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5 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

6 joint with the

7 COMMITTEE ON OVERSIGHT AND REFORM

8 and the

9 COMMITTEE ON FOREIGN AFFAIRS,

10 U.S. HOUSE OF REPRESENTATIVES,

11 WASHINGTON, D.C.

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15 INTERVIEW OF: GEORGE KENT

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20 Tuesday, October 15, 2019

21 Washington, D.C.

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24 The interview in the above matter was held in Room
25 HVC-304, Capitol Visitor Center, commencing at 10:08 a.m.

1 Present: Representatives Schiff, Himes, Sewell, Carson,
2 Speier, Quigley, Swalwell, Heck, Maloney, Demings,
3 Krishnamoorthi, Conaway, Wenstrup and Hurd.

4 Also Present: Representatives Norton, Malinowski,
5 Raskin, Rouda, Phillips, Engel, Perry, Meadows, and Zeldin.

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1 Appearances:

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4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

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1 For the COMMITTEE ON OVERSIGHT AND REFORM:

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6

7 For the COMMITTEE ON FOREIGN AFFAIRS:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12

13 For GEORGE KENT:

14

15 ANDREW WRIGHT

16 BARRY M. HARTMAN

17 NANCY IHEANCHO

18 K&L GATES LLP

19 1601 K Street NW

20 Washington, D.C. 2006-1600

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1 THE CHAIRMAN: The committee will come to order.

2 Good morning, Deputy Assistant Secretary Kent, and
3 welcome to the House Permanent Select Committee on
4 Intelligence, which, along with the Foreign Affairs and
5 Oversight Committees, is conducting this investigation as
6 part of the official impeachment inquiry of the House of
7 Representatives.

8 Today's deposition is being conducted as part of the
9 impeachment inquiry. In light of attempts by the State
10 Department in coordination with the White House to direct you
11 not to appear and efforts to limit your testimony, the
12 committee had no choice but to compel your appearance today.
13 We thank you for complying with the dually authorized
14 congressional subpoena, as other witnesses have done as well.
15 We expect nothing less from a dedicated career civil servant
16 like yourself.

17 Deputy Assistant Secretary Kent has served with
18 distinction as a Foreign Service officer with deep experience
19 relevant to the matters under investigation by the
20 committees. In his capacity as Deputy Assistant Secretary in
21 the European and Eurasian Bureau you oversee policy towards
22 Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijani.
23 Previously he was deputy chief of mission in Kyiv from 2015
24 until 2018 when he returned to Washington to assume his
25 current position.

1 In 2014 and 2015, he was the senior anticorruption
2 coordinator in the State Department's European Bureau. Since
3 joining the Foreign Service in 1992 he has served among other
4 postings in Warsaw, Poland, Kyiv, Tashkent, Uzbekistan, and
5 Bangkok, Thailand. Given your unique role, we look forward
6 to hearing your testimony today, including your knowledge of
7 and involvement in key policy discussions, meetings and
8 decision on Ukraine that relate directly to areas under
9 investigation by the committees. This includes developments
10 related to the recall of Ambassador Yovanovitch, the
11 President's July 25, 2019 call with Ukrainian President
12 Zelenskyy, as well as the documentary record that has come to
13 life about efforts before and after the call to get the
14 Ukrainians to announce publicly investigations into two areas
15 President Trump asked President Zelenskyy to pursue: the
16 Bidens in Burisma, and the conspiracy theory about the
17 Ukraine-supported interference in the 2016 U.S. elections.

18 To state clearly on the record, I want to let you and
19 your attorneys know that Congress will not tolerate any
20 reprisal, threat of reprisal, or attempt to retaliate against
21 you for complying with a subpoena, and testifying today as
22 part of the impeachment inquiry. This includes any effort by
23 the State Department, the White House, or any other entity of
24 the government to claim that in the course of your testimony
25 under dually authorized subpoena today, you are disclosing

1 information in a nonauthorized manner.

2 We also expect that you will retain your current
3 position after testifying today, and that you will be treated
4 in accordance with your rank, such that in the normal course
5 of the remainder of your career, you will be offered
6 assignments commensurate with your experience and long
7 service. Should that not be the case, we expect you to
8 notify us immediately and we will hold those responsible to
9 account.

