with the name Devon Archer (ph)?

MR. VOLKER: I'm not, no.

MR. ZELDIN: Do you know Matt Sommers (ph) or David Wade (ph)?

MR. VOLKER: No, I don't.

MR. ZELDIN: Can you speak to the loan guarantee treaty that we have between our countries and the mutual legal assistance in criminal matters?

MR. VOLKER: I don't know the specifics of these concerning Ukraine. I know generally what they are as matters of treaties.

MR. ZELDIN: Are you -- you are aware, though, that there's a mutual legal assistance treaty between the U.S. and Ukraine?

MR. VOLKER: I believe there is, yes.

MR. ZELDIN: Are you able to talk through whether or not

requests for documents or evidence in criminal matters for anticorruption efforts have been made before under this treaty?

MR. VOLKER: I'm not, no.

MR. ZELDIN: You are familiar with the loan guarantee treaty with Ukraine?

MR. VOLKER: I'm not, no.

MR. ZELDIN: In the interests of time, I'll stop there before opening up a new line of questions. Thank you.

MR. VOLKER: Thank you, Congressman.

MR. CASTOR: I think we're good to take a break. We very much appreciate your continuing. These interviews tend to take a while.

MR. VOLKER: Of course. I understand.

MR. CASTOR: So we appreciate your indulgence.

MR. VOLKER: Thank you very much.

THE CHAIRMAN: Break for another 5 minutes and then we will resume.

[Recess.]

THE CHAIRMAN: Okay. The interview will come back to order.

I want to ask a few followup questions before I pass it back to staff.

THE CHAIRMAN: Ambassador, we've been discussing the events, in many respects, as if the call between the

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President and President Zelensky never happened.

I realize you weren't on the call, but we now know what was said on that call, and I think we need to evaluate what you witnessed in the context of a call that we now know the details of. So let me present you with a record of the call. It's been marked as Exhibit 4.

[Volker Exhibit No. 4
Was marked for identification.]

THE CHAIRMAN: If you could turn to page 4 of the call record. And in the top paragraph, if you could read the line beginning with, "The other thing," the rest of the paragraph beginning with, "The other thing."

MR. VOLKER: Would you like me to read it?

THE CHAIRMAN: Yes, please.

MR. VOLKER: 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.

Keep going?

THE CHAIRMAN: No. That's fine.

So the President's request here is that President Zelensky look into allegations concerning Joe Biden and his son. Am I right?

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MR. VOLKER: Yes. Insofar as I'm reading it, yes, you're right, but it's specifically about stopping this prosecution, which I think is the conversation with Shokin that Vice President Biden would have had at that time. I think --

THE CHAIRMAN: So that as you read it, the focus is on Joe Biden here?

MR. VOLKER: Yes.

THE CHAIRMAN: Now, the President doesn't mention here Burisma.

MR. VOLKER: Oh, that's a very good point, Congressman. I'm sorry.

It refers to Biden, it says: There's a lot of talk about Biden's son -- and then it says -- that Biden stopped the prosecution.

And I interpreted that immediately as the first one being the son and the second one being Joe Biden, but you could read it as both being the son. But I interpreted it --

THE CHAIRMAN: Ambassador, the President here is asking his counterpart, the President of Ukraine, to look into "talk about Biden's son," and then it says that "Biden stopped the prosecution."

MR. VOLKER: Yes.

THE CHAIRMAN: That's referring to Joe Biden, right?

MR. VOLKER: That's what I understand, too.

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THE CHAIRMAN: So I'm correct that --

MR. VOLKER: Yes.

THE CHAIRMAN: -- here the President is asking his counterpart to look into, investigate Joe Biden and his son and these allegations?

MR. VOLKER: Yes.

THE CHAIRMAN: The President doesn't mention Burisma here, right?

MR. VOLKER: Correct.

THE CHAIRMAN: He's talking about the Bidens.

MR. VOLKER: Correct.

THE CHAIRMAN: Correct?

MR. VOLKER: Yes.

THE CHAIRMAN: This isn't some generic interest in energy companies or one particular company. The President's interest as expressed here is in Joe Biden and his son.

MR. VOLKER: Yes.

THE CHAIRMAN: This is the context in which you would later discuss the statement that Andriy Yermak was proposing to get a meeting with the President for his boss, Mr. Zelensky, correct?

MR. VOLKER: Yes. Except that I didn't know that this was the context at the time.

THE CHAIRMAN: No, I realize you didn't know that, but Andriy Yermak would know that, wouldn't he?

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MR. VOLKER: He would have been on this phone call.

THE CHAIRMAN: Okay. So Andriy Yermak knows that the President of the United States wants Joe Biden and his son investigated and that the President thus far has not been willing to commit to a date for a meeting.

MR. VOLKER: Yes.

THE CHAIRMAN: Correct?

MR. VOLKER: Yes.

THE CHAIRMAN: And the meeting is very important to Zelensky to establish his credibility back home and because of the key relationship between the U.S. and Ukraine?

MR. VOLKER: That is correct.

THE CHAIRMAN: A key relationship in which they are dependent on the United States for military support, economic support, diplomatic support, and every other way?

MR. VOLKER: Yes.

THE CHAIRMAN: So this meeting is really important to them?

MR. VOLKER: Yes.

THE CHAIRMAN: And some time after this call, Rudy Giuliani goes to Madrid to meet with Andriy Yermak. Do I have the chronology right?

MR. VOLKER: Yes. That took place on August 2nd.

THE CHAIRMAN: So after the President-to-President call.

MR. VOLKER: Yes.

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THE CHAIRMAN: And so after that meeting, Yermak proposes to include in this statement to get the meeting a mention of Burisma?

MR. VOLKER: No. Andriy Yermak sent me a draft statement that did not include that. And I discussed that statement with Gordon Sondland and with Rudy Giuliani to see -- in my -- not knowing this, is this going to be helpful, will this help convey a sense of commitment of Ukraine to fighting corruption, et cetera.

And in that conversation it was Mr. Giuliani who said: If it doesn't say Burisma and 2016, it's not credible, because what are they hiding?

I then discussed that with Mr. Yermak after that conversation, and he did not want to include Burisma and 2016, and I agreed with him.

THE CHAIRMAN: So let me ask you about then, Giuliani said that unless there was a mention of Burisma, the statement wouldn't be credible, that is, it wouldn't be helpful in getting the meeting?

MR. VOLKER: That it -- well, what I interpreted that to mean, which I thought at the time, is that it doesn't convey a sense this Ukraine, this leader, this leadership in Ukraine being any different than the past.

THE CHAIRMAN: Well, you say that what you believed at the time, but at the time, you didn't know that the President

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had made a specific ask of his counterpart --

MR. VOLKER: That's right.

THE CHAIRMAN: -- a specific ask that Yermak would have been aware of, that Zelensky have the prosecutors investigate the Bidens, right?

MR. VOLKER: That's correct.

THE CHAIRMAN: So now you do know that and now you can put in context what Giuliani was saying, because Giuliani was saying: Without a mention of Burisma, this statement won't be credible; that is, it won't help get the meeting. Am I right?

MR. VOLKER: He said -- he said that it needs to mention Burisma and 2016, and if it doesn't do that, it's not credible in terms of being a convincing statement that this Ukrainian Government is serious about finding out what happened in the past, cleaning it up.

THE CHAIRMAN: This is what Giuliani represented to you.

MR. VOLKER: Yes.

THE CHAIRMAN: But you didn't know about the Presidential call at that point?

MR. VOLKER: That's exactly right.

THE CHAIRMAN: Now, since the President never mentions Burisma, it's fair to say that in Giuliani's mind -- and you didn't know this at the time, I think you're testifying -- in Giuliani's mind, Burisma is synonymous with the President's

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ask during this call to investigate the Bidens?

MR. VOLKER: I can't speak to what was in his mind, but it makes --

THE CHAIRMAN: We don't need to be --

MR. VOLKER: Yeah.

THE CHAIRMAN: -- naive here, right?

MR. VOLKER: Right.

THE CHAIRMAN: Rudy Giuliani doesn't have an interest in other companies for the sake of other companies in Ukraine, right? He was interested in Burisma because he thought it reflected ill on the Bidens and would be helpful to his client. Am I right?

MR. VOLKER: I can't speak to that. I can only testify to what I know. So I can't speak to that, but I understand what you're saying.

THE CHAIRMAN: Well, Rudy Giuliani was not representing the State Department, right? You made that clear.

MR. VOLKER: That is correct.

THE CHAIRMAN: But he was representing the President.

MR. VOLKER: He is the President's personal attorney. I don't know whether he was representing the President or whether he was doing his own things to try to be helpful to the President.

THE CHAIRMAN: Well, he's the President's agent, is he not?

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MR. VOLKER: I did not make a judgment about that.

THE CHAIRMAN: Well, you understood, didn't you, Ambassador --

MR. VOLKER: I understood that he communicates with the President.

THE CHAIRMAN: You understood that the Ukrainians recognized that Rudy Giuliani represented the President, that he was the agent of the President, that he was a direct channel to the President. Ukrainian officials you were dealing with would have understood that, would they not?

MR. VOLKER: I would not say that they thought of him as an agent, but that he was a way of communicating, that you could get something to Giuliani and he would be someone who would be talking to the President anyway, so it would flow information that way.

THE CHAIRMAN: So this was someone who had the President's ear?

MR. VOLKER: Yes. That's fair.

THE CHAIRMAN: And that was, at least in title, the attorney for the President?

MR. VOLKER: Yes.

THE CHAIRMAN: And so when Mr. Giuliani said that without mentioning Burisma the statement wouldn't be credible, they would have understood that he was communicating for the President?

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MR. VOLKER: I'm not so sure about that, because I don't know whether -- I was not part of the discussion that they had in Madrid. I don't know whether Mr. Giuliani represented himself as speaking for the President. I don't know any of that.

I do know from the Ukrainians that they viewed him as someone who communicated with the President and, therefore, they wanted to tell their story to him.

THE CHAIRMAN: So you acknowledge that you don't know what was said in private meetings and discussions between Mr. Giuliani and Ukrainian officials?

MR. VOLKER: That's correct.

THE CHAIRMAN: And if Giuliani was communicating with them that in order to get a meeting with the President, they were going to have to be very specific about looking into the Bidens, you would not have been privy to that?

MR. VOLKER: That's correct.

THE CHAIRMAN: But they would have understood that Giuliani was Trump's agent, he wasn't an agent of the State Department?

MR. VOLKER: They knew that he was President Trump's personal attorney.

THE CHAIRMAN: And so here there's a meeting that's being held up for whatever reason, and we now know the President was asking for an investigation into the Bidens,

and Rudy Giuliani is saying that in order to get this meeting there has to be a mention of Burisma, correct?

MR. VOLKER: He's saying that the statement, in order to be credible, needs to mention Burisma and 2016.

THE CHAIRMAN: Now, the --

MR. VOLKER: It's less clearly linked to that that would break free the scheduling of a meeting. I don't think Mr. Giuliani ever -- ever suggested that he's in a position to do that.

THE CHAIRMAN: Because there's no indication from the call record of any interest by the President in Burisma, but there is an interest of the President in the Bidens. Isn't it fair to say that when Rudy Giuliani uses the term "Burisma," it's really code for Biden?

MR. VOLKER: I think that is something I was aware of at the time, that there's a linkage between Joe Biden's son and Burisma, but Burisma stands on its own as a company that is an issue of longstanding, and so --

THE CHAIRMAN: Well, maybe in your mind, but the President never mentions --

MR. VOLKER: No, he doesn't.

THE CHAIRMAN: -- Burisma.

MR. VOLKER: And so I think in -- Congressman, what I hear you suggesting, if I understand correctly, is Rudy Giuliani seeing these as synonymous.

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THE CHAIRMAN: Yes.

MR. VOLKER: And I'm saying that I can see how that would be the case.

What I was trying to do was understand, you know, what is the request to investigate Burisma. Is it reasonable for the Ukrainians to do that or not, to say that they would do so. I didn't know the context of all of this at the time.

And in talking with the Ukrainians and conveying that that was what Rudy Giuliani had said, it should mention Burisma and 2016, they expressed discomfort with that, and I agreed with that and said I don't think you should do it.

THE CHAIRMAN: And why would -- why did they and how did they express discomfort with --

MR. VOLKER: Yeah. There were a few --

THE CHAIRMAN: -- looking into Burisma?

MR. VOLKER: There were a few reasons given. One of them was that the prosecutor general in place at the time was not, quote, unquote, their prosecutor general, it was the carryover from the previous government, Lutsenko. So they didn't trust him and they didn't want to put anything out suggesting investigations that would either get him engaged, or that he would then try to obstruct or thwart somehow. That was one reason.

Another is they didn't want to mention a specific company, period. Just as a matter of prudence, you don't

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mention a particular company.

And then another was, what they expressed -- I put less credibility into this explanation -- but they expressed a fear that the current prosecutor general would destroy any evidence that might exist from previous investigations.

THE CHAIRMAN: Wasn't there also a concern, Ambassador, with not being used to investigate a political candidate in the 2020 election?

MR. VOLKER: I think the way they put it was they don't want to be seen as a factor or a football in American domestic politics.

THE CHAIRMAN: They didn't want to be drawn into --

MR. VOLKER: Yes.

THE CHAIRMAN: -- helping the President's campaign?

MR. VOLKER: The campaign was not mentioned. 2020 was not mentioned.

THE CHAIRMAN: Well, we're --

MR. VOLKER: But --

THE CHAIRMAN: I think we're -- we're toying around the edges here.

MR. VOLKER: But --

THE CHAIRMAN: They didn't want to be drawn into investigating a Democratic candidate for President, which would mean only peril for Ukraine. Is that fair to say?

MR. VOLKER: That may be true. That may be true. They

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didn't express that to me, and, of course, I didn't know that was the context at the time.

THE CHAIRMAN: Part of the other context is vital military support is being withheld from the Ukraine during this period, right?

MR. VOLKER: That was not part of the context at the time. At least to my knowledge, they were not aware of that.

THE CHAIRMAN: Well, that is, you didn't discuss it with them?

MR. VOLKER: I did not. And the first conversation I had was when the diplomatic adviser to President Zelensky, Vadym Prystaiko, I believe it was, texted me a copy of the Politico article about the hold on assistance.

So I had had many conversations with him in the months prior to that, and this did not come up from him to me, which makes me believe that this was not on his radar until that time when he saw the article.

THE CHAIRMAN: And when did the suspension in aid come to your attention?

MR. VOLKER: July 18th.

THE CHAIRMAN: So it came to your attention before the President's call with President Zelensky?

MR. VOLKER: Yes.

THE CHAIRMAN: And you tried to find out the reason for the suspension. I think you said you --

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MR. VOLKER: Yes.

THE CHAIRMAN: -- talked to the State Department, the Defense Department, and no one understood the reasons why the aid was being --

MR. VOLKER: Nobody ever gave a reason why. And I gave -- I made those contacts specifically to give reasons why we should not have a hold, that --

THE CHAIRMAN: I understand that, but --

MR. VOLKER: Yeah.

THE CHAIRMAN: -- but with something this serious and bipartisan and significant, there should be an explanation, right?

MR. VOLKER: There should have been, but there wasn't.

THE CHAIRMAN: You weren't able to find out. Senator McConnell said recently he wasn't able to find out. It was a mystery why it was being withheld.

MR. VOLKER: Yes. The only statement made was that there's a review.

THE CHAIRMAN: And you would agree, Ambassador, that if the President makes a request of a foreign power that is dependent on the United States for military support, that request is going to carry enormous weight with that foreign leader. Am I right?

MR. VOLKER: Yes. And I would even go further and say any request from the President of the United States will be

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taken very seriously by any foreign country, it is -- that wants to have a friendly relationship with the U.S., and those things are noticed.

THE CHAIRMAN: Can we also agree that no President of the United States should ask a foreign leader to help interfere in a U.S. election?

MR. VOLKER: I agree with that.

THE CHAIRMAN: And that would be particularly egregious if it was done in the context of withholding foreign assistance?

MR. VOLKER: We're getting now into, you know, a conflation of these things that I didn't think was actually there.

THE CHAIRMAN: Well, you weren't knowledgeable about the request at all at the time, but you are now.

MR. VOLKER: Right.

THE CHAIRMAN: You would agree, would you, that if it's inappropriate for a President to seek foreign help in a U.S. election, it would be doubly so if a President was doing that at a time when the United States was withholding military support from the country?

MR. VOLKER: Yeah, I can't -- I can't really speak to that. My understanding of the security assistance issue is --

THE CHAIRMAN: Why can't you speak to that, Ambassador?

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You're a career diplomat. You can understand the enormous leverage --

MR. VOLKER: Well --

THE CHAIRMAN: -- can't you, that -- let me finish the question -- the enormous leverage that a President would have while withholding military support from an ally at war with Russia? You can understand just how significant that would be, correct?

MR. VOLKER: I can understand that that would be significant.

THE CHAIRMAN: And when that suspension of aid became known to that country, to Ukraine, it would be all the more weighty to consider what the President had asked of them, wouldn't it?

MR. VOLKER: So, again, Congressman, I don't believe --

THE CHAIRMAN: It's a pretty straightforward question.

MR. VOLKER: No. But I don't believe the Ukrainians were aware --

THE CHAIRMAN: But they --

MR. VOLKER: -- that the assistance was being held up.

THE CHAIRMAN: They became aware of it.

MR. VOLKER: They became aware later, but I don't believe --

THE CHAIRMAN: They were --

MR. VOLKER: -- they were aware at the time, so there

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was no leverage implied.

THE CHAIRMAN: Well, what I'm asking you is, when they became aware that military assistance was being withheld for a reason you couldn't explain, no one could explain, weren't they under even greater pressure to give the President what he had asked for in that call?

MR. VOLKER: The timeline doesn't -- as I understand it, and, again, my understanding here will have been impartial, because I was not privy to a lot of information -- but the timeline about talking with Andriy Yermak about whether there would be a statement or not to convey their commitment to fighting corruption and being a new day in Ukraine was in the middle of August.

To my knowledge, the news about a hold on security assistance did not get into Ukrainian Government circles, as indicated to me by the current foreign minister, then diplomatic adviser, until the end of August. And by the time that we had that, we had dropped the idea of even looking at a statement.

THE CHAIRMAN: Ambassador, you're making this much more complicated than it has to be.

MR. VOLKER: I'm sorry.

THE CHAIRMAN: My question is very simple. You would agree that when Ukraine learned that the U.S. was withholding military assistance that it desperately needed, that the

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President's request to investigate his opponent carried that much more weight and urgency?

MR. VOLKER: I can't say that. I don't -- I think that the sequence of events goes the other direction, that --

THE CHAIRMAN: Well, at some point, Ambassador, they learned that aid was being withheld, right?

MR. VOLKER: They did.

THE CHAIRMAN: And at the point at which they learned that aid was being withheld, that was after the President had made a request --

MR. VOLKER: That is correct.

THE CHAIRMAN: -- that they investigate the Bidens?

MR. VOLKER: That's correct.

THE CHAIRMAN: So we have the chronology correct.

MR. VOLKER: We have -- we have that.

THE CHAIRMAN: The request is made. And even though the suspension may have occurred earlier, the request is made to investigate the Bidens, and then Ukraine learns, for mysterious reasons, hundreds of millions in military support is being withheld.

Do I have the chronology correct?

MR. VOLKER: Yes.

THE CHAIRMAN: At the point they learned that, wouldn't that give them added urgency to meet the President's request on the Bidens?

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MR. VOLKER: I don't know the answer to that. The --

THE CHAIRMAN: Ambassador --

MR. VOLKER: When that -- no --

THE CHAIRMAN: -- as a career diplomat, you can't venture --

MR. VOLKER: But, Congressman, this is why I'm trying to the say the context is different, because at the time they learned that, if we assume it's August 29th, they had just had a visit from the National Security Advisor, John Bolton. That's a high level meeting already.

He was recommending and working on scheduling the visit of President Zelensky to Washington. We were also working on a bilateral meeting to take place in Warsaw on the margins of a commemoration on the beginning of World War II.

And in that context, I think the Ukrainians felt like things are going the right direction, and they had not done anything on -- they had not done anything on an investigation, they had not done anything on a statement, and things were ramping up in terms of their engagement with the administration. So I think they were actually feeling pretty good by then.

THE CHAIRMAN: Ambassador, I find it remarkable as a career diplomat that you have difficulty acknowledging that when Ukraine learned that their aid had been suspended for unknown reasons, that this wouldn't add additional urgency to

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a request by the President of the United States. I find that remarkable.

But let me yield to my colleague here.

BY MR. NOBLE:

Q So, Ambassador Volker, I want to make sure we get this straight. You're saying that the Ukrainians learned that the aid had been frozen on or about August 29th?

A That's what I -- we should check our timeline, but I believe that's when they texted me with this article with, you know, a -- I don't remember exactly how it was phrased, but a question mark saying, What is going on?

Q Around that time, did you have any conversation with Ambassador Sondland or with Bill Taylor about the fact that there was a quid pro quo, that security assistance and a White House meeting were being withheld --

A I don't --

Q -- until -- let me finish the question -- President Zelensky committed to investigating Joe Biden or Burisma, or the origins of the Manafort investigation or the interference with the 2016 U.S. election? Did you have any conversations around that time with your fellow diplomats?

A Let me check the record. I believe -- before I answer, let me just double-check.

Q Okay. I'll help you.

A Yeah. Because I think it's -- I think --

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Q Can we turn to exhibit 2? It's page 39. And I'll point you to the entry at 9/1/19 at 12:08 p.m. Can you please just read what Bill Taylor wrote?

A Yes. Thank you.

Are we now saying that security assistance and White House meeting are conditioned on investigations?

Q And what did Ambassador Sondland respond?

A He said: Call me.

Q What conversations did you have with Ambassador Sondland and Bill Taylor around this time about the quid pro quo that the President had devised with President Zelensky that required foreign assistance from the U.S. and a White House visit to be dependent on President Zelensky's commitment to making a public announcement of investigations into Burisma or Joe Biden or Hunter Biden or Paul Manafort and the origins of the interference in the 2016 election? What conversations did you have with your fellow diplomats?

A Well, you asked what conversations did I have about that quid pro quo, et cetera. None, because I didn't know that there was a quid pro quo.

Q What -- Ambassador, with all due respect, Bill Taylor, your fellow diplomat here, is saying that there is a linkage between those two things.

A No, he's asking.

Q Okay. And what did you discuss in that regard?

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A Well, I believe he was asking this based on the Politico article. And I discussed with him that there is no linkage here. I view this as an internal thing, and we are going to get it fixed.

There's no chance that -- as the Congressman said as well -- there's no chance, given the broad support for this in Washington, this will not go through. So I and others were communicating to the Ukrainians, We will get this taken care of.

Q If we could just back up a little bit. On 8/30/19 at 12:14, Bill Taylor wrote: Trip cancelled.

A Yes.

Q And then he asked the question: Was security assistance and White House meeting being conditioned on investigations?

A Yes.

Q What trip had been cancelled at that time?

A This was the President's trip to Warsaw as part of that World War II commemoration. That was when he cancelled because of the hurricane watch.

Q And was President Trump supposed to meet with President Zelensky during that summit?

A Yes.

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[Volker Exhibit No. 5
Was marked for identification.]

BY MR. NOBLE:

Q I'd like to mark as exhibit 5 page 53 of your text. If you could turn to that.

Am I correct that this is a text message exchange with you, Ambassador Sondland, and Bill Taylor again?

A It looks it, yes.

Q Can you please start reading the fourth line down on September 8th, 2018, 11:20 a.m., what Ambassador Sondland wrote?

A Guys, multiple conversations with Zelensky, POTUS. Let's talk.

Q POTUS is Trump?

A Yes.

Q Continue.

A Bill Taylor: Now is fine with me.

Q What did you say?

A Kurt Volker: Try again. Could not hear.

Q Please just keep reading.

A 14 minutes later, Bill Taylor writes: Gordon and I just spoke. I can brief you if you and Gordon don't connect.

Bill Taylor an hour later -- or almost an hour later, 57 minutes later: The nightmare is they give the interview and don't get the security assistance. The Russians love it, and

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I quit.

Q Okay. Let's just pause there.

What did you understand Bill Taylor to be saying --

A I didn't.

Q -- what this nightmare was?

A Yeah. I didn't. You will see the next text message from me in response to that: I'm not in the loop.

Q Do you know what interview he was referring to?

A I believe this is still the idea of a statement or interview by Zelensky talking about his commitment to fighting corruption and mentioning Burisma and the 2016 election interference.

Q So this is -- and he just said he had just had a conversation with Ambassador Sondland. Is that right?

A Yeah. He said, at 11:40, that he and Gordon had spoken.

Q So during that conversation, is it fair to infer that Bill Taylor and Ambassador Sondland discussed the possibility that Zelensky goes ahead, gives a public interview, releases a public statement saying that the Ukrainians are going to investigate Burisma and the 2016 elections, and then the U.S. and President Trump still don't release the security assistance? Is that right?

A That seems to be what he is asking.

Q And he said the Russians would love that?

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A Yes, he did.

Q And then he said he would threaten -- he would quit if that happened?

A He said that.

Q Did you talk to him about this and what his concerns were?

A I --

Q Bill Taylor.

A Yeah. I suspect I did. I don't have any clear indicator here, but it would be normal for me to talk to him.

Q So what is your recollection of the conversation that you had with Bill Taylor regarding this nightmare?

A Well, my -- well, about the nightmare, again, I said there's no linkage here. We are working to get the security assistance lifted. We had a letter from several members of the Senate to OMB pushing to get that lifted, and I was confident that it would.

So one aspect is, don't get too concerned about this. It'll get fixed. I'm confident that it will get fixed.

The other is that, we need you in Ukraine. Like, don't give up. It's important that we have competent professional people staying on the job here.

Q Is it fair to say, though, Bill Taylor was concerned that there was a quid pro quo between President Trump and Zelensky?

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A He was saying that there's a nightmare scenario here. They come out and they make a statement like this and then we still don't lift security assistance, and the Russians will see that and that will benefit Russia.

Q And, again, Bill Taylor was threatening that he would resign --

A He did.

Q -- if that were ever to occur?

A Well, he was saying if that nightmare scenario plays out, that he would quit.

Q Okay. Can we jump down to 9/9/19 at 12:31 and read what Bill Taylor wrote?

A Okay.

The message to the Ukrainians -- parenthesis -- (and Russians), we send with the decision on security assistance is key.

Let me read that again for meaning now that I understand it.

The message to the Ukrainians (and Russians) we send with the decision on security assistance is key. With the hold, we have already shaken their faith in us; thus, my nightmare scenario.

Q Please continue.

A Bill Taylor continues: Counting on you to be right about this interview, Gordon.

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Gordon Sondland: Bill, I never said I was right. I said we are where we are, and believe we have identified the best pathway forward. Let's hope it works.

Q Please continue.

A Bill Taylor: As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign.

Gordon Sondland: Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear: no quid pro quos of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Kenna (ph) or S -- meaning Secretary Pompeo -- a call to discuss them directly. Thanks.

Bill Taylor: I agree.

Q So then you stopped texting about this concern that Bill Taylor raised?

A Yes.

Q Bill Taylor said: I think it's crazy to withhold security assistance for help with a political campaign.

A Yes.

Q Whose political campaign was he referring to?

A I could only interpret this as meaning President

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Trump's political campaign and that he thought it would be crazy to withhold security assistance to help with that.

Q And when you testified earlier that you were unaware of this linkage that President Trump had made between the security assistance and the White House meeting and Ukraine starting these investigations, you were not on the July 25th call between President Trump and President Zelensky, correct?

A That is correct.

Q Who's Lisa Kenna (ph) and who is S?

A Yeah. Lisa Kenna (ph) is the executive secretary of the State Department and S refers to Secretary Pompeo.

Q Do you know whether Bill Taylor ever reached out to Secretary Pompeo about his concerns?

A I don't.

Q To your knowledge, did President Zelensky campaign on investigating Burisma or interference in the U.S. 2016 Presidential campaign?

A To my knowledge, no. His message was just broader in general about fighting corruption in Ukraine.

Q I'd like to go back to some more questions about the July 25th call between President Trump and President Zelensky.

Before that call, is it true -- is it accurate that you set up a meeting between Rudy Giuliani and Andriy Yermak,

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President Zelensky's assistant.

A Yes, that's correct.

Q Why did you do that?

A I believed that Rudy Giuliani, as we saw in an earlier text message, he had been in touch with Prosecutor General Lutsenko. I believe he was getting bad information, and I believe that his negative messaging about Ukraine would be reinforcing the President's already negative position about Ukraine.

So I discussed this with President Zelensky when I saw him in Toronto on July 3rd, and I said I think this is a problem that we have Mayor Giuliani -- so I didn't discuss his meeting with Lutsenko then. That came later. I only learned about that later.

But I discussed even on July 3rd with President Zelensky that you have a problem with your message of being, you know, clean, reform, that we need to support you, is not getting -- or is getting countermanded or contradicted by a negative narrative about Ukraine, that it is still corrupt, there's still terrible people around you.

At this time, there was concern about his chief of presidential administration, Andriy Bohdan, who had been a lawyer for a very famous oligarch in Ukraine. And so I discussed this negative narrative about Ukraine that Mr. Giuliani seemed to be furthering with the President.

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Q And, Ambassador Volker, just to be clear, in your opening statement, you referred to a problem that you had to deal with.

A Yes. This was the problem.

Q Rudy Giuliani was the problem?

A The negative narrative about Ukraine which Mr. Giuliani was furthering was the problem. It was, in my view, it was impeding our ability to build the relationship the way we should be doing, in my -- as I understood it.

Q Do you know what Rudy Giuliani and Andriy Yermak discussed in advance of the call between President Trump and President Zelensky?

A So the sequence here is Andriy met with me on the 10th of July. I reached out to Rudy to see whether -- and Andriy asked me to connect him to Rudy. I reached out to Rudy to see whether he could get together so that I could ask him whether he wanted to be connected to Yermak. I wanted both parties to want to be connected to each other before doing anything.

And he -- we met on, I believe, the 19th of July. I then set up a phone call between the two of them on the 22nd of July. And it was just an introductory phone call so they could talk to each other and --

Q Were you on that call?

A I was on that call. And it was literally, you

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know, let me introduce, you know, Mr. Giuliani, let me introduce Mr. Yermak. I wanted to put you in touch, blah, blah, blah.

And they agreed to meet in person. And Mr. Giuliani suggested he was going to be in Madrid the following week, or in the May 1 to 5 timeframe, and Mr. Yermak agreed to meet him there.

Q Was that -- do you mean August? I believe you said May.

A I am sorry. August, yeah. August.

Q Sure.

A Thank you.

Q What, if anything, did Rudy Giuliani say during that phone call with Andriy Yermak about the investigations that President Trump wanted into Burisma, Hunter Biden, and the 2016 election?

A Nothing in that phone call.

Q Nothing about wanting investigations?

A No, to the best of my recollection it was purely just an introductory phone call.

Q After that phone call, did Rudy Giuliani advocate for a telephone call between President Trump and President Zelensky?

A I don't know whether he did or not. I hoped that he would.

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[Volker Exhibit No. 6
Was marked for identification.]

BY MR. NOBLE:

Q I'd like to mark as exhibit 6 pages 18, 19, and 20 of your text messages. And if you could turn to page 19, please.

And I'd like to start on July 25th, 2019, at 8:36 a.m. And if you can just read what you wrote.

And to set the scene, I believe this is after the July 25th call between Trump and Zelensky, correct?

A I'm not where you want me to be.

Q Oh, actually, maybe it's before. I'm sorry. Let's go back.

