

Congress of the United States
Washington, DC 20515

October 10, 2019

VIA U.S. MAIL

John M. Dowd, Esq.
5335 Wisconsin Avenue, N.W.
Suite 700
Washington, D.C. 20015

Dear Mr. Dowd:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting the following subpoenas:

- A subpoena that compels your client, Lev Parnas, to produce the documents set forth in the accompanying schedule by **October 16, 2019**; and
- A subpoena that compels your client, Igor Fruman, to produce the documents set forth in the accompanying schedule by **October 16, 2019**.

The subpoenas are being issued by the Permanent Select Committee on Intelligence under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Committee on Foreign Affairs and the Committee on Oversight and Reform. The subpoenaed documents shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Your clients' failure or refusal to comply with the subpoenas, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against your clients and anyone with whom they are acting in concert, including the President.

In addition to providing the subpoenaed documents, the Committees also expect your clients to appear to testify about these matters at a later date.

Background

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 a White House meeting with the President of Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

¹ See Letter from Jerrold Nadler, Chairman, Committee on the Judiciary, to Adam B. Schiff, Chairman, Permanent Select Committee on Intelligence; Maxine Waters, Chairwoman, Committee on Financial Services; Elijah E. Cummings, Chairman, Committee on Oversight and Reform; and Eliot L. Engel, Chairman, Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).

According to press reports, Mr. Parnas and Mr. Fruman reportedly were “assisting Giuliani’s push to get Ukrainian officials to investigate former vice president Joe Biden and his son, as well as Giuliani’s claim that Democrats conspired with Ukrainians in the 2016 campaign.”²

Press reports also indicate that Mr. Parnas and Mr. Fruman were involved with efforts to press Ukrainian officials to change the management structure at a Ukrainian state-owned energy company, Naftogaz, to benefit individuals involved with Mr. Giuliani’s push to get Ukrainian officials to interfere in the 2020 election.

For example, according to press reports, Secretary of Energy Rick Perry reportedly “pressed the Ukrainian president to fire members of the Naftogaz advisory board” and “made clear” to Ukrainian officials and energy sector officials “that the Trump administration wanted to see the entire Naftogaz supervisory board replaced.” He reportedly gave President Zelensky a list of potential board members, including Michael Bleyzer, who “donated \$20,000 to Perry’s reelection campaign” in 2010, and Robert Bensh, “another Texan who frequently works in Ukraine.”³

The proposal to install new board members at Naftogaz was reportedly promoted by “two Soviet-born Florida real estate entrepreneurs, Lev Parnas and Igor Fruman, and an oil magnate from Boca Raton, Florida, named Harry Sargeant III.” According to these reports, their plan was to “steer lucrative contracts to companies controlled by Trump allies.” In service of these efforts, Mr. Parnas, Mr. Fruman, and Mr. Sargeant also touted “a plan to replace Naftogaz CEO Andriy Kobolyev with another senior executive at the company.”⁴

Mr. Parnas and Mr. Fruman are also “clients of Trump’s personal lawyer Rudy Giuliani.” When Mr. Giuliani was asked about efforts to install new members on Naftogaz’s board, he responded, “I may or may not know anything about it.”⁵

Throughout this period, Mr. Parnas, Mr. Fruman, and Mr. Sargeant reportedly “touted connections to Giuliani and Trump while trying to install new management at the top of Ukraine’s massive state gas company.” They also “appear to have had inside knowledge of the U.S. government’s plans in Ukraine.”⁶ For example, “Mr. Parnas and Mr. Fruman boasted that

² *Impeachment Inquiry Puts New Focus on Giuliani’s Work for Prominent Figures in Ukraine*, Washington Post (Oct. 2, 2019) (online at www.washingtonpost.com/politics/impeachment-inquiry-puts-new-focus-on-giulianis-work-for-prominent-figures-in-ukraine/2019/10/01/b3c6d08c-e089-11e9-be96-6adb81821e90_story.html).