10 Before I turn to committee counsel to begin the
11 deposition, I invite the ranking member, or in his absence a
12 minority member from the Foreign Affairs or Oversight
13 committees to make an opening remark.

14 MR. JORDAN: Secretary Kent, thank you. Thank you,
15 Mr. Chairman. Secretary Kent, thank you for appearing today.
16 On September 24th, Speaker Pelosi unilaterally announced that
17 the House was beginning its so-called impeachment inquiry.
18 On October 2nd, the Speaker promised that the so-called
19 impeachment inquiry would treat the President with fairness.

20 However, Speaker Pelosi, Chairman Schiff, and the
21 Democrats are not living up to that promise. Instead,
22 Democrats are conducting a rushed, closed-door and
23 unprecedented impeachment inquiry. Democrats are ignoring 45
24 years of bipartisan procedures designed to provide elements
25 of fundamental fairness and due process. In past impeachment

1 inquiries, the majority and minority had coequal subpoena
2 authority and the right to require a committee vote on all
3 subpoenas. The President's counsel had the right to attend
4 all depositions and hearings, including those held in
5 executive session. The President's counsel had the right to
6 cross-examine the witnesses and the right to propose
7 witnesses. The President's counsel had the right to present
8 evidence, object to the admission of evidence, and to review
9 all evidence presented, both favorable and unfavorable.

10 Speaker Pelosi and Chairman Schiff so-called impeachment
11 inquiry has none of these guarantees of fundamental fairness
12 and due process. Most disappointing, Democrats are
13 conducting this inquiry behind closed doors. We're
14 conducting these depositions and interviews in a SCIF, but
15 Democrats have been clear every single session that there's
16 no unclassified material being presented in the sessions.
17 This seems to be nothing more than hiding this work from the
18 American people.

19 The Democrats intend to undo the will of the American
20 people 13 months before the next election, they should at
21 least do so transparently and be willing to be accountable
22 for their actions.

23 Chairman, I believe the ranking member from the Foreign
24 Affairs Committee would like to say something as well as
25 well.

1 MR. MCCAUL: Thank you, Mr. Chairman.

2 As you know, I conduct myself as both chairman and
3 ranking member in a very bipartisan way, and I think that
4 should apply here as well. I am -- next to declaring war,
5 this is the most important thing that the Congress can do
6 under Article I. To hide behind that, to have it in a SCIF,
7 to defy historical precedent that we conducted under both
8 Nixon and Clinton, which guarantees the participation of
9 counsel, White House counsel in the room in an adversarial
10 way.

11 To also provide the minority the power of that subpoena.
12 That was done during both prior impeachments, because both
13 sides recognized that with a fair. It's really about
14 fairness. If -- I would just urge you, if you're going to
15 continue, and I've been back in my district for 2 weeks,
16 talking to my constituents both Republican, and Democrat, and
17 Independent, above all what they had in common was they
18 wanted to see this done the right way. I know you're a fair
19 man. We've known each other for a long time. I hope that
20 this resolution will come to the floor so that we can
21 participate in a democratic system, with a democratic vote,
22 up or down, to proceed with this inquiry, so that it is
23 backed by the American people.

24 To do so otherwise, I think, defies democracy, it defies
25 fairness, and it defies due process. And if we're going to

1 do this, for God's sakes, let's do it the right way.

2 I yield back.

3 THE CHAIRMAN: I think my colleagues will certainly have
4 an opportunity to discuss these matters further, but in the
5 interest of moving ahead with the deposition I recognize
6 Mr. Goldman.

7 MR. GOLDMAN: Thank you, Mr. Chairman. This is a
8 deposition of Deputy Assistant Secretary of State, George
9 Kent conducted by the House Permanent Select Committee on
10 Intelligence, pursuant to the impeachment inquiry announced
11 by the Speaker of the House on September 24th.

12 Mr. Kent, could you please state your full name and
13 spell your last name for the record?

14 THE WITNESS: George Peter Kent, K-e-n-t.

15 MR. GOLDMAN: Thank you. Now, along with other
16 proceedings and furtherance of this inquiry, this deposition
17 a part of a joint investigation, led by the Intelligence
18 Committee, in coordination with the Committees on Foreign
19 Affairs, and Oversight and Reform.

20 In the room today are equal numbers of majority staff
21 and minority staff from the Foreign Affairs Committee and the
22 Oversight Committee, as well as majority and minority staff
23 from the Intelligence Committee. This is a staff-led
24 deposition, but Members, of course, may ask questions during
25 their allotted time, and there will be equal allotted time

1 for the majority and the minority.

2 My name is Daniel Goldman, I am the senior adviser and
3 director for investigations for the HPSCI majority staff.
4 And I thank you very much for coming in today. I would like
5 to do brief introductions before we begin. To my right is
6 Nicholas Mitchell, who is the senior investigative counsel
7 for the HPSCI majority staff. And Mr. Mitchell and I will be
8 conducting most of deposition for the majority. And I'll let
9 my counterparts from the minority staff introduce themselves
10 as well.

11 MR. CASTOR: Good morning, sir, Steve Castor with the
12 Republican staff of the Oversight Committee.

13 MR. BREWER: Good morning, I'm David Brewer, Republican
14 staff, Oversight.

15 MS. GREEN: Meghan Green, senior counsel for HPSCI
16 minority.

17 MR. GOLDMAN: Now this deposition will be conducted
18 entirely at the unclassified level. However, this
19 deposition, as you no doubt know, is being conducted in
20 HPSCI's secure spaces, and in the presence of staff with the
21 appropriate security clearances, and, as we understand as of
22 this morning, your attorneys all have appropriate security
23 clearances. We understand that you received a letter from
24 the State Department that addresses some of the concerns
25 about the disclosure of classified information. But we want

1 you to rest assured that, in any event, any classified
2 information that is disclosed is not an unauthorized
3 disclosure today.

4 It is the committee's expectation, however, that neither
5 the questions asked of you nor the answers that you provide
6 or your counsel provide will require discussion of any
7 information that is currently, or at any point could be
8 properly classified under Executive Order 13526. As you no
9 doubt know, EO 13526 states that, quote "In no case shall
10 information be classified, or continue to be maintained as
11 classified, or fail to be declassified" unquote, for the
12 purpose of concealing any violations of law or preventing
13 embarrassment of any person or entity.

14 If any of our questions can only be answered with
15 classified information. We would ask you to inform us of
16 that before you provide the answer, and we can as just the
17 deposition accordingly.

18 Today's deposition is not being taken in executive
19 session, but because of sensitive and confidential nature of
20 some of the topics and materials that will be discussed,
21 access to the transcript of the deposition will be limited to
22 the three committees in attendance. You and your attorney
23 will have an opportunity to review the transcript at a later
24 date.

25 Now before we begin the deposition, I would like to go

1 over some of the ground rules. We will be following the
2 House regulations for depositions. We have previously
3 provided counsel with a copy of those regulations, but let us
4 know if you need additional copies.

5 The deposition will proceed as follows today. The
6 majority 1 hour to ask questions, and the minority will be
7 given 1 hour to ask questions. Thereafter, we will alternate
8 back and forth in 45 minute rounds. We'll take periodic
9 breaks. But if, at any time, you or your counsel need a
10 break, please just let us know. Under the House deposition
11 rules, counsel for other persons or government agencies may
12 not attend this proceeding, and we understand that none are
13 here. You, however, are allowed to have personal attorney
14 present during this deposition, and I see that you have
15 brought a couple. At this time if counsel could please state
16 his or her name for an appearance for the record.

17 MR. WRIGHT: My name is Andrew Wright with K&L Gates.

18 MR. HARTMAN: Barry Hartman, K&L Gates.

19 MS. IHEANACHO: Nancy Iheanacho with K&L Gates.

20 MR. GOLDMAN: To your left there is a stenographer
21 taking down everything that is said, all questions and
22 answers, so that there is a written report for the
23 deposition. For that record to be clear, please wait until
24 questions are completed before you provide your answers, and
25 all staff and members here will wait until you finish your

1 response before asking the next question. The stenographer
2 cannot record nonverbal answers such as a shaking of the head
3 or an uh-huh so please make sure that you answer questions
4 with an audible verbal answer.

5 We ask that you give complete replies to questions based
6 on your best recollection. If a question is unclear or you
7 are uncertain about the response, please let us know and we
8 can rephrase the question.

