

Testimony before the House Impeachment Inquiry

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November 19, 2019

Thank you very much for the opportunity to provide this testimony today.

As you know, I was the first person to come forward to testify as part of this Inquiry. I did so voluntarily, and likewise voluntarily provided relevant documentation in my possession, in order to be as cooperative, clear and complete as possible. I am here today voluntarily, and I remain committed to cooperating fully and truthfully with this Committee.

All I can do is provide the facts as I understood them at the time. I did this on October 3 in private, and I will do so again today.

Like many others who have testified in this inquiry, I am a career foreign policy professional. I began my career as an intelligence analyst for Northern Europe for the Central Intelligence Agency in 1986, before joining the State Department in 1988. I served in diplomatic postings, primarily focused on European political and security issues, for over twenty years, under Presidents Ronald Reagan, George H.W. Bush, Bill Clinton, George W. Bush, and Barack Obama. My last three positions before leaving the Senior Foreign Service in 2009 were as Director for NATO and West European Affairs at the National Security Council, Principal Deputy Assistant Secretary of State for European Affairs at the State Department, and, finally, as U.S. Ambassador to NATO.

In the Spring of 2017, then-Secretary of State Tillerson asked if I would come back to government service as U.S. Special Representative for Ukraine Negotiations. I did this on a part-time, 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.

For over two years, as U.S. Special Representative for Ukraine Negotiations, my singular focus was advancing the foreign policy and national security interests of the United States. In particular, that meant pushing back on Russian aggression and supporting the development of a strong, resilient, democratic, and prosperous Ukraine – one that overcomes a legacy of corruption and becomes integrated into a wider transatlantic community.

This is critically important for U.S. national security. If we can stop and reverse Russian aggression in Ukraine, we can prevent it elsewhere. If Ukraine, the cradle of Slavic civilization predating Moscow, succeeds as a freedom-loving, prosperous and secure democracy, it gives us enormous hope that Russia may one day change – providing a better life for Russian people,

and overcoming its current plague of authoritarianism, corruption, aggression toward neighbors, and threats to NATO Allies and the United States. The stakes for the United States in a successful Ukraine could not be higher.

At no time was I aware of or knowingly took part in an effort to urge Ukraine to investigate former Vice President Biden. As you know from the extensive, real-time documentation I have provided, Vice President Biden was not a topic of our discussions. I was not on the July 25 phone call between President Trump and President Zelenskyy. I was not made aware of any reference to Vice President Biden or his son by President Trump, until the transcript of that call was released on September 25, 2019.

From July 7, 2017 until September 27, 2019, I was the lead U.S. diplomat dealing with Russia's war on Ukraine. My role was not some irregular channel, but the official channel. I reported directly to Secretaries of State Tillerson and Pompeo, kept the National Security Advisor and Secretary of Defense well-informed of my efforts, and worked closely with Ambassador Masha Yovanovitch, NSC Senior Director Fiona Hill and her successor Tim Morrison, then-Assistant Secretary Wess Mitchell and his successor, Acting Assistant Secretary Philip Reeker, Deputy Assistant Secretary George Kent, Deputy Assistant Secretary of Defense Laura Cooper, NSC Director Alex Vindman, and many, many others. I have known many of them for several years. It was a team effort.

When Ambassador Yovanovitch left Kyiv, I identified and recommended Bill Taylor to Secretary Pompeo, so we would still have a strong, seasoned professional on the ground.

For two years before the events at the heart of this investigation took place, I was the most senior U.S. diplomat visiting the conflict zone; meeting with victims of Russia's aggression; urging increased U.S. security assistance, including lethal defensive weapons; working with Ukrainian President Poroshenko and then his successor, President Zelenskyy, and their teams; working with France and Germany and the so-called "Normandy Process," pressing for support from NATO, the EU, and OSCE; supporting the OSCE's special monitoring mission; and engaging in negotiations and other contacts with Russian officials.

At the time I took the position in the summer of 2017, 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.

During over two years of my tenure as U.S. Special Representative, we fundamentally turned U.S. policy around. U.S. policy toward Ukraine was strong, consistent, and enjoyed support

across the Administration, bipartisan support in Congress, and support among our Allies and Ukraine.

- We changed the language commonly used to describe Russia's aggression. I was the Administration's most outspoken, public figure highlighting Russia's invasion and occupation of parts of Ukraine, and calling out Russia's responsibility to end the war.
- I visited the war zone three times, meetings with soldiers and civilians alike – always bringing media with me, to try to raise the public visibility of Russia's aggression and the humanitarian impact on the lives of the citizens of the Donbas.
- 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 had been 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.
- My team and I drafted the "Pompeo Declaration" of July 25, 2018, in which the Secretary clearly and definitively laid out the United States' policy of non-recognition of Russia's claimed annexation of Crimea.
- 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.
- 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 in 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, by September of 2019, when I departed, we had turned the tables, and time was now on Ukraine's side.

It is a tragedy for the United States and for Ukraine that our efforts in this area, which were bearing fruit, have now been thrown into disarray.

