





## **Excerpts from Joint Deposition**

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Conducted on October 30, 2019

## House Permanent Select Committee on Intelligence House Committee on Oversight and Reform House Committee on Foreign Affairs

- Q: And I think you testified earlier that you drew a distinction between anticorruption efforts and specific investigations? Is that right?
- A: Correct.
- Q: And you felt like anticorruption efforts, writ large, were part of official U.S. policy, correct?
- A: It was our policy to push—we have specific deliverables on anticorruption that we had developed. Individual investigations were not part of that policy that I was aware of.

In March 2019, the Prosecutor General of Ukraine "was trying to keep his job by making himself useful" to "Giuliani and others" by "trying to play into U.S. domestic politics and thereby win favors." (Page 43-44)

- Q: Okay. So I think you've mentioned a couple of different things here. So what was your understanding of Rudy Giuliani's interest in Leschenko [Lutsenko]?
- A: This was speculation on my part, since I had no contact with Giuliani. But we understood this, based on news reports, that it referred to Leschenko [Lutsenko]'s involvement in publicizing what was called the black ledger, which is related to Paul Manafort's activities.
- Q: Okay. And when you say "we," who do you mean by "we"?
- A: The Ukraine desk, myself, and people in Embassy Kyiv.
- Q: And did you speak with Ambassador Volker about these early efforts, as well, by Giuliani?
- A: I briefed him that these were occurring, and I provided background on Lutsenko's role in this and what Lutsenko was seemingly trying to do.
- Q: Okay. And what did you believe Lutsenko to be doing?
- A: I believed that Lutsenko was trying to keep his job by making himself useful to the U.S. Government, or to certain people in the U.S. Government, or in the U.S.
- Q: And who was that?
- A: Giuliani and others. It seemed that he was trying to—Lutsenko was trying to play into U.S. domestic politics and thereby win favors. But anything more I think would be speculation.
- Q: Okay. And were these your concerns at the time that you learned of Rudy Giuliani's interest in Ukraine? And I think you said it was roughly March of April of 2019?
- A: Correct.

In late spring 2019, Ambassador Volker said he "had been in touch" with Rudy Giuliani, "that he did not think this issue was going away," and that "we'd have to do something to change the narrative." (Page 48-49, 96-97)

- Q: Do you know whether Ambassador Volker had direct engagement with Rudy Giuliani?
- A: I learned after the fact that he had been in touch with him, and Ambassador Volker relayed to me that he believed Mr. Giuliani would continue with this vein. I think he—but I don't know the exact nature of those communications. But he did relay to me that he had been in touch and that he did not think this issue was going away.
- Q: When did you have that conversation with Ambassador Volker?
- A: I don't remember. I think it would have been late spring, but I don't know for sure. I don't remember.
- Q: Do you recall whether it was prior to President Zelensky's inauguration on May 20th?
- A: I believe it was, because I think it was also before Ambassador Taylor had been—had been convinced to go out to Kyiv.

- Q: When Ambassador Volker told you that he believed that Rudy Giuliani would not abandon these efforts, did he communicate that to you in person or over email?
- A: In person, I believe.
- Q: What else did Ambassador Volker tell you during that conversation?
- A: That happened in the context of: And we need to get Zelensky to show that he's different, we need to get Zelensky to show that he is serious about reform, and that we would have to do something—that we'd have to do something to change the narrative.

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- Q: What was your understanding of what Ambassador Volker meant by this issue?
- A: What I understood was, I had hoped that this was a passing issue that with—that was linked to maybe Serhiy Leschenko or something else, and that the tweets would be the end of the story and we would move on. And Ambassador Volker—I took it to mean Ambassador Volker was warning me that No, Giuliani is not moving on to other issues, and so this might still be a problem for us moving forward.
- Q: You mentioned Leschenko. But what do you mean by "this issue"?
- A: So Mr. Giuliani tweeted that there were enemies around—enemies of the President around Zelensky. And we took it to be problematic for improving our relationship if he was still spreading that message, that there were enemies that Ukraine—the people around President Zelensky were enemies of the President. So this is what I meant by this issue.
- Q: With the President being President Trump?
- A: Enemies of President Trump around President Zelensky.