July 25th, 2019, at 8:36 a.m., do you see that, on page 19?

A Page 19. July 25th. And what time?

Q 8:36 a.m.

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[1:07 p.m.]

MR. VOLKER: Thank you. Kurt Volker, good lunch. Thanks.

BY MR. NOBLE:

Q And here you're speaking to Andriy Yermak, to be clear, right?

A Yes, that is correct.

Q Okay.

A We had --

Q Please continue.

A It appears we had lunch. I know I had lunch with him that day. The timestamp is confusing, but --

Q Yeah. Because I believe you were in Ukraine at this time, correct?

A I was, yes.

Q Okay.

A So maybe the app is still reflecting of Washington time.

Q Okay. Can you just please continue the message?

A Good lunch. Thanks. Heard from White House. Assuming President Zelensky convinces Trump, he will investigate slash get to the bottom of what happened in 2016. We will nail down date for visit to Washington. Good luck. See you tomorrow.

Q Okay.

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A This was in advance of the phone call between President Trump and President Zelensky.

Q Who did you hear from at the White House about this?

A The best of my recollection is I heard from Gordon, who spoke to someone at the White House. I don't believe I heard directly from the White House.

Q And you said Andriy Yermak was going to be on the call with President Zelensky and President Trump?

A Yes.

Q And is it fair to say you were sending a message to Mr. Yermak that he should convey to President Zelensky that he needed to convince President Trump that Zelensky would investigate slash, quote, get to the bottom of what happened in 2016, and then after that President Trump would be willing to, quote, nail down date for visit to Washington?

A Yes, that is correct.

Q So is that not -- is there no linkage there between a commitment from Zelensky to investigate the things President Trump wanted him to investigate and whether or not he was going to get a White House visit?

A The things that President Trump wanted to investigate I did not know, and this was before the call and well before I found out what was in the call.

In terms of getting to the bottom of what happened in

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2016, remember, you had the allegation from the prosecutor general that there had been Ukrainians who had passed documents to try to influence the 2016 election. And so this is a reference to getting to the bottom of what happened. And my belief is that the prosecutor general was spinning a yarn here.

Q You did not believe there was any validity to the two allegations as we --

A No, I do not.

Q -- called them earlier, and yet, that's what President Trump wanted Zelensky to commit to investigating before he could get --

A Right.

Q -- a visit to the White House?

A Yes. It's a matter of President Zelensky being convincing that he is going to get to the bottom of what happened.

Q Okay. And then it looks like later that day Andriy Yermak reports back: Phone call went well. President Trump proposed to choose any convenient date.

So on that call it went well and President Trump asked President Zelensky to propose dates for a White House visit. Is that correct?

A That is correct.

Q Okay. And then at the end there it says: Please

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remind Mr. Mayor -- that's Rudy Giuliani -- to share the Madrid dates.

A Right.

Q Is that right? And that was the upcoming meeting between Andriy Yermak and Rudy Giuliani in Madrid on or about August 2nd?

A That's correct.

Q If you can jump down to August 7th, 2019. So this is after the meeting between Giuliani and Yermak --

A Yes.

Q -- in Madrid.

Okay. I'm going to let my colleague, Dan Goldman, ask some questions on this.

BY MR. GOLDMAN:

Q Real briefly, because we only have a couple minutes, Ambassador Volker.

Whether or not you believed it was true, you relayed a message from the White House to President Zelensky that he needed to convince President Trump that he will get to the bottom of what happened in 2016 in order for there to be a White House meeting. Is that what that text message -- you understand that text message to say?

A I understand it to be get to the bottom of what happened in 2016, and we will nail down a visit for Washington. So, yes, that we need to do both.

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Q Now, when one follows the other --
A Yes.
Q -- you would agree with me --
A Yes.
Q -- that that is linkage, correct?
A That it would be helpful. In other words, what I'm quibbling about is I believe we were still going to push for a White House visit anyway, whether or not Zelensky did, you know, a convincing job saying that I am committed to finding out if there was any effort in election interference, finding out what Lutsenko was talking about. But even if he didn't, we would still try to nail it down. But here is that if he is, you know, strong in this phone call, that will help.
Q Right. This was right before the phone call, correct?
A Correct.
Q Right? So you're relaying a message from the White House to President Zelensky as to what he should say on that phone call?
A Correct.
Q You didn't say, "Oh, if you can convince President Trump that you're going to root out corruption in Ukraine then we can set up a White House visit" --
A Correct.
A -- did you?

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A Correct.

Q No, you directly referenced the investigations.

A Get to the bottom of what happened in 2016.

Q Right. So when you then say, as you are sitting here today, that you had no idea that President Trump was going to discuss investigations either related to Burisma or to 2016 on that call, that's not accurate according to this text message, is it?

A Get to the bottom of what happened in 2016 is a reference to the prosecutor general's claims that there was interference. That to be investigated I always thought was fine, because that is just a matter of, you know, we don't want anybody interfering in our elections and did it happen.

And my belief was that it didn't, and this is helping -- trying to help President Zelensky convey the right message in a phone call to build a relationship with the President that he needs to build just to have confidence in each other.

Q To say what the President wanted him to hear -- wanted to hear?

A To make sure he conveyed a message that would be convincing to the President.

Q Because that's what the President wanted to hear. You agree with that?

A Yeah.

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

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think we'll take a half-hour lunch break?

THE CHAIRMAN: Would you like to do that?

MR. VOLKER: Sure.

THE CHAIRMAN: Let's break for half an hour.

[Recess.]

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[1:56 p.m.]

MR. SWALWELL: Okay. It's 1:55. Going back on the record, and it's minority, 45 minutes.

BY MR. CASTOR:

Q Welcome back, Ambassador. Thank you for coming back. We were talking -- last time we were asking you questions, the Republicans, about the President's skeptical, deep concerns about Ukraine prior to President Zelensky.

A Uh-huh.

Q And we talked about some of the issues that Mr. Giuliani brought to his attention. Are you aware of any other issues that, you know, the President may have held about Ukraine other than what Mr. Giuliani brought to his attention?

A Well, Ukraine, you know, leaving aside the President for a moment. I don't know what he would have been aware of or not. But Ukraine had for decades a reputation of being just a corrupt place. There are a handful of people who own a disproportionate amount of the economy. Oligarchs, they use corruption as kind of the coin of the realm to get what they want, including influencing the Parliament, the judiciary, the government, state-owned industries.

And so businessmen generally don't want to invest in Ukraine, even to this day, because they just fear that it's a horrible environment to be working in, and they don't want to

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put -- expose themselves to that risk. I would have to believe that President Trump would be aware of that general climate.

Q So it wasn't just, you know, issues that Lutsenko and Shokin brought to the attention of Mr. Giuliani or John Solomon at The Hill?

A No. My view is that there's already a baseline of negative assessment and then this just reinforces.

Q And it's fair to say that the investigation, prosecution of Paul Manafort during -- either -- that too surely --

A Yeah, I would think so as well that there was a Ukraine connection in that somehow.

Q So Manafort used to work for Yanukovych?

A Right.

Q And then Poroshenko comes in as President.

A Yeah.

Q And so there's a belief, fair or not, that perhaps Poroshenko or his allies were feeding information to somebody to, you know, get Paul Manafort in trouble.

A I don't know about that. It's possible. There was something. In the investigations of Manafort's activities in Ukraine, there was a supposed ledger, and there's been in the media discussions, is this a valid ledger, is this a forgery ledger. And it was introduced publicly by an investigative

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journalist who became a member of Parliament named Sergei Leshchenko, L-e-s-h-c-h-e-n-k-o, Sergei, S-e-r-g-e-i.

And he was believed incorrectly to be close to President Zelensky and even in Ukraine, because he was campaigning, you know, or speaking publicly on behalf of President Zelensky's campaign, but he was never really part of President Zelensky's inner circle.

Q Was he an ally of Poroshenko?

A At one point, yes, he was. Yeah. Enough. He's played a variety of roles from journalist to member of Parliament, supporting Poroshenko, opposing Poroshenko, supporting Zelensky, not supporting Zelensky's team.

Q Given the fact that we know about Manafort, maybe not facts that, you know, you know from a firsthand account, but isn't it reasonable to believe that the President, President Trump, may have felt that Poroshenko or somebody aligned with him was behind the effort to get Manafort as a proxy to get the President?

A I don't know whether he thought that or not.

Q But is that a reasonable thing to think?

A I could see why someone would think that. May I add also, I met with President Poroshenko, I don't know, a dozen times, perhaps 10 times, 12 times, and I believe that he did a very good job on introducing reforms in Ukraine but not enough, that he would go so far but -- and that was

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because he had a very difficult, political environment in which to do things. He did not easily control a majority in Parliament.

And I also believe that he took office after the Maidan, and it was an optimistic time in Ukraine about change after Yovanovitch, and very quickly became a wartime President as Russia attacked and took Crimea and took eastern Ukraine.

And he was forged by that, so he was really focused on, you know, fighting back, building the military, trying to stabilize the economy, really playing the role of a wartime President. And I personally did not see him as, you know, motivated by anything other than that.

Q You know, if the President, President Trump believed that these ledgers were falsified like some allegations --

A Uh-huh, there were allegations that they were. I believe that they were investigated and declared to be valid, but, nonetheless, this was in the public domain.

Q So, if President Trump had that belief --

A Yes.

Q -- whether you think it's reasonable or not, but if he held that belief, can you understand why he would want Ukraine to investigate why perhaps these ledgers were fabricated, if he held that belief?

A Yes.

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Q Going back to exhibit 4, which is the --

A The transcript.

Q Right. Going back to the same page we were on, page four.

A Yes.

Q The second paragraph where President Zelensky is talking at the end, he relays to President Trump that: Her attitude towards me -- and this is Yovanovitch -- her attitude towards me was far from the best as she admired the previous President, and she was on his side. Do you know whether that is a widely held belief or true? It's the penultimate sentence of that paragraph and then the last sentence. Her attitude towards me --

A Yes. Yes.

Q Talking about Yovanovitch.

A Yes. 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.

Well, he's expressing his view, and I -- in my dealings with Masha, I found her trying to be impartial. I found her trying to navigate the election without taking sides on anyone.

Some of the context to this is that Zelensky kind of came up out of nowhere. He was not a candidate for all of

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2018. There were other prominent candidates, so most of the focal point was Poroshenko or Yulia Tymoshenko, will he run, will he not run about a rock star named Sovavakochuk (ph), and Zelensky was not in the picture.

When he arose kind of meteorically, as an outside figure and a popular candidate, I think it did take everybody by surprise. And maybe he felt that she was not like on board, you know, communicating with him early enough, that that's possible, as he perceived it.

Q And if he perceived that Ambassador Yovanovitch wasn't on his side or may have supported the previous President, and he communicated that to U.S. officials, is it reasonable that perhaps the President would want to curtail her assignment?

A No. No, I don't think that's a good reason. What a foreign leader thinks of our ambassador shouldn't drive how we treat our ambassadors. I think it's the President's own judgment about our ambassadors that should matter.

Q You know, a lot has been made of the discussion of Biden on the call.

A Yep.

Q His name doesn't show up that much in the readout. And the passage we're reading this morning, on the same page, page four, it begins with a transitional phrase.

A Uh-huh.

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Q The other thing --
A Yep.
Q -- meaning we're turning -- I mean, there's a lot of ambiguities in this document, and so it's very difficult to know for certain what's in the mind of the people that are recorded on the transcript. Is that a fair assessment?
A Yes. You have to really know the issues and the context to understand what they're talking about, because it was in a particular moment. They knew what they were discussing, but, you know, if you read it just cold and you don't know the context, I'm sure it's hard to figure out.
Q And that's the case with any call transcript of --
A Yes.
Q -- any President.
A Any conversation.
Q And so, at the end of page three and then the top of page four, they're talking, and then the transitional phrase comes up that says: The other thing. There's a lot of talk about Biden's son, that Biden stopped this prosecution, and a lot of people want to find out about that. So whatever you can do with the Attorney General would be great.
You know, one reading of this could be it's a throwaway statement.
A Uh-huh.

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Q I mean, Biden doesn't show up a ton in this interview transcript. He says: The other thing. There's a lot of people talking about Biden's son, a lot of talk about Biden's son.

I mean, that's not "go investigate Joe Biden," right?

A Yeah. Well, what's interesting here to me is he says, "Whatever you can do with the Attorney General would be great," which means: Get it into an official communication, an official contact between Ukraine and the Attorney General.

And it's not specifically saying investigate, but I think, you know, this came out in September, September 25th, and there's been a lot of commentary about that. And I don't think you can make any other assumption than that it meant investigate, but it was at least saying, you know, work in an official, legal channel.

Q You'd agree Biden comes up in this paragraph, but that's pretty much the extent of it?

A I'm sorry.

Q I was just mentioning that Biden shows up in this paragraph, you know, the top of page four, but the call doesn't -- I mean, this call -- it wasn't a call about Joe Biden.

A Correct. Again, I want to reiterate: I was not on the call and didn't get a detailed readout at the time, so I'm only reading the same text as you are.

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The purpose of the call is the very first thing the President says, which is: Congratulations on the great victory.

In addition to coming out of nowhere to win the Presidential election, President Zelensky built a political party out of nowhere and won an absolute majority in the Parliament, and congratulating him on that and reestablishing a relationship is the heart of the call.

Q When we were speaking in our morning hour, you mentioned you got a readout from the Ukraine, you got a readout from the State Department, and you didn't hear anything about Joe Biden.

A That is correct.

Q You've got this interview transcript here. This is five pages, right. And so Biden is mentioned, okay. He's mentioned.

A Yes.

Q But he's mentioned at the top of page four, so I just wanted to make sure that I wasn't underselling that.

A That's correct.

Could I also just draw your attention on the 27th of July, is a Saturday. I was back in Kyiv after visiting the conflict zone and gave an interview and was asked about the phone call and at that time reiterated the readouts that I was given at the time, so this did not come up.

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Q I think it was maybe suggested that Biden is synonymous for Burisma or Burisma is synonymous for Biden. But there's an ambiguity there.

A Yeah.

Q And that interpretation could go both ways. I mean, the name Burisma may not have been on the tip of the President's tongue during the call. Isn't that a fair --

A No doubt. No doubt that he would not know or even know how to pronounce or be familiar with the name of a company like that.

Q So, if you try to get inside the President's head, I mean, he may have been searching for the name Burisma but couldn't grasp it so he spits out Biden?

A I wouldn't want to say that. I would not want to say that. What I would say, however, is that there are three separate things going on here: There is Burisma the company, which was notorious for having had a history of corruption and been investigated for money laundering; there is Vice President Biden and his son; and there is 2016 election interference that had been alleged by the prosecutor general of Ukraine. So there are three separate things that we're talking about, and sometimes they're getting conflated in the discussion here, but they are three distinct things.

Q Is anybody in Ukraine investigating Burisma or Hunter Biden?

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A I don't believe so. I don't know the answer to that, but I have never heard that they are.

Q And certainly nobody's investigating Joe Biden?

A No. And, in fact, I think it would only be proper for Ukrainians to investigate Ukrainian citizens who violated Ukrainian law, which is what the middle of those, Burisma, is about.

Q The Ukrainian Ambassador to the U.S. is Valeri Chaliy?

A Yes.

Q Did I pronounce that right?

A Correct.

Q What is your relationship with Chaliy?

A Well, he was the Ukrainian Ambassador here for some time. And in my duties as the special representative I would meet with him, talk with him. We sometimes spoke together at public events. He -- how do I want to say this? He was a good interlocutor. He knew what was going on in Ukraine. He was able to convey that. I could get updates from him. I could tell him what I was doing.

But at the same time, my principal engagement was visiting Ukraine and meeting the President and staying in touch with the Foreign Minister and the diplomatic adviser to the President.

Q Are you familiar with an individual named Alexandra

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Chalupa?

A That does ring a bell. Can you remind me what her position was?

Q She is a consultant that -- hired by the DNC during the 2016 election cycle, was paid $71,000.

A Yes, I heard about this. I read about --

Q Do you know anything about --

A No, I have no personal knowledge of any of it. I've read about it in the press.

Q So you don't know anything about her efforts to work with the Embassy here?

A I don't know anything about that.

Q So anything you know about Chalupa is just what you've read in the press --

A Exactly. Correct.

Q -- and you don't have any -- you did not have any discussions with State Department officials about Chalupa?

A No. No.

Q But you're aware of the general allegations that Chalupa is trying to --

A That she was looking for things for the benefit of the DNC and the election campaign.

Q And could harm President Trump's political prospects?

A Yeah. That's what the media reports are about.

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Q And so that, in fact, may be another data point to the President's uncomfortable posture towards Ukraine prior to Zelensky's election?

A It's possible.

Q You mentioned Leshchenko earlier. Have you ever had any firsthand dealings with him?

A Yes, I have. I first met him in New York City. We happened to be booked on a radio interview at the same time about Ukraine, and so we were chatting there. He struck me as a very earnest and committed reformer at the time. He then attended a conference in Tbilisi, Georgia, and I met him and his new wife at that time. Again, came across well.

Then I did not see him again after that until I visited Ukraine for the U.S. Destroyer visit to Odessa, went up to Kyiv that evening, had a meeting with candidate Zelensky, and he was at that meeting along with a number of other people.

Q And any other meetings with him or --

A No.

Q Okay. So his involvement in the Manafort-related issues, you never had any firsthand --

A I never spoke -- I didn't know that he was involved in that until I later read about it in the media that he had a role with the ledger.

Q We were discussing on text message chain, I think it was exhibit 5, and Bill Taylor was, you know, mentioned he

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might resign.

A Yes. Can you remind me the page number? Anyway, please continue.

Q Fifty-three I think it is. I just wanted to get your reaction. I mean, was Bill Taylor actually talking about resigning, or was he just sort of venting and maybe just upset by the situation?

A Well, I think if -- I think he was serious, to be honest. I think he was serious that, if we don't give Ukraine the security assistance, because we all believe this is critically important, then he would step down, and that would be beneficial to the Russians as well because if we can't get our policy right, then I don't think he wants to be there representing it.

Q But during the same time period, I mean, you had confidence the assistance --

A I was very confident that that hold would not stand.

Q Okay. And does that --

A And I was surprised that Bill was not confident. He has been around a long time too. And he should know that nobody in any of the policy agencies would sit still for suspending this.

Q Okay. And that it's fair to say there's -- sometimes this is a rocky road, there's ups, there's downs?

A Yes.

Q And that's consistent with foreign assistance, you know, at all times, all countries, all eras?

A Yes. I don't need to go into examples, but I've come across many in my experience for any number of reasons where there is a hold on assistance or a condition placed on assistance because they want a particular policy outcome.

The IMF does this all the time with conditionality on fiscal policy. Sometimes it's human rights related, so that we're trying to get a government to do -- you know, release a political prisoner or, you know, respect human rights better. So there's a lot of reasons why assistance gets held from time to time.

Q You had quite a deal of interactions with Mr. Giuliani --

A Yes.

Q -- for a certain period of time?

A Yes, about 2-month period.

Q Two-month period. From your text messages, we can see that you had coffee with him, breakfast?

A Yeah. We had one meeting, one breakfast, and the rest was just by text or by phone.

Q And so, for this 2-month period, is there anything in your communications with Mr. Giuliani that you didn't feel was, you know, towards advancing the interest of the United

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States?

A Not at all, quite the opposite. The reason I assisted the Ukrainians in contacting him was precisely to advance the interests of the U.S. because I wanted the information that the President would be getting to reflect a better understanding of who this new President, who his new team are.

Q So any assertion or claim that it was improper to be bringing Rudy Giuliani into that process, you would rebut that, right?

A I would disagree with that. I believe it's part of my job to try to advance the relationship between the U.S. and Ukraine, to advance U.S. interests with Ukraine, foreign policy, national security interests, to strengthen Ukraine as a democracy.

And I -- as the special representative, there's a lot of public role with that, and so you meet with a lot of people, you communicate with a lot of people, you try to bridge-build, and problem-solve.

And I didn't view -- let me put it this way: I didn't think it improper to contact Mr. Giuliani much as I would, you know, not think it improper to contact anybody. You know, I've had meetings with businessmen who have invested in Ukraine. I've had meetings with clergy. I've had meetings with American citizens who have had problems in Ukraine and

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that wanted to tell me about them, you know, all kinds of things.

Q And that essentially was part of your job --

A Exactly.

Q -- was fielding these calls, connecting some people, not connecting others, making decisions to plug in, say, Rudy Giuliani with Yermak?

A Correct.

Q And there were probably, you know, some individuals you decided not to do that with. Is that fair to say?

A Probably, yes. I can't imagine just even as a matter of time that I would have done that, but the focal point here, again, as you already stated, was how do we advance the U.S. interests here and the relationship between the United States and Ukraine.

Q You had a tricky job. I mean, the U.S.-Ukrainian relations have its own set of issues.

A Uh-huh.

Q The Ukrainian-Russia relations is its own problem.

A Yes.

Q And your job was essentially to, in a nuanced fashion, try to make everything work?

A That's correct. To elaborate on that point, it was clear to me after, say, the spring of 2018 that the Russians were not going to move out of eastern Ukraine; they were

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content to keep the war going. We had had some exploratory discussions late 2017, early 2018, that I thought might have some promise. But by the time we hit the middle of 2018, it was clear they had made a conclusion to just keep the war going.

As a result of that, I concluded that the only thing we can really do is strengthen Ukraine. If we want Russia to negotiate a way out, the only way they're going to do that is if they are convinced that it's pointless to stay.

And so helping Ukraine militarily, economically, security, reform, fighting corruption, and demonstrating a critically strong U.S. relationship is all part of demonstrating to the Russians that this is an expensive, wasted effort to keep this war going in eastern Ukraine.

MR. CASTOR: I want to make sure that I give time to our members if they have questions.

MR. PERRY: Thank you, Ambassador.

I want to start out with this skepticism that the President had -- that you talked about that the President had for Ukraine. And would you assess that, based on your dealings with him and the situation as it is that he has held them for some time, or did they just start --

MR. VOLKER: No.

MR. PERRY: -- fairly recently?

MR. VOLKER: My assessment was that these were

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longstanding.

MR. PERRY: Longstanding. So you would say that they -- I don't want to put words in your mouth. Would you say that he had these skepticism or some level of skepticism before his personal attorney Giuliani may have imparted some of his opinions?

MR. VOLKER: Well, what I can say is that when I briefed the President and then participated in his meeting with President Poroshenko in September 2017, it was already clear then that he had a very skeptical view of Ukraine.

MR. PERRY: Okay. Thank you. I just want to -- most of my questions are just clarifying.

In the last round, you were asked to read a portion of the conversation between the President of the United States and that of Ukraine on page four.

MR. VOLKER: Yes.

MR. PERRY: And I'll read it this time: The other thing, there's a lot of talk about by 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.

Would you assess that that's the President looking backward to things that already occurred or looking forward to things that might occur?

MR. VOLKER: Definitely looking backward.

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MR. PERRY: Okay. And that's how I took it too, but it wasn't necessarily clear.

Let me ask you this: We talked a little bit about some of the agreements that we have with Ukraine, and I know that you're not intimately familiar with them, but we do have a treaty or an agreement regarding shared information, law enforcement, et cetera, in that context.

MR. VOLKER: Yeah. Mutual legal assistance treaty.

MR. PERRY: Is it normal -- because I'm not in the Foreign Service, but is it normal when such agreements are present for heads of state to discuss potential collaboration on investigations that might cross shores and involve both countries?

MR. VOLKER: Yes and no.

MR. PERRY: Okay.

MR. VOLKER: Yes, and no. Typically, leaders do not talk about the specifics of investigations. They leave that to the law enforcement community, the Attorney General, prosecutor general, things like that. But on the need for cooperation as a general matter, then, yes, I've heard that raised in other phone calls in previous administrations.

MR. PERRY: In this context, since the President of Ukraine is new, and, quite honestly, new to politics and new to elected office, as I understand, would it be appropriate -- because he talks very specifically about the

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Attorney General. Of course, he's referring to -- the President is referring to Attorney General Barr.

In that context, is it appropriate to say -- have the conversation, based on our shared interest and under the agreement we have, this is my Attorney General. I'm making an entree to kind of set the table, set the stage, open the window. Is that reasonable?

MR. VOLKER: Yes. In terms of process to say work with the Attorney General, that's the right process.

MR. PERRY: In the last round, there was a conversation you had with Chairman Schiff that I just want to kind of clarify. First of all, the folks that you dealt with in Ukraine at the very highest level, I don't know, but I'm going to ask, do you feel like they had a fair amount of trust in you?

MR. VOLKER: Absolutely.

MR. PERRY: And I assess that too from the conversation that we had. So they would confide things in you if they had a question?

MR. VOLKER: They would confide things. They would ask questions. They would ask for help. We had a very candid relationship.

MR. PERRY: So you had said that you get the readout from the call that was basically congratulations, fighting corruptions, and then initiation to a White House visit, so

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to speak. That was the assessment.

MR. VOLKER: That is what I was briefed as the content of the call.

MR. PERRY: But in your conversation with Representative Schiff, he kind of implied and wanted you to intimate that there was an agreement based on that conversation that: If you do the investigation, then you can have a meeting and maybe we'll consider this military aid.

If that were the case from the call, do you feel, because they had some trust in you, that they would have come to you and said, "Hey, how do we handle this? Is this what the President of the United States is asking?" Would they confide -- would they ask you that?

MR. VOLKER: Yes, they would have asked me exactly that, you know: How do we handle this?

And, in fact, we had conversations, and some of them are in these text streams here, where they wanted to make a statement to show that they are serious about investigating the past and fighting corruption and turn a new page in Ukraine. And we engaged over what to say, what not to say.

MR. PERRY: And so they did not ask you that particular question?

MR. VOLKER: No.

MR. PERRY: Not at all, okay.

I think I just have two more. I'm turning to page 53.

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Your text transcript, 9/9/19, 5:19 a.m., from Gordon Sondland: Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear, no quid pro quos of any kind.

Would Gordon Sondland -- would he make that up?

MR. VOLKER: No. No. Gordon and I and, you know, Bill and other -- were in frequent contact. And Gordon was repeating here what we all understood.

MR. PERRY: Okay. And my final question is, in the last round you were questioned a few times regarding the acceptability of a President seeking the assistance of a foreign government regarding our electoral process. And I think -- I don't want to paraphrase or put any words in your mouth -- but you agreed with Representative Schiff that that would be wrong?

MR. VOLKER: That would be.

MR. PERRY: So would you assess that it would be acceptable or unacceptable for Members of Congress to seek that same foreign assistance?

MR. VOLKER: The same. The same.

MR. PERRY: It would be wrong?

MR. VOLKER: My view -- just an American citizen here; it doesn't have anything to do with being a special representative to Ukraine -- but my view is that we do not want foreign countries interfering in American elections,

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period.

MR. PERRY: Thank you.

I yield the balance.

MR. MEADOWS: Mr. Ambassador, it's Mark Meadows from North Carolina, and I'm not going to ask questions because the majority has indicated that they don't want members to do that. But I want to go on the record and in three different ways.

I'm going on the record to indicate to the majority that we need to make sure that we clarify the rules, and members should be allowed to ask questions. And I can tell you that, from my standpoint, it is critically important that we establish this going forward.

And I wish Chairman Schiff were here. And I'm not asking you to comment. This is for the record, and I can tell you that I object to the way that this deposition -- transcribed interview has been conducted in terms of the overall rules.

Mr. Ambassador, I want to go further, because I want to say thank you. On behalf of the American people, it is a great loss that you are going back to your passion. I can tell that you have done an incredible job of representing our country.

You've represented the State Department and our Foreign Service personnel in such a gracious way today that I just

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want to say thank you. And your testimony here today has given me such great encouragement that, regardless of the outcome of what you believe or didn't believe, you've come across in an unbelievably transparent and authentic way, and I just want to thank you for that.

MR. SWALWELL: Mr. Meadows, I just want to clarify --

MR. MEADOWS: It's my time. I didn't interrupt you.

MR. SWALWELL: I just want to clarify, you can ask questions. You said that you're not allowed to. We are affording you the opportunity. So --

MR. MEADOWS: At the very beginning --

MR. SWALWELL: You have 6 minutes.

MR. MEADOWS: -- what I would love for us to do is, going forward on these transcribed interviews, is let's set out what -- because at the very beginning, we were saying: We discourage members from asking questions.

MR. SWALWELL: I'm telling you, you can ask questions, so --

MR. MEADOWS: I appreciate that. And when I hear it from the chairman --

MR. SWALWELL: I'm acting as the chairman for the rest of the day, so you can ask questions. You've got 5 minutes.

MR. MEADOWS: Well, I appreciate it. And so I assume that that's going to be the way for every transcribed interview? Are you on the record as saying every transcribed

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interview members can ask questions as many as they want?

MR. SWALWELL: We've got the witness here. You can ask questions, so --

MR. MEADOWS: I'm asking going forward because that's why I put it on the record, Mr. Swalwell. You know. Listen, this is not your first rodeo, nor mine. So are you saying, going forward, members are going to be allowed to ask questions, as the acting chairman?

MR. SWALWELL: Today, you can ask questions. I'm not going to speak for the chairman for tomorrow.

MR. MEADOWS: Yeah. Well, when Chairman Schiff gets back, we'll ask someone who is really in Charge.

MR. SWALWELL: Okay. You've got 4 minutes.

MR. MEADOWS: And so here is the last thing I would say: You've done a great job of answering as a fact witness, and I think that that's critically important, that in the context of all of this for the record is, when there's a fact, you have answered those to the best of your ability.

Now, I would say my friends opposite have tried to lead you down a road where you're supposed to get in the mind of everybody else that was on a text message and have you opine on what they thought. And if we were in a court, it would be thrown out immediately. And I think all the counselors around here realize that it would be leading the witness.

But I want to say thank you for sticking to the facts

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and allowing us and, more importantly, the American people to see exactly the kind of career diplomats that we have servicing and sacrificially serving our country. And I want to just say thank you for the record, Ambassador.

And I'll give it back to Steve.

MR. VOLKER: Thank you, Congressman.

It's very kind of you. And I do find it a pleasure to be here. I wanted to do this testimony. I believe it's important to bring the facts out.

MR. ZELDIN: Picking up where Congressman Perry just left off with regards to Members of Congress requesting a foreign government to interfere in critical elections here in the United States, are you familiar with a May 2018 letter of three Democratic Senators sent to Lutsenko demanding his assistance in the Mueller probe?

MR. VOLKER: No, I was not aware of that letter.

MR. ZELDIN: Okay. Well, there was a letter that was submitted by three Democratic Senators to Lutsenko demanding his assistance with regards to the Mueller probe. So you haven't had any conversations then, I guess, with Ukrainian officials with regards to that letter? You're not familiar with --

MR. VOLKER: No. No, I did not. As I told you earlier, I had my own views about Lutsenko and what the value of that engagement would be, but I was not aware of that and didn't

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engage in that.

MR. ZELDIN: Okay. Senators Menendez, Murphy, have they directly reached out to you with regards to demanding assistance of the Ukrainian Government with Oregards to the Mueller probe?

MR. VOLKER: No, they have not.

MR. ZELDIN: And just to clarify, up to this point of today's transcribed interview, has anything been stated that you would say classified?

MR. VOLKER: No.

MR. ZELDIN: Everything is unclassified up to this point?

MR. VOLKER: In my mind, all of this is unclassified. As I said, there are a few sensitive exchanges that I think would be detrimental if made public, but those are not classified information.

MR. ZELDIN: Okay.

MR. CASTRO: Thank you. Our round is up.

MR. SWALWELL: If you have any followup questions, go ahead.

MR. CASTRO: No. I'm good.