One of the critical aspects of my role as U.S. Special Representative was that as the most senior U.S. official appointed to work solely on the Ukraine portfolio, I needed to step forward to provide leadership. If we needed to adopt a policy position, I made the case for it. If anyone needed to speak out publicly, I would do it. When we failed to get a timely statement about Russia's illegal attack on Ukraine's navy and seizure of Ukraine's sailors, I tweeted about it in order to condemn the act. If a problem arose, I knew that it was my job to try to fix it.

That was my perspective when I learned in May 2019 that we had a significant problem that was impeding our ability to strengthen our support for Ukraine's new president in his effort to ramp up Ukraine's fight against corruption and implementation of needed reforms. I found myself faced with a choice: to be aware of a problem and to ignore it, or to accept that it was my responsibility to try to fix it. I tried to fix it.

The problem was that despite the unanimous, positive assessment and recommendations of those of us who were part of the U.S. Presidential Delegation that attended the inauguration of President Zelenskyy, President Trump was receiving a different, negative narrative about Ukraine and President Zelenskyy. That negative narrative was fueled by accusations from Ukraine's then-Prosecutor General and conveyed to the President by former Mayor Rudy Giuliani.

As I previously told this committee, I became aware of the negative impact this was having on our policy efforts when four of us, who were part of the Presidential Delegation to the inauguration, 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. 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, on May 29, President Trump indeed signed the congratulatory letter to President Zelenskyy, which included an invitation to the President to visit him at the White House.

However, more than four weeks passed and we could not nail down a date for the meeting. I came to believe that the President's long-held negative view toward Ukraine was causing hesitation in actually scheduling the meeting, much as we had seen in our Oval Office discussion.

After weeks of reassuring the Ukrainians that it was just a scheduling issue, I decided to tell President Zelenskyy that we had a problem with the information reaching President Trump from Mayor Giuliani. I did so in a bilateral meeting at a conference on Ukrainian economic reform in Toronto, on July 2, 2019, where I led the U.S. delegation. I suggested that he call President Trump directly in order to renew their personal relationship, and to assure President

Trump that he was committed to investigating and fighting corruption, things on which President Zelenskyy had based his presidential campaign. I was convinced that getting the two Presidents to talk with each other would overcome the negative perception of Ukraine that President Trump still harbored.

President Zelenskyy's senior aide, Andrey Yermak, approached me several days later to ask to be connected to Mayor Giuliani. I agreed to make that connection. I did so 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. The Ukrainians believed that if they could get their own narrative across in a way that convinced Mayor Giuliani that they were serious about fighting corruption and advancing reform, Mayor Giuliani would convey that assessment to President Trump, thus correcting the previous, negative narrative.

That made sense to me and I tried to be helpful. I made clear to the Ukrainians that Mayor Giuliani was a private citizen, the President's personal lawyer, and not representing the U.S. government. Likewise, in my conversations with Mayor Giuliani, I never considered him to be speaking on the President's behalf, or giving "instructions." Rather, the information flow was the other way – from Ukraine to Mayor Giuliani, in the hopes this would clear up the information reaching President Trump.

On July 10, after hearing from Mr. Yermak, I wrote to Mayor Giuliani to seek to get together, and finally on July 19 we met for breakfast for a longer discussion. At that meeting, I told Mr. Giuliani that in my view, the Prosecutor General with whom he had been speaking, Mr. Lutsenko, was not credible and was acting in a self-serving capacity. To my surprise, Mr. Giuliani said that he had already come to the same conclusion. Mr. Giuliani also 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.

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. They were making television shows at the time. I also said that it is not credible to me that former Vice President Biden would have been influenced in any way 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.

After that meeting, I connected Mr. Giuliani and Mr. Yermak by text and later by phone. They met in person on August 2, 2019. In conversations with me following their meeting, which I did not attend, Mr. 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 Mr. 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.

Mr. Giuliani 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 bilateral relations and rooting out corruption anyway. There was no mention of Vice President Biden. Rather, in referencing Burisma and 2016 election interference, it was clear to me he was only talking about whether any Ukrainians had acted inappropriately.

At this time, I was focused on our goal of getting President Zelenskyy and President Trump to meet with each other, and I believed that their doing so would overcome the chronically negative view President Trump had toward Ukraine. I was seeking to solve the problem I saw when we met with President Trump in the Oval Office on May 23. As a professional diplomat, I was comfortable exploring whether there was a statement Ukraine could make about its own intentions to investigate possible corruption that would be helpful in convincing Mr. Giuliani to convey to President Trump a more positive assessment of the new leadership in Ukraine.

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. Ambassador Sondland and I had a further conversation with Mr. Giuliani, who said that in his view, in order to be convincing that this government represented real change in Ukraine, 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 statement drafted by Mr. Yermak to include these points to see how it looked. I then discussed it 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 did not want to mention Burisma or 2016. I agreed –and the idea of putting out a statement was shelved.