After the U.S. delegation attended President Zelensky's inauguration, Ambassador Sondland arranged a White House meeting within three days because he "had connections to the White House and was taken more seriously than the State Department bureaucracy." (Page 53-54)

- Q: And in terms of your statement that Ambassador Sondland was quickly able—was able to quickly arrange a meeting for the President—with the President—what date was the inauguration?
- A: I believe it was May 20th.
- Q: And Ambassador Sondland was able to get a meeting with the President just 3 days later?
- A: Yes. We were still debating internally whether it would be the Department of Energy or the Department of State that would be formally requesting the meeting, but Ambassador Sondland was able to schedule the meeting pretty quickly.
- Q: And does that indicate to you that the speed with which Ambassador Sondland was able to arrange that meeting that Ambassador Sondland was either very well connected with the President or with Mick Mulvaney to get that meeting that quickly?
- A: We thought he had connections to the White House and was taken more seriously than the State Department bureaucracy.
- Q: And, in fact, he was very successful, wasn't he, in getting the meeting?

A: He did, yes.

During a meeting on May 23, 2019, in the Oval Office, "the President said something to the effect of the Ukrainians tried to take me down." (Page 57)

- Q: Okay. To the best of your recollection, what was the readout that you received of the May 23rd meeting?
- A: Ambassador Volker told me that the President said something to the effect of the Ukrainians tried to take me down. And then the four principals, Ambassador Volker, Sondland, Senator Johnson, and Secretary Perry, convinced him that, no, this is different, there is a real possibility of change here, Ukraine is on the cusp of turning a whole page, and if we engage now we can make a real difference here and they can become a strong security partner. That is my understanding from Ambassador Volker of what took place. But I am pretty sure that there was an email involved—which included input from Ambassador Sondland as well summarizing the meeting.

On June 13, 2019, National Security Advisor John Bolton warned "that Mr. Giuliani was a key voice with the President on Ukraine" and that "every time Ukraine is mentioned, Giuliani pops up and that the President was listening to Giuliani about Ukraine." (Page 15-16, 101)

- A: On June 13, I accompanied Ambassador Volker to a meeting with National Security Advisor John Bolton. In that meeting, Ambassador Bolton stated that he agreed with our three lines of effort and that he also supported increased senior White House engagement. However, he cautioned that Mr. Giuliani was a key voice with the President on Ukraine, which could be an obstacle to increased White House engagement.
  - The morning after the meeting, I sent a brief message to Deputy Assistant Secretary George Kent summarizing the meeting and relaying NSA Bolton's message about Mr. Giuliani. I sent around a more formal summary later that day to my State Department colleagues.
- Q: Okay. And you indicate in your opening statement that Bolton cautioned that Mr. Giuliani was a key voice for the President on Ukraine, which could be an obstacle to increased White House engagement. What did National Security Advisor Bolton say about Rudy Giuliani?
- A: To the best of my recollection, he made a joke about every time Ukraine is mentioned, Giuliani pops up and that the President was listening to Giuliani about Ukraine.

After a meeting at the Department of Energy on June 18, 2019, Mr. Anderson and Ambassador Taylor discussed that "it was important not to talk about—not to push for individual investigations." (Page 103-104, 112-113)

A: I don't remember any specific discussions about Giuliani, but I do know that in my conversation with Ambassador Taylor later that day, we talked about the need to make sure we don't talk about individual investigations, which—yeah, so presumably, there was something that made – that made us discuss that.

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- Q: Do you know why you would have sense this meeting [sic]—sorry—this communication to Ambassador Taylor after the meeting regarding the importance of not calling for a specific investigation?
- A: Well, I called to talk to him about the atmospherics of the meeting, the general mood, and how things are going, and how we could move forward on these lines of effort. So, it may have been that we knew he was worried about Giuliani, and so maybe he raised it that way, but I remember because—I just remember that we were—we did say it was important not to talk about—not to push for individual investigations.
- Q: And why?
- A: Because if you're going to do individual investigations there is a formal process for that, which is the, we should go through the Department of Justice and our policy is for anticorruption writ large, no individual cases.

