

Congress of the United States
Washington, DC 20515

September 27, 2019

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20230

Dear Mr. Secretary:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to produce the documents set forth in the accompanying schedule by October 4, 2019.

This subpoena is being issued by the Committee on Foreign Affairs after consultation with the Permanent Select Committee on Intelligence and the Committee on Oversight and Reform. The subpoenaed documents shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to comply with the subpoena shall constitute evidence of obstruction of the House's impeachment inquiry.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression.

On September 9, 2019, the Committees wrote to you requesting documents.¹ We asked you to produce these documents by September 16, 2019. You failed to comply with the Committees' request.

On September 23, 2019, the Committees sent a follow-up letter advising that we would consider compulsory process if you continued to stonewall our request.² We asked you to produce the requested documents by September 26. You again failed to comply.

¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mike Pompeo, Department of State (Sept. 9, 2019) (online at https://foreignaffairs.house.gov/_cache/files/a/d/ad1e0561-2252-4f7c-97ad-f649db558c83/1F587BDDA9087BEDDEE8D45A8F92C370.test.ele-schiff-cummings-letter-to-sec-pompeo-on-ukraine-002-.pdf).

² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mike Pompeo, Department of State (Sept. 23, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-23.EEC%20Engel%20Schiff%20to%20Pompeo-State%20re%20Ukraine.pdf>).

Your actions are all the more troubling given that since our September 9 request, it has become clear that multiple State Department officials have direct knowledge of the subject matters of the House's impeachment inquiry. On September 25, the White House released a summary of a July 25, 2019, telephone call during which President Trump directly and repeatedly urged President Volodymyr Zelensky of Ukraine to initiate an investigation into former Vice President Biden.³ On September 25, the Office of the Director of National Intelligence declassified a whistleblower complaint, which indicates that T. Ulrich Brechbuhl, the Counselor of the Department, listened in on that call.⁴ The Department has previously acknowledged that Special Representative for Ukraine Kurt Volker played a direct role in arranging meetings between Rudy Giuliani, who has no official role in the U.S. government, and representatives of President Zelensky.⁵ In addition, the whistleblower complaint indicates that "multiple U.S. officials" were "deeply concerned by what they viewed as Mr. Giuliani's circumvention of national security decisionmaking processes to engage with Ukrainian officials and relay messages back and forth between Kyiv and the President."⁶ These officials reported that "State Department officials" had spoken with Mr. Giuliani "in an attempt to 'contain the damage' to U.S. national security," as well as to the new Ukrainian administration to help it "understand and respond to" Mr. Giuliani's backchanneling.⁷

Mr. Giuliani's recent public statements raise more troubling questions about State Department officials' possible involvement in the President's efforts to press Ukraine to interfere in the 2020 U.S. election. During a televised interview, Mr. Giuliani claimed that the State Department asked him to take on this mission and that he had proof of the Department's request. He stated: "I never talked to a Ukrainian official until the State Department called me and asked me to do it and then I reported every conversation back to them."⁸ On September 26, Mr. Giuliani tweeted what appears to be a screenshot of a text message from Ambassador Volker dated July 19—six days before the President's July 25 call with the Ukrainian president—which stated: "Mr. Mayor—really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday."⁹ That introduction appears to have led to precisely the meeting that Mr.

³ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁴ Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Aug. 12, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf).

⁵ State Department Spokesperson Statement, Twitter (Aug. 22, 2019) (online at <https://twitter.com/kenvogel/status/1164666081501470727/photo/1>).

⁶ Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Aug. 12, 2019), (online at https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf).

⁷ *Id.*

⁸ "Shut Up, Moron": Rudy Giuliani Lashes Out at Critics, Defends His Ukraine Involvement, Washington Post (Sept. 25, 2019) (online at www.washingtonpost.com/nation/2019/09/25/giuliani-shut-up-moron-fox-news-ukraine/).

⁹ Rudy Giuliani, Twitter (Sept. 26, 2019) (online at

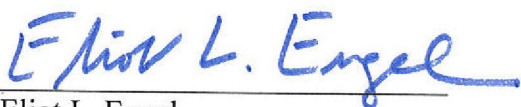
Trump urged in the July 25 phone call: in early August, Mr. Yermak and Mr. Giuliani met in Spain,¹⁰ where Mr. Giuliani admits he pressured Mr. Yermak to pursue the investigations President Trump was seeking.¹¹

The Committees are conducting this investigation in an expeditious, coordinated manner. The Inspector General of the Intelligence Community has determined that the whistleblower complaint raises a matter of “urgent concern,” is “credible,” and “relates to one of the most significant and important of the DNI’s responsibilities to the American people”: our free and fair elections.¹²

Your continued refusal to provide the requested documents not only prevents our Committees from fully investigating these matters, but impairs Congress’ ability to fulfill its Constitutional responsibilities to protect our national security and the integrity of our democracy.

If you have any questions, please contact staff for the Committee on Foreign Affairs at (202) 225-5021.

Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam Schiff
Chairman
House Permanent Select Committee
On Intelligence



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

<https://twitter.com/RudyGiuliani/status/1177346278004539392>).

¹⁰ *Giuliani Sits at the Center of the Ukraine Controversy*, Wall Street Journal (Sept. 26, 2019) (online at www.wsj.com/articles/giuliani-sits-at-the-center-of-the-ukraine-controversy-11569546774).

¹¹ *Giuliani Renews Push for Ukraine to Investigate Trump’s Political Opponents*, New York Times (Aug. 21, 2019) (online at www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html).

¹² Letter from Michael K. Atkinson, Inspector General of the Intelligence Community, to Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Sept. 17, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190917_-_ic_ig_second_letter_to_hpSCI_on_whistleblower.pdf).

The Honorable Michael R. Pompeo
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Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform