

Congress of the United States
Washington, DC 20515

September 9, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary:

The Committees on Foreign Affairs, Intelligence, and Oversight and Reform jointly request documents related to reported efforts by President Trump and his associates to improperly pressure the Ukrainian government to assist the President's bid for reelection.

A growing public record indicates that, for nearly two years,¹ the President and his personal attorney, Rudy Giuliani,² appear to have acted outside legitimate law enforcement and diplomatic channels to coerce the Ukrainian government into pursuing two politically-motivated investigations under the guise of anti-corruption activity. The first is a prosecution of Ukrainians who provided key evidence against Mr. Trump's convicted campaign manager Paul Manafort. That investigation aims to undercut the Mueller Report's overwhelming evidence that Russia interfered in the 2016 election to support Trump's campaign. The other case targets the son of former Vice President Joseph R. Biden, who is challenging Mr. Trump for the presidency in 2020.

As the 2020 election draws closer, President Trump and his personal attorney appear to have increased pressure on the Ukrainian government and its justice system in service of President Trump's reelection campaign, and the White House and the State Department may be abetting this scheme.³

¹ See tweet @realDonaldTrump, July 25, 2017 ("Ukrainian efforts to sabotage Trump campaign – 'quietly working to boost Clinton.' So where is the investigation A.G. @seanhannity") (online at: <https://twitter.com/realDonaldTrump/status/889788202172780544?s=20>). This tweet was also referenced by Special Counsel Robert Mueller in his investigation of President's Trump's possible obstruction of justice. See Mueller Report, Vol. II, at p 96, FN 660.

² See Victor Pinchuk Foundation, June 8, 2017, *107th Mayor of New York Rudy Giuliani Gave Public Lecture at the Invitation of the Victor Pinchuk Foundation*, noting the first publicly-reported meeting between Mr. Giuliani and Prosecutor General of Ukraine Petro Poroshenko (online at <https://pinchukfund.org/en/news/20207/>).

³ Kenneth P. Vogel and Andrew E. Kramer, *Giuliani Renews Push for Ukraine to Investigate Trump's Political Opponents*, N.Y. Times, August 21, 2019 (online at: <https://www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html>).

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According to the Ukrainian government, in a July 25, 2019 call with Ukraine's President Volodymyr Zelenskyy, President Trump apparently focused on these investigations, telling President Zelenskyy that he is "convinced the new Ukrainian government will be able to quickly improve [the] image of Ukraine, [and] complete [the] investigation of corruption cases, which inhibited the interaction between Ukraine and the USA."⁴ The next day, Ambassador Kurt Volker, U.S. Special Representative for Ukraine, was dispatched to meet with President Zelenskyy.⁵ Days later, the President's personal attorney met Andriy Yermak, an aide to President Zelenskyy, in Spain, where the President's personal attorney, who has no official administration or diplomatic position, reportedly suggested a "possible heads of state meeting" between Presidents Trump and Zelenskyy⁶ and tweeted an accusation about former Vice President Biden's son.⁷ The State Department subsequently acknowledged that Ambassador Volker used his office to facilitate the meeting between the two.⁸ Although the State Department has insisted that President Trump's attorney is "a private citizen" who "does not speak on behalf of the U.S. Government," Mr. Yermak publicly stated that "it was not clear to him whether Mr. Giuliani was representing Mr. Trump in their talks."⁹

President Trump has also threatened to withhold¹⁰ more than \$250 million in security assistance that Congress has appropriated, the Pentagon supports,¹¹ and Ukraine desperately needs. Ukraine's sovereignty and territorial integrity are under assault from Russia and its proxies in illegally-occupied Ukrainian territory. If the President is trying to pressure Ukraine into choosing between defending itself from Russian aggression without U.S. assistance or

⁴ See Official Website of the President of Ukraine, *Volodymyr Zelenskyy had a phone conversation with President of the United States*, July 25, 2019 (online at: <https://www.president.gov.ua/en/news/volodimir-zelenskij-proviv-telefonnu-rozmovu-z-prezidentom-s-56617>).

⁵ See tweet by U.S. Embassy Kyiv, July 26, 2019, showing Ambassador Volker meeting with President Zelenskyy (online at: <https://twitter.com/USEmbassyKyiv/status/1154712337368190976?s=20>)

⁶ See Kenneth P. Vogel and Andrew E. Kramer, *supra* n. 3.

⁷ See tweet by Rudy Giuliani, August 3, 2019 from Santa Cruz del Retamar, Espana (online at: <https://twitter.com/RudyGiuliani/status/1157778959653842945?s=20>) ("The Politico coverup article doesn't mention the bribery of Ukraine Pres. by then VP Biden to get the case against his son dismissed. Nor does it explain the Chinese pay-off of \$1.5billion to Biden's useless fund. Joe took his son on AFII to get the investment. It stinks!!").

⁸ See State Department Spokesperson Statement, August 22, 2019 (online at: <https://twitter.com/kenvogel/status/1164666081501470727/photo/1>)

⁹ See Kenneth P. Vogel and Andrew E. Kramer, *supra* n. 3.

¹⁰ Caitlin Emma and Connor O'Brien, *Trump Holds Up Ukraine Military Aid Meant to Confront Russia*, Politico, August 29, 2019 (online at: <https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531>).

¹¹ Bryan Bender, *Pentagon Wants Ukraine Military Aid to Continue*, Politico, August 29, 2019 (online at: <https://www.politico.com/story/2019/08/29/pentagon-wants-ukraine-military-aid-to-continue-1477957>).

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leveraging its judicial system to serve the ends of the Trump campaign, this would represent a staggering abuse of power, a boon to Moscow, and a betrayal of the public trust. That the State Department has apparently acted as a broker between President Trump's personal attorney and Ukrainian officials raises serious concerns that the Department is complicit in a corrupt scheme that undercuts U.S. foreign policy and national security interests in favor of the President's personal agenda.

Congress has a constitutionally-mandated obligation to conduct oversight, protect the sanctity of our elections, and ensure that the nation's diplomatic resources and foreign assistance are being deployed for the benefit of the United States, not the personal interests of the President. In order to fulfill this obligation and determine what legislative reform may be required, we request that the State Department preserve all documents, communications, and other data ("records"), regardless of format, that may be required for the Committees' oversight and investigative duties relating to this subject. The term "records" is broad and includes both paper and electronic records.¹² Specifically, the State Department should:

1. identify and notify all current and former employees and contractors, subcontractors, consultants, and Special Government Employees who may have access to such records that they are to be preserved;
2. identify, record, and preserve any records which have been deleted or marked for deletion but are still recoverable; and
3. if it is the routine practice of any employee or contractor to destroy or otherwise alter such records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

In addition, we request that the Department produce to the Committees the following,¹³ no later than **Monday, September 16**:

¹² This includes emails, electronic messages (including, but not limited to, both government and commercial/personal email accounts, text messages, or messaging services such as WhatsApp, Signal, Viber, Facebook, Twitter, and/or Telegram), regardless of whether such records were created, modified, sent, or received on an official or personal address or device, as well as log files and metadata. For purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutilation of records, including but not limited to emails and handwritten notes, as well as negligent or intentional handling which would foreseeably make such records incomplete or inaccessible.

¹³ Any alternate spellings or transliterations of any names reference herein would also render a document responsive to these requests.

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1. Any and all correspondence sent to or received by the State Department from January 20, 2017 to the present related to or referring in any way to the potential or suggested investigations/legal cases referred to in this letter. This includes, but is not limited to, correspondence regarding or referring to Paul Manafort, Serhiy Leshchenko, the "Black Ledger," Hunter Biden, Burisma Holdings, former Ukrainian Prosecutor General Yuriy Lutsenko, or Presidential Aide Andriy Yermak in the context of these potential or suggested investigations/legal cases.
2. Any copies in the State Department's, custody, or control of the transcript of President Trump's July 25, 2019 call with Ukrainian President Zelenskyy (the "July 25 Call").
3. Any and all records generated or received by the State Department in connection with, or that refer or relate in any way to the July 25 Call.
4. A full list of any Department officials who participated in, assisted in preparation for, or received a readout of the July 25 Call.
5. Any and all records generated or received by Department officials with or referring to President Trump's personal attorney, Rudy Giuliani.
6. Any and all records generated or received by any State Department staff in connection with, or that refer or relate in any way to the actual or potential suspension of security assistance to Ukraine.

Relevant custodians for responsive records include, but are not limited to:

1. the Office of the Secretary, including the Policy Planning Staff, the Counselor;
2. the Office of the Deputy Secretary;
3. the Office of the Undersecretary for Political Affairs;
4. Ambassador Kurt Volker and the office of the Special Representative for Ukraine;
5. The Bureau of European Affairs; and
6. U.S. Embassy Kyiv.

The Committees are prepared to work with the Department to facilitate the production of these documents.

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Sincerely,



ELIOT L. ENGEL
Chairman
House Foreign Affairs Committee



ADAM SCHIFF
Chairman
House Permanent Select Committee
On Intelligence



ELIJAH E. CUMMINGS
Chairman
House Committee on Oversight and Reform