MR. SWALWELL: Are you sure?

Ambassador, I'm inclined to keep going, unless you want another break.

MR. VOLKER: No.

MR. SWALWELL: Okay. We'll start our 45-minute block.

Ambassador, you said that it was not inappropriate for you to work with Mr. Giuliani in the way that you did. Have you ever seen though in your years of service, in the Foreign Service, any person like Mr. Giuliani hold a role like he held for Mr. Trump?

MR. VOLKER: I can't say that I have, no.

MR. SWALWELL: To your knowledge, did Mr. Giuliani have a security clearance?

MR. VOLKER: I don't know.

MR. SWALWELL: Did you ever discuss classified information with him?

MR. VOLKER: No.

MR. SWALWELL: You testified earlier that a problem in the past for Ukraine was its leaders investigating political rivals. Is that right?

MR. VOLKER: Yes.

MR. SWALWELL: Do you believe it's okay for a United States President to ask a United States Attorney General to investigate a political rival?

MR. VOLKER: That's just getting my opinion on domestic things.

MR. SWALWELL: So I guess, as an American citizen, do you think that that's okay?

MR. VOLKER: As an American citizen, I believe that no

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one is above the law.

MR. SWALWELL: Do you believe that it's okay for a U.S. President to ask a foreign country to investigate a political rival?

MR. VOLKER: I think it's inappropriate.

MR. SWALWELL: You mentioned that President Trump had expressed skepticism about Ukraine as long as you had known President Trump's views on Ukraine. Do you know what informed his views about Ukraine, like the source of that?

MR. VOLKER: Can you repeat that question again?

MR. SWALWELL: You had said that, as long as you had known Mr. Trump had a view on Ukraine, you believed he had skepticism about Ukraine.

MR. VOLKER: Yes.

MR. SWALWELL: Do you know the source of his views on Ukraine?

MR. VOLKER: Well, only my interactions with him. There were two. There was the meeting with President Poroshenko in September 2017, and then there was the Oval Office meeting on May 23rd of this year. And it was remarkably negative going back even to September.

If you look at President Trump's bio, he had visited Ukraine, I believe, Miss America or Miss Universe Pageant, something like that. I know he was always looking at business investments. And I don't believe he ever invested

in Ukraine. And like a lot of businesspeople, I think he just recoiled at the corrupt environment.

MR. SWALWELL: Do you know if --

MR. VOLKER: I don't know any of that as a fact.

MR. SWALWELL: Sure.

MR. VOLKER: It's just -- it is my interpretation.

MR. SWALWELL: Do you know if President Putin informed President Trump's views on Ukraine?

MR. VOLKER: I don't know.

MR. SWALWELL: Would you say that Russia is as corrupt as Ukraine?

MR. VOLKER: Yes.

MR. SWALWELL: And President Trump has invested in Russia, to your knowledge?

MR. VOLKER: I don't know if that happened or not. I read about --

MR. SWALWELL: Well, he had the Miss Universe contest there.

MR. VOLKER: Oh, they did. Okay.

MR. SWALWELL: Has President Trump ever expressed concerns about corruption in any other country besides Ukraine to you?

MR. VOLKER: To me, no.

MR. SWALWELL: You mentioned that, I think to Mr. Perry, that it is not unusual for countries to have an investigation

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cooperation agreement, you know, as far as law enforcement goes, but you said it would be unusual to discuss specific investigations. Have you ever heard a U.S. President, from any call readouts you've seen or conversations you observed, a prior U.S. President reference a specific investigation?

MR. VOLKER: I can think of one, and it would be a classified conversation. And there may be more, but I can certainly think of one.

MR. SWALWELL: I'm going to turn it over to Mr. Noble.

MR. NOBLE: I'm going to turn it over to Mr. Bitar.

MR. BITAR: Hi. Ambassador Volker, my name is Maher Bitar. I'm the general counsel for the Intelligence Committee. I'd just like to level set in light of many of the questions you received today.

I, like you, was a senior State Department official in a prior life. I've also worked on the National Security Council staff. I've been on innumerable diplomatic trips. I've prepared Presidents for meetings and phone calls. I've prepared packages for their meetings. I've consulted with them before and after those phone calls and meetings. I've traveled with Secretaries of State across the world.

I have to say, the evidentiary record that has emerged, in part those text messages that you have provided, as well as the phone call record that the White House produced, is abnormal, highly unusual, and raises profound concern, at

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least among many Members of Congress as well as staff, that the use of the Office of the President -- that the Office of the President may have been used to advance personal political interests of Mr. Donald Trump rather than the national interest.

I just want to level set here because I think, like you, I've seen how diplomacy works, and having seen that in action, it's possible to also identify when it deviates significantly. And when even the most laudable goals of trying to advance national interests can get ensnared and enmeshed with efforts to advance personal political interests.

So I'm going to turn it over to my colleagues now. We're going to go in more depth into specific text messages exchanges that you have had as well as the broader timeline, because I think it's time to step back as well and look at the broader timeline and put all the pieces together.

And I think what will emerge is a very troubling story where you have -- you did your best, it looks like, in a very difficult situation to try and protect and preserve the bilateral relationships despite efforts by Mr. Donald Trump and his personal agent, Rudy Giuliani, to advance separate parallel interests. And I think it's going to be an important thing to clarify for the rest of this interview.

So if I can turn to my colleague, Dan Noble. Thank you.

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BY MR. NOBLE:

Q I'd like to go back to what my colleague on the minority asked you about. He said that, during the July 25th call, and I'll point you to page four of the transcript again, where the President tells President Zelensky: 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 acting -- with the Attorney General would be great.

My colleague suggested that when the President said Biden no less than three times in the portion of the transcript I just read, he actually meant to say Burisma. You agree that's ridiculous, right?

A I do not agree he meant to say Burisma. I think he meant to say Biden.

Q In that paragraph, and I'll let you take the time you need to look at it, the President actually never mentions the name of any company, does he?

A I don't believe that he does.

Q Okay. But in the next paragraph, President Zelensky understands what President Trump is referring to, correct? He says, the next prosecutor general will be 100 percent 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,

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specifically to the company that you mentioned in this issue.

So the company is Burisma, correct?

A Yes.

Q So it's fair to say Burisma or President Zelensky understood President Trump to be referring to both Burisma and Biden when President Trump said Biden, correct?

A I think what I read in this is that President Zelensky understood that there's a linkage here, and he is not responding to President Trump about Biden, and he is instead saying: We'll investigate the company.

Q So it's fair to say, by referring to the company or to Burisma, President Zelensky avoided saying that he was going to investigate the former Vice President of the United States or his son?

A That is my reading of it.

Q I'd now like to go back to some of your text messages. If you could turn to page 42, and this is going to be marked, I believe, as a new exhibit, Exhibit 6.

MR. CASTOR: Exhibit 7.

MR. NOBLE: Exhibit 7. And exhibit 7, for the record, is pages 42, 43, and 44.

Do you have page 42 in front of you?

[Volker Exhibit No. 7
was marked for identification.]

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[2:50 p.m.]

BY MR. NOBLE:

A Yes, I do.

Q Okay. I'd like to go to kind of the bottom third, picking up at August 9th, 2019, at 5:35 p.m., where Ambassador Sondland writes: Morrison ready to get dates as soon as Yermak confirms.

A Okay.

Q What was Ambassador Sondland saying there?

A Morrison ready to get dates as soon as Yermak confirms. And I believe this referred to Yermak confirming that President Zelensky was going to make a statement along the lines that we had discussed in that other exchange.

Q A statement about the investigation?

A A statement about Ukraine's commitment to fighting corruption and investigating things that happened in the past, and that was where we had this question that we discussed earlier about whether it would specifically mention Burisma and 2016 or not. That's the statement in reference.

Q Okay. If you can just continue to read the next few lines.

A I said: Excellent. How did you sway him? Because -- and shall I explain it or just keep reading?

Q Sure, go ahead and explain what you meant there.

A Okay. So I was very pleased that Morrison was

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going to get dates for a visit, because we had been trying and trying and trying and not getting anywhere.

Q And by this point, it had been since the end of May?

A Yeah.

Q Over 2 months?

A Yes.

Q Okay. And go ahead and continue what Ambassador Sondland said.

A Gordon Sondland: Not sure I did. I think POTUS really wants the deliverable, meaning the statement.

Q And what -- yeah, what did you understand what the President wanted by deliverable?

A That statement that had been under conversation.

Q That was the deliverable from Zelensky that the President wanted before he would commit to --

A He wanted to see that they're going to come out publicly and commit to reform, investigate the past, et cetera.

Q Before President Trump agreed to host President Zelensky at the White House?

A Yes, that's what Gordon is saying.

And I said: But does he know that -- meaning Morrison -- does Morrison know that the President is looking for that? The reason I asked this question is because there

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is a -- to me, anyway, it appeared that the flow of information to the President up and down from the National Security Council staff was not working very well.

Q And if you can skip down to August 9th, 2019, at 5:51 p.m., and just read what Ambassador Sondland said.

A I'm sorry. Yes.

Q I believe it says: To avoid --

A 8/9/19. Yeah. Right.

So to avoid misunderstandings, it might be helpful to have Andriy -- to ask Andriy for a draft statement -- that's the one we're talking about -- embargoed -- that he can see exactly what they propose to cover. Even though Zelensky does a live presser, they can still summarize in a brief statement. Thoughts?

And I said: I agree.

Q And then on the next, I guess the next day, August 10th, 2019, Ambassador Sondland says he briefed Ulrich. That's Pompeo's counselor, correct?

A Correct, yes.

Q And then what did you say?

A I said: This came in from Andriy. I suggested we talk at 10 a.m., his 5 p.m. tomorrow.

Q And then is the next line the message that you received from Andriy Yermak?

A Yes.

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Q Okay. And can you read what your message --

A So I forwarded to Gordon this text message from Andriy Yermak: Hi, Kurt, please let me know when you can talk. I think it's possible to make this declaration and mention all these things which we discussed yesterday, but it will be logic to do after we receive a confirmation of date. We inform about date of visit and our expectations and our guarantees for future visit. Let's discuss it.

Q Okay. Can you describe the call that you had with Mr. Yermak that he refers to in this message?

A Yes. So I discussed with him their making a generic statement. And we talked about fighting corruption. We talked about reform. We talked about making sure that there is no effort to interfere in U.S. elections and that if there was anything in the past it should never happen again. Very much what he drafted and sent to me.

Q Okay. Let's go to that. If you could turn to page 19, and I believe this is already marked as part of exhibit 6.

A Okay.

Q And if you could jump down to kind of the bottom quarter of the page, August 10th, 2019, at 4:56 p.m., from Mr. Yermak.

A Uh-huh.

Q Can you read what he wrote?

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A Yeah. It's the same --

Q The same thing?

A The same message.

Q And that's the message you forwarded to Ambassador Sondland?

A That's the message that I forwarded to Gordon, correct.

Q Sorry to talk over you. All right.

And then if you could skip down to August 10th, 2019, the same day, at 5:42 p.m., what Mr. Yermak wrote.

A Right. Andriy Yermak: Once we have a date, we'll call for a press briefing announcing upcoming visit and outlining vision for the reboot of U.S.-Ukraine relationship, including, among other things, Burisma and election meddling in investigations.

Q Why did Mr. Yermak add the fact that he was going to include in the statement Burisma and election meddling in investigation?

A That is -- I'd have to check the timeline here. That is clearly what he heard from either Rudy or from Gordon, that those were important additions.

Q Are those the only two people he may have heard that from, Rudy Giuliani and Ambassador Sondland?

A I may have been on a call with all of them at the same time. I don't know. Because I have to check the

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timeline, because if you remember, Rudy discussed, Rudy Giuliani and Gordon and I, what it is they are looking for. And I shared that with Andriy.

And then Andriy came back to me and said: We don't think it's a good idea. So that was obviously before Andriy came back and said: We don't want to do that.

Q Okay. We're going to go through the various versions of the statement in a moment.

But sticking to this message, is it fair to say that Andriy Yermak and presumably President Zelensky had linked doing this press briefing and making the statement about the investigation to whether or not they were going to get the White House visit? And you appear to be arguing or having some disagreement about which came first, it's a chicken and the egg problem.

A Yes, that is correct.

Q Can you just explain that a little bit?

A Sure. And, again -- well, let me explain first. So the Ukrainians were saying that just coming out of the blue and making a statement didn't make any sense to them. If they're invited to come to the White House in a specific date for President Zelensky's visit, then it would make sense for President Zelensky to come out and say something, and it would be a much broader statement about a reboot of U.S.-Ukraine relations, not just on we're investigating these

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things.

Q All right. So let's go to the next page, page 20, and at the top there, on August 12th, 2019, Mr. Yermak sends -- I presume this is Ukrainian?

A I presume it's Ukrainian.

Q With a translation below?

A With a translation below.

Q And what is this? Is this a draft of the statement that they, the Ukrainians, intend to release?

A Yes, a portion of it that relates to it.

Q Can you read what it says?

A It says: Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes which, in turn, will prevent recurrence of this problem in the future.

Q And there's no mention of Burisma or the 2016 election meddling in there, is there?

A There is not.

[Volker Exhibit No. 8
Was marked for identification.]

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BY MR. NOBLE:

Q Let's go to page 23, which we're going to mark as a new exhibit, exhibit 8.

This appears to be a text message group with Mr. Yermak, Ambassador Sondland, and yourself, correct?

A Yes.

Q Can you just read this message, all the messages, starting with the third one down, on August 9th, 2019, at 2:24 p.m.?

A Hi, Andriy. We have all consulted here, including with Rudy. Can you do a call later today or tomorrow your afternoon time?

Gordon Sondland: I have a call scheduled at 3 p.m. eastern for the three of us. Ops will call.

Kurt: Hi, Andriy. We spoke with Rudy. When is good to call you? Because he hadn't answered.

13th, Andriy Yermak: Hi, Kurt.

Q I'm sorry, you can stop there.

Let's talk about that call with Rudy. Were you on that call?

A Yes.

Q Who else was on that call?

A Gordon Sondland.

Q And what did you discuss with Rudy Giuliani?

A We discussed the Ukrainians' intention to make that

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statement.

Q Did you discuss the specifics of the statement?

A Yes.

Q What did Rudy want in the statement?

A He wanted to hear that Burisma and 2016 elections were included.

Q All right. Let's jump down to the last two messages, August 13, 2019, at 12:11 p.m. What did you write to Mr. Yermak?

A I said: Hi, Andriy, good talking. Following is text with insert at the end for the two key items. We will work on official request.

Q What did you mean by the two key items?

A That is Burisma and 2016 elections.

Q And that's what Rudy Giuliani wanted to be in the statement from --

A That's right.

Q -- the President of Ukraine?

A That's correct. And when I say we will work on official request, Andriy asked whether any request had ever been made by the U.S. to investigate election interference in 2016.

Q A request from the U.S. Department of Justice?

A Yes.

Q Were you aware at that time whether or not the

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Department of Justice had requested an investigation into either Burisma or election meddling in 2016?

A No. That's why I said I will work on that, because I didn't know what the answer was.

Q All right. Can you just read the statement that -- I assume this is the version that Rudy Giuliani wanted Mr. Yermak to pass on to President Zelensky?

A This is a version, yes, that includes -- well, let's be clear. This is a version that inserted Burisma and 2016 U.S. elections into the text that Andriy had provided, and it was meant to reflect the conversation with Rudy that we had just talked about, so that he could see what it was that we were talking about.

Q Why did Rudy Giuliani want Burisma specifically to be mentioned in President Zelensky's statement?

A He said that if they did not mention Burisma and 2016 elections that he did not feel such a statement would have any credibility, that there's still no commitment to finding out what happened in the past.

Q In your mind, though, you knew --

A And it would, therefore, be no different from the previous Ukraine governments.

Q You knew Burisma was referring to Hunter Biden, though, at this time, right?

A Well, I was aware that he had been a board member,

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yes.

Q And so by calling for an investigation in Burisma, it was essentially calling for an investigation of Biden?

A No. In my mind, those are three separate things. There is Bidens; there is Burisma as a company, which has a long history; and there is 2016 elections. And part of what I was doing was making sure -- and why I wanted to make sure I was in this conversation -- that we are not getting the Ukrainians into a position about talking about anything other than their own citizens, their own company, or whether their own citizens had done anything in 2016.

Q So that was your interpretation, correct?

A Yes.

Q You don't know what Rudy Giuliani meant by that?

A I don't know what Rudy Giuliani meant by that.

Q Or why exactly he wanted Burisma in there?

A We can speculate now in hindsight, but --

Q And in your conversations with the Ukrainians, did they link Burisma with the Bidens?

A They never mentioned Biden to me.

Q But when President Trump told President Zelensky he wanted President Zelensky to start an investigation of the Bidens, President Trump -- or President Zelensky understood that to also be referring to Burisma. He said, the company.

A Well, as I said earlier, I think what he was doing

was exactly what I was doing, was differentiating. President Trump asked about investigating Biden, said work with the Attorney General concerning Biden, and President Zelensky responded by saying, we will look into the company.

Q Is that because, in your mind and in presumably President Zelensky's mind, it would be highly inappropriate for President Zelensky to announce that he was investigating the Bidens?

A Yes. I'm sure he would not want to have said that or do that.

Q Because that would be essentially interfering in U.S. domestic politics?

A Correct. I'm not even sure if he thought that far ahead. I think he would have thought this was a former Vice President of the United States, it would be highly political, a politicized thing, it would just be seen that way.

Q I'd like to turn to page -- go back to page 43 of your text messages, and I believe that's exhibit 7.

So on August 13th, 2019, at 10:26 a.m., you write again that same statement that includes Burisma and the 2016 U.S. elections. Is that right?

A Yes.

Q This is the message -- you're sending this -- this is the statement and you're sending it to Ambassador Sondland?

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A That's correct. I wanted to go over it with Gordon, make sure we understood the same thing before I discussed it with -- I assume the timing backs that up, I have to check it -- but before discussing it with Andriy.

Q Okay. And Ambassador Sondland, how does he respond when you send him the version of the statement with Burisma and the elections in it?

A He says: Perfect, let's send to Andriy after our call.

Q Do you know whether Ambassador Sondland had one-on-one phone calls with President Trump during this timeframe?

A I believe he had one or two. I don't know any of the details of that.

Q Do you know if he had one-on-one conversations with Rudy Giuliani?

A That's a good question. I don't know the answer to that.

Q Skipping down to a couple days later, August 15th, 2019, the message at 7:26 a.m., Ambassador Sondland writes: Hi -- to you -- did you connect with Andriy? And then how did you respond?

A I'm sorry, I missed this. The 26th?

Q August 15th.

A Oh, 15th.

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Q Sorry. The first -- I just read the first message on August 15th.

A Hi, did you connect with Andriy? Yeah.

Q And then what did you say?

A Not yet. Will talk with Bill and then call him later today. Want to know our status on asking them to investigate.

Q Okay. What did you mean by "our status on asking them to investigate"?

A Whether we had ever made an official request from the Department of Justice.

Q And then skipping down later, you say: Hi -- this is August 17th, 2019, at 3:02 -- Hi, I've got nothing. Bill -- meaning Bill Taylor, correct?

A Yes.

Q Had no info on requesting an investigation. Calling a friend at DOJ, Bruce Schwartz (ph).

Who is Bruce Schwartz (ph)?

A Bruce Schwartz is a senior official in the Department of Justice responsible for international affairs, someone I've known for many years.

Q Did you reach out to Mr. Schwartz (ph) about mentioning these investigations or whether -- I'm sorry, strike that.

Did you reach out to Mr. Schwartz (ph) about whether the

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U.S. had ever requested an official investigation in Ukraine about these two issues that we've been talking about?

A I reached out to him and we did not connect.

Q So you never spoke with Bruce Schwartz (ph)?

A At this -- not at this -- not in -- well --

Q Not in this context?

A Not in this context and not since then.

Q Did you speak with anyone at DOJ about whether the U.S. had requested an official investigation?

A No, I did not. I did ask -- I did ask our Charge to also check. And I later understood that we never had. And because of that was another factor in my advising the Ukrainians then don't put it in now.

Q You told the Ukrainians don't put it in the specific investigation?

A Yes, yes.

Q Did you speak with the Ukrainians about whether or not the U.S. had ever requested an official investigation?

A It came up in this conversation with Andriy about the statement, and he asked whether we ever had. I didn't know the answer. That's why I wanted to go back and find out. As I found out the answer that we had not, I said, well, let's just not go there.

Q So Mr. Yermak wanted to know whether the U.S. DOJ --

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A Yes.
Q -- had ever made an official request?
A Yes. He said, I think quite appropriately, that if they are responding to an official request, that's one thing. If there's no official request, that's different. And I agree with that.
Q And then Ambassador Sondland then asked: Do we still want Zelensky to give us an unequivocal draft with 2016 and Burisma?
A Yes.
Q And you responded how?
A I said: That's the clear message so far.
Q That's the clear message from whom?
A From Giuliani and what we had discussed with Gordon. That's the clear message so far.
Q That was the message from the White House?
A No.
Q That was the message from Giuliani and Sondland?
A Yeah, from our conversations.
Q Who have direct one-on-one conversations with President Trump?
A I don't know if they occurred during this timeframe. I know he did speak with him occasionally.
Q Skipping down to August 19th --
A And when I say that's the clear message so far, I

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just literally mean that.

Q And then -- sorry. I do want to ask you about the next line that you wrote. You wrote: I'm hoping we can get -- can put something out there that causes him to respond with that.

What did you mean by that?

A Yeah. When I said that's the clear message so far, that means that I have not made up in my mind that this is where we want to go, okay. And then when I say I'm hoping we can put something out there that causes him to respond with that, meaning that we actually have an official request. And if we have an official request through appropriate channels, then it's a reasonable thing for them to respond to. And if we don't have that, then obviously they wouldn't.

Q And, to your knowledge, there never was an official United States Department of Justice request?

A To my knowledge, there never was. And about this time, I stopped pursuing it as well, because I was becoming now here convinced this is going down the wrong road.

Q Got it. And on August 19th, 2019, at 8:56, Ambassador Sondland wrote: Drove the, quote, larger issue home with Yermak.

A Yes.

Q What did he -- do you have an understanding of what that meant?

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A Yes. It's what we've talked about earlier. It is the level of trust that the President has with President Zelensky. He has this general negative assumption about everything Ukraine, and that's the larger issue.

BY MR. BITAR:

Q I'm sorry, Mr. -- Ambassador Volker?

A Yes?

Q I have a question. You said you were concerned that it would go down the wrong road --

A Yes.

Q -- if there was not an official Department of Justice request, although even if you didn't know there had been an official request from President Trump to President Zelensky. What do you mean by wrong road?

A First off, I didn't know anything about the Presidential conversation which was referencing Vice President Biden. What we're talking about here is pushing the Ukrainians or asking the Ukrainians to include Burisma and 2016 in a statement that they would make.

And when it came to saying investigate 2016 elections, you know, was there an effort to interfere, it was rattling in my mind, you know, we've had a number of inquiries about 2016 elections and foreign interference, Russia, China, potentially others. And so I thought, you know, before going down this road with the Ukrainians, I should check to see

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whether there has ever been an official request about that.

And when I discovered that there had not been, then I thought, oh, then we should not be going further than what we have done in official channels.

Q Just to be clear, because you were unaware of the phone call or the substance of the phone call, when you say there had not been an official request, you mean you were not aware that there had been, for example, through law enforcement channels an official request?

A Yeah. When I say official request, I mean law enforcement channels, Department of Justice to law enforcement in Ukraine, please investigate was there any effort to interfere in the U.S. elections.

Q Okay. So just one more thing. So in this context, you also mentioned that Yermak had raised concerns that there had not been an official request. So is that correct?

A No. He asked whether there had ever been, and I didn't know the answer.

Q Okay. Because it seems that in this context, although the President made a personal request, it appears that Rudy Giuliani is personally involved in crafting and ensuring that this public statement by the Ukrainians has the right words in them that refer back to what the President said, which includes Biden, because I think one thing that you've distinguished, which the record doesn't really

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support, is that Burisma and Biden are somehow different. They're actually the same in the record.

That it was actually your caution, perhaps, as well as the Ukrainians' caution, that may not have led to the immediate issuance of a statement, despite the President's effort and Giuliani's effort to get a statement?

A Definitely the latter, that their caution and my advising and agreeing with that caution I think led them to never make a statement.

Q But in this August -- mid-August timeframe specifically, because there's obviously another effort to get a statement out in September once the military aid has become a public matter, but we'll get to that later.

A Okay.

Q Thank you.

A There's something in the first part of your question, though, that I wanted to comment on.

Do you remember what it was?

MR. VOLKER: Can you read back the beginning of that question?

I remember what it was now, so no need to read back now, but thank you.

One of the things that I said in that breakfast that I had with Mr. Giuliani, the only time Vice President Biden was ever discussed with me, and he was repeating -- he wasn't

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making an accusation and he wasn't seeking an investigation -- but he was repeating all of the things that were in the media that we talked about earlier about, you know, firing the prosecutor general and his son being on the company and all that.

And I said to Rudy in that breakfast the first time we sat down to talk that it is simply not credible to me that Joe Biden would be influenced in his duties as Vice President by money or things for his son or anything like that. I've known him a long time, he's a person of integrity, and that's not credible.

On the other hand, whether Ukrainians may have sought to influence our elections or sought to buy influence, that's entirely plausible.

BY MR. BITAR:

Q Just on that point, one last thing. When Giuliani described the Bidens and the company, did he clarify Burisma?

A In that conversation he had them -- you know, he had the whole narrative that was in the media.

Q Right. And so, therefore, Biden and Biden's son are intimately linked in that narrative to Burisma, correct?

A Yeah, in -- yes, that's right.

Q Okay, thank you. I just want to make that clear.

BY MR. GOLDMAN:

Q Ambassador Volker, I want to take a step back for a

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quick second.

A May I just finish answering that question? I'm sorry, there's one more point. I apologize for interrupting.

Q Go ahead.

A Yes is the answer to your question. That is -- that linkage is there in Mr. Giuliani's mind.

In my understanding, as I said, I'm separating the two, that there's one thing about the Bidens, there's another thing about Ukrainians trying to do bad things, and it's appropriate to investigate the second.

Q Did you have any reason to think that in 2019 Burisma was doing anything wrong?

A I didn't know enough. I had no reason. I knew they had a track record of a company that had a lot of problems.

Q But you knew all their problems were several years ago that were in the media?

A Yes.

Q So why did you separate them out as if there was some reason that you knew of for Burisma to be investigated?

A Well, this is investigating what happened then, not what's happening now.

Q I see.

All right. I want to take a step back, because I think you testified earlier that President Zelensky was, in your

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mind, the best hope in 20 years to root out corruption in Ukraine. Is that right?

A Correct, correct.

Q And he ran on a platform of anticorruption. Is that correct?

A Correct.

Q And that was his primary core message. Is that right?

A That -- he had two. That was one, and the other one was peace, that he was going to be, you know, redoubling efforts, doing anything he could to bring peace to eastern Ukraine.

Q Right. And so it was your view that he was a legitimate anticorruption President?

A Absolutely.

Q Did Bill Taylor share that view with you?

A Yes.

Q Did the other Ukrainian diplomats in the State Department -- not Ukrainian, the other diplomats who focused on Ukraine share that view as well?

A Yes. I'd say to varying degrees. I think some have just been around Ukraine so long, they are just skeptical of everybody. But I'd say for the vast majority of diplomats, especially those in the Embassy who were there soaking up the environment, they were certainly of that point

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of view.

Q So the official message coming from the State Department about Zelensky was that he was a legitimate anticorruption --

A Yes.

Q -- President. Is that right?

A That is correct.

Q Okay.

A May I also add, importantly, from the Presidential delegation at the inauguration, because we viewed ourselves as having been empowered as a Presidential delegation to go there, meet, make an assessment, and report, and that's exactly what we reported.

Q And that's a very good point. And on that delegation was Secretary Perry. Is that right?

A Correct, yes.

Q And Gordon Sondland?

A Yes.

Q And they shared that view --

A Yes.

Q -- of President Zelensky?

A Yes.

Q So this notion that I think you said earlier, that Rudy Giuliani required mentions of Burisma and the 2016 elections, I think what you said is in order to put some

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credibility on the message?

A Yes.

Q That flies in the face of official -- the official diplomatic State Department view of Zelensky, right?

A That's exactly the problem.

Q And, in fact, wouldn't you agree that if President Zelensky actually undertook those two investigations at the behest of President Trump, that that would actually undermine his message of anticorruption?

A I don't agree with that.

Q Why not?

A If things happened in the past that were corrupt or illegal, then President Zelensky is quite appropriately investigating them. If nothing happened in the past, then you don't turn up anything and there's no problem. So I don't see that that is actually undermining him. And, indeed, it was the Ukrainians' own message that they want to clean up Ukraine, find out if anything happened, make sure it doesn't happen again.

Q Right. But you may have distinguished Burisma and Biden, but you already testified that Giuliani linked the two and the Ukrainians linked the two, right?

A That Giuliani linked the two, yes, as we discussed. I think the Ukrainians were doing the same thing I was doing, is drawing a distinction. Our own company and whether they

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were trying to influence the U.S. in an inappropriate way, we can look into that. Looking into what Hunter Biden or Joe Biden's relationships were, different issue.

Q Well, isn't it true that because of these potential investigations, Bill Taylor, for one, told the Ukrainians to stay out of the U.S. politics?

A Yes.

Q Right. Did you send that message as well?

A Yes, I did.

Q And what did you mean by that?

A I mean that, for example, although we didn't discuss Vice President Biden, but that is an example of if they had done something like that, that would have been seen very politically and that would have had a ripple effect. So don't do things that are going to play into our elections. Stay out.

Q Okay. But you're trying to draw a very fine line here. The message that Giuliani was sending to change the statement was so that they would include an announcement of an investigation into Hunter Biden and Joe Biden. That's what he was trying to do, right?

A That's not what it says. I know that may be what's in his mind, I understand that, that may be what's in his mind, but by saying Burisma and 2016, that is a legitimate thing for the Ukrainians to check out.

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Q But you said you have no reason to believe that there was anything that should have been investigated with Burisma?

A No, I didn't say that. Whether any Ukrainians had done anything improper -- and this was a company that had a history of improper things -- that's legitimate for them to investigate.

Q Well, why did you counsel Andriy Yermak that Ukraine should not issue the statement that Giuliani wanted to with those two additions?

A Because it was the 2016 one that concerned me even more, because we had not made an official request. And so now we're going down the road in talking about a statement of asking them to investigate something or them saying they will investigate something where we have not made such an official request.

Q Would you agree that Rudy Giuliani's requests to investigate Burisma and the 2016 U.S. elections were to serve either his or Donald Trump's political interests?

A As I understood it at the time, we were all convinced, Rudy -- not Rudy -- Gordon Sondland, myself, Rick Perry, Bill Taylor, that this is someone we very much need to support in Ukraine. His government is going to move in the right direction.

Rudy Giuliani was not convinced of that and was no

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doubt, therefore, continuing to convey a negative assessment to the President through his own contacts with the President. So I'm trying to figure out what would be convincing to you, Rudy, so that he would be conveying a more positive message to the President.

Q I understand what you were trying to do and I understand you're trying to protect yourself. What I'm asking is, is it clear to you, as it appears to be here, that Rudy Giuliani was pushing for these two investigations to serve Donald Trump's political interests and not the national interests, not what you were doing, what Rudy Giuliani was doing?

A Yeah. In retrospect, when you see the transcript of the phone call and you hear what Rudy Giuliani has now said on television, that's clear.

Q But you understand he was tweeting about that and saying that long before the phone call in July and this statement in early August, right?