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- Q: What are those specifics [sic] investigations, as of June 18th, when you had this conversation?
- A: It would be investigations of the nature referenced in this article.
- Q: Okay. And in this article, the two investigations are the Biden Burisma investigation and the 2016 election—
- A: Yes.
- O: —correct?
- A: But we did not specifically—I don't remember ever specifically discussing these specific investigations. It was more—this general approach was not part of our official policy.
- Q: Understood. And these were the same—were these the same investigations that you understood Colonel Vindman to be referencing in that conversation on July 10th when he said that we need to keep collusion and investigations out of the official policy?
- A: I would say indirectly, it was Giuliani's efforts.
- Q: And I think you testified earlier that you drew a distinction between anticorruption efforts and specific investigations? Is that right?
- A: Correct.
- Q: And you felt like anticorruption efforts, writ large, were part of official U.S. policy, correct?
- A: It was our policy to push—we have specific deliverables on anticorruption that we had developed. Individual investigations were not part of that policy that I was aware of.

- Q: And, in fact, advocating for specific investigations was something that ran counter to U.S. policy to root out corruption, correct?
- A: As I understood policy at the time, it was contrary, yes.

Mr. Anderson had "the fear that if Giuliani's narrative took hold, that the Ukrainian Government was an enemy of the President," that narrative would undermine the U.S. government's efforts to resolve the Russia-Ukraine conflict in the Donbas. (Page 47)

- Q: Okay. And what's the relationship between what you just said your focus or interest in what Rudy Giuliani was up to?
- A: There was a fear that—I had a fear, I'll speak about myself, I had the fear that if Giuliani's narrative took hold, that the Ukrainian Government was an enemy of the President, then it would be very hard to have high-level engagement, and that would mean that we would—that Russia would not—that it would be harder for us to pressure Russia to come back to the negotiating table.
- Q: So, if I understand correctly, you saw Rudy Giuliani's efforts as potentially undermining the U.S. Government's ability to bring Russia back to the negotiating table to resolve this issue in the Donbas?
- A: That was my personal opinion, yes.

Ambassador Bill Taylor "repeatedly expressed his concern that Giuliani would make his job difficult" and requested assurances from Secretary of State Mike Pompeo that "our policy for Ukraine would not change." (Page 60)

- Q: Did Ambassador Taylor relay to you his concerns concerning the Giuliani involvement?
- A: He was—yes. He was repeatedly concerned—repeatedly expressed his concern that Giuliani would make his job difficult, and he requested a meeting with the Secretary to discuss those concerns. And he requested that he be reassured about—that he would be able to do the job and that our support for Ukraine would not—our policy for Ukraine would not change. He also made it clear that if that policy changed, he would—he would resign.

After Russia seized Ukrainian military vessels in the Sea of Azov on November 25, 2018, the State Department quickly prepared a statement for the White House condemning the Russian escalation—but President Trump "put an embargo on any statements," and "there was never a statement from the White House." (Page 14, 30-32)

A: On November 25, 2018, Russia escalated the conflict further when its forces openly attacked and seized Ukrainian military vessels heading to a Ukrainian port in the Sea of Azov. While my colleagues at the State Department quickly prepared a statement condemning Russia for its escalation, senior officials in the White House blocked it from being issued. Ambassador Volker drafted a tweet condemning Russia's actions, which I posted to his account.

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- Q: And then you also indicated in your opening statement that senior officials in the White House blocked this statement from being issued. What do you know about that?
- A: I was looking through my notes and emails, and I don't remember how I learned this, but I did send a message to Ambassador Volker that evening that the President had put an embargo on any statements.
- Q: And how did you learn about that embargo?
- A: Presumably from a conversation with members of the Ukraine team, the Ukraine desk, but I didn't see it in my email, so presumably a phone call.
- Q: Did you talk to anybody about the reason for this embargo?
- A: No. Well, I think there was a reference of wanting more information, but I—that was what I passed along to Ambassador Volker.
- Q: Did you ever get any more information?
- A: It was a very complicated situation. It wasn't clear exactly where the ships were in international waters. There was some allegation—the Russian side was arguing that it was a provocation from the Ukrainians and that Poroshenko had done this on purpose to try and force Western support. I will say, I think a statement was—Secretary Pompeo issued a statement the following day. Ambassador Haley did eventually pretty quickly issue a statement as well. But there was never a statement from the White House that I'm aware of.