³ *Profits, Not Politics: Trump Allies Sought Ukraine Gas Deal*, Associated Press (Oct. 7, 2019) (online at <https://apnews.com/d7440cffba4940f5b85cd3dfa3500fb2>).

⁴ *Id.*

⁵ *Perry Pressed Ukraine on Corruption, Energy Company Changes*, Politico (Oct. 5, 2019) (online at www.politico.com/news/2019/10/05/rick-perry-ukraine-trump-030230).

⁶ *Profits, Not Politics: Trump Allies Sought Ukraine Gas Deal*, Associated Press (Oct. 7, 2019) (online at <https://apnews.com/d7440cffba4940f5b85cd3dfa3500fb2>).

they had worked with Mr. Giuliani to force the recall this spring of the American ambassador to Ukraine, Marie L. Yovanovitch.”⁷

Mr. Parnas and Mr. Fruman reportedly “told people that Trump would replace the U.S. ambassador there months before she was actually recalled to Washington.” When Mr. Giuliani was asked about whether he was involved with this effort to recall the Ambassador to Ukraine, he responded, “I did play a role in that.”⁸

Your Clients’ Refusal to Cooperate

On September 30, 2019, the Committees sent letters to your clients requesting that they produce documents relating to the Committees’ inquiry by October 7, 2019, and appear for depositions on October 10, 2019, for Mr. Parnas and October 11, 2019, for Mr. Fruman.⁹

On October 3, 2019, you sent a letter in your capacity as counsel for Mr. Parnas and Mr. Fruman. You asked for additional time to respond to the Committees’ request, but you also wrote that the “amount of time required is difficult to determine.” You objected to the requests on various grounds, and you argued that they were intended to “harass, intimidate, and embarrass” your clients. Your letter confirmed, however, that “Messrs. Parnas and Fruman assisted Mr. Giuliani in connection with his representation of President Trump.”¹⁰

On October 8, 2019, you sent a second letter stating that your clients would not appear for the depositions on October 10 and 11, 2019.¹¹

On October 9, 2019, you sent an email informing Committee counsel that your clients “agree with and adopt the position of the White House Counsel pertaining to Democrat inquiry [sic].”¹² You attached a copy of a letter that the White House Counsel wrote to House Speaker Nancy Pelosi and our Committees on Tuesday stating that President Trump will not cooperate with the impeachment inquiry.

⁷ *Rick Perry’s Focus on Gas Company Entangles Him in Ukraine Case*, New York Times (Oct. 7, 2019) (online at www.nytimes.com/2019/10/07/us/politics/rick-perry-ukraine.html).

⁸ *Profits, Not Politics: Trump Allies Sought Ukraine Gas Deal*, Associated Press (Oct. 7, 2019) (online at <https://apnews.com/d7440cffba4940f5b85cd3dfa3500fb2>).

⁹ See, e.g., letter from Chairman Adam B. Schiff, Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, Committee on Foreign Affairs, and Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Lev Parnas (Sept. 30, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/20190930%20-%20Parnas%20Letter%20and%20Doc%20Request%20Schedule.pdf>).

¹⁰ Letter from John M. Dowd to Staff, Permanent Select Committee on Intelligence (Oct. 3, 2019).

¹¹ Letter from John M. Dowd to Staff, Permanent Select Committee on Intelligence (Oct. 8, 2019).

¹² Email from John M. Dowd to Staff, Permanent Select Committee on Intelligence (Oct. 9, 2019).

John M. Dowd, Esq.

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Your clients are private citizens who are not employees of the Executive Branch. They may not evade requests from Congress for documents and information necessary to conduct our inquiry. They are required by law to comply with the enclosed subpoenas. They are not exempted from this requirement merely because they happen to work with Mr. Giuliani, and they may not defy congressional subpoenas merely because President Trump has chosen the path of denial, defiance, and obstruction.

Please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690 to arrange for the production of these documents.

Sincerely,



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

Enclosures

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

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

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