These were the last conversations I had about this statement, which were on or about August 17-18. My last contact with Mr. Giuliani, according to my records, was on August 13 (until he tried to reach me on September 20 after the impeachment inquiry was launched). At this time, I thought the idea of issuing this statement had been definitely scrapped.

In September, I was surprised to learn that there had been further discussions with the Ukrainians about President Zelenskyy possibly making a statement in an interview with U.S. media similar to what we had discussed in August.

Since these events, and since I gave my testimony on October 3, a great deal of additional information and perspectives have come to light. I have learned many things that I did not know at the time of the events in question.

First, at the time I was connecting Mr. Yermak and Mr. Giuliani, and discussing with Mr. Yermak and Amb. Sondland a possible statement that could be made by the Ukrainian President, I did not know of any linkage between the hold on security assistance and Ukraine pursuing investigations. No one had ever said that to me – and I never conveyed such a linkage to the Ukrainians.

- I opposed the hold on U.S. security assistance as soon as I learned about it on July 18, and thought we could turn it around before it the Ukrainians ever knew or became alarmed about it. I did not know the reason for the hold, but I viewed it as a U.S. policy problem that we needed to fix internally, and I was confident we would do so.
- I believe that the Ukrainians became aware of the hold on August 29, not before. That date is the first time any of them asked me about the hold, by forwarding an article that had been published in Politico.
- When I spoke to the Ukrainians about the hold after August 29, instead of telling them that they needed to do something to get the hold released, I told them the opposite – that they should not be alarmed, it was an internal U.S. problem, and we were working to get it fixed. I did not know others were conveying a different message to them around that same time.

Second, I did not know about the strong concerns expressed by then-National Security Advisor John Bolton to members of his NSC staff regarding the discussion of investigations.

- I participated in the July 10 meeting between National Security Advisor Bolton and then-Ukrainian Chairman of the National Security and Defense Council, Alex Danylyuk. As I remember, the meeting was essentially over when Amb. Sondland made a generic comment about investigations. I think all of us thought it was inappropriate; the conversation did not continue and the meeting concluded. Later on, in the Ward Room, I may have been engaged in a side conversation, or had already left the complex, because I do not recall further discussion regarding investigations or Burisma.

Third, I did not understand that others believed that any investigation of the Ukrainian company, Burisma, which had a history of accusations of corruption, was tantamount to investigating Vice President Biden. I drew a sharp distinction between the two.

- It has long been U.S. policy under multiple administrations to urge Ukraine to investigate and fight internal corruption. I was quite comfortable with Ukraine making its own statement, about its own policy, of investigating and fighting corruption at home.

- At the one in-person meeting I had with Mayor Giuliani on July 19, Mayor Giuliani raised, and I rejected, the conspiracy theory that Vice President Biden would have been influenced in his duties as Vice President by money paid to his son. As I testified previously, I have known Vice President Biden for 24 years. He is an honorable man and I hold him in the highest regard.
- At no time was I aware of or knowingly took part in an effort to urge Ukraine to investigate former Vice President Biden. As you know from the extensive documentation I have provided, Vice President Biden was not a topic of discussion. I was not on the July 25 phone call between President Trump and President Zelenskyy. I was not made aware of any reference to Vice President Biden or his son by President Trump, until the transcript of that call was released on September 25, 2019.
- Throughout this time, I understood that there was an important distinction between “Burisma” and “Biden”, and urged the Ukrainians to maintain such a distinction. I did not know that President Trump or others had raised Vice President Biden with the Ukrainians, or had conflated the investigation of possible Ukrainian corruption, with investigation of the former Vice President. In retrospect, for the Ukrainians, it clearly would have been confusing.
- In hindsight, I now understand that others saw the idea of investigating possible corruption involving the Ukrainian company, “Burisma,” as equivalent to investigating former Vice President Biden. I saw them as very different – the former being appropriate and unremarkable, the latter being unacceptable. In retrospect, I should have seen that connection differently, and had I done so, I would have raised my own objections.

Fourth, much has been made of the term “three amigos” in reference to Secretary Perry, Ambassador Sondland and myself. I never used that term – and frankly cringe when I hear it – because for me, the “three amigos” will always refer to Senator John McCain, Senator Joseph Lieberman, and Senator Lindsey Graham, in reference to their work to support the surge in Iraq.

- Moreover, I was never aware of any designation by President Trump or anyone else putting Amb. Sondland, or the three of us as a group, in charge of Ukraine policy. Rather, as I understood it, each of us, in our own respective official capacities, continued to work together after our attendance at President Zelenskyy’s inauguration to push for greater U.S. support for Ukraine. Leading the diplomacy around Ukraine negotiations had long been my official responsibility, but I welcomed the added support and influence of a cabinet secretary and our EU Ambassador.

Fifth, I was not aware that Amb. Sondland spoke with President Trump on July 26, while Ambassador Taylor and I were visiting the conflict zone.

Mr. Chairman and members of the Committee, allow me to thank you again for the opportunity to provide this testimony. I believe that U.S. foreign policy and national security interests in Ukraine are of critical importance. I would be pleased to answer your questions.