A He was -- he was saying that that is his view. It was not clear to me that he was seeking investigations of that specifically by Ukraine.

Q I understand, but that was his view. Then when he asks for those specific investigations, they're part and parcel of the same thing, right?

A Well, that's where I'm trying to differentiate and

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saying, no, don't get out there. And eventually --

Q You're trying to differentiate with Ukraine?

A With Rudy and with Ukraine, and saying to the Ukrainians, you know, investigating your own people for what things may have happened in the past is reasonable, but the further we talked about it the more I became convinced that even this is not a good idea.

Q And it's not a good idea because you understood that it was to serve Donald Trump's political interests, not the national interests of either the United States or Ukraine?

A That it would be seen politically here, and that wouldn't be in Ukraine's interests.

MR. NOBLE: And Rudy Giuliani publicly tweeted on June 21st, 2019, well before the events -- most of the events we've been talking today, quote: New Pres of Ukraine still silent on investigation of the Ukrainian interference in 2016 election and alleged Biden bribery of President Poroshenko. Time for leadership and investigate both if you want to purge how Ukraine was abused by Hillary and Obama people.

It was publicly known, was it not, that Rudy Giuliani wanted the Ukrainians to investigate Biden to serve the political interests of President Donald Trump?

MR. VOLKER: If that tweet was -- I'm not familiar with the tweet, but yes, then that would have been in public.

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MR. SWALWELL: And finally, Ambassador, I understand your belief that it's okay to look in the past at corruption if that's what the Ukrainians were going to do, but you would agree that Burisma associated with Biden. Biden is a candidate in 2020. You knew that at the time, right?

MR. VOLKER: Yes.

MR. SWALWELL: Okay. That's the time, so I think a 5-minute bathroom break, if that works for you.

[Recess.]

MR. GOLDMAN: If we're ready, we'll go back on the record. It's 3:38, and it is the minority's 45-minute round.

MR. ZELDIN: Ambassador Volker, thanks for your patience.

MR. VOLKER: Yes.

MR. ZELDIN: Several hours in today answering a lot of questions, much appreciated. Would you say that President Trump in the phone call -- and you've read the transcript and you're familiar with all the parties -- was asking President Zelensky to manufacture dirt on the Bidens?

MR. VOLKER: No. And I've seen that phrase thrown around a lot. And I think there's a difference between the manufacture or dig up dirt versus finding out did anything happen in the 2016 campaign or did anything happen with Burisma. I think -- or even if he's asking them to investigate the Bidens, it is to find out what facts there

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may be rather than to manufacture something.

MR. ZELDIN: It is not an accurate statement of what the President was asking Ukraine to sum it up as saying that President Trump was asking Ukraine to manufacture dirt?

MR. VOLKER: Yeah, I agree with that. May I add one point, based on the previous round of questioning, if it's all right to take some of your time? I apologize.

MR. CASTRO: Please.

MR. VOLKER: But I just wanted to reiterate, when I had that breakfast with Rudy Giuliani in May, I pushed back on his discussing the Bidens just as they had been in the media, I pushed back on that. And I made that differentiation then, the first time we sat down together, to say: I don't put any credibility in this at all. Whether Ukrainians may have wanted to buy influence in some way, that's another matter, or whether this company was doing anything, that's another matter.

After that conversation, he never brought up Biden or Bidens with me again. And so, when we talked or heard Burisma, I literally meant Burisma and that, not the conflation of that with the Bidens.

So I know that as we look in hindsight, we can see what he's saying and thinking, but I drew from the beginning a very clear distinction. And that is something that I think is important to understand when we're talking about Burisma

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later on in August what I'm talking about and what I understood us to be talking about together.

MR. ZELDIN: Earlier, you referenced the term "readout" --

MR. VOLKER: Yes.

MR. ZELDIN: -- or what you received after the phone call. Did you receive readouts from both the United States and Ukraine?

MR. VOLKER: Yes.

MR. ZELDIN: In what form do you receive those readouts? Is this informal? Is it formal?

MR. VOLKER: Completely informal conversation. Conversation with Andriy Yermak on the Ukrainian side and an overall readout, overall briefing from Charge Bill Taylor, and from my assistant in the State Department who was traveling to Ukraine with me at the time. And she, I believe, had been in touch with NSC staff to get a cursory readout of the call.

MR. ZELDIN: And in no way, shape, or form in either the readouts from the United States or Ukraine did you receive any indication whatsoever for anything that resembles a quid pro quo?

MR. VOLKER: Correct.

BY MR. CASTOR:

Q Any idea why Hunter Biden was able to get this

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position with Burisma?

A I don't know any facts in this. I know -- I believe that because Burisma had a reputation for corruption and money laundering that they were trying to spruce up their image, and one way that a company might do that is to put, you know, names on their board that would make it appear, okay, we've cleaned ourselves up.

Q Was Hunter Biden well-known for being an anticorruption leader, businessman?

A No.

Q Do you know if he spoke the relevant languages?

A I don't know. I never met him. I don't know really much about him.

Q Do you know --

A I don't know.

Q It's been reported --

A I'd say that I don't know much about him at all.

Q It's been reported that he was drawing a monthly salary of 50,000 or more. You would agree that that raises some questions, right?

A It's a lot of money.

Q And so the average American and the Americans that all our Members represent, you know, wonder, you know, what were his qualifications? Why, other than the fact that his father is a prominent U.S. official, does he get the

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opportunity to draw this type of --

A Right.

Q -- fantastic salary. I mean, over the years, it's millions of dollars if you add it up. So you can understand why --

A Of course.

Q -- people would have questions?

A Of course.

Q And if, in fact, he was not performing very many duties for Burisma, if he did not speak the language, if he did not provide any value to the company other than the fact that his father is the U.S. Vice President, that would be evidence of something worthy of investigating, right?

A No, this is what I was referring to is that I don't believe that Vice President Biden would be corrupted in the way that he would carry out his duties as Vice President at all. But whether Ukrainians may have sought to buy influence or to believe that they were buying influence, that's quite possible.

Q Do you think it's worthy of evaluating like why would -- you know, if somebody takes a no-show job and essentially gets paid for nothing, is that worthy of investigating?

A I don't know the answer to that. I'm sure there are lots of examples of things like that where famous names

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get paid just for their name.

Q I mean, this isn't -- you know, this isn't, you know, appointing former Senator Mitchell to somebody's board. You know, Senator Mitchell has experience in good governance and corporate governance issues, correct?

A Yes.

Q So, to your knowledge, Hunter Biden doesn't have a reputation for corporate governance excellence, does he?

A I don't know anything about his background.

Q Do you know anything about Christopher Heinz?

A That came up earlier, and I was reminded that he was also associated with Hunter Biden and Burisma in some way. I just read that in the media. That's all.

Q And then the fellow named Devon Archer (ph)?

A I don't know that name.

Q You never heard that name before?

A If it was in the same media reports, I probably just skimmed right over it.

Q Is it common from your experience in the Ukraine that these companies hire U.S. officials in the wake of this, you know, anticorruption reform era?

A Yeah. It is -- it's a way of trying to demonstrate cleanliness and credibility, getting some international people on your board because Ukraine has such a bad reputation of its own.

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Q We should help you get one of those jobs.
A No, thank you.
Q I am going to leave it there for now.
A Okay, thank you.
Q Thank you. And flip it back to the Democrats.
MR. SWALWELL: Thank you, Ambassador. We're going to have Mr. Noble continue.
BY MR. NOBLE:
Q Ambassador Volker, I appreciate your patience --
A Of course.
Q -- with us, but we do have some more questions.
A Of course.
Q I want to go back to your text messages, and I'd like to turn to the text messages with Rudy Giuliani.
MR. NOBLE: And I'm going to mark as the next exhibit, exhibit 9, pages 2 through 9, 2 through 9.
[Volker Exhibit No. 9
Was marked for identification.]
BY MR. NOBLE:
Q But I really only -- I think we've covered a lot of the ground regarding how you introduced Mr. Giuliani to Mr. Yermak. I believe that was in July of 2019, correct?
A That is correct.
Q I kind of want to just turn to the end of these, this message chain, to page 7. And if I can direct your

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attention just to the bottom of the page there, that's a text message on September 22nd, 2019, and I believe this is from Mr. Giuliani to you. Is that correct?

A Yes.

Q At the very bottom. And it says: Kurt, thanks for the support. All I need is for you to tell the truth. You called me about Yermak, and I reported back to you and Sondland, e.g., a conference call on August 11th, three others before. Really, this is not hard. Just fair to affirm truth. Rudy.

And then, in the next message, he says: Also, Secretary seems not to know you put us together. Straighten him out.

I presume he's referring to Secretary Pompeo?

A I do too.

Q Okay. Let's go back to the first part of the message. What did you understand Rudy Giuliani to mean when he asked you to tell the truth? What was going on at this time? Let's set the scene.

A Well, yes, the scene is that, in the days prior, Rudy Giuliani went very public on television, talking about my connecting him with Andriy Yermak, and he was I think -- well, let me not speculate on that, but he was asserting that he was doing these conversations and having these meetings at the request of the State Department and reporting back, and he was being directed by the State Department, so he's not

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just off out there on his own.

That's what he was asserting in media appearances. And he was very, very public, you know, and I think, you know, cell phones held up on camera and, you know, text messages tweeted out and feeding these out there. And I was not responding to any of that. And I think he was getting frustrated that I was not responding to any of that because I'm not backing up that story. And so I think he, with a bit of irony, says: Thanks for the support.

Q Okay. So he was joking there?

A That's the way I took it.

Q That's how you took it, okay.

A And all I need is for you to tell the truth, which is I called him about Yermak, and I reported back to you and Sondland, et cetera, conference calls. And that is actually accurate. So I did put him in touch with Andriy. They met. He called after the meeting. We had a couple of conversations. That's all true.

Q But what was it about what you were saying that led Rudy Giuliani to believe that you weren't fully backing him up?

A Well, he was saying that we were directing him and that he was acting on the behest of the State Department to do things. And --

Q And if that was the truth, why did he ask you to

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tell the truth?

A Well, it's not the truth.

Q Rudy Giuliani was not telling the truth when he was saying that he was acting at the direction of --

A Correct.

Q -- the U.S. State Department?

A Correct. And, again, we went over this earlier, but Andriy asked me to introduce him to Rudy. I asked Rudy if he wanted to be connected to Andriy. And my thought was he's going to get much better information than he's getting from Lutsenko. And he said he did want to be connected, so I facilitated that. But I wasn't giving any direction to him in any way. He did call and report back.

So what he says here, "You called me about, I reported back," et cetera, that's true, but that is not what he was saying in the media, not only that that he was saying in the media. He was saying many, many more things.

Q And the second message from Giuliani: Also, Secretary seems not to know you put us together. Straighten him out. What did you interpret that to mean?

A Well, I'm not sure what it means, because I had spoken with the Secretary and I knew the Secretary knew that I had connected them. So, when he says the Secretary seems not to know, I don't know what he's referring to.

It may be that there was a media appearance that the

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Secretary made where he did not affirm that, indeed, I had connected them. And so let the Secretary know that I did, indeed, do that.

Q So, to be clear, Secretary Pompeo knew that you had connected Yermak to Rudy Giuliani?

A Correct.

Q When did you inform Pompeo of that? Was it contemporaneous with the introduction?

A In -- I don't want to say same day, but we're talking in the same time period.

Q So it's fair to say the Secretary was aware of what Rudy Giuliani -- that the fact that at least Rudy Giuliani was communicating directly with Andriy Yermak --

A Yes.

Q -- the adviser to Zelensky?

A Yes, he knew that. I'm -- please go ahead and keep asking, but I can skip ahead to something here if you would like.

Q Sure. Why don't you tell us what you would like to tell us. I may have more questions, but I'll let you drive for now.

A So, skipping ahead, so the date of these text messages is Sunday, the 22nd of September. I had two missed calls from Rudy on Friday, the 20th of September. These are the dates that are wrong in my long-form testimony, by the

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way. They're off by one day.

He tried to call twice on the 20th of September, probably from the green room. I mean, he's constantly in the media. You can't work out in the gym without seeing him on TV. So I did not answer those calls, and I think that's partly why I think he was frustrated.

I did speak the next day with Ulrich Brechbuhl, the counselor of the State Department, to say that, you know, Rudy's way out there. Ulrich called me to say: What's the story here, what's the background? Remind me. Walk me through this again. I had done it earlier in August, and he just wanted to be refreshed. I did that.

Sunday morning, I get all these text messages, this long stream of text messages from Rudy. Some are the first two that you mentioned, and then he continues on saying that he's going to let the Secretary know that he connected, which fine.

And then he's forwarding old messages that I had sent to him to demonstrate to me that he has these text messages, which, of course, I know, he's got them on television. And I did say: Thanks for your help, just the courtesy, you know, of getting together with Andriy.

And then he says: Get out a statement that the State Department connected me to Yermak, and I reported back to State on my conversations. Yermak has talked about this to

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press, so it's now public information. All I'm asking is to tell the truth. I can send you text chain if you need to check your recollection.

And, again, I didn't answer any of these at the time.

I spoke with Secretary Pompeo. Gordon Sondland was with him. They were in New York at the UNGA meeting. I was in Washington. Marik String, the acting legal adviser, was also on that call. And I walked the Secretary through, again, you know, the narrative so it was fresh in his mind. And he said: Yeah, I know, I know.

Then he said that he had spoken with Rudy himself, gotten a call or called him, I don't know which. I suppose Rudy called him. And he said, what Rudy was concerned about was that we were not affirming that we had connected Yermak and him rather than him just doing it on his own.

And I said: Well, that's easy, because on August 22nd, we put out a statement from the State Department saying that Yermak had asked me, and I had put him in touch with Rudy, because it had made media back then.

And so he said: Well, then that's great. So why don't you call Rudy back, tell him that, and give him a copy of what was handed out at the time. So I did that.

Q And that's what this final message is here?

A That's what that final thing is there. It was handed at the State -- in the State Department. It was

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not -- there was no briefing that day, I believe, or if it was, this was not included in the briefing. But it was prepared, it was cleared, and it was handed to Ken Vogel (ph), who then tweeted it.

Q Were you aware that Secretary Pompeo was on the July 25th call with President Trump and President Zelensky?

A I was not.

Q When did you first learn that?

A When he said so. I believe it was yesterday morning.

Q So you never had any conversations with Pompeo about that call?

A No.

Q Did you ever have any, aside from the ones that we were just talking about, conversations with Secretary Pompeo about Rudy Giuliani and what he was up to in the Ukraine?

A Yes, yes. I described my concern that he is projecting a damaging or a negative image about Ukraine, and that's reaching the President, and that I am trying to work with Ukrainians to correct that messaging, correct that impression.

Q What did Secretary Pompeo do?

A Said: I'm glad you're doing it.

Q Trying to correct it?

A Yes.

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Q Did he ever say he took your concerns to the President?

A He did not.

Q Do you know whether Rudy Giuliani and Secretary Pompeo had any direct conversations, one-on-one conversations?

A Only the one that I just mentioned, which was around September 22nd.

Q I also want to just kind of put a marker down for the record. When was the first time that you spoke with Rudy Giuliani about anything having to do with Ukraine?

A Yes. It was in -- earlier in May.

Q Yeah. If you flip to page 6, there's a message from May 11th, 2019.

A Yes, that would be it.

Q Okay. And I'll let you read that and refresh your recollection. And my question is going to be, what was the sum and substance of the conversation you had with Giuliani?

A So, on May 11th, I wrote to Mayor Giuliani saying: Mr. Mayor -- hi, Mr. Mayor, Kurt Volker here. Good speaking with you yesterday, which meant May 10th then I must have spoken with him. Call any time up to about 4 p.m. today if you want to follow up. We would like to brief you more about the Zelensky discussion and also Russia-Ukraine dynamic.

So I had learned through the media that he was going to

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go to Ukraine and he was intending to pursue these allegations that Lutsenko had made, and he was going to go investigate these things. And I reached out to him to brief him, a couple of key points. Lutsenko is not credible. Don't listen to what he is saying.

Q You told Rudy Giuliani that, that Lutsenko is not credible?

A Yes. Yes, I did.

Q Okay.

A To say that I had met with Zelensky as a Presidential candidate, and I believe he's the real deal, and we should be trying to support him. And, third, I wanted to talk to him about what's going on with Russia and Ukraine so he's aware of that.

We spoke briefly on the 10th. It must have been -- I don't have an exact time in mind, but I'm guessing it was 10 minutes, something like that. And he had to go. So I texted him the next day, saying: I'm happy to follow up, because we didn't have a full conversation, and he was going to go to Ukraine.

And so I said: This number is good for text and cell phone.

And he never got back to me, and he canceled his trip. And that's when he announced also he was canceling the trip, that President Zelensky is surrounded by enemies of the

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United States, which I thought is --

Q Was that helpful for U.S. relations with Ukraine?

A Certainly not. So that conversation took place and dropped then. Because he didn't go to Ukraine, there was no point in pursuing it any further.

Q So, just to be clear, prior to this time, you had not had any conversations, communications with Rudy Giuliani about Ukraine --

A No.

Q -- prior to May 11th?

A No.

Q Or the conversation that you had on or about May 11th?

A No.

Q The phone conversation.

A This is it.

Q Okay. Were you aware, though, that Giuliani was involved in Ukraine, so to speak, prior to this time?

A Not at the time. Even at this time, I wasn't aware that he had as many Ukraine connections as it later became apparent that he did.

Q Do you know anyone -- do you know somebody associated with Giuliani named Lev Parnas?

A Yes.

Q Who is Lev Parnas?

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A Lev Parnas is a Ukrainian-American businessman. I believe he's based in Florida. And he attended the breakfast that I had with Rudy Giuliani on May 20-whatever, 25th, something like that.

Q And which breakfast was that, May 25th?

A No, no, no, I take it back. Not May 25th. July 19th.

Q Okay.

A I did not have a breakfast with him on May 25th.

Q This is the breakfast at the White House meeting --

A I'm confusing the White House readout after the inauguration as the date. July 19th is when I had breakfast with Rudy, and Lev Parnas attended that breakfast.

Q Who is Lev Parnas? What's his relationship to Giuliani?

A I don't know what their relationship is. They appear to be friends. I assumed that Giuliani brought him along to the meeting because he's Ukrainian-American and, therefore, knows a lot about Ukraine.

Q Do you know if Lev Parnas was doing anything to help Giuliani get introduced to Ukrainian officials?

A I don't know.

Q Do you know anything else about Lev Parnas? Had you had any interactions with him prior to that breakfast

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meeting?

A Never met him before or since.

Q Where did you have breakfast?

A At the Trump Hotel.

Q Why did you have breakfast at the Trump Hotel?

A Because I was guessing that's where Rudy was going to be staying, so that would be the easiest thing to do.

Q When you met with Andriy Yermak when he was in D.C., where did he stay?

A I believe he stayed at the Trump Hotel.

Q Do you know why he stayed at the Trump Hotel?

A I don't know why.

Q Did you ever have any conversations with the Ukrainians about currying favor with President Trump by staying at their property?

A I did not, no.

Q Did you have any discussions with the Ukrainians about Lev Parnas?

A No, I didn't.

Q Do you know someone by the name of Igor Fruman?

A I read that name in press reports. I don't remember. It's possible he was at the same breakfast, but I honestly don't remember.

Q You said that maybe he -- Fruman may have been at the breakfast?

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A He may have been there.

Q How many people were at the breakfast?

A I recall Lev Parnas, Rudy Giuliani, and myself sitting at a table. There were two other people at a separate table. And that -- and one of them may have been Igor Fruman or not. I don't know.

Q Did you ever have any conversations with Donald Trump, Jr., about Ukraine?

A I've never met him.

Q Have you ever spoken to him?

A No.

Q What did Lev Parnas or the person that may have been Igor Fruman, at least that you remember, say during that breakfast meeting with Ukraine?

A Sure. I don't remember anything about Igor Fruman. I'm not even sure if he was there. It's possible he was. I just don't know.

Q How about Lev Parnas then?

A Lev Parnas, it was interesting, because I was expecting to have a very negative view of Zelensky and to have a very pro-supportive view of Lutsenko, the prosecutor general. And as we were talking about things, I just kind of like launched in and said: I think these guys are for real. It's a good team. He's assembling some good people. He campaigned on changing the country. I think he's the best

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hope we've had. I think there's a 3- to 6-month window in which the next 5 years of the Ukraine are going to be determined. And he needs all our support.

And, to my surprise, both -- Parnas basically was very knowledgeable about people in Ukraine and events, largely agreed with that. I didn't expect him to agree with that. But he said: Yeah, that's what I think too. He seems to be trying to do all the right things.

And then we got to talking about Lutsenko, and I said that: Don't believe what Lutsenko has been saying. I think this is a self-serving narrative to preserve himself in power and protect himself, possibly protect Poroshenko as well.

And, again, to my surprise, Rudy agreed with that and said: Yes, I've come to that conclusion too.

So he initially believed Lutsenko, but I think had distanced himself from that after that, maybe because Lutsenko had then come out and disavowed his own allegations from earlier in the year.

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[4:07 p.m.]

BY MR. NOBLE:

Q And we talked about that earlier.

A Yes.

Q All right. I think I want to switch gears a little bit and ask you about some other messages. If you could turn to page 26. And we're going to mark pages 26, 27, and 28 as exhibit 10.

[Volker Exhibit No. 10 was marked for identification.]

BY MR. NOBLE:

Q And on page 26, I'd like to direct your attention to the first entry for May 26, 2019.

A Yep.

Q So can you set the scene --

A Yes.

Q -- you know, as of May 26th?

A Yes.

Q What was going on?

A Very happy to. So our -- let's get the sequence here. Our ambassador to Ukraine had departed post.

Q That's -- your ambassador, Ambassador Yovanovitch?

A Ambassador Yovanovitch. She had departed. I was there for the presidential inauguration with the others that we discussed. I had the meeting in the Oval Office with the

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President. And I was concerned that we were not going to have a serious senior diplomat on the ground in Ukraine once Ambassador Yovanovitch had left. We were getting a brand-new DCM later that week who had not served in Ukraine before, so completely new, and I, therefore, thought it was important that we get a seasoned diplomat in there. And I suggested Bill Taylor because he had been ambassador there before, he knew the country, he knew the players, he had a lot of experience, and he could go on a temporary basis as a Charge while we appointed a new ambassador.

So I discussed this with Bill. He was reluctant. I don't want to -- I don't want to over-characterize his reasons, but, you know, being on the outside and seeing the administration, he was not sure if we would maintain as robust a support for Ukraine as we had had for the past 2 years.

I had been fighting for this every day and we had, I think, a very strong policy, but he was just worried it was going to get undermined at some point.

Q What did -- did he say what he thought would undermine?

A He didn't say specifically. It was more a generic fear, but I think hanging over everyone's head on the expert community is, is there some grand bargain with Russia where we throw Ukraine under the bus.

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And I kept assuring him, Bill, I've been at this, and it's been the other way around. We have strengthened our support for Ukraine. We have lift -- we have increased sanctions, we have lifted the arms embargo. We did the Pompeo declaration on nonrecognition of Crimea. We've been more vocal about Russia's aggression. We are on track here, and it's important that we have people in there fighting to do that.

So that was the nature of our back-and-forth, talking about whether he would agree to be a Charge.

Q How did -- just pausing for a second. How do you reconcile that, the fact that all these measures were being taken while you were special envoy to Ukraine to, as you say, strengthen the relationship, strengthen Ukraine, build up Ukraine so that it could defend itself against Russia, as you say, with weapons that you believe they needed in order to either deter an attack or fight the war that's ongoing?

How do you reconcile that with the decision to freeze military assistance, hundreds of millions of dollars of military assistance to Ukraine? Why did that not strike you as highly problematic to U.S. national security, or to our national security interests?

A It did strike me as problematic, and therefore, I acted immediately to argue that this has to be reversed and we have to keep the assistance going.

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Q And I believe you testified that everyone in the interagency from the NSC, to DoD, to the official State Department position, everyone supported that funding going to Ukraine, correct?

A That's correct. It was OMB that announced in the interagency meeting that there was a hold --

Q Okay.

A -- or a review.

Q And I believe you said the first time you learned about that was -- well, actually, it's in the text messages. I believe it might have been Bill Taylor said there was a SVTC.

A Yes.

Q A secure conference call from OMB announcing the freeze in July?

A July 18.

Q July 18th. Oh. And do you know who at OMB was responsible for the freeze, or for implementing the freeze, or communicating the freeze to the interagency?

A Yeah, I don't know. I didn't attend the interagency meetings. I typically did not.

And it was a sub PCC meeting, which is typically deputy assistant secretary level.

Q Did you attend the sub PCC meeting?

A No.

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Q Let's go back to your text messages, page 26. So let's pick up where Bill Taylor says -- and I believe he's talking about his decision whether or not to --

A Correct.

Q -- I guess --

A To accept the job.

Q -- to accept the job as ambassador to Ukraine. "I am still struggling with the decision whether to go. Can anyone hope to succeed with the Giuliani-Biden issue swirling for the next 18 months? Can S," meaning Secretary Pompeo, "offer any reassurance on this issue?"

What do you think he meant by the Giuliani-Biden issue? And just to recall, we're talking -- we're talking about May 26, 2019, which is approximately 2 months before President Trump's phone call with President Zelensky when he urged President Zelensky to investigate the Bidens. What was Bill Taylor referring to here?

A He was referring to what he had seen in the media about Giuliani talking about Hunter Biden and whether Vice President Biden had acted inappropriately in attacking the former Prosecutor General Shokin.

Bill was at this time not in the U.S. government. He was working at USIP, so he's just referring to the -- what's out there in the media swirl.

Q Did you have discussions with Bill Taylor about his

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concerns about what Giuliani was saying in the media about Ukraine needing to investigate the Bidens?

A Yes.

Q Aside from this text message?

A Yes. Aside from the -- yes, I did, because in conversations about whether he would take the job, I would reiterate, "Look, Giuliani does not represent the U.S. government. Don't worry about that. We are actually getting -- we have our policy in the right place, and we need people in the U.S. government to actually be continuing to push for the right policies."

Q And what did he ultimately decide, Bill Taylor?

A He did decide to take the job, after we had a meeting with Secretary Pompeo and Ulrich Brechbuhl and Bill and myself to discuss our policy. Bill wanted to be reassured that the Secretary of State is saying the same thing that I'm saying about where our policy is, that we are robustly in support of Ukraine. And, of course, Secretary Pompeo did that.

Q And later in this text message exchange, you tell Bill Taylor, this is 5/26/19 at 11:23, "Let's see how it looks on Tuesday. I don't know if there's much to do about the Giuliani thing, but I do think the key thing is to do what we can right now since the future of the country is in play right now."

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A Yes.

Q Which country were you referring to?

A Ukraine.

Q And what did you mean by this when you were telling this to Bill Taylor?

A Yeah. So I say there's not much to do about the Giuliani thing. He's going to be out there speaking publicly and saying what he says no matter what. We can't fix that. That's going to happen.

But we can right now -- you know, the key thing is what we can do, meaning those of supporting United States and U.S. interests, what we can do, since the future of Ukraine is in play right now. We have a new president, there's going to be a new parliament, a new government, and it's going to be a dicey time. I was trying to encourage him to accept the position.

Q But isn't there something that the Secretary of State could have done about Giuliani? Are you telling us that Secretary of State Pompeo was helpless to stop Giuliani from interfering with official U.S. diplomacy in Ukraine?

A Honestly, yes. I'm sure he could have called Rudy Giuliani, but would Rudy Giuliani stop doing what he's doing because the Secretary of State calls him? I'd be surprised.

Q What if President Trump had called Giuliani and said to knock it off?

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A Because they had a different relationship, attorney for the President, then perhaps.

Q Do you know whether Secretary Pompeo ever discussed Rudy Giuliani with President Trump?

A I don't know.

Q Specifically, Giuliani's efforts in Ukraine?

A I don't know whether he did.

MR. SWALWELL: Just real quick. When you say "attorney for the President," you mean attorney for Donald Trump, right, not the Office of the President?

MR. VOLKER: Yes. Yes, that's what I mean.

MR. SWALWELL: Thanks.

MR. VOLKER: Personal attorney. Thank you.

BY MR. NOBLE:

Q And you mentioned a meeting that you had with Secretary Pompeo and his counsel, Ulrich Brechbuhl, and Bill Taylor?

A Yes.

Q You were discussing whether Bill Taylor --

A Yes.

Q -- should take the job. What, if anything, was discussed about Rudy Giuliani in that meeting?

A I don't recall that that actually came up. I think it was more about can we be sure that the policy will remain the same, you know, sanctions, arms, et cetera.

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Q So did the Bidens or an investigation of the Bidens come up in that conversation?

A No, no.

Q So the Rudy Giuliani issue, as you call it, didn't --

A Yeah.

Q -- come up at all?

A No. I don't recall that coming up at all.

And just reading on, so Bill is saying, "You're absolutely right. We need somebody there. Why don't you be Charge?"

Q To you, right?

A To me, right.

Q And did you want that job or no?

A I did not want that job.

Q Why didn't you want that job?

A Personal reasons. Part of it, as you know, I'm getting married on Saturday, and I --

Q Congratulations again.

A -- and I wanted to be here. Thank you.

And also I felt I was more effective doing the special envoy position, because there you can engage with the interagency, you can engage with the allies, you can engage with NATO, you can engage with the EU. It's a much broader range of things that you can do from there, rather than being

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on the ground in Ukraine.

Q Can we go to page 27, just hit this quickly? There's a text message exchange on July 8, 2019, at about 9:14 a.m.

A I'm sorry. What page again?

Q Page 27.

A Yes. And --

Q 7/8/19 at 9:14.

A Yes.

Q And you say, "Zelensky was on board. Bohdan was skeptical"?

A Uh-huh.

Q What were you talking about here?

A That refers to seeking to schedule a presidential phone call.

Q Okay. "And worried that a call substitutes for a visit. I pulled the two of them aside at the end and explained the Giuliani factor."

A Yes.

Q What did you mean by "Giuliani factor," and who were you explaining the Giuliani factor to?

A I explained it to President Zelensky and the Chief of Presidential Administration, Andriy Bohdan, was standing next to him. And I explained that I thought that there is a negative narrative about Ukraine that is counteracting all

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the good things that he is doing, and that we are officially communicating back, and that this is being amplified by Rudy Giuliani. So this is a negative factor for Ukraine's image in the United States and our ability to advance the bilateral relationship.

MR. SWALWELL: And, Ambassador, 17 days after you explained that, we now know, you know, the phone call readout from the White House of the call between President Trump and President Zelensky.

How do you think President Zelensky reconciled what you had told him about 17 days earlier and what he would hear from the President, which was, in fact, the person -- one of the persons you should follow up with is Rudy Giuliani? Was that confusing?

MR. VOLKER: I don't know, yeah, because I was not aware of the content of that phone call. President Zelensky and Andrey Yermak never mentioned that to me, so I don't know.

MR. SWALWELL: But would that undermine what you're telling President Zelensky just 17 days earlier, that he has a more elevated role than what you are telling him?

MR. VOLKER: I actually -- I hadn't thought about it, you know, in this context before, but as I think about it, it was probably very helpful that I had told this to President Zelensky when I did so that when he heard this from the President, he was forewarned, right, there's a Giuliani

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problem here.

MR. SWALWELL: Right. But with all due respect, Ambassador, as you said earlier, any time the President of the United States asks any other foreign leader, because of the weight of the United States, whether you have forewarned Zelensky about Giuliani or not, the fact that the United States President is giving Mr. Giuliani this status, that would be important for Mr. Zelensky, right?