9 And if you do not know the answer to a question or
10 cannot remember, simply say so. You may only refuse to
11 answer a question to preserve a privilege recognized by the
12 committee. If you do refuse to answer a question on the
13 basis of privilege, staff may either proceed with the
14 deposition, or seek a ruling from the chairman on and
15 objection, in person or otherwise, during the deposition at a
16 time of the majority staff's choosing. If the chair
17 overrules any such objection, you are required to answer the
18 question.

19 Finally, you are reminded that it is unlawful to
20 deliberately provide false information to Members of
21 Congress, or to staff of Congress. It is imperative that you
22 not only answer our questions truthfully, but that you give
23 full and complete answers to all questions asked of you.
24 Omissions may also be considered false statements.

25 Now as this deposition is under oath, Deputy Assistant

1 Secretary Kent, would you please stand and raise your
2 right-hand to be sworn?

3 Do you swear or affirm the testimony that you are about
4 to give is the whole truth and nothing but the truth?

5 THE WITNESS: I swear that the testimony I am about to
6 give is the truth and nothing but the truth.

7 MR. GOLDMAN: Thank you. Let the record reflect that
8 the witness has been sworn. But before we begin, Deputy
9 Assistant Secretary Kent, now is the time for you to make any
10 opening remarks.

11 MR. ZELDIN: Mr. Goldman, can we just go around the room
12 and have everybody identify themselves?

13 MR. GOLDMAN: You want back? Why don't we start at the
14 table here. Mr. Quigley.

15 MR. QUIGLEY: Mike Quigley from Illinois.

16 MS. SPEIER: Jackie Speier.

17 MR. SWALWELL: Eric Swalwell.

18 MS. SEWELL: Terri Sewell.

19 MR. ROUDA: Harley Rouda.

20 MR. RASKIN: Jamie Raskin, for Maryland.

21 MR. HECK: Denny Heck, Washington State.

22 MR. MALINOWSKI: Tom Malinowski, New Jersey.

23 MR. PHILLIPS: Dean Phillips, Minnesota.

24 MR. ROONEY: Francis Rooney, Florida.

25 MR. MEADOWS: Mark Meadows, North Carolina.

1 MR. MCCAUL: Mike McCaul.

2 MR. JORDAN: Jim Jordan, Ohio.

3 MR. GOLDMAN: And then if we could start behind here.

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 MR. GOLDMAN: Mr. Kent.

22 MR. KENT: Good morning, as you've heard, my name is
23 George Kent. I'm the Deputy Assistant Secretary of State for
24 Europe and Eastern Europe, and the Caucasus in particular. I
25 have served proudly as a nonpartisan career foreign service

1 officer for more than 27 years, under five Presidents, three
2 Republican and two Democrats. As you all know, I am
3 appearing here in response to your congressional subpoena.
4 If I did not appear I would have been exposed to being held
5 in contempt. At the same time, I have been instructed by my
6 employer, the U.S. Department of State, not to appear. I do
7 not know the Department of State's views on disregarding that
8 order. Even though section 105(c) of the Foreign Service Act
9 of 1980, which is 22 U.S. Code 3905 expressly states, and I
10 quote, "This section shall not be construed as authorizing of
11 withholding of information from the Congress or the taking of
12 any action of a member of the service who discloses
13 information to Congress," end quote.

14 I have always been willing to provide facts of which I'm
15 aware that are relevant to any appropriate investigation by
16 either Congress or my employer. Yet, this is where I find
17 myself today, faced with the enormous professional and
18 personal cost and expense of dealing with a conflict between
19 the executive and legislative branches not of my making.

20 With that said, I appear today in same spirit that I
21 have brought to my entire career, as a Foreign Service
22 officer and State Department employee, who has sworn to
23 support and defend the Constitution of the United States, as
24 one of thousands of nonpolitical career professionals in the
25 Foreign Service who embody that vow daily around the world

1 often in harsh and dangerous conditions.

2 There has been a George Kent sworn to service in defense
3 of the Constitution and U.S. national interests for nearly 60
4 consecutive years and counting, ever since my father was
5 sworn in as a midshipman at Annapolis in June 1961,
6 commissioned in 1965, after finishing first in his class, and
7 serving honorably for 30 years, including as captain of a
8 ballistic missile nuclear submarine. Principled service to
9 country and community remains an honorable professional
10 choice, not just a family tradition dating back to before
11 World War II, one that survived the Bataan Death March