MR. VOLKER: I suppose it would.

BY MR. NOBLE:

Q Going back to page 28, if you can flip to the bottom portion on August 26, 2019, at 11:05 p.m. Do you see that --

A Yes.

Q -- where Bill Taylor says, "When you briefed Bolton, did you recommend he see Yermak?"

What was he asking about there? This is August 26th, leading up to --

A Yes.

Q -- the summit in Warsaw -- or the World War II Memorial --

A Yes, yes.

Q -- in Warsaw.

A So I had a phone call briefing with John Bolton before his trip to Ukraine to just make sure he was

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up-to-date, because he was going to be visiting there. And Bill asked me if I recommended that he see Yermak.

Q While --

A While visiting Ukraine.

Q While Bolton was in Ukraine?

A Yes. He was going to see the President; he was going to see Danylyuk, who was technically his counterpart. Context: Danylyuk's star within the Zelensky orbit was fading at this point, and he's since resigned, and Yermak's star was up.

Q And just out of curiosity, do you know whether Danylyuk resigned or was fired? Was he pushed out?

A I believe he resigned. I haven't spoken with him since he resigned. He did -- he did send me a text message before this testimony today to wish me well, but I haven't spoken with him.

Q Okay.

A But my understanding is that he became very uncomfortable with the visibility of this oligarch, Igor Kolomoisky (ph), in recent months in Ukraine.

Q Who became uncomfortable?

A Danylyuk became uncomfortable with it, and did not want to continue in his duties if he thought that this individual is having too much freedom of maneuver in Ukraine

Q Can you explain a little bit more about the nature

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of his concerns about Kolomoisky?

A Yes. So Igor Kolomoisky is one of the handful of very, very, very wealthy Ukrainians. Together, if you include influence over state-owned industry as well as privately owned things, they probably control at least 20 percent of the GDP, and it is all the GDP that matters; so energy, energy distribution, infrastructure, defense industries, coal and steel production, transportation, you name it, media, especially, they have got it.

And Kolomoisky had a bank called Privat Bank (ph), and that bank made a number of bad loans, $5 billion worth, to -- it disappeared and -- basically to him and his other leaders of the bank, and it was nationalized. And the Ukrainian taxpayer officially is bailing out the bank for the money that Kolomoisky stole.

Because the IMF provides budgetary support to Ukraine, we actually ended up bailing out this bank.

And he was being pursued by President Poroshenko. He was living in exile in Switzerland, and then moved to exile in Israel.

He is subject to a civil suit in Delaware now over this bank as well.

The courts in Ukraine -- just before the presidential election, the courts in Ukraine had a finding that the nationalization of the bank that had been done was not done

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properly, and that opened the possibility of restoring the bank to Mr. Kolomoisky, and possibly even paying compensation.

Q Okay. I don't mean to cut you off. I mean, we don't have -- I don't want to keep you here all night --

A Okay.

Q -- so I'd like to keep going on.

A But anyway, you get the nature --

Q Kolomoisky went back to Ukraine after Zelensky was elected. Is that fair to say?

A Yes. After Zelensky was elected, he returned to Ukraine, he visited some of his businesses, he gave media interviews, he played a very visible public role. And the Privat Bank issue has still not been definitively resolved.

And I think Danylyuk was becoming increasingly concerned that this is giving the appearance -- also there's a photograph of Kolomoisky meeting Zelensky in Zelensky's office that was released by the presidential administration; transparent, but still a bad sign. So Danylyuk, I think, left for all of these reasons.

Q Okay. Back to your text messages.

A I'm sorry to get on a tangent.

Q That's okay.

Back to your text messages. 8/27/2019 at 7:34, Bill Taylor wrote: "Bolton said he talked to you and Gordon

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briefly." That's Ambassador Sondland. "Nothing specific. What should they talk about? Tim says Bolton wants to stay out of politics."

Tim, who is that?

A Tim is Tim Morrison, who is the Senior Director for Europe at the National Security Council.

Q And what did you understand it to mean when Bolton wanted to stay out of politics? Is that a reference to the --

A Yeah.

Q Administration's -- or to Trump and Giuliani's efforts to get Ukraine to open the investigations we've been talking about?

A Yeah. It's not clear. I think it may have been more about Giuliani's role generally.

Q Did you have any conversations with National Security Advisor Bolton about Giuliani?

A I did back earlier in August.

Q And what did you say to him and he to you?

A Basically the same as with Secretary Pompeo: "I want you to know Giuliani's out there spinning these narratives. I'm concerned that this is affecting the President's views of Ukraine."

I'm trying to work with Ukrainians, and they are trying to communicate a message back to Bolton to convey that they

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are actually a different crowd, not from 2016, not corrupt, so that positive message gets back to the President. So I explained all that to Bolton.

He did not engage on that, by the way.

Q He did not engage on that?

A He did not.

Secretary Pompeo, as I said, "Good. I'm glad you're doing that."

Bolton just kind of said, "Okay."

Q Was Bolton on the July 25th call, do you know?

A I don't know.

Q At the end here -- so we're -- on September 1st is when the meeting in Warsaw occurred, correct?

A With the vice president.

Q With the vice president. And I'll get to that, but here at the very end, you wrote, Kurt -- or Bill Taylor wrote to you, "Kurt, can you WhatsApp Defense Minister" -- oh, wow -- Zagor --

A Zagorodnyuk.

Q "We just met to discuss the pause in security assistance. He would like your advice and assistance."

So at this point, the Ukrainians were clearly aware --

A Right.

Q -- of the freeze. Is that right?

A That's right.

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Q Okay. And did you have a conversation with the Ukrainian defense minister about the freeze?

A Yes, I did.

Q What did you say to him and he to you?

A I said that everyone in Washington is trying to figure this out and fix it: Pentagon, State Department, NSC, and even in Congress. I had done some staff meetings with the Armed Services Committee, Senate Armed Services Committee.

And in terms of advice, I suggested that he called Secretary of Defense Esper, that he's a brand-new defense minister. He should establish a counterpart relationship, and give a call and express his concern about this, and empower Esper to raise this issue.

And I also suggested that he plan an early visit to Washington when Congress is in session, so that he could meet both with Esper, or if Esper's not in town, whoever is there from the Pentagon, but also have a chance to meet with Members of Congress.

Q And do you know whether he reached out to Secretary Esper?

A He did.

Q He did? Do you know what they talked about or what the conversation was about?

A I did not get a readout on the call. I'm not sure

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when the call took place. I have a feeling it was after a delay.

Also, somewhere in here I texted him a letter that several Senators signed to Chief of Staff Mulvaney urging -- saying that they had heard that there was a hold, and urging that there not be such a hold.

Q Do you know who else was on that letter?

A I believe it's in here somewhere. I know -- here it is. Very good. Page 32 and 33. Senator Shaheen, Senator Durbin, Senator Blumenthal, Senator Portman, and Senator Johnson, and it was addressed to the Director of OMB, Mick Mulvaney, in that capacity and copied to Secretary Pompeo and Secretary Esper.

Q So I want to skip to page 56. And I think that is a new exhibit I have to create. So this will be Exhibit 11, and it will be pages 54 through 57.

[Volker Exhibit No. 11
was marked for identification.]

BY MR. NOBLE:

Q And, again, to page 56, I want to direct your attention to August 29th, 2019.

A Yes.

Q The message starting at 5:02, where you write: "Trump not going to Warsaw now. Pence going. I'm so sorry."

Who are you telling this to?

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A This is Vadym Prystaiko, who was the diplomatic advisor to President Zelensky. He had been ambassador to -- Ukraine's ambassador to NATO, was tapped to be diplomatic advisor. He is currently the foreign minister.

Q Do you know why President Trump decided not to go to Warsaw?

A The hurricane news. There was a possibility of a hurricane hitting Florida, and he cancelled his trip for that stated reason.

Q Do you know for a fact that's why he cancelled it or was that the stated reason?

A That -- that's the only reason that's been given.

Q And President Trump was supposed to meet with President Zelensky in Warsaw. Is that right?

A That's correct.

Q And had you been working leading up to that meeting? Had you been working to arrange that meeting?

A I had been pushing for the two of them to get together from May; that I sincerely believed that once President Trump sat down with President Zelensky, he would have the same conclusion that this is someone we can work with, as I had when I met with him.

Q Did you attend the meeting in Warsaw?

A No.

MR. NOBLE: Is it time's up? Okay. I see. My time's

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up, so I'll --

MR. VOLKER: Okay.

MR. CASTOR: Might be possible -- should we take a break or keep going?

MR. SWALWELL: I prefer to keep going.

MR. VOLKER: I'm okay.

MR. CASTOR: Okay. Keep going?

Do you have any questions at this time?

MR. PERRY: I don't.

MR. MEADOWS: As long as we have at the end where we can come back and do a round.

MR. SWALWELL: Sure.

MR. CASTOR: We might have couple of things here. I don't think it's worth turning over.

MR. MEADOWS: He is getting married on Saturday.

MR. NOBLE: We won't be here on Saturday.

MR. VOLKER: Thank you.

BY MR. NOBLE:

Q So did -- I'm sorry. I think I was asking you, did you attend the Warsaw meeting?

A And that's correct. And I did not.

Q You did not. Did you get a readout from that meeting about the meeting between Vice-President Pence and Zelensky?

A Not much of one, actually. Very, very sketchy. I

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did not get much of a readout at all.

MR. SWALWELL: Ambassador, with respect to the Warsaw meeting, with a high-level official like the Vice President meeting with the President of Ukraine, is that a meeting you would typically be in?

MR. VOLKER: Depends. I had just been traveling for about a week prior to that, including to Ukraine, and I had some scheduling conflicts. And with the Vice President going there and not being part -- manifested on the delegation to the Warsaw, whatever it is, anniversary of World War II, it just wouldn't have been possible to attempt.

MR. SWALWELL: Did you prepare the Vice President for that meeting?

MR. VOLKER: I did not.

MR. SWALWELL: Do you know who did prepare the Vice President for that meeting?

MR. VOLKER: I assume his staff prepared him and the NSC staff.

MR. SWALWELL: So are you aware of any State officials who were a part of the preparation for that meeting?

MR. VOLKER: I'm not aware. I would think that there would have been some contact with the State Department, but I'm not aware of who would have done that.

MR. SWALWELL: Was Bill Taylor at that meeting?

MR. VOLKER: I don't believe so.

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MR. SWALWELL: How about Ambassador Sondland?

MR. VOLKER: I believe he was, but I'm not sure.

MR. SWALWELL: Again, I guess, is it -- it strikes me as unusual that you would not be -- and I understand the travel issue, but, again --

MR. VOLKER: Yeah.

MR. SWALWELL: -- the Vice President of the United States --

MR. VOLKER: I know.

MR. SWALWELL: -- standing in for the President, is it unusual that you were not more a part of that meeting at least in the preparation?

MR. VOLKER: In Munich, in February of -- I guess it was February of this year, February 2019, Vice President Pence led the administration delegation to the Munich Security Conference, and I was there. I had asked to be included in his meeting with President Poroshenko, and I was not included in that meeting.

MR. SWALWELL: Whose decision was that?

MR. VOLKER: The Vice President's staff, the Vice President or Vice President's staff.

MR. SWALWELL: Who informed you that you would not be --

MR. VOLKER: Someone working on his staff at the time.

MR. SWALWELL: Do you know who that was?

MR. VOLKER: Gabrielle. I don't remember the last name.

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MR. SWALWELL: Okay. Sorry. Keep going.

MR. VOLKER: But in any event, I was not included in that meeting. And I my understanding is that the Vice President likes to keep his meetings very, very small. So when it was the Vice President going, flying from the U.S., I'm heading back -- or had just headed back to the U.S., I didn't really push for it.

MR. SWALWELL: But would there typically be coordination among State and the Vice President's office for a high-level meeting like that --

MR. VOLKER: Yes.

MR. SWALWELL: -- what the priorities are?

MR. VOLKER: Typically there would be.

MR. SWALWELL: So you don't know who briefed the Vice President on what the meeting should entail?

MR. VOLKER: I don't. I don't. I mean, it was a last minute swap-in. It was going to have been the President. The President declined, sent Pence instead.

MR. SWALWELL: Was there a readout of the meeting?

MR. VOLKER: As I said, I barely got any readout of the meeting.

MR. SWALWELL: What readout did you get?

MR. VOLKER: Essentially that it went well, that concerning security assistance, the Vice President did not have an answer to lifting the hold. So he said, Whatever the

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decision ultimately is, rest assured that we stand side by side with Ukraine, we support you, and that he would advocate for a meeting with the President when he got back.

MR. SWALWELL: Who gave you the readout?

MR. VOLKER: I don't honestly remember now. The logical person would have been my assistant at the State Department, Catherine Croft.

MR. SWALWELL: And do you know if it was orally or electronically or --

MR. VOLKER: Yes, orally, orally.

MR. SWALWELL: And did you seek to obtain any more information post readout just so you knew how to deal with your Ukrainian counterparts?

MR. VOLKER: I didn't. I figured that that's about as much as I needed to know. I know a lot more.

MR. SWALWELL: Let me go back to Mr. Noble.

BY MR. NOBLE:

Q And in terms of readouts, you got a readout -- that's the readout on the U.S. side, but in your text messages, you seem to get a readout from the foreign minister of Ukraine, Vadym?

A Yes. He repeated that same line of -- I don't -- maybe you know where it is in the timeline here.

Q Sure. So on September 1st, 2019, at 1:27. This is page 56.

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A Yes.

Q I'm just going to call him Vadym, if that's okay.

A Yes, yes. Vadym.

Q He writes: Have to recognize it was a good meet. Nobody was rushing. Seems the chemistry was there. It could easily be a very successful meeting with POTUS. However, on assistance side, it did not become clear, quote, "regardless of the decision, you have to know that the U.S. is staying strong next to UA in its war against.."

So help interpret that for us.

A Right. So I texted Vadym -- thank you for reminding me, because I had forgotten this -- How was Pence meeting?

And Vadym Prystaiko, who is on the verge of being the foreign minister, if not the foreign minister on this day, says: "Have to recognize it was a good meet." So it was a good meeting. "Nobody was rushing. Seems the chemistry was there. It could easily be a very successful meeting with POTUS," meaning that if we have a President Trump-President Zelensky meeting, Vadym is convinced that would go well.

Q Okay. So just to set the table, at this point in time, September 1st, 2019, the security assistance funds to Ukraine was frozen. The Ukrainians were aware of it.

A Yes.

Q You were still, and the Ukrainians were still

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pushing for a White House meeting.

A Yes.

Q And then they -- there's this meeting with Vice President Pence --

A Yes.

Q -- and the President of Ukraine. And Vice President Pence can't tell the Ukrainians why the funds are being frozen?

A Right.

Q And can't commit to a White House meeting for President Zelensky?

A He couldn't give a date for the meeting with President Zelensky, but he undertook to support such a meeting.

Q At this point in time, had the Ukrainians committed to putting out the statement by President Zelensky about Burisma and the 2016 elections?

A No.

Q So we had talked about that before, the statement that we were going back -- you were going back and forth on.

A Yeah.

Q Whatever happened to that statement?

A It died. I mean, no one -- once we started seeing a tempo of engagement with Ukraine, we had first the sense that Rudy was not going to be convinced that it meant

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anything, and, therefore, convey a positive message to the President if it didn't say Burisma and 2016.

I agreed with the Ukrainians they shouldn't do it, and in fact told them just drop it, wait till you have your own prosecutor general in place. Let's work on substantive issues like this, security assistance and all. Let's just do that. So we dropped it.

And -- so by this time, there's -- I'm not actively discussing that with anybody anymore.

Should we continue or --

Q Yeah. And then -- yeah. Just the next line, you say, "Good grief."

A Yes.

Q "We need to get our side sorted out on the assistance."

A That's much more -- that's much more like me than saying, "Damn Date."

Q "We need to get our side sorted out on the assistance," meaning the assistance to Ukraine that had been frozen, correct?

A Yes.

Q "But glad the meeting was good overall. Still working for the White House visit." Right?

A Yes.

Q Okay.

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A I think that's clear.
Q And at this point in time, you still did not know why the funds supporting Ukraine were being frozen?
A To this day, no reason has ever been given.
Q Can we go to page 54, at the very bottom? I just want to ask you a couple more things about --
A Sure.
Q -- your messages with the foreign minister.
A At this time, diplomatic advisor to the President.
Q When did he -- just so I know going forward, when did he become foreign minister?
A Around -- once the government -- so the parliament had to be seated, which took place, I believe, on September 1st. And then once the parliament was seated, then they could vote in the ministers. And so somewhere around 1st, 2nd, 3rd, he would have been voted in.
Q Okay. And going back to the statement that you said the Ukrainians dropped, did they do that because Zelensky never got a date for a White House meeting?
A No. They did it because we agreed it just wasn't a good idea, it's not productive.
Q So at the very bottom here, Vadym says, "Thank you. It was important contact. I must admit, I felt that you sugarcoated a message on a visit, or the message I got earlier was not correct. The visit went well. He is fast

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learner and adapts constantly. Frankly, this one was expectedly easy and friendly. Will introduce him to tougher ones gradually. What was your reading?"

Can you set the scene for us? This is July 4th, 2019. What was going on?

A So I met with President Zelensky on the previous day, July 3rd. This was in Toronto. There was a conference hosted by the Canadians on supporting Ukrainian economic reforms, and I led the U.S. delegation.

And I had this meeting with President Zelensky. And Prystaiko, I asked him what his take was on the meeting. He said, "Thank you. It was important contact. I must admit, I felt that you sugarcoated a message on a visit."

So I was not as negative about getting a White House visit scheduled as Prystaiko believed I should have been. I was saying, "Look, we're working it. We will get this done. You know, it's -- sometimes it takes time, it's hard, but we -- you know, we are here working this."

Prystaiko was more anxious about it. And I had probably communicated with him, I can go back and look, but explaining that, you know, we're getting nowhere here. We're trying, but we're not getting any date out of the White House.

And he thought I maybe sugarcoated it when I should have been more negative in my way of presenting it with President Zelensky.

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Q Is that because something -- a message was communicated to him in Toronto, something that made him think that you had kind of led them on that the White House meeting would be occurring soon, or --

A Well --

Q Why does he think you sugarcoated it?

A Yeah. Just exactly what I just said, that in the meeting with President Zelensky, I didn't say, this is a problem in terms of getting a meeting. I said we are working it, I'm confident we're going to get there, more like that. And so I think he felt that was --

Q Sugarcoating it for President Zelensky?

A Sugarcoating it for President Zelensky, yes.

Q Okay. Let's go to the top of the next page. And you wrote, "I wanted to make sure he knew we are supporting him," meaning Zelensky, right?

A Yeah.

Q "and his stated commitment to reforms, and that there are still concerns at the highest level he needs to address proactively about Kolo" --

A Kolomoisky.

Q That is Kolomoisky that you're talking about earlier?

A Yes.

Q -- "and whether he will really pursue reforms he

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says. I talked to him privately about Giuliani and impact on President."

A Yes.

Q Let's focus on that last part there. Who are you -- which President were you referring to?

A President Trump.

Q Okay. And what did you communicate to President Zelensky about Giuliani's impact on President Trump?

A I told him that he believes a lot of these negative narratives about Ukraine; that there may be people around Zelensky that are, as he said in his tweet -- or in his press, enemies of the United States; and that he is continuing to put out a negative narrative, and that that is probably influencing President Trump's thinking.

So this is that discussion that I had on July 3rd with President Zelensky that we talked about earlier.

This text message is my conveying to Vadym Prystaiko, the diplomatic advisor, what I had told to President Zelensky the day before.

Q Okay. Thank you. That answers my question on that.

So I think I might be done with text messages. I'm not making any promises, but we can set those aside for right now.

MR. NOBLE: I'm going to let my colleague, Dan Goldman,

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ask a few questions.

BY MR. GOLDMAN:

Q Ambassador Volker, I want to turn back for a moment to the security assistance issue.

Let me direct your attention to Bates number 37 of your text messages, if you have them there. It is one exhibit. I don't know which one.

MR. CASTOR: Which one of the exhibits? 37?

MR. GOLDMAN: Yeah. 37. I'm not sure which one, but -- on July 18th --

MR. CASTOR: 2. It's exhibit 2, page 2.

MR. GOLDMAN: Thank you. Exhibit 2.

BY MR. GOLDMAN:

Q On July 18th at 10:19 in the morning, can you read what Bill Taylor texted to you and Gordon Sondland?

A Yes. July 18th, Bill Taylor: "OMB" -- Office of Management and Budget, on a SVTC, that's secure video teleconference, it should be a C -- "just now said that all security assistance to Ukraine is frozen per a conversation with Mulvaney and POTUS. Over to you."

Q So at that point, you understood that the President of the United States had issued the order to freeze the Ukrainian aid. Is that right?

A That is what this says. I had not heard that from my assistant or from others who were at the meeting, so I was

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a little confused that this was true, but this is what Bill said.

Q Did you subsequently learn whether that was true or not?

A I believe it to be true. I don't know. I don't -- this -- I never got a clear explanation as to what happened.

Q Well, you know that it came from OMB?

A From OMB, which would be Mulvaney as the director.

Q Right. And also the acting chief of staff, Mulvaney?

A Yes.

Q Right? And presumably he's acting at the direction of the President?

A Presumably.

Q Okay. You don't have any reason to think that this was not a directive from the President, do you?

A No, I don't.

Q In fact, none of the other agencies understood why this was happening?

A Correct.

Q Right? So it was not coming from any of the other interagencies that you were aware of?

A Correct.

Q So when -- and to your knowledge, up until it became public at the end of August, you were -- you were not

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aware that any Ukrainians knew about this hold, is that right --

A That's correct.

Q -- on the security assistance?

A That's correct.

Q But they then became aware of it on, I believe you said, August 29th?

A That's my recollection.

Q Okay. And then the next day, August 30th, was when President Trump cancelled his trip to Warsaw. Is that right?

A I'm not sure what date that was cancelled. It could be.

Q Okay. Well, the meeting in Warsaw with Vice President Pence was September 1st.

A Yes.

Q Right? So President Trump obviously cancelled before that?

A He had been in France at the G-7, and then I believe he returned to the United States rather than do the other stop.

Q And what did you understand, or what did you learn subsequent to Vice President Pence's meeting with President Zelensky in Warsaw that they discussed related to the security assistance?

A It's exactly the message that we saw on the other

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text.

Q You didn't learn anything more than what was written in that message?

A No, no.

Q Okay. Now, Vice President Pence relayed to the Ukrainians -- he did not relay an official explanation for why the aid was being held. Is that right?

A That's my understanding, that's correct.

Q And you were not aware of any explanation for why the aid was being held?

A No explanation was ever given.

Q And did you relay that to the Ukrainians as well?

A Yes, I did.

Q So from the Ukrainian perspective, they understood from their American counterparts that, one, the aid was being held, and two, no one had a reason why. Is that right?

A That is correct.

Q Okay.

A And three -- may I? Three, that we all thought this is a mistake, and we're going to fix it.

Q Exactly. In addition, all the professionals who focus on this area of the world thought it was a mistake?

A Yes.

Q Now, from July 18th up until September 1st, during that period of time, you became aware of an effort by Rudy

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Giuliani, at a minimum, to influence Ukrainian to open these two particular investigations. Is that right?

A Yes, to have that included in a statement the Ukrainians would make.

Q Well, it's not just to have it in a statement --

A Yeah.

Q They wanted --

A That if they stated they would do it.

Q -- them to begin the investigations, right?

A Yes.

Q It would be memorialized in a statement --

A Right.

Q -- but that's what Giuliani wanted.

A Yes.

Q And now in retrospect, you know from reading that call record that Donald Trump wanted that as well, right?

A Yes. The call record, I think, kind of speaks for itself as to what the President said. It's a little different than saying Burisma and 2016, but the call record is there.

Q Right. As part of your job as a special envoy to Ukraine, do you read all of President Zelensky's press releases?

A Do I read them all? No.

Q You don't read them all?

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A No.

Q You don't want to know -- well, did you -- do you think it would be part of your duties to read a readout of President Zelensky related to a telephone call that he had with Donald Trump --

A Yes.

Q -- the President of the United States?

A Yes. That, I probably saw.

Q And did you read that Ukrainian readout?

A I probably did. I'd have to see it to remember if I did or not.

Q Okay. Well, I want to mark this as --

MR. SWALWELL: 12.

MR. GOLDMAN: Exhibit 12.

MR. CASTOR: We might need copies of this one.

MR. NOBLE: We have plenty of copies.

[Volker Exhibit No. 12 was marked for identification.]

BY MR. GOLDMAN:

Q Do you recognize this to be a readout from the Ukrainians of a call between President Zelensky and President Trump on July 25th?

A Yes, I do recognize this, and I did read it at the time.

Q So you did read it at the time. Could you read the

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second paragraph, please?

A "Donald Trump is convinced that the new Ukrainian Government will be able to quickly improve image of Ukraine, complete investigation of corruption cases, which inhibited the interaction between Ukraine and the U.S.A."

Q Okay. When you read that at the time, what did you think?

A I thought that's good; that that was the whole idea, is for President Zelensky to convince President Trump he is serious about fighting corruption, he's going to prevent things from happening in the future.

We've had enormous issues of pressing Ukraine to fight corruption under previous governments in Ukraine, getting an anticorruption court established, setting up a special prosecutor's office for corruption cases, special investigatory office of corruption. It was a real struggle to push Ukraine to fight corruption, and that had been an impediment.

And so he's saying that, "I believe Zelensky is serious about changing the direction of things." And he's saying here that he believes that he convinced President Trump that he is serious and will be able to do this, and that will help to improve the U.S.-Ukraine relationship.

Q All right. Let's try this again in a different way.

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There was no readout from the office of the presidency here. Is that right?

A You mean a readout --

Q There was no official readout from the White House of this call.

A I don't believe so, no.

Q Right. Did that strike you as a little odd?

A Not really. I don't know if all calls are read out, and if they are, they are just so perfunctory, you don't learn anything from it anyway.

Q So that's a very nice gloss on the call and which he read in this readout, but let me take you back to the text message that you wrote to Andriy Yermak right before this call where you said, "Heard from White House. Assuming President Z convinces Trump he will investigate/'get to the bottom of what happened' in 2016, we will nail down date for visit to Washington."

So with that knowledge in hand, when you read this, you did not think that what the Ukrainians were referring to was the specific investigation that you told them to reference in the call?

A What I said is -- well, two different things. First off, what the actual statement says is "complete investigation of corruption cases which inhibited the interaction." So I take it to mean what it says.

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Second, what I said concerning that message to Andriy Yermak is, "convince the President," so be convincing, "and get to the bottom of what happened in 2016."

So this is looking backward at whether there was any election interference.

Q So you didn't say to Andriy Yermak: Convince President Trump that you are really serious about rooting out corruption in Ukraine, and then we can set a White House visit, did you?

A No. You said -- No. It said -- I have it in front of me here, but you know what it says.

Q Right.

A It says --

Q And given your conversations with Rudy Giuliani and the fact that you had connected Rudy Giuliani to Andriy Yermak shortly before this call, you also understood that that was -- that those investigations were very important to, at a minimum, Rudy Giuliani, right?

A The connection between Andriy Yermak and Rudy Giuliani, I believe, is the 22nd of July.

Q And this call was the 25th?

A Right. And they did not have a detailed conversation until August 2nd when they met in Madrid. So I put them together and then had no follow-up from either of them about that other than --

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Q And just to be clear, they had planned that meeting in Madrid prior to the President's call --

A Correct.

Q -- on July 25th?

A That is correct.

Q Do you know whether Rudy Giuliani had any role in making that call happen between President Trump and President Zelensky on July 25th?

A I don't know whether he did.

Q You don't know?

A No.

Q You didn't hear anything about it?

A No. He did not take credit for that. And I believe he may have been helpful, but I don't know that.

Q Okay. So moving ahead now where we are with the security assistance where I was before is, you were aware that during that whole time from mid July until late August, that the security assistance had been held --

A Uh-huh.

Q -- and that there was no official explanation for it?

A Right.

Q And then that message was relayed to the Ukrainians at the end of August, right?

A Which message?

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Q That there was -- there was a hold on the security assistance and that there was no explanation for why?

A Yes.

Q Okay.

A And that we were going to try to fix it.

Q And that you were going to try to fix it.

And that during this time while that was going on, Rudy Giuliani, and now we know President Trump as well from this call, was pushing Ukraine to initiate these investigations, correct?

A That is true.

Q So, Ambassador Volker -- one moment.

Before I get to the next point, if we could go to 42, which I don't believe is an exhibit. Actually, it is. We'll get the exhibit. I'll find the exhibit.

Do you have it in front of you?

A I do.

Q Okay. Near the top of the page, 7/22 at 4:27 p.m., could you read what you texted to Gordon Sondland?

A 4:27 p.m.?

Q Yes.

A Kurt Volker: "Orchestrated a great phone call with Rudy and Yermak. They are going to get together when Rudy goes to Madrid in a couple of weeks."

Q Can you read the next one?

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A "In the meantime, Rudy is now advocating for a phone call."

Q And what did you understand that to mean?

A That he would support the President calling Zelensky.

Q Well, you actually used the word "advocating." That's different than "support," right?

A Yeah. Advocate for, support. That's the same thing.

Q Well, "advocating" actually, doesn't that mean that he's actually pushing for it rather than just supporting one? He's affirmatively trying to make a phone call happen, that's -- correct me if I'm wrong.

A Yeah. Is now advocating for a phone call, is now supporting a phone -- I -- I take them to be the same, but, okay; advocating for, urging that there be a phone call.

Q Okay. And if you read two lines down at 4:28:48.

A Now, to be clear, I never heard back from Rudy. That's what he told me, but then I don't know whether he did or not.

Q Okay. If you could read --

A Two lines down. "I can tell Bolton and you can tell Mick" -- that is Mulvaney, the OMB Director, that Gordon knows -- "that Rudy agrees on the call if that helps."

Q And then 3 days later, the call occurred, right?

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A Yes.
Q And this was a phone call that you had been trying to get --
A Yes.
Q -- for a couple months, right?
A Yes.
Q Now, Ambassador Volker, given the pressure that Rudy Giuliani was putting on the Ukrainian administration to initiate these investigations, do you not think that the Ukrainians would not have understood that the actual explanation for the security assistance being held up was the fact that they did not issue that statement, or they had not initiated those investigations if there was no official explanation?
A That -- I see why you're asking this question.
Q Because it makes sense?
A But even my own understanding of this is back to the meeting I had in the Oval Office with the others and the President in May.
His views on Ukraine were so sharply negative, and reinforced in a negative understanding, that it makes more sense to me, it's more direct that this is happening independently; that he sees that we are about to launch a notification of millions of dollars to Ukraine. Wait a second. You know, are they -- can we work with these guys?

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Are they corrupt still? Why should we be giving them American money? Why aren't the Germans doing this?

That's what I interpreted at the time what the issue is. And I don't know whether I said it that explicitly to the Ukrainians, but I think it's reasonable to see this as something happening on its own.

Q Right. Now, you said in one text that you were out of the loop, you had only two phone conversations with Donald Trump, you were not privy to Rudy Giuliani's conversations with the Ukrainians. Is that right?

A Yes.

Q And, in fact, you weren't even present for Mike Pence's meeting with Zelensky?

A That's correct.

Q So you don't really have firsthand knowledge as to what messages were relayed to the Ukrainians. Is that right?

A In those meetings, yes, that's correct.

Q Yes. That's right.

The -- did you -- you reviewed the call record of the July 25th call --

A Yes.

Q -- closely?

A Yes.

Q Did you see anywhere where President Trump mentions the word "corruption"?

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A I'd have to go back and read it. I'm suspecting you know the answer. (Pause-referring).

Okay. I do not see the word "corruption." I see a few things that infer corruption, but I do not see the word "corruption."

Q In fact, in your conversation with the President in May, the stated reasons why he had a deeply rooted distrust or dislike of the Ukrainians was because of what he perceived to be their role in the 2016 election and/or the Paul Manaforte case. Is that right?

A That was mentioned, but it was a long -- longer statement that "they are all corrupt, they are all terrible people, and," you know, "I don't want to spend any time with that." That was -- it was a broader statement. And he also said, "and they tried to take me down."

Q So he didn't have any specific examples other than the fact that they tried to take him down?

A He did not give any other specific examples.

Q Right. And, in fact, in this call, he does specifically reference an investigation related to the 2016 election and an investigation related to Joe Biden, right?

A He does.

Q Okay. So you don't really, sitting here, believe, do you, that the President or Rudy Giuliani needed some assurance that President Zelensky was actually against

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corruption? That's not what they were really concerned about. You understand that, right?

A Yeah. No, I do believe that. We have to differentiate between the President and Rudy Giuliani.

What I heard from President Trump in the meeting in the oval office was blanket, like, "this -- these are terrible people, this is a corrupt country," you know, "I don't believe it."

I made the argument that President Zelensky is the real deal, he is going to try to fix things, and, you know, he just did not believe it. He waved it off. So there's a general issue there.

He did not mention investigations to me in that meeting, or call for investigations. I was not aware that he did so in the July 25th call later.

His attitude towards Ukraine was just general and negative.

Rudy Giuliani, as we know from a lot of his public commentary, talks about this all the time. He's interested in that, but that doesn't mean that the President is as focused on that as Rudy is, and so I would -- I would differentiate there.

And I think the target as I saw it, is to make sure the President is not being reinforced in such a negative view, and gets on with a bilateral relationship with the new

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president.

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[5:05 p.m.]

BY MR. GOLDMAN:

Q Are you aware of President Trump expressing publicly any concerns about corruption in any other countries?

A Well, Russia. I've heard him mention, you know --

Q You have?

A -- corruption in Russia, in the same conversation, like they're all terrible. I can't say that I've been --

Q Do you recall -- just on the topic of Russia, do you recall when President Trump in Helsinki said that he believed Vladimir Putin over his intelligence agencies?

A I do remember that press conference.

Q Okay.

A But we're talking about corruption, and I think we're talking really, you know, business climate there.

MR. NOBLE: But President Trump took multiple meetings with President Putin but would not meet with President Zelensky, right? To this day he's not met with President Zelensky in the Oval Office, but he would take meetings with President Putin. So if he's truly concerned about corruption, why meet with Putin but not meet with Zelensky?

MR. VOLKER: Yeah. I can't answer other than that I think it's important that both take place. You know, it's important to fight corruption. It's important that the

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President meet with Zelensky and support him. It's also important that the President meet with President Putin because we can't have a risk of conflict with Russia either.

BY MR. GOLDMAN:

Q Ambassador Volker, we understand that you are in a difficult position, and I don't think anyone here has any doubt that you were singularly focused on promoting the bilateral relationship between the United States and Ukraine and supporting Ukraine in their efforts to promote democracy and in their best interest, which I take it you understand is also in our best interest.

A Yes.

Q Is that right?

But you don't live under a rock. And for you to sit here and say that you don't think that through all of your efforts to persuade Rudy Giuliani, through all of the Ukrainian efforts to communicate and coordinate with Rudy Giuliani that he's acting alone as a rogue actor without any connection to Donald Trump, who is his client.

And part of the reason that we know that and that you know that sitting here is that both Rudy Giuliani and President Trump have admitted as much. So I'm struggling to understand why you are still trying to tell us that they were not interested in pursuing these investigations and that that had nothing to do with the President's views on Ukraine?

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A Well, there's a difference between understanding at the time and what we have in public domain today. So at the time, neither President Trump nor Rudy Giuliani, after that first breakfast meeting that I had with him, ever brought up Joe Biden.

I had pushed back on that and separated it, and said, one thing about corruption in Ukraine, whether Ukrainian officials may have done improper things, Burisma, or otherwise, and that -- and so every time that came up after that I felt I had already put up that marker.

Q Okay. Now, understanding that you've been testifying today primarily to what you knew at the time, let's just take a step back and look back with hindsight that is 20/20, because you know this area very well. You're an expert in this area.

Now, looking back, as you see it today, understanding that you are not privy to a lot of this information, do you recognize the concerns -- or the Ukrainian -- do you recognize that the Ukrainians may very well have perceived that the security assistance hold related to Rudy Giuliani's efforts to influence them to initiate these investigations?

A Right. Is it possible that they believe that, yes, it's possible. I had conversations with them about this after August 29, and for about a week and they never raised that with me.

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Q Understood.

Mr. Noble, do you want to go through a couple of the other meetings?

BY MR. NOBLE:

Q Sure. And I wanted to go back to a point of clarification. When we were talking about the statement that was being drafted in August of 2018, I believe you testified it was never issued.

A Right.

Q The Ukrainians dropped it. But they continued to talk about a possible interview --

A Yes.

Q -- that President Zelensky was going to do, correct?

A Yes. I was not involved in that. I heard about that from Gordon Sondland that he had been in touch with Ukraine, and there was talk about Zelensky giving an interview in which he would talk about his commitment to investigating things that happened in the past. I don't know the details of those conversations, and I don't believe any such interview happened.

Q And was the plan for that interview for President Zelensky to specifically mention Burisma and the 2016 elections?

A I don't know.

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Q So I would like to go through and talk about some of the other conversations between U.S. officials and Ukrainians, and I'm going to do this in chronological order. So I'd like to go back in time to April 21 of 2019 when President Zelensky was elected. And there was, I understand, a congratulatory call --

A Yeah.

Q -- between President Trump and President Zelensky. Is that correct?

A That is correct.

Q Did you participate in that call?

A I did not.

Q Okay. Did you get a readout about the call?

A Just that it was a good congratulatory phone call. That's all.

Q Do you know how long the call lasted?

A I don't.

Q You do not?

A No.

Q Okay. Do you know who else participated in the call?

A I don't.

Q Okay. And do you know what in sum and substance was said by President Trump and President Zelensky during the call?

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A No. My understanding is that it was just a congratulatory phone call on his election victory.

Q Do you know whether they discussed Joe Biden or Hunter Biden?

A I don't.

Q Do you know whether they discussed Burisma?

A I do not.

Q Do you know whether they discussed Paul Manafort?

A I don't.

Q Do you know whether they discussed a White House visit?

A I don't.

Q Do you know whether there's a transcript or a summary or a memo or notes of that call?

A I don't know that either.

Q You never saw such notes?

A No. No.

Q Did you ever discuss the call with Secretary Pompeo or anyone else at the State Department?

A Just the fact of a congratulatory phone call, no more than that.

Q Did anyone ever express any concerns about the April 21st call?

A Not that I heard.

Q So I'd like to now turn to the May 20, 2019, the

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U.S. delegation to the inauguration of President Zelensky in Kyiv.

A Yes.

Q It's our understanding that the White House had put the inauguration for President Zelensky on Vice President Pence's calendar, but at some point President Trump instructed Vice President Pence not to attend the inauguration. Were you aware of that at the time?

A I was aware that we were trying to get Vice President Pence to lead the delegation, and in the end he wasn't able to do so. Given that this was put together over the course of a couple days, I'm not surprised -- I wasn't surprised at the time that the Vice President couldn't do it.

Q Do you know the reason why President Trump directed Vice President Pence not to go to the inauguration?

A I was not aware that it was at the direction of President Trump, and I assumed it was just a matter of scheduling.

Q Who led the U.S. delegation?

A Secretary of Energy Rick Perry.

Q Why was that?

A Cabinet level, so that we were at least, if we weren't getting the vice president, it was still important to have someone at a cabinet level, and because we have a lot of issues with Ukraine on energy. He has an interest in

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Ukraine, so I think he was very happy to take on the assignment.

Q To what extent had Secretary Perry been involved in U.S.-Ukraine relations up to that point?

A He and I had not really intersected up to that point on Ukraine. I had known him years past, but nothing concerning Ukraine in a contemporary time space until we went there together.

Q Who are the three amigos?

A That refers -- I don't use that phrase either because I think of three other people as the three amigos.

Q Fair enough.

A But that refers -- Gordon Sondland usually uses that, and he was referring to himself and to Rick Perry and to me.

Q Why didn't Secretary Pompeo lead the delegation? Wouldn't he have been more appropriate?

A He would have been a great choice. I don't know why, probably also scheduling.

Q Okay. Who else was in the U.S. delegation besides Secretary Perry?

A Senator Ron Johnson was there as well and our Charge d'affaires at the time Joe Pennington.

Q Joe Pennington?

A Yeah.

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Q Was Ambassador Sondland there?
A Yes, he was one of the ones in the delegation.
Q Okay. And you were there as well?
A Yes.
Q Okay. Do you know who they met with in Kyiv during the inauguration, which Ukrainian officials?
A I have to think back. We met with President Zelensky. Several advisers were with him in that meeting. We met with the speaker of the parliament, the then-speaker of the parliament because it was before the parliamentary election. Yeah, I'd have to think back who else we may have met with.
Q Okay. During the meeting with Zelensky, was there any discussion about Rudy Giuliani or the investigations --
A No.
Q -- that we've been talking about?
A No. That did not come up.
Q Do you know whether President Trump directed anyone in the U.S. delegation to deliver a message to Zelensky about the investigations?
A No.
Q You don't know one way or the other?
A I don't know one way or the other. I don't believe anything's happened, but I don't know.
Q Do you know whether Ambassador Sondland delivered

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any message to President Zelensky or any of his advisers?

A I don't believe so. I don't know.

Q Do you know whether Ambassador Sondland had any one-on-one meetings or meetings that you did not attend while you were in Kyiv for the inauguration?

A For the inauguration, I believe we did everything together.

MR. CASTOR: I think we've got the 45 minutes is up.

MR. NOBLE: Okay. We have more, but we'll turn it over to you.

MR. CASTOR: Okay. Anybody need a break?

MR. VOLKER: Yeah, maybe a quick break.

MR. NOBLE: 5-minute break?

MR. VOLKER: Yeah.

[Recess.]

MR. BITAR: We'll return on the record. It's 5:27 for the minority.

MR. NUNES: Welcome, Ambassador. My name is Devon Nunes. I'm from California. I just wanted to welcome you to the committee.

MR. VOLKER: Thank you.

MR. NUNES: I was a little surprised that this was still going, so I'm sure you're exhausted. But from what I understand, you're answering the questions, sticking to the facts, and I appreciate your willingness to come in on your

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own and testify before the committee here.

MR. VOLKER: Thank you, Congressman.

MR. NUNES: And I don't think we have very many questions left, if any, but we may have just a couple.

BY MR. CASTOR:

Q Yeah. Just a few. We're very respectful of your time. These all-day interviews can be a challenge, so we would like -- we wish you could get home by, you know, 6:00 or at some reasonable hour, so we'll try not to stand in the way of that.

A Thank you.

Q Appreciate you sticking to the facts that you have firsthand knowledge about. In the last round there was some questions that present some ambiguous facts --

A Uh-huh.

Q -- you know, for what reason Vice President Pence didn't lead the delegation. You know, that's what investigations do. They look for evidence and proof. And, you know, you were asked whether Vice President Pence didn't travel because of, you know, the aid issue or there wasn't an investigation into Joe Biden and so forth. And you testified that you didn't have any firsthand knowledge on that and, in fact, you said it was probably his schedule.

A That was my assumption. It is difficult to get things on the President or Vice President's calendar.

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Q And you mentioned that it happened on short notice?
A It was a very short notice announcement of when the inauguration would be, so I think, as a -- you know, anybody in the world only had like 4 days' notice, and putting together a presidential delegation in that short space of time is tough.
Q But the delegation did include some key players, Senator Johnson?
A Yes.
Q Secretary Perry?
A Yes.
Q And Ambassador Sondland?
A Sondland.
Q So that was a very reasonable size delegation?
A It was a very -- it was the largest delegation from any country there, and it was a high-level one.
Q Okay. So there's no reason to suggest that the roster of officials on the delegation was anything less than what you'd expect?
A Right. It would have been nice to have the Vice President, but, you know, you can't always -- yeah.
Q Or the Secretary?
A Yeah.
Q You were asked whether there's any mention of corruption on the call, going back to Exhibit 4, the readout

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of the telephone conversation. I'm not certain the word "corruption" appears, but, you know, if you turn to page three at the bottom --

A Yes.

Q -- the President says some very bad people.

A Yes.

Q You know, I don't know if that's an ambiguous statement or not, but, you know, reasonable people could equate very bad people --

A Right.

Q -- to corruption.

A Yes. So the question that I answered was whether the word "corruption" appears and does the President say it. And I said, no. I said, there are some things that you can infer, and that was what I was looking at is, he talks about a prosecutor who was very good getting shut down, says that's really unfair. He says, they shut down -- you had some very bad people involved. So that's an inference even if it's not using the word "corruption."

Q At various points today we've talked about the President's deep-seated concern about Ukraine, the business culture there. And we've gone through several reasons why the President may have had that view, whether it was related to his prior business experience --

A Possibly.

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Q -- whether it was related to the business experience of his colleagues in the business community --

A Possibly.

Q -- whether it related to Paul Manafort --

A Possibly.

Q -- whether it related to, you know, this allegation of Ms. Chalupa. But among all of those things, you would testify that indeed the President had a very genuine --

A Yes.

Q -- deep-seated concern about Ukraine and corruption, for whatever reason, a variety of reasons?

A Yes.

Q Is that true?

A That is true, and that was crystal clear to me.

Q And you have been with the President and you've had readouts about his concerns about Ukraine.

A Uh-huh.

Q And so is it fair to say that this wasn't a pretext --

A Right.

Q -- for all things Biden?

A Correct.

Q Okay.

A Correct.

Q Exhibit 12 was the Ukrainians' readout from the

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call.

A Say that again?

Q Exhibit 12 earlier was the --

A Oh, yes, the statement from the President's Office of Ukraine, yes.

Q Right. And, you know, at various points today we've talked about, you had a readout from the State Department after the call happened?

A Uh-huh.

Q Nobody told you anything about that?

A Right.

Q You had a readout from your Ukrainian folks --

A Right.

Q -- that you have a rather sophisticated relationship with --

A Yes.

Q I mean, you're in constant contact with these Ukrainian officials?

A Yes.

Q You have trust. They trust you?

A Yes.

Q And they never mentioned anything about Joe Biden to you?

A That's correct.

Q And then on this readout I don't see the word

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"Biden, Burisma, Hunter Biden," anything, right?

A That is correct.

Q Okay. So this is like another data point, a piece of evidence about the call that, you know, if you're looking to characterize what happened on the call, this is another piece of evidence?

A Right.

Q This morning we spoke in some detail about the delay in the assistance funds.

A Yes.

Q And you testified that these delays happen.

A They do.

Q There are complicated facts. There's different power centers on any type of assistance to a foreign nation. Is that correct?

A In general, yes, that's true.

Q Okay. But you believed all along that these assistance funds would be released?

A Yes.

Q And the United States commitment --

A Yes.

Q -- to stepping up the aid to Ukraine, and especially the types of aid, the more lethal and helping them with some, you know, anti-weapons systems, was it in the United States interest?

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A Yes.
Q Was it in the interest of Ukraine?
A Yes.
Q And you expressed confidence, you know, that this aid would be released?
A Yes, I did.
Q And you also testified that you tried to convey that to the Ukrainians?
A Yes, I did.
Q And you tried to convey that to the other U.S. officials?
A Yes.
Q So to the extent there were some, you know, hair-on-fire moments, for lack of a better word, that this wasn't going to happen, you stayed the course, you stayed confident, and indeed, in the end, the assistance funds were --
A That is exactly right.
Q There was some discussion about whether President Trump has met with Rudy Giuliani in the Oval Office. Are you aware of any such things?
A I have no knowledge of that.
Q President Trump has met with -- I'm sorry, with Vladimir Putin in the Oval Office?
A Is that a question?

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Q Yeah. Do you know if --

A I don't know. I'd have to go back and check. I know he's had meetings with Putin. I don't know whether he's met him in the Oval Office.

Q Most of these meetings have occurred in international locations, haven't they?

A That's my understanding, yeah.

Q But I believe there was a suggestion that Putin had been invited to the Oval Office and Zelensky hadn't -- in one of the earlier rounds?

A Yeah. There have been meetings with President Putin.

Q Right.

A And there had been no -- it had been difficult scheduling a meeting with President Zelensky. That being said, we had a meeting with President Poroshenko in 2017. President Zelensky was elected in May of 2019, and we had a meeting in September of 2019. So it took a lot of work, but we got there.

Q But since President Trump has been in office, you're not aware of any meeting with Vladimir Putin in the Oval Office, are you?

A No.

Q In New York the President did meet with Zelensky?

A Yes.

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Q And so the President has met with Zelensky at international meetings, this one happened to be in New York, just like the President has met with Vladimir Putin at international meetings, correct?

A That is correct.

Q Okay. I think that's all we have for -- Mr. Perry. I'm sorry.

MR. PERRY: Thank you.

Ambassador, in the last series there was a lot of time spent on the fact that the funds weren't forthcoming and you didn't know why, nobody seemed to know why, but you were going to have to address the officials in the Ukrainian Government in your normal course of your business.

And it was implied that surely they knew because of Mr. Giuliani's statements, things in the press, that there could only be one thing, right. We don't have the money. The money is not forthcoming yet. You can't tell me the reason why. So the only reason that can be is because these investigations are or are not involved. That was kind of the implication.

Now, previously in another round you had talked to me about the trust that the same officials from Ukraine had in you personally.

MR. VOLKER: Yes.

MR. PERRY: And you had conversations with them about

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the fact --

MR. VOLKER: Yes.

MR. PERRY: -- that the money was not forthcoming and you didn't know why.

MR. VOLKER: Yes.

MR. PERRY: And not once did they imply, ask, infer that you know of that it had anything to do with investigation?

MR. VOLKER: That is true.

MR. PERRY: And you're confident that if that was something they were concerned about, that they were worried that that was -- there was a connection, a nexus, that they would have asked you or brought that up as a possibility?

MR. VOLKER: It never came up in conversation with them, and I believe they had trust in me that they would have asked if that was really what they were worried about.

MR. PERRY: Okay. I yield.

MR. CASTOR: That's all we have for now.

MR. SWALWELL: Ambassador, with respect to the security assistance, am I correct that that was appropriated by Congress in 2018? Is that right?

MR. VOLKER: I believe that's right.

MR. SWALWELL: Okay. And so the second that's appropriated and the President signs into law, the Ukrainians have an expectation that it's coming. Is that right?

MR. VOLKER: That is correct.

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MR. SWALWELL: Okay. So whether they learned about the hold in August or before, every day that goes by after it's appropriated and they don't receive it, as far as they're concerned, it's binary. They don't have it. Is that right?

MR. VOLKER: Yes, I think that's fair.

MR. SWALWELL: Okay. I'll turn it over to Mr. Noble.

BY MR. NOBLE:

Q In the text messaging exchange on September 8 or September 9 with Bill Taylor, where he says that he believes that the aid was being held up and the White House visit was being withheld because of the investigations, do you know why he had that concern or what basis he had for believing that?

A No, I don't. I believe, and I'd have to go back and read it again, but I believe it was the Politico article that suggested that. And we, Gordon Sondland and I, both spoke with Bill and said, I don't think that's it, and don't panic over this. We are working to get this fixed.

Q But Bill Taylor was threatening to resign if that turned out to be the case, that that was U.S. policy?

A No, I think the way I read his note, if we actually did not deliver the security assistance, that would be a major change in U.S. policy and that would cause him to resign.

Q I'd like to ask you about Secretary Perry. After the May 20 delegation to Kyiv, did he have a continuing role

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going forward in dealing with Ukraine?

A He did. We tried to work as a team, that group that had been part of the presidential delegation, at least Gordon and Rick Perry and myself and with Bill Taylor, in order to try to keep momentum, keep Ukraine on the front burner, build a bilateral relationship, get the White House visit, and so forth. And he had some particular issues in the energy sector that he was very keen on working with the Ukrainians, and so he was very active on that.

Q Okay. So he continued to communicate with the Ukrainians at that point -- from that point?

A Yes. Yes, I'm sure he did.

Q Okay. I want to ask you about the May 23, 2019, Oval Office meeting.

A Yes.

Q I think we talked a little about that at the beginning. But could you just remind us, who all was present for that meeting?

A Yes. To recap, we had the delegation that had been the presidential delegation, Rick Perry, myself, Gordon Sondland, and Senator Johnson. I believe Mr. Kupperman, the deputy national security adviser was there, I believe Mr. Mulvaney was there, but I'm not sure about that. Our Charge at the time in Kyiv, Joe Pennington, was not there.

Q Okay. And approximately how long did the meeting

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last?

A I would suspect about a half an hour.

Q And can you describe the discussion --

A Yes.

Q -- that occurred?

A Yes. The President started the meeting and started with kind of a negative assessment of the Ukraine. As I've said earlier --

Q Yep.

A -- it's a terrible place, all corrupt, terrible people, just dumping on Ukraine.

Q And they were out to get me in 2016.

A And they were out to get -- and they tried to take me down.

Q In 2016?

A Yes. And each of us took turns from this delegation giving our point of view, which was that this is a new crowd, it's a new President, he is committed to doing the right things. I believe I said, he agrees with you. That's why he got elected. It is a terrible place, and he campaigned on cleaning it up, and that's why the Ukrainian people supported him.

So, you know, we strongly encouraged him to engage with this new President because he's committed to fighting all of those things that President Trump was complaining about.

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Q And how did the President react?

A He just didn't believe it. He was skeptical. And he also said, that's not what I hear. I hear, you know, he's got some terrible people around him. And he referenced that he hears from Mr. Giuliani as part of that.

Q Can you explain a little bit more about what the President said about Rudy Giuliani in that meeting?

A He said that's not what I hear. I hear a whole bunch of other things. And I don't know how he phrased it with Rudy, but it was -- I think he said, not as an instruction but just as a comment, talk to Rudy, you know. He knows all of these things, and they've got some bad people around him. And that was the nature of it.

It was clear that he also had other sources. It wasn't only Rudy Giuliani. I don't know who those might be, but he -- or at least he said, I hear from people.

Q Okay. Did anyone else come into the Oval Office during the meeting that you can recall?

A Not that I can recall. It's possible, but -- I was sitting facing the desk, and he was sitting facing us, and I couldn't see what was happening behind me.

Q He being the President?

A Yeah, the President sitting at his desk, the delegation facing him, and I could not see what was happening behind.

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Q Okay. Do you know whether Rudy Giuliani was at the White House that day?

A I don't.

Q He was not in the meeting?

A He was not in the meeting.

Q And what was the outcome of that meeting? What was the conclusion, the takeaways?

A The outcome was that the President agreed to sign a congratulatory letter to President Zelensky and invite him to the White House.

Q And that's the letter we talked about earlier?

A And that's the letter we have.

Q Okay. So I'd like to move on, ask you quickly about a June 4, 2019 meeting between Jared Kushner and President Zelensky at the U.S. mission to the EU's Independence Day celebration. Are you aware of that meeting?

A I am aware of President Zelensky going to U.S. -- or to the European Union, and I believe there was a dinner that Gordon Sondland was at with him or maybe Gordon even hosted. I'm not sure who else was there.

Q Did you attend the meeting?

A I did not.

Q Okay. Did you prep the meeting?

A No, I did not.

Q Okay. Did you get a readout from the meeting?

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A I did not really get a readout either, other than Gordon told me that Jay Leno was there. And that was --

Q Why was Jay Leno there?

A I have no idea.

Q And who else -- Secretary Perry was there, correct?

A I don't know. I don't know the answer to that.

Q Oh, you don't know.

A I don't know.

Q You don't know the participants on the U.S. side?

A No, I don't.

Q Do you know anything else about the June 4 meeting?

A I don't. I was not really plugged into that.

Q All right. So I want to move to -- jump to the July 10th meeting.

A Yes.

Q This is with the Ukrainians.

A Yes.

Q Danylyuk and Yermak at the White House?

A Yes. Yes. With John Bolton.

Q Can you just describe kind of the course of events for the Ukrainians visit to Washington, D.C., who they met with, the sequence of meetings that you participated in, just give us the lay of the land.

A Yeah. To the best of my recollection, Danylyuk was coming in his official capacity as the chairman of the

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National Security and Defense Council for a meeting with Bolton as a counterpart, so starting up that relationship. I had drinks with him the night before.

Andriy Yermak was also in town at the same time. This was not fully coordinated between the two of them. And there was some obvious, I don't want to call it tension, but a little sense of Danylyuk assuming the official role when Yermak feels that he's the one closer to President Zelensky, so it just created a little bit of a dynamic between them that you could see. I met with -- so I said I met with Danylyuk for drinks in the evening before.

Q Where did you have drinks?

A At the Metropolitan Club. And the next morning I met with Yermak for coffee.

Q And where was that?

A And that was at the Trump Hotel. And then I saw both of them at the meeting with John Bolton.

Q At the White House?

A At the White House.

Q Okay. And remind us who the other participants were.

A I believe it was Rick Perry, Gordon Sondland, myself, an NSC staffer, I'm not sure who it was now, somebody from the National Security Council staff, John Bolton himself.

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Q What was discussed at the meeting, sum and substance?

A Yeah. It was --

Q Is this the one you were telling us about earlier where Danylyuk was getting way too bureaucratic?

A Exactly, yes. It was talking about legislation to reform the security services, legislation to reform the defense establishment, and really getting down into the bureaucratic weeds, and not conveying a top-level message, a strategic message.

And Yermak didn't say a word in the meeting. It was only Danylyuk doing his presentation and talking because he was -- Yermak was respecting Danylyuk's role of making this presentation. And the meeting was just kind of flat, and I thought it was a missed opportunity.

Q Did you have a goal for the meeting, something that was supposed to happen with Bolton?

A Well, two things: One of them, I wasn't involved in scheduling the meeting. It was just a normal, you know, he's coming as a new counterpart, but I was hoping that Danylyuk would give Bolton more of a political sense about what's going on in Ukraine, who the new team is, who Zelensky is, and he didn't talk about that. So I thought that was the missed opportunity. He did not convey what's really happening.

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And I was also hoping that with that John Bolton would become more activated in trying to get the date for the White House visit for Zelensky, and that didn't happen.

Q Which had been promised by President Trump in that letter?

A Yes.

Q At the end of May?

A Yes. And that's why I texted Bill Taylor that this was not good.

Q Was there any discussion during that meeting about Giuliani's --

A No.

Q -- activities in Ukraine?

A No.

Q Okay. Anything about the investigations that we've been talking about?

A No.

Q Was there any discussion about possible U.S. sanctions on a Russian oil pipeline?

A That's possible. I don't remember, but it is possible that that was a topic.

Q Was there a discussion of possible Trump-Zelensky Oval Office meeting at that meeting?

A Yes. Yes. I'm sure --

Q What was discussed in that about that?

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A It was just do we have a date for a visit yet, and John Bolton saying, no, we don't have a date.

Q Did he give an explanation why?

A I believe it was just scheduling. You know, it's tough to schedule. The President's got a lot of things stacked up on his calendar looking forward, not giving a substantive reason but a scheduling reason.

Q That's what Bolton gave?

A Yes.

Q Okay. Were there any other meetings between the Ukrainians and U.S. Government officials on that visit to D.C.?

A Probably. I don't know. Well, I do know. I take that back. I do know that Andriy met with Members of Congress.

Q Do you know who Andriy met with?

A I don't. But he told --

Q Did you ever get a readout of who --

A No. No. He told me subsequently and it was probably -- we're probably looking at least a month later, we were talking, and he mentioned that not only was he there for the Bolton meeting but he had other meetings with Members of Congress as well, bipartisan.

Q I want to jump forward to July 26, 2019. That's the day after the Trump Zelensky call.

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A Yes.

Q You had a meeting in Kyiv along with Ambassador Sondland and Ukrainian officials, correct?

A Yes.

Q Who did you meet with?

A So on the 25th I had a series of meetings with a variety of people. I wanted to meet with the heads of each of the different parties that had been elected to the parliament. So new parliament, new people in town.

So that would include Poroshenko, who has his own party; Tymoshenko, who has her own party; Slava Vakarchuk (ph), who has a new party called The Voice; a representative of the United Opposition Block, which tends to be more Russian leaning, that was Boyko.

And I'm sure there are a few others. I think I had a breakfast with humanitarian organizations working in the Donbas, maybe a civil society group as well that are dealing with the anticorruption issues. The next day -- I had lunch with Yermak that day as well, on the 25th.

Q On the 25th?

A On the 25th.

On the 26th I had -- I guess that's when I had the breakfast with the humanitarian organizations. We had a meeting with President Zelensky. Bill Taylor was at that meeting as well, along with other staff from the embassy.

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And then we went out to visit the conflict zone.

Q Okay. Did you discuss with the Ukrainians after President Trump and President Zelensky's call about the call, having any discussions --

A Just very briefly as we discussed before, just top lines. They were pleased that the call had taken place. It was a congratulatory call. They thought it went well. And they were encouraged again because the President had asked them to pick dates for coming to the White House.

Can I also add --

Q Sure.

A -- the principle topic of the meeting with Zelensky at the time was what was going on in Stanitsa Luhanska with the disengagement of Ukrainian forces, what the Russians were doing, and how the Ukrainians now saw the next steps of how to improve the ceasefire, work towards Minsk implementation.

This was the first time that Zelensky really seemed to have a command of those issues and was doing things. And so we had a -- I'd say, at least two-thirds of the conversation, if not more, was just about that.

Q Okay. I want to fast forward to September 9 of 2019.

A Yep.

Q Were you aware on that date that the Intelligence Committee, the Committee on Oversight and Reform, and the

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Foreign Affairs Committee launched an investigation into Rudy Giuliani's activities in Ukraine, the withholding of -- or the freeze of military assistance to Ukraine? Were you aware that that investigation had been launched?

A Yeah. There are two letters -- there were two letters sent from the three committees to Secretary Pompeo, one seeking this transcribed testimony and another one seeking documents. You're now referring to those two?

Q No. I'm referring to September 9.

A Yeah. I don't remember that.

Q To the State Department.

MR. GOLDMAN: Yeah. There was a September 9th document request to the State Department. That was the -- and as well as the White House.

MR. VOLKER: Do you mind if I check the timeline that we have here to see what I was doing at that time?

BY MR. NOBLE:

Q Sure. Sure.

A No, I was not aware of that. I was hosting a conference in Tbilisi for the McCain Institute.

Q Did there come a time when you learned about the investigation?

A Just now.

Q You weren't aware that Congress had launched an investigation on September 9 --

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A No.
Q -- in the --
A No.
Q So I can take it, you didn't have discussions about that investigation --
A No.
Q -- with anyone at the State Department?
A No. Sorry.
Q Okay. No. Just asking. Just checking.
Okay.
MR. SWALWELL: But let me, Ambassador --
MR. VOLKER: Yes.
MR. SWALWELL: -- you became aware, I'm sure, through public reporting in early September that there was a whistleblower complaint and news outlets were reporting that that complaint related --
MR. VOLKER: Yes.
MR. SWALWELL: -- to Ukraine?
MR. VOLKER: Yes.
MR. SWALWELL: You were aware?
MR. VOLKER: When the news media broke the story about there being a whistleblower who was -- the initial news reports were that the President made an inappropriate promise in a phone call with a foreign leader. And I remember hearing that.

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And then I believe it was about 2 days later it emerged that it was about Ukraine. And then, you know, the cycle just escalated from there, and I followed those media reports and then I saw the transcript released and then I saw the whistleblower report released.

MR. SWALWELL: Thanks.

BY MR. NOBLE:

Q Okay. So going to jump forward to September 17. We understand there was a call between Secretary Pompeo and the Ukrainian foreign minister. Are you aware of that call, September 17?

A That rings a bell. September 17. We don't have any more information -- that rings a bell. I believe that took place.

Q Okay. So did you help prepare the Secretary for that call?

A In the sense that I would meet with the Secretary periodically to update him on what I was doing and things with Ukraine. I think I had met with him on -- I had just made a note as I was going through some of these messages that are in here. I know that I met with him on August 19.

Q With Secretary Pompeo, August 19?

A With Secretary Pompeo. Then we had the national day things, then we had Bolton's visit, then we had Labor Day, and then I was traveling. And so I did not speak to the

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Secretary specifically before that phone call in a narrow time window, but I was pretty sure he was up to speed on things happening with Ukraine.

Q Did you get a readout from that call?

A No, I didn't. I believe that it was a first phone call, you know, that it's, I'm the new foreign minister. I've just been appointed. Happy to work with you. That is my understanding.

Q Okay. And we understand that on September 18 Vice President Pence had a call with President Zelensky? Are you aware of that?

A Say that again. September 18?

Q September 18, the next day, a call between Vice President Pence and President Zelensky?

A That I'm not sure I did know about.

Q So you don't know anything about that particular call?

A Yeah. I'm just trying to think. Yes. Wait. Yes, I do. Yes, I do. I take it back.

Q This is leading up to UNGA.

A Yeah. This was a followup. He had met with President Zelensky in Warsaw. Remember, he had no information to give about security assistance, and he was going to advocate for a White House meeting. And I believe that this phone call was the Vice President getting back to

President Zelensky to follow up on those things, saying security assistance is moving, and we are moving ahead with a White House visit -- with a bilateral meeting.

Q And you said you believe that. Why do you believe that?

A I'm just trying to remember conversations I had with Bill Taylor who told me about it.

Q Okay. Bill Taylor told you about the September 18 call?

A Yes.

Q So then I want to jump to the meetings on the sidelines of the United Nations General Assembly --

A Yes.

Q -- between President Trump and President Zelensky on September 25. You attended UNGA, didn't you?

A I did.

Q Did you help prepare for that meeting?

A Yes.

Q Between the Presidents?

A I did not prepare the Presidents specifically. I did have these conversations with Secretary Pompeo in advance of the UNGA meetings.

Q What did you discuss with Secretary Pompeo about the meeting?

A Well, that it's great that we can schedule it,

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important to get the two leaders together. By this time it was all well in the public domain about Rudy Giuliani, about text messages, about, you know, investigations and so forth.

And, you know, I had several things that -- one of them is, Ukrainians, if you're going to release the transcript of the call, the Ukrainians want to see it first. They would also like to have the meeting first and talk before releasing a transcript. That did not happen.

Q Who made that request to you from the Ukrainian side?

A Yermak, Andriy Yermak.

Q And do you know why he wanted to see the transcript first or have the meeting about it?

A So they could prepare their own messaging and prepare the President. And also there's -- in their minds this is also a little bit of respect, that if -- you know, they first off, don't want a transcript involving their leader to be released, but if it's going to be released, at least do the courtesy of sharing it and talking about it first so that it can be seen to be something that they agreed on rather than just letting it go.

Q And to your knowledge, did the White House or anyone else consult with the Ukrainians as they requested about the release of the transcript?

A I believe that Secretary Pompeo spoke with

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President Zelensky and informed him that we felt we had no choice but to release the transcript.

Q Did Secretary Pompeo say why he had no choice but to release the transcript?

A I think it was just the public buildup of, you know, expectation from the whistleblower report or from the knowledge of the whistleblower report -- it wasn't released yet -- but from the knowledge of the whistleblower report, we've got to release this phone call transcript.

Q And after the transcript was publicly released, did you have conversations with any Ukrainian officials about its contents?

A I'm sure I did, but nothing really to say. I mean, the transcript was what it was. We didn't really go over it. It was something that then was being managed at pretty high levels.

Q What do you mean by that?

A Well, I'm not -- having read the transcript, it's a lot of information that I wasn't aware of. And the public commentary about this was coming from the President, so I'm not really engaging in trying to discuss it.

Q Okay. Did the Ukrainians express any concerns to you about the contents of the call?

A They didn't express concern about the content. They did express concern about the fact of its release.

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Q And what was their concern about the fact of the release?

A That it had not been well coordinated with them. They felt that they were being a little bit -- that their interests were being disregarded or subordinated to U.S. domestic political activity.

Q In advance of President Trump and President Zelensky's press conference at UNGA, do you know whether President Zelensky or any of his advisers spoke to any of the -- to the President or to any of his advisers?

A In advance of that?

Q Yeah.

A I spoke with Andriy Yermak in advance, and we were talking more about -- one of them he was raising a concern about the release of the transcript. I said I would see what I could do, and I conveyed that message to Secretary Pompeo and through an intermediary, through the executive secretary.

And then we talked about what some of the substance and followup of the meeting could be, how do we build on this, and that was the conversation I had with Andriy the night before.

Q At any point during UNGA or leading up to UNGA, was the subject of the investigations that President Trump and Rudy Giuliani had been pressing the Ukrainians to commence raised, the issue of the investigations?

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A No, not with me and not in any of my conversations.

Q Do you know whether there was any discussion between the Ukrainians and U.S. officials about the security aid during UNGA?

A No, because by that point it had been lifted, and so it was all moving, and I think there was a satisfaction that that's behind us.

Q Do you know why it was lifted, the freeze?

A I believe that the letter from the Senators, the one that I shared with the defense minister in a text message, I believe that had an impact on the White House.

Q Are you aware that the freeze was lifted after Congress announced that it was investigating the freeze and the President's efforts to get Ukraine to investigate Joe Biden?

A Yeah, I heard -- no, I wasn't aware of that. I heard something different. I heard that there was a threat to withhold funding for other things from Congress if this funding did not go forward. And that may have had an impact.

Q But to be clear, you don't know the reason why the funding -- the freeze was actually lifted?

A No, I don't know why it was put in place and I don't know why it was lifted. We can try to infer about just the President's general attitude, but I believe the reason it was lifted overall was just as I had anticipated from the

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beginning, everybody who knows Ukraine and knows the policy thinks this is a good idea.

There was also timelines involved, and the Pentagon was very clear in communicating with me, and I assume therefore also communicating with the White House, that they were going to have to move some of this anyway because they were going to comply with the law.

Q During UNGA, was there any discussion between U.S. officials and Ukrainian officials about a visit to the White House for President Zelensky?

A Repeat that question again.

Q During UNGA --

A During UNGA.

Q -- during that week or leading up to it, was there any discussion of the visit?

A Yes. Yes, it's on camera. President Zelensky and President Trump did about the first 30 minutes of their bilateral meeting on camera in order to show that they're sitting there and working together and answering questions.

And President Zelensky made a joke about it. It didn't come across in English as funny as it probably seemed to him in Ukrainian, but I could tell that it was him --

Q What was the joke?

A Well, it was that -- thank you for inviting me to the White House. I'm really looking forward to coming, but I

think you forgot to tell me the date.

Q So this date, has the White House visit for President Zelensky been scheduled, to your knowledge?

A To my knowledge -- well, I shouldn't answer it that way, because I'm now out of the information loop, so I don't know whether one has been scheduled. As of when I resigned, it had not been scheduled.

MR. SWALWELL: You included Dan Hoffman in your production, and I want to know why?

MR. VOLKER: Yeah. Yeah. Dan Hoffman is a former CIA station chief in a couple of different places. The Ukrainians were in the midst of reforming their security structures, and they were concerned about personnel, and they were concerned about getting the structure right.

So I know Dan Hoffman, and so I offered to both Danylyuk, as the head of the National Security Defense Council, and also Yermak, he's going to Ukraine. If you would like to meet with him, I'll put you in touch.

MR. SWALWELL: Do you know if they met?

MR. VOLKER: I don't know actually. I never heard back. I know they got in contact or both of them said they wanted to meet, but then I don't know what the followup was.

MR. SWALWELL: And Mr. Hoffman is a private citizen who sits on the President's Intelligence Advisory Board today. Is that right?

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MR. VOLKER: Yes, that's correct.

MR. SWALWELL: Was he involved at all in this discussion with the Ukrainians around Mr. Giuliani?

MR. VOLKER: I have no reason to think that he would have been involved in that at all.

MR. SWALWELL: These text messages, are they your personal phone or are they --

MR. VOLKER: Yes.

MR. SWALWELL: -- government phone?

MR. VOLKER: Yes.

MR. SWALWELL: Your personal phone?

MR. VOLKER: Yes.

MR. SWALWELL: Were you provided with a government phone?

MR. VOLKER: I was provided with a government phone.

MR. SWALWELL: Are there text messages on your government phone as well?

MR. VOLKER: I don't believe so. I couldn't figure out how to do that. The password on the government phone always seemed to drop, and I couldn't get into it.

MR. SWALWELL: Why WhatsApp?

MR. VOLKER: WhatsApp is what the Ukrainians prefer to use, less ability to be listened into by foreign intelligence than WhatsApp.

MR. SWALWELL: I think there may be a few more questions

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about the phone. I just want to ask, you know, going through your biography and your service to our country and the fact that you stepped up here to serve for free, as you said, sacrifice to your family, sacrifice to the McCain Institute, and you had, I think as Mr. Goldman said, very good intentions as far as executing U.S. policy.

Now that you have the benefit of hindsight and you're able to look at the other track that was being run by Mr. Giuliani and even the President involving Mr. Giuliani, how does it make you feel that you were doing all of this work and you were not read into this other track, which the Ukrainians certainly knew was going on?

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[6:11 p.m.]

MR. VOLKER: How did it make me feel?

MR. SWALWELL: I mean, isn't it embarrassing as a diplomat? That you are the diplomat. You have the experience, you're charged with doing this. Mr. Giuliani is not a diplomat. He's not a U.S. Government employee. He doesn't have a security clearance. And he's not sharing with you and the President is not sharing with you this other track.

MR. VOLKER: Yeah. What I would say is it makes me feel that it's very, very unfortunate, because we had done such good work on policy with Ukraine, pushing back Russia, supporting them, democratic transition. Things are going great. And this separate track, as you refer to it, ends up overshadowing the work that we've done and the need to continue that work going forward.

MR. SWALWELL: Thank you. Mr. Goldman.

BY MR. GOLDMAN:

Q Ambassador Volker, on that topic, you mentioned earlier that the first 6 months of President Zelensky's Presidency were very important. What did you mean by that?

A I meant that they won an absolute majority in parliament, 254 out of 450 seats. So they would be able to pass legislation on day one. But that majority is going to erode. He's going to have defectors from his party who are

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either bought off by corruption or supporting Kolomoisky or unwilling to stick with the legislation. And he also has this dynamic of Mr. Kolomoisky showing up and being quite visible in Ukraine.

And he's got a limited window in which to seize the reins of power, get real legislation passed, and push through a fundamental reform of all the different systems in the country and to fight corruption. And if he doesn't get that through in the first 3 to 6 months, he will probably lose his parliamentary majority and probably be unable to accomplish much after that. So there's a critical window here for him to be successful.

Q And how important is his success tied to the United States' political or diplomatic support?

A I believe it's very important that he has that.

Q Why is that?

A It is seen by others in Ukraine as validating and will convince them to stick with him if he has U.S. support.

Q And what is the significance to President Zelensky's reputation and performance in Ukraine of a White House visit?

A It enhances his stature, that he is accepted, that he is seen at the highest level. The imagery you get from being at the White House is the best in the world, in terms of how it enhances someone's image.

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Q And you've also testified today about the military and security assistance that the United States provides to Ukraine?

A Right.

Q How important is that to Ukraine?

A It's also critically important. It's essential that we continue to provide it for a variety of reasons, for the substantive reason of reforming and improving their defense capabilities, deterring further Russian aggression, a symbol of U.S. support, and strengthening a negotiating position to cause Russia to eventually want to settle the war.

Q So the success of President Zelensky within his first 3 to 6 months, how much do you think that that depends on the political, diplomatic, and military assistance that the United States provides?

A I think that it -- how do you want to say this? It is critically important that we do everything we can as quickly as we can. That was my operating assumption, that this is now the moment.

Q A couple rounds ago, you answered some questions about this Burisma investigation. I just wanted to circle back to it for one second, because I think you testified that it was important to find out what the facts might be about Burisma. Were you referring to the allegations of a few

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years ago I believe that you described about Burisma's money laundering or some other corrupt or criminal conduct by the company itself?

A I was referring to that and anything else that might have involved corrupt activity from the company.

Q And I believe you said that -- you testified earlier that there's no doubt in your mind that Vice President Biden was acting completely on the -- I'm paraphrasing, but on the up and up, in terms of his recommendation to get rid of Prosecutor General Shokin. Is that right?

A Correct. He was executing U.S. policy at the time and what was widely understood internationally to be the right policy, right.

Q And so the allegations that there may have been some improper conduct by Vice President Biden at the time have been debunked, correct, and there is actually no evidence that that is the case. Is that your understanding?

A I'm not sure I follow the question. I'm sorry, I don't mean to be --

Q No, I just mean you're familiar I think with what you said in your meeting that you had with Mr. Giuliani about how he was explaining to you what Biden, Vice President Biden's role was and Prosecutor General Shokin. You're not aware of any evidence that Vice President Biden did anything

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improper in his --

A Correct.

Q -- relations with Ukraine; correct?

A Yes, that's right.

Q So when Rudy Giuliani, or now, you have the benefit of the call record where President Trump talks about Burisma or Biden, you understand that -- or talks about Burisma, rather, let's just -- Rudy Giuliani talks about Burisma. You understand he doesn't actually care whether the Ukrainian Government investigates a Ukrainian company for corruption, correct?

A What Rudy said to me once was, all I want is for Ukraine to apply its own laws, and investigate and apply its own laws, no political interference in investigation.

Q So is it your testimony that you understood that Rudy Giuliani's desire for the Ukrainian Government to investigate Burisma had to do with potential money laundering or other criminal conduct by the company itself, and not in connection to either Joe or Hunter Biden?

A No. I believe that Giuliani was interested in Biden, Vice President Biden's son Biden, and I had pushed back on that, and I was maintaining that distinction.

Q So you were maintaining that distinction, because you understood that that whole theory had been debunked and there was no evidence to support it, right?

A Yes. That it was not --

Q So if that is the case, yes, that is the case, then if he insists on Ukraine opening an investigation, why is that not manufacturing an investigation when there is no evidence there?

A Well, I'm not sure that anything ever had been investigated. We did have allegations made by the Prosecutor General in Ukraine, which he later retracted, Lutsenko.

Q Okay. So he made them and retracted them?

A So what I think would have been very useful would be for Ukraine to clarify what's all this about, i.e. nothing. Lutsenko said this, he retracted it. There's nothing there.

Q But that's not an investigation, right?

A Well, in order to say that, you would presumably want to investigate.

Q Okay. But you'd want to investigate something that they had already established there was no evidence to investigate?

A Right. If there's no evidence, then that's what you can say.

MR. GOLDMAN: Yeah, Mr. Noble.

BY MR. NOBLE:

Q Just some quick questions to kind of test your scope of knowledge. Not test. I'm not trying to test you.

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Are you aware of a Skype conversation between --

A I was always did best in geography when it came to Trivial Pursuit.

Q In spelling Ukrainian.

Are you aware of a Skype conversation between Rudy Giuliani and former Prosecutor General Victor Shokin in late 2018?

A No.

Q Are you aware of a meeting in late January 2019 between Rudy Giuliani and then-Prosecutor General, January 2019, Yuriy Lutsenko in New York?

A I've heard that meeting took place.

Q Do you have any personal knowledge of that meeting?

A I have no personal knowledge of the meeting. I just heard that it took place.

Q How about a meeting between Giuliani and Lutsenko on the sidelines of the Middle East Conference in Warsaw, Poland, in February 2019?

A I have not heard about that.

Q Were you aware then in March 2019, the month after he met with Giuliani, Lutsenko announced that he was reopening the investigations into Burisma and Manafort?

A I think I knew that. I don't know if he did that or not, but I think I heard that he had said that.

Q How did you hear that?

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A Just press.

Q You didn't have any conversation with Lutsenko about that?

A No, no, no.

Q Did you have any conversations with Ukrainian officials about the reopening of those investigations?

A No, no.

Q And then he later closed those investigations in, I believe, May of 2019. Is that correct?

A I think that's right.

Q In April of 2019, before the final round of the Ukrainian Presidential election, we understand that Ukrainian Interior Minister Arsen Avakov traveled to Washington, D.C. Are you aware of that visit?

A Yes, yes.

Q What do you know about that visit?

A I believe I saw him on that visit, and he was distancing himself from Poroshenko and wanted to have a separate set of relationships in Washington different from Poroshenko, probably with a view of wishing that he would be kept in office as well.

Q Similar to Lutsenko?

A Similar to Lutsenko.

Q Do you know who Interior Minister Avakov met with in Washington, D.C.?

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A No, I don't. No.
Q Following that visit, he essentially switched his allegiance to Zelensky, correct?
A Yes, yes.
Q Is he still the Interior Minister?
A I believe he is.
Q Have you ever had any conversations with him, Avakov?
A Once. In that visit that he made to Washington, we had a brief meeting. And the focus that I had in communicating with him was free and fair elections. Make sure that these elections are clean, free, fair, secure. Ukraine has had bad examples of this in the past. And he's in Charge of the police.
Q Are you aware of any meetings or communications between Rudy Giuliani and Avakov?
A No.
Q Are you aware of any meetings or communications between any Member of Congress and Interior Minister Avakov?
A No.
Q Are you familiar with the whistleblower complaint, the IC whistleblower complaint?
A Yes.
Q After it was made public, did you have any conversations with anyone at the State Department about the

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allegations in the whistleblower's complaint?

A I'm trying to think. The allegations being about the Biden phone call?

Q Yes.

A Yes.

Q Among other things.

A Yeah. I'm trying to think. The only -- the answer I believe is no. It came out -- I didn't have any conversation before it was released. It came out I believe on the 26th of September. Is that correct?

Q That is correct.

A And then I resigned on the 27th. So no.

Q Did you speak to Secretary Pompeo during that meeting we talked about earlier regarding your resignation about the whistleblower's allegation?

A No. No, I -- it was a 10-minute call and it was about my decision to step down.

Q Did you ever speak to any U.S. Government officials about the allegations in the whistleblower complaint, anyone at the White House?

A No, no.

MR. CASTOR: If I may, I think the 45-minute segment is up.

MR. NOBLE: Sure.

MR. CASTOR: Do you need a --

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MR. VOLKER: I'm okay for now, if we can --

MR. SWALWELL: We're almost done.

MR. MEADOWS: God bless you.

MR. NOBLE: I'm almost done with mine.

MR. CASTOR: I'm looking down at poor Mr. Meadows and he looks a little bit sad down there.

MR. MEADOWS: Mr. Ambassador, I want to come back to one thing, only because I've been on Foreign Affairs for a long time. And when we talk about foreign aid, and I think the point was made that once it's appropriated, it's a done deal. I happen to know better, and I think you probably know better, having served in the State Department for a long time.

Foreign aid is routinely held up while they're waiting for authorizing committees to be notified for weeks, months. Does that happen on a regular basis?

MR. VOLKER: All the time.

MR. MEADOWS: All the time. So, to suggest that there is some nefarious purpose just because one foreign aid allotment gets held up, you would have nefarious purposes every single year through every appropriation process. Is that correct?

MR. VOLKER: That is correct.

MR. MEADOWS: Because I think it's real important that we put this in the context of what it really is.

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MR. VOLKER: Yes.

MR. MEADOWS: It was a delay that you believed was ultimately going to get finished and corrected. You believed and communicated that to the Ukraine officials, not to worry, that we are going to get this done. And, in fact, everyone in your circle believed it would be done, including Mr. Taylor, once you had that conversation. Is that correct?

MR. VOLKER: Yes, yes. I believe I persuaded him don't worry, this is not going to stand.

MR. MEADOWS: And then ultimately, did I hear you earlier say that he took a job, he was up for a job? Did I mishear that?

MR. VOLKER: That conversation I believe relates to his decision to accept being appointed as Charge.

MR. MEADOWS: Right. And so any concerns that he had, obviously --

MR. VOLKER: They were allayed, yeah.

MR. MEADOWS: -- you persuaded him that, indeed, he ought to go ahead and take the job, based on that you've alleviated his concerns.

MR. VOLKER: Yes, and not just me, but also Secretary Pompeo.

MR. MEADOWS: I want to clarify one other thing, because as we've looked at this, one of the things that we continue to look at is this whole Burisma-Biden. To your knowledge,

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there was never an investigation of that. Is that correct?

MR. VOLKER: Yes. We just went through --

MR. MEADOWS: But he was trying to say that this whole thing has been debunked. It's impossible to have anything debunked if you don't investigate.

MR. VOLKER: I don't believe any -- yes, thank you, Congressman. That's exactly my understanding, is that it has never been investigated. And you have these allegations and then retraction of allegations, and it has never actually been investigated.

MR. MEADOWS: I just think it's important that we look at the clarification of these. And I do appreciate the fact that you've been very strong in believing that Joe Biden didn't do anything inappropriate.

MR. VOLKER: That is correct.

MR. MEADOWS: Do you think it might have been best, knowing that his son was on there, to maybe have recused himself from that decision?

MR. VOLKER: Hindsight.

MR. MEADOWS: In hindsight.

MR. VOLKER: I'm sure he got legal advice.

MR. MEADOWS: Because, I mean, we're talking about recusals. There's a plethora of recommendations on recusals around here.

MR. VOLKER: I don't want to answer what he should or

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shouldn't have done. I mean, that's not for me to decide.

MR. MEADOWS: You're a career professional, and honestly, over eight hours now, I've been impressed. Not one time have you equivocated or dodged the question. It's rare. I think even the majority would say it's rare. And so we appreciate your candor --

MR. VOLKER: Thank you.

MR. MEADOWS: -- and your honesty in answering in all regards.

I'm disappointed, because I believe that America is being deprived of an unbelievable public servant with knowledge of Ukraine and perhaps what is, maybe with the exception of just the Middle East, one of the most difficult places to actually navigate foreign policy.

I've been impressed not only with your spelling, but with your knowledge here today. And I hope that you look at staying involved as a Ukrainian expert, because that's, indeed, what you are. I've gotten to meet a whole lot of experts in their field, and yet, I'm very rarely impressed and today I was impressed. So I just want to say thank you.

MR. VOLKER: Very kind of you, Congressman. Thank you.

MR. MEADOWS: I want to close by saying this: There's going to be spin that comes out of this particular transcribed interview. There's going to be things that are in the media that you supposedly said. They're going to

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take, you know, a little sentence and suggest that it means something other than the context of the 8 hours that we've had. I think it's critically important that the message to the American people is very clear. And that message that I heard you very loud and clear today is that there was no quid pro quo at any time ever communicated to you. Is that correct?

MR. VOLKER: Not to me, that is correct.

MR. MEADOWS: In your conversations with the Ukrainian officials, was there ever a time where they communicated to you that they believed that there was a quid pro quo?

MR. VOLKER: No. We went over earlier this thing about a statement and how that would be helpful in getting a White House date, but I think that we eventually dropped that, kept working on the date and saying we are still going forward.

MR. MEADOWS: In fact, the readout, according to your testimony, from Ukraine and the understanding from the State Department, two groups that didn't talk to each other, were very similar in that they felt like the call was a positive call and a positive move going forward. Is that correct?

MR. VOLKER: That is correct.

MR. MEADOWS: And finally, in all of this, I think it's also important to the American people that they understand one critical component of your involvement in all of this. You're a professional. If you were ever asked to do

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something that was wrong and not in the best interests of the United States, would you do it?

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MR. VOLKER: Of course not.

MR. MEADOWS: Okay. Were you ever asked to do something that was wrong by this administration or anybody connected with this administration?

MR. VOLKER: No, I wasn't.

MR. MEADOWS: Including the President of the United States?

MR. VOLKER: Including by the President. I was never asked to do anything that I thought was wrong. And I found myself in a position where I was working to put together the right policies for the administration and using all the friends and network and contacts that you have, Pentagon, State Department, NSC, to stitch that together, and I feel that we were successful at doing that.

MR. MEADOWS: Do you believe it is in the best interest of the United States and Ukraine to have a meeting in the Oval Office with the two leaders, and is that something that Members of Congress should encourage, in spite of everything that's gone on?

MR. VOLKER: Yes, I do. I do. May I add to that, Congressman?

MR. MEADOWS: Yes, please.

MR. VOLKER: Because despite everything that has led to this testimony today, as impossible as it may be to do, if you just put that out of your mind for a moment, we've had a

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lifting of this hold on security assistance that's going forward. We had a very positive meeting with the President and Zelensky in New York. We have a renewed commitment to there being such a White House visit. And we have momentum in putting a little bit more pressure on Russia in the Minsk process.

Substantively, things are actually okay. They're pretty good right now. This is about as good as you would want -- this is where you would want to be if we didn't have all this other thing going on in the background.

MR. MEADOWS: Well, you have my word that I'm going to encourage -- based on your expertise and your expertise alone, I'm going to encourage that very meeting.

MR. VOLKER: Thank you so much.

MR. CASTOR: I just have one followup. There was some Q&A about whether you would -- after the whistleblower complaint came to light whether, you know, you were talking to Secretary Pompeo and some of the other folks about the contents of the complaint.

And there was a reference to the Biden phone call that, you know, you I think acknowledged in answering one of the questions from our Democratic counterparts the Biden phone call, and that was -- I just want to clarify that to the extent we're referring to President Trump's call with Zelensky and that readout, that wasn't a Biden phone call.

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MR. VOLKER: Oh, I understand what you mean. Yes. What I understood the question -- yeah, what I understood the question to be was President Trump's phone call with President Zelensky in which Vice President Biden was mentioned.

MR. CASTOR: Okay, thanks.

MR. VOLKER: Thank you.

MR. SWALWELL: Ambassador, I think we've got about 10 more minutes. I just want to echo what Mr. Meadows said. I'm sorry that you are leaving. You are a career professional and I want to thank you for that.

I do want to put it in the context, though, that I believe that your expertise should have been prioritized over Mr. Giuliani's, and I think that is part of the problem here and I wish that would have occurred.

I also don't want to be naive about the security assistance that has gone through finally and the meeting that may happen at the White House. It did take a whistleblower complaint and an impeachment inquiry. I mean, that has to be a part of the context, that only once those two happened did the security assistance be released. Now, whether they're related or not we may never know, but, I mean, that's an important contextual aspect of this.

And so I think it's probably inaccurate to give credit to the administration that none of that was going on in the

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background. But, with that, I'm going to turn it over to Mr. Goldman or Mr. Noble.

BY MR. NOBLE:

Q So I said we weren't going to go back to texts, but I have some more questions on your texts. On page 44, September 22nd, 2019, second line down at 12:04 p.m. Are you there?

A Yes, I am.

Q And Ambassador Sondland says: Yes, can you meet with S this afternoon? That's with Secretary Pompeo?

A Right.

Q And I believe you may have mentioned this meeting before during your testimony, but can you provide the context for why he was asking you to meet with Secretary Pompeo?

A Yes. This was to have a meeting, which for me was the phone call on the 22nd of September, to talk with Secretary Pompeo about Giuliani going very public with the statements about our instructing him and that he was representing the State Department and so forth.

Q Got it. In response to Giuliani's text to you, is that right, that we went through earlier?

A Yes, his two attempted phone calls, his texts to me, my conversation with Ulrich Brechbuhl, which had gotten to the Secretary. And so this was a followup to that for a conversation with the Secretary.

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Q Okay. And then after the conversation with Secretary Pompeo, it looks like a few hours later, at 7:21, you wrote back to Sondland: Spoke with Rudy per guidance from Secretary.

A Yes.

Q What guidance did Secretary Pompeo give you about speaking with Rudy?

A He said to tell him that we had already said on August 22nd, through the spokesperson of the State Department, that I had connected Yermak to him at Yermak's request, and provide him with that. And I did that.

Q And then you said: "He," meaning Rudy?

A Yes.

Q Said he will use the statement and talk with John Solomon.

A Right.

Q What did Rudy tell you during that phone call?

A He said that that is helpful to have that statement from August 22nd that confirms that I was the one who put Yermak in touch with him, and he was going to then tell that to John Solomon. That's what he said.

Q And John Solomon is the reporter at The Hill?

A He's a reporter at The Hill.

Q Or former reporter, right? He's no longer with The Hill?

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A Is that right?

MR. MEADOWS: One more day.

MR. NOBLE: One more day?

BY MR. NOBLE:

Q Why did Rudy want to talk to John Solomon about the statement?

A I presume John Solomon was writing something, and so he wanted to get this point into the article that Rudy was not acting alone, but -- or that is not the right way to say it. That Rudy was -- he did not initiate the contact with the Ukrainians on his own, that I facilitated that for him.

Q And then Rudy Giuliani also urged you to talk to John Solomon?

A He did.

Q Did you speak with John Solomon?

A No, I didn't.

Q Why didn't you talk to John Solomon?

A Because I didn't want to be engaging in this media cycle with Rudy Giuliani.

Q Why not?

That's all I have.

BY MR. GOLDMAN:

Q All right. I just have a few closing questions, Ambassador. Thank you for the long day and we do appreciate you. Your stamina is impressive.

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I just want to clarify one line of questioning that Mr. Meadows had. I think he was talking about the Burisma/Biden investigation, and I just want to be sure. Your understanding is that neither Hunter nor Joe Biden were ever investigated in connection to Burisma, right?

A My understanding is that they never were.

Q Okay. But Burisma itself was being investigated?

A Burisma had -- I believe there was an investigation into Burisma for a number of things, and Shokin, the former-former Prosecutor General, was not doing enough on that. I believe that the next prosecutor general, Lutsenko, started and stopped.

Q Okay. You had mentioned earlier this morning, actually, that there was some contact or communication that either you or your attorney had with the White House Counsel's Office.

A Yes.

Q Is that within the last week?

A I had a phone conversation with the White House Counsel's Office. I don't remember the exact date. It was after the telephone transcript came out and the whistleblower report came out. And it was a fact-finding call from them. Who am I, what did I say, what did I do, what -- you know, what is -- there's a reference to me in the whistleblower report. What does that mean? So just trying to give them as

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much background as possible.

Q So the whistleblower complaint came out the morning of last Thursday, the 26th of September, and you resigned the evening of the following day. So was your --

A It was before that. It was before it came out publicly then.

Q Do you recall when that was, when the conversation was?

A I don't remember the exact day. It would have been -- it fell kind of jammed together. I was in New York for the UNGA. It was before the bilat meeting. There was an issue about the train. So no, it may have been Thursday, that Thursday, the same day it came out, the 26th, once I got back to D.C.

Q And who did you speak with?

A I don't remember the names. The two people from the White House Counsel's Office.

Q And just you, the three of you?

A Yes, yes.

Q And what were they asking you about?

A Just the facts. Just what is this -- you know, when it says you, you know, were in contact with Rudy Giuliani, what happened? Very much what I testified today. Just getting the basic facts so that they were aware of what's out there.

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Q We've asked you some -- anything else? Did they make any recommendations or suggestions to you?

A No. That's what I was going to say. They did not ask me to do anything. They did not have any guidance. They were literally in fact-finding mode.

Q And other than the one call that your attorney had with the acting legal adviser at the State Department, have you had any additional conversations since you resigned --

A Yes.

Q -- with any legal counsel for the administration, White House, or State Department?

A With the State Department legal adviser. I believe I spoke with him on the weekend, and I spoke with him on October 2nd. No. Today is the 3rd. October 1st.

Q And what was the nature of those conversations?

A I wanted to find out -- two ways. He called me. He wanted to know what my intentions were about testifying. I told him that I intend to testify. He wanted to make sure that I had seen the Secretary's letter, which I told him that I had, giving reasons why this was an unreasonable request, as the Secretary saw it.

He wanted to make sure that I was making sure the State Department had access to all the things that are here in this -- the text messages and things that you have access to, which they do.

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And he wanted to also make sure that if I had any other records and emails or other things that I was -- I would go back and double-check that they were copied to my State Department email address.

That was the rule that I tried to follow and that was approved is I can send things from my personal email, but I must copy my State Department email address. And I tried to follow that religiously, but there may have been examples where I failed to, and to make sure that I went ahead and did that.

Q We've talked a little bit -- a lot about Rudy Giuliani and his interplay with the State Department today, but I just want to ask you generally, did anyone else at the State Department ever raise any concerns to you about Rudy Giuliani's role in the Ukrainian situation?

A Yes.

Q Who?

A Bill Taylor that we've talked about and the Acting Assistant Secretary, Phil Reeker. Both were just very uncomfortable with him being active. As I said in my opening testimony, my view is if it's a fact, we've got to deal with it. You know, it's a problem. Yes, it is, but we've got to deal with it and see if we can fix it.

Q You said it's a problem. What was problematic?

A The problem, as I said, was that he was amplifying

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a negative narrative about Ukraine that was impeding our ability to advance the bilateral relationship the way we wanted.

Q And then, finally, the one question that we haven't asked you, which I think is worth getting your input on: When you first read the call record from the July 25th call, what was your reaction?

A I was surprised. I had not heard anything about Biden, Hunter Biden or Joe Biden in this entire time. And I had been very active, as you see. I've been very active in communicating with people, in trying to solve some of these problems, in trying to get the White House visits together, phone calls. And for that to have taken place and my not to know that was quite a surprise.

Q In addition to being surprised, were you troubled at all by what you read?

A Yes. This I believe was your question earlier. It creates a problem again where all of the things that we're trying to do to advance the bilateral relationship, strengthen our support for Ukraine, strengthen the positioning against Russia is now getting sucked into a domestic political debate in the U.S., domestic political narrative that overshadows that. And I think that is extremely unfortunate for our policy with Ukraine.

Q And did you understand that at least some of the

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discussion in that call was the President asking for Ukraine to do something that would have an impact on the domestic political situation here in the U.S. as well?

A Well, referring -- asking the President of Ukraine to work together with the Attorney General and to look into this, you can see, as it has now happened, this becomes explosive in our domestic politics.

Q Well, I think you -- all right. You've said it earlier. I'm not going to belabor the point.

MR. GOLDMAN: Did you want to say something before I finish?

MR. SWALWELL: Ms. Speier from California has joined us.

MS. SPEIER: Thank you. I apologize for not being here to hear all of your testimony, Ambassador.

I have an abiding question about the special prosecutor, Lutsenko. Do you think that he is a good prosecutor?

MR. VOLKER: I believe you're referring to the prosecutor general of Ukraine, Yuriy Lutsenko, who is no longer in office.

MS. SPEIER: That is correct.

MR. VOLKER: And I believe that he was not credible and that he was making things up, frankly, to create a self-serving narrative to make himself look valuable to the United States, in the hopes that we would urge the new President not to remove him from his job.

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MS. SPEIER: And there was at one point I believe in the conversation between the President and President Trump in which he was encouraging that Mr. Lutsenko be retained. Is that not correct?

MR. VOLKER: Yes. The phone call here, I think they're talking past each other a little bit on that point. On page 3 of the telephone transcript at the bottom, President Trump says: I heard you had a prosecutor who was very good and he was shut down, and that's really unfair.

I think President Trump here is referring to the former Prosecutor General Shokin. And he says: A lot of people are talking about that, the way they shut your very good prosecutor down and had some very bad people involved.

This is the one that Vice President Biden was involved in helping to remove from office, because he was widely perceived as not fighting corruption.

Later --

MS. SPEIER: President Zelensky wasn't in power at the time, and it was --

MR. VOLKER: When Shokin was prosecutor general, that is correct. President Poroshenko.

MS. SPEIER: But he did have Lutsenko removed, correct?

MR. VOLKER: Do you mind, ma'am, if I can do this sequentially, because I think it will answer your question?

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MS. SPEIER: Of course.

MR. VOLKER: So the President was referring to Shokin and his removal. President Zelensky comes back in the conversation and says: I wanted to tell you about the prosecutor. First of all, I understand and I am knowledgeable about the situation. Since we've won the absolute majority in our parliament, the next Prosecutor General will be 100 percent my person, my candidate, will be approved by the parliament and will start as new prosecutor in September.

So I believe he understood President Trump to be talking about not Shokin but about Prosecutor General Lutsenko --

MS. SPEIER: Right.

MR. VOLKER: -- who at this time was still the Prosecutor General.

MS. SPEIER: Correct.

MR. VOLKER: President Zelensky did not trust Prosecutor General Lutsenko at all. He thought that he was there for his own interests and to protect Poroshenko's interests and was determined to remove him from office.

MS. SPEIER: But you're interpreting President Trump's comments differently than I did. I thought he was being supportive of Mr. Lutsenko, and wasn't it Mr. Lutsenko who put the op-ed in The Hill about the three principles that he thought needed to be reviewed, which included precisely what

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Rudy Giuliani has been promoting?

MR. VOLKER: Yeah. So I'm not familiar with the op-ed in The Hill. I read the President's comments here as not talking about Lutsenko but talking about Shokin. And, therefore, he's not trying to defend Lutsenko. And Zelensky is not understanding that and talking about he's going to get his own prosecutor general in place and then we will have a reliable prosecutor general.

MS. SPEIER: All right. And then recently, Mr. Lutsenko was interviewed by one of the cable TV channels and said that he had investigated Mr. Biden and Hunter Biden and did not find anything. Is there any credibility to that?

MR. VOLKER: That doesn't sound like what I saw. So maybe he gave a different interview. I saw an interview on Face the Nation on Sunday, and in that interview he said that he did not investigate the Bidens, that he would only investigate Ukrainian citizens. I don't know what he may have said at another interview.

MS. SPEIER: Yeah. This was a CNN interview.

MR. VOLKER: I did not see that.

MS. SPEIER: All right. Thank you.

I yield back.

MR. SWALWELL: Just to clarify, does President Zelensky speak English?

MR. VOLKER: Yes, he does.

MR. SWALWELL: Okay, that's all we have. Ambassador, thank you. Thank you to counsel. Yes.

MS. DAUM: As I think you can all appreciate, the Ambassador has been very open. He's been cooperative with answering all of your questions today and in providing information, documents to the committees today.

I think you can also understand that some of this information is very sensitive from a diplomatic standpoint, particularly his conversations with other diplomats, foreign diplomats as well. This information has been provided to you with the understanding that it's not classified and that this interview transcript and the documents associated with it will not be made public except in accordance with the rules of the committee.

I'd also like to add that, as you can see in the letter from the State Department to me that is now part of the record, the State Department has concerns about the privileges and the classification level of these materials and has stated that it would need to conduct a legal and classification review prior to the release of any of these materials publicly.

I understand that the deposition rules of the committee require Ambassador Volker to have an opportunity to review the transcript before its release. Will we be afforded that privilege?

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MR. GOLDMAN: We're not operating under the House Intelligence Committee rules.

MS. DAUM: I know.

MR. GOLDMAN: So this is not in executive session, but you are, of course, welcome to come and review the transcript.

MR. MEADOWS: For the record, what rules are we operating under, because I'm confused? I mean, if we're not operating under Intel rules, what rules are we operating under? If it's House rules, you know, I think they deserve -- I'd like to know. I mean, Mr. Chairman, what rules --

MS. DAUM: As long as you tell me what the --

MR. SWALWELL: So our counsel will follow up with you. Thank you again for coming in today, and we're going to close.

Yes, Ambassador, do you have any final --

MR. VOLKER: I'd like to ask a question, because my attorney mentioned that there are some sensitive things in here. Would it be helpful to you if I explained what I think the most sensitive thing in this entire email string is?

MR. SWALWELL: Sure.

MR. VOLKER: [redacted]

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[redacted]

MR. SWALWELL: Okay. All right. I appreciate that. Ambassador, we'll take that under advisement.

And, with that, we're adjourned.

[Whereupon, at 6:55 p.m., the interview was concluded.]

Testimony before the House of Representatives Committee on Foreign Affairs,
Permanent Select Committee on Intelligence, and Committee on Oversight

Amb. Kurt Volker
Former U.S. Special Representative for Ukraine Negotiations

October 3, 2019

Thank you very much for the opportunity to provide this testimony today.

Allow me to begin by stressing that you and the American people can be reassured and proud that the Department of State and the Department of Defense, and the professionals working there—civil and foreign service and military—have conducted themselves with the highest degree of professionalism, integrity, and dedication to the national interest. That is a testament to the strength of our people, our institutions, and our country.

As a former member of the Senior Foreign Service, and in conducting my role as U.S. Special Representative for Ukraine Negotiations, I have similarly acted solely to advance U.S. national interests, which included supporting democracy and reform in Ukraine; helping Ukraine better defend itself and deter Russian aggression; and leading U.S. negotiating efforts to end the war and restore Ukraine's territorial integrity.

Throughout my career, whether as a career diplomat, U.S. Ambassador to NATO, or in my other capacities, I have tried to be courageous, energetic, clear-eyed and plain-spoken—always acting with integrity, to advance core American values and interests. My efforts as U.S. Special Representative for Ukraine Negotiations were no different.

In carrying out this role, I at some stage found myself faced with a choice: to be aware of a problem and to ignore it, or rather to accept that it was my responsibility to try to fix it.

I would not have been true to myself, my duties, or my commitment to the people of the United States or Ukraine, if I did not dive in and try to fix problems as best I could.

There are five key points I would like to stress in this testimony, and I would like to submit a longer version and timeline of events for the record. Let me be clear that I wish to be complete and open in my testimony in order to help get the facts out and the record straight.

**First, my efforts were entirely focused on advancing U.S. foreign policy goals with respect to Ukraine.** In this, we were quite successful. U.S. policy toward Ukraine for the past two years has been strong, consistent, and has enjoyed support across the Administration, bipartisan support in Congress, and support among our Allies and Ukraine. While I will not be there to lead these efforts any longer, I sincerely hope that we are able to keep this policy strong going forward.

You may recall that in the Spring of 2017, when then-Secretary of State Tillerson asked if I would take on these responsibilities, there were major, complicated questions swirling in public debate about the direction of U.S. policy toward Ukraine.

Would the Administration lift sanctions against Russia? Would it make some kind of "grand bargain" with Russia, in which it would trade recognition of Russia's seizure of Ukrainian territory for some other deal in Syria or elsewhere? Would the Administration recognize Russia's claimed annexation of Crimea? Will this just become another frozen conflict? There were also a vast number of vacancies in key diplomatic positions, so no one was really representing the United States in the negotiating process about ending the war in eastern Ukraine.

Caring deeply about supporting Ukraine; recognizing that it stands for all of us in building a democracy and pushing back Russian aggression on their soil; and seeking to make sure American policy is in the right place, I agreed to take on these responsibilities. Then-Secretary of State Tillerson and I agreed that our fundamental policy goals would be to restore the sovereignty and territorial integrity of Ukraine, and to assure the safety and security of all Ukrainian citizens, regardless of ethnicity, nationality or religion.

I did this on a voluntary basis, with no salary paid by the U.S. taxpayer, simply because I believed it was important to serve our country in this way. I believed I could steer U.S. policy in the right direction.

In two years, the track record speaks for itself.

- I was the Administration's most outspoken figure highlighting Russia's ongoing aggression against Ukraine, and Russia's responsibility to end the war.
- We coordinated closely with our European Allies and Canada, to maintain a united front against Russian aggression, and for Ukraine's democracy, reform, sovereignty, and territorial integrity. Ukraine policy is perhaps the one area where the U.S. and its European Allies are in lock-step.
- This coordination helped to strengthen U.S. sanctions against Russia, and to maintain EU sanctions as well.
- Along with others in the Administration, I strongly advocated for lifting the ban on the sale of lethal defensive arms to Ukraine, advocated for increasing U.S. security assistance to Ukraine, and urged other countries to follow the U.S. lead.
- I engaged with our Allies, with Ukraine, and with Russia in negotiations to implement the Minsk Agreements, holding a firm line on insisting on the withdrawal of Russian forces, dismantling of the so-called "People's Republics," and restoring Ukrainian sovereignty and territorial integrity.

- In order to shine a spotlight on Russian aggression and to highlight the humanitarian plight suffered by the people in the Donbas as a result, I visited the war zone in Ukraine three times, with media in tow.
- Together with others in the Administration, we kept U.S. policy steady through Presidential and Parliamentary elections in Ukraine, and worked hard to strengthen the U.S.-Ukraine bilateral relationship under the new President and government, helping shepherd a peaceful transition of power in Ukraine.

In short, whereas two years ago, most observers would have said that time is on Russia's side, we have turned the tables, and time is now on Ukraine's side.

**Second, in May of this year, I became concerned that a negative narrative about Ukraine, fueled by assertions made by Ukraine's departing Prosecutor General, was reaching the President of the United States, and impeding our ability to support the new Ukrainian government as robustly as I believed we should.** After sharing my concerns with the Ukrainian leadership, an advisor to President Zelenskyy asked me to connect him to the President's personal lawyer, Mayor Rudy Giuliani. I did so. I did so solely because I understood that the new Ukrainian leadership wanted to convince those, like Mayor Giuliani, who believed such a negative narrative about Ukraine, that times have changed and that, under President Zelenskyy, Ukraine is worthy of U.S. support. I also made clear to the Ukrainians, on a number of occasions, that Mayor Giuliani is a private citizen and the President's personal lawyer, and that he does not represent the United States government.

**Third, at no time was I aware of or took part in an effort to urge Ukraine to investigate former Vice President Biden.** As you will see from the extensive text messages I am providing, which convey a sense of real-time dialogue with several different actors, Vice President Biden was never a topic of discussion.

Moreover, as I was aware of public accusations about the Vice President, several times I cautioned the Ukrainians to distinguish between highlighting their own efforts to fight corruption domestically, including investigating Ukrainian individuals (something we support as a matter of U.S. policy), and doing anything that could be seen as impacting U.S. elections (which is in neither the United States' nor Ukraine's own interests). To the best of my knowledge, no such actions by Ukraine were ever taken, at least in part, I believe, because of the advice I gave them.

Notably, I did not listen in on the July 25, 2019 phone call between President Trump and President Zelenskyy, and received only superficial readouts about that conversation afterwards. In addition, I was not aware that Vice President Biden's name was mentioned, or a request was made to investigate him, until the transcript of this call was released on September 25, 2019.

**Fourth, while executing my duties, I kept my colleagues at the State Department and National Security Council informed, and also briefed Congress, about my actions.** This included in-person meetings with senior U.S. officials at State, Defense, and the NSC, as well as staff

briefings on Capitol Hill, and public testimony in the Senate on June 18, 2019. I have an extensive record of public commentary about our Ukraine policy. I have no doubt that there is a substantial paper trail of State Department correspondence concerning my meetings with Ukrainians, Allies and so forth. As a matter of practice, I did not edit or "clear" on these messages, but told the reporting officers just to report as they normally would.

**Fifth and finally, I strongly supported the provision of U.S. security assistance, including lethal defensive weapons, to Ukraine throughout my tenure.** I became aware of a hold on Congressional Notifications about proceeding with that assistance on July 18, 2019, and immediately tried to weigh in to reverse that position. I was confident that this position would indeed be reversed in the end, because the provision of such assistance was uniformly supported at State, Defense, NSC, the House of Representatives, the Senate, and the expert community in Washington. As I was confident the position would not stand, I did not discuss the hold with my Ukrainian counterparts until the matter became public in late August. The position was indeed reversed, and assistance allowed to continue, within a few weeks after that.

I would now like to turn the matters of specific interest to this Committee.

**Contacts with Mayor Giuliani**

In the early months of 2019, I was aware of an emerging, negative narrative about Ukraine in the United States, fueled by accusations made by the then-Prosecutor General of Ukraine, Yuriy Lutsenko, that some Ukrainian citizens may have sought to influence the U.S. 2016 Presidential election, including by passing information they hoped would reach the Hillary Clinton campaign that was detrimental to the Donald Trump campaign.

There was a second narrative, also fueled by the then-Prosecutor General, that the company, Burisma, had sought to garner influence with then-Vice President Biden, by paying high fees to his son Hunter Biden.

Mr. Lutsenko made these allegations in conversations with U.S. media, which gave them wide circulation, particularly among conservative media viewers.

I was well aware of the situation in Ukraine, and had met Mr. Lutsenko once, during one of my visits to Ukraine in 2018. Ukraine has a well-deserved reputation for rampant corruption. Nonetheless, I believed that these accusations by Mr. Lutsenko were themselves self-serving, intended to make himself appear valuable to the United States, so that the United States might weigh in against his being removed from office by the new government.

In addition, I have known former Vice President Biden for 24 years, and the suggestion that he would be influenced in his duties as Vice President by money for his son simply has no credibility to me. I know him as a man of integrity and dedication to our country.

In May, 2019, I learned that former New York Mayor Rudy Giuliani planned to travel to Ukraine to look into these accusations. I reached out to brief him before his visit – specifically, to tell him that Lutsenko is not credible and will be replaced once a new government takes office, and that I had met with President-elect Zelenskyy when he was a candidate, had subsequently been in touch with his advisors, and was convinced that he was sincerely committed to reform and to fighting corruption in Ukraine.

We had a brief phone call, which ended as Mayor Giuliani needed to attend to another meeting or call. I texted afterward to offer to finish the conversation, but we did not speak again at that time.

I later read that he canceled his trip, and that he asserted that President-elect Zelenskyy was surrounded by "enemies of the United States" – something with which I fundamentally disagreed.

On May 20, I visited Ukraine as part of the U.S. Presidential Delegation to the Inauguration of the new President. Secretary of Energy Rick Perry led the delegation, and we were also joined by U.S. Ambassador to the European Union, Gordon Sondland, and U.S. Senator Ron Johnson.

I do not recall any of the Lutsenko accusations coming up in the course of our meetings with Ukrainian officials. Instead, we had a very productive meeting with President Zelenskyy about his commitment to reform. He announced early Parliamentary elections that same day. We came away convinced that he was sincere about massive reform in Ukraine, would face significant internal opposition, and that he deserved strong U.S. support. We decided to seek a meeting with President Trump upon our return to the United States to brief him on our impressions and recommendations following the visit.

We met as a group with President Trump on May 23. We stressed our finding that President Zelenskyy represented the best chance for getting Ukraine out of the mire of corruption it had been in for over 20 years. I argued that how the next 3-6 months played out would determine the future of Ukraine for the next 5 years. We urged him to invite President Zelenskyy to the White House.

The President was very skeptical. Given Ukraine's history of corruption, that is understandable. He said that Ukraine was a corrupt country, full of "terrible people." He said they "tried to take me down." In the course of that conversation, he referenced conversations with Mayor Giuliani. It was clear to me that despite the positive news and recommendations being conveyed by this official delegation about the *new* President, President Trump had a deeply rooted negative view on Ukraine rooted in the past. He was clearly receiving other information from other sources, including Mayor Giuliani, that was more negative, causing him to retain this negative view.

Within a few days, President Trump indeed signed the congratulatory letter to President Zelenskyy, which included an invitation to the President to visit him at the White House.

In the weeks that followed, I and several others sought to nail down a specific date for that visit, without result. No reason was given, but I believed that the President's long-held negative view toward Ukraine was causing hesitation in actually scheduling the meeting.

Nonetheless, I continued to believe that once the two Presidents actually sat down together, President Trump would quickly conclude that President Zelenskyy is sincere in his commitment to reforming Ukraine, is a charismatic politician who enjoys the support of his people, and is worthy of U.S. support.

On July 2, I met with President Zelenskyy and his delegation in Toronto, Canada, as I was the senior U.S. Representative attending a conference about reform in Ukraine. At the end of that meeting, I had a private conversation with President Zelenskyy, in which I explained that I believed that Mayor Giuliani continues to have a negative view of Ukraine based on assertions of actions that happened in 2016, and that this viewpoint is likely making its way to the President. I made clear that Mayor Giuliani does not speak for the U.S. government, but is a private citizen and the President's personal attorney.

I stressed that those of us on the Presidential Delegation at his Inauguration understood that President Zelenskyy and his team had nothing to do with anything that happened in 2016, and that the best thing would be to have a bilateral meeting with President Trump. I said that as soon as that meeting would take place, I was confident that President Trump would be as impressed with President Zelenskyy as I and the others on our delegation had been, and that our bilateral relationship would flourish.

It was clear to me that we had a growing problem in the negative narrative about Ukraine, built on these earlier accusations by Mr. Lutsenko, that was impeding the development of our bilateral relationship and the strengthening of our support for Ukraine. I therefore faced a choice: do nothing, and allow this situation to fester; or try to fix it. I tried to fix it.

On July 10, 2019, I met a close aide to President Zelenskyy, Andrey Yermak, for coffee in Washington DC. We followed up the conversation about Mayor Giuliani, and he asked me to connect to him with Mayor Giuliani. I agreed to reach out to Mayor Giuliani and ask if he would agree to be connected.

I did so – on July 10 writing to Mayor Giuliani to seek to get together, and finally on July 19 meeting for breakfast for a longer discussion.

At that breakfast, Mr. Giuliani was accompanied by Ukrainian-Amercian businessman Lev Parnas. We had a long conversation about Ukraine. To my surprise, Mr. Giuliani had already come to the conclusion on his own that Mr. Lutsenko was not credible and acting in a self-serving capacity. He mentioned both the accusations about Vice President Biden and about interference in the 2016 election, and stressed that all he wanted to see was for Ukraine to investigate what happened in the past and apply its own laws.

I stressed my view that the current President of Ukraine is sincerely committed to rooting out corruption and reforming Ukraine. It is the best chance Ukraine has had to move forward in a generation, and he deserves U.S. support.

Concerning the allegations, I stressed that no one in the new team governing Ukraine had anything to do with anything that may have happened in 2016 or before – they were making TV shows at the time. Mr. Lutsenko, however, would remain in place until a new government was seated in a month or more. It was important to reach out and provide strong U.S. support for President-elect Zelenskyy.

I also said at that July 19 meeting that it is not credible to me that former Vice President Biden would have been influenced in anyway by financial or personal motives in carrying out his duties as Vice President. A different issue is whether some individual Ukrainians may have attempted to influence the 2016 election or thought they could buy influence: that is at least plausible, given Ukraine's reputation for corruption. But the accusation that Vice President Biden acted inappropriately did not seem at all credible to me.

I followed up on the request from Andrey Yermak to be connected to Mayor Giuliani directly, and the Mayor said he would indeed like to connect. I stressed that I thought it was important that he get the facts straight from the new team, not from the outgoing Prosecutor General or others who have a different self-interest.

That day, July 19, I connected the two of them by text message, and facilitated a phone conversation which took place on July 22. During that conversation, they agreed to meet in Madrid in early August, 2019.

In a few follow up messages, Mr. Yermak was concerned that he had not heard back from Mayor Giuliani about scheduling the meeting in Madrid, so I stepped in again to put them back in touch so the meeting would be scheduled. It took place on August 2, 2019.

After they met, both Mayor Giuliani and Mr. Yermak called me to give me their impressions. Both were positive. Neither said anything about Vice President Biden. Mayor Giuliani said that he had stressed the importance of Ukraine conducting investigations into what happened in the past, and Mr. Yermak stressed that he told Mayor Giuliani it is the government's program to root out corruption and implement reforms, and they would be conducting investigations as part of this process anyway.

Later, possibly on August 7, Mayor Giuliani called both me and Amb. Gordon Sondland to provide a more detailed readout. We expressed our hope that Mayor Giuliani would convey to the President his positive impression of the new leadership in Ukraine, and reassure the President that the advice he was getting from us – to schedule the White House visit of President Zelenskyy – was the right thing to do.

Mayor Giuliani then said he believed the Ukrainian President needed to make a statement about fighting corruption, and that he had discussed this with Mr. Yermak. I said that I did not think this would be a problem, since that is the government's position anyway.

I followed up with Mr. Yermak, and he said that they would indeed be prepared to make a statement. He said it would reference Burisma and 2016, in a wider context of rooting out corruption anyway. There was no mention of Vice President Biden. Rather, in referencing Burisma, it was clear he was only talking about whether any Ukrainians had acted inappropriately.

On August 16, Mr. Yermak shared a draft with me, which I thought looked perfectly reasonable. It did not mention Burisma or 2016 elections, but was generic. I conveyed this draft to Amb. Sondland, who agreed it was an excellent statement. We had a further conversation with Mayor Giuliani, who said that in his view, the statement should include specific reference to "Burisma" and "2016." Again, there was no mention of Vice President Biden in these conversations.

Amb. Sondland and I discussed these points, and I edited the draft statement by Mr. Yermak to include these points to see how it looked. I then discussed further with Mr. Yermak. He said that for a number of reasons – including the fact that Mr. Lutsenko was still officially the Prosecutor General -- they do not want to mention Burisma and 2016. I agreed – and further said that I believe it is essential that Ukraine do nothing that could be seen as interfering in 2020 elections. It is bad enough that accusations have been made about 2016 – it is essential that Ukraine not be involved in anything relating to 2020. He agreed and the idea of putting out a statement was shelved. The point about Ukraine avoiding anything that could play into U.S. elections in 2020 is a message that I know our Chargé in Ukraine, Amb. Bill Taylor, reinforced in other meetings.

During this time, I informed Secretary of State Pompeo, Counselor Brechbuhl, National Security Advisor Bolton, NSC staff, and Chargé Amb. Bill Taylor on various occasions that I was engaged in these conversations, and was seeking to steer them in a way to reinforce an accurate picture of the Ukrainian leadership's commitment to reform and fighting corruption..

According to my records, the last contact I had with Mr. Giuliani about any of these things at that time was August 13. The next contact between us was his attempt to call me, after the current news cycle broke, on September 20. I did not return the call right away. I consulted with the Counselor of the State Department, Ulrich Brechbuhl, on September 21. Mr. Giuliani sent a number of text messages to me on September 22.

I spoke with Secretary of State Pompeo on September 22. Secretary Pompeo said that he had been called by Mayor Giuliani, who asked that the State Department confirm that it had arranged the meeting between himself and Mr. Yermak. I told the Secretary that the State Department Spokesperson had already confirmed this, in a statement given to the press on

August 22. Secretary Pompeo asked me to call Mr. Giuliani back, tell him this, and share a copy of that statement. I did so.

**U.S. Security Assistance**

As is well documented, I had long supported lifting the ban on lethal defensive assistance to Ukraine, advocated for the supply of javelin anti-tank systems, advocated for an increase in U.S. assistance, and urged other nations to provide more assistance as well.

The issue of a hold placed on security assistance to Ukraine also came up during this same time I was connecting Mr. Yermak and Mayor Giuliani. I did not perceive these issues to be linked in any way.

On July 18, I was informed that at an interagency (sub-PCC) meeting, OMB had said that there was a hold being placed on Congressional Notifications about security assistance to Ukraine. No reason was given.

A higher level interagency meeting (PCC) was then scheduled to take place to discuss the issue on July 23. I met in advance with the individual who would represent the State Department at that meeting, Assistant Secretary of State for Pol-Mil Affairs, R. Clarke Cooper. I stressed how important it was to keep the security assistance moving – for Ukraine's self-defense, deterrence of further Russian aggression, as a symbol of our bilateral support for Ukraine, and as part of having a strong position going into any negotiations with Russia. He fully agreed and intended to represent that position at the PCC meeting. I also had separate conversations with the Pentagon and NSC staff to reiterate the same position.

I was told later that there was no outcome from the PCC meeting. That said, I was not overly concerned about the development because I believed the decision would ultimately be reversed. Everything from the force of law to the unanimous position of the House, Senate, Pentagon, State Department, and NSC staff argued for going forward, and I knew it would just be a matter of time.

**July 25 Phone Call**

I departed for a long-planned trip to Ukraine on July 23. I had avoided going to Ukraine during the course of the Parliamentary election campaign, just as I had during the Presidential run-off, to avoid any possible perception of U.S. intervention in the Ukrainian elections. The Parliamentary election took place on July 21, so I felt I could visit afterwards, congratulate the President, and visit the conflict zone in Eastern Ukraine, something I did each year. I particularly wanted to support President Zelenskyy's decision to pull back Ukrainian forces at Stanitsia Luhanska and to urge Russian forces to do the same.

During this time, I had also been urging that the President make a congratulatory phone call after the Parliamentary election – especially since we still did not have a date for a White House visit. A congratulatory call would keep the relationship warm.

On July 24, I had meetings in Vienna at the OSCE, and then continued on to Kyiv, arriving just after midnight. Even though I had been pressing for a Presidential congratulatory phone call, I still did not know whether or when such a call was to be scheduled until I was already en route to Kyiv.

We had meetings all day in Kyiv on July 25, including lunch with Mr. Yermak, and then met with President Zelenskyy on July 26. U.S. Chargé Amb. Taylor and I then visited the conflict zone later that same day. We spoke to the press in Stanitsia Luhanska on July 26, and I gave a press conference in Kyiv on July 27.

The Presidential phone call took place on July 25, the day before I met with President Zelenskyy, along with Amb. Sondland and Amb. Taylor.

I was not on the July 25 phone call. I received a general readout via our Chargé and my own State Dept. staffer, as well as from Mr. Yermak. All said it was a good, congratulatory call, that they discussed the importance of fighting corruption and promoting reform in Ukraine, and that President Trump reiterated his invitation to President Zelenskyy to visit the White House. I was not made aware of any reference to Vice President Biden or his son, which I only learned about when the transcript of the call was released on September 25, 2019.

No mention of security assistance was made in the readouts either, and I said so in my press remarks on July 27, 2019, in Kyiv.

**Ambassador Yovanovitch**

I have known Ambassador Yovanovitch since we served together in London in 1988. Throughout our careers, we have worked together at various times. When I was serving as the Principal Deputy Assistant Secretary of State for European Affairs, I recommended her strongly to serve as U.S. Ambassador to Armenia, which she did quite capably.

I have always known her to be professional, capable, dedicated to the national interest, and of the highest integrity.

**Avoiding Conflicts of Interest**

Before accepting the position as U.S. Special Representative for Ukraine Negotiations, I worked carefully with Department of State lawyers to identify and prevent any possible conflicts of interest.

Given my commitment to building the McCain Institute at Arizona State University, as well as a number of other personal considerations, I did not want to accept a full-time, paid position in the Department of State. Rather, I preferred to work on a part-time, voluntary, and non-compensated basis, which allowed me to continue with my other duties.

I therefore set out a detailed set of ethics undertakings with the Department, and recused myself from any Ukraine-related activities elsewhere – particularly at BGR Group, where I serve as a senior international advisor to the firm. Per prior agreement when I joined Arizona State University, I do not do any client-specific work for the firm, nor do I engage in any representational activities. Upon becoming U.S. Special Representative for Ukraine Negotiations, I immediately notified the firm that I was recusing myself from all Ukraine-related activity. All of these documents are available to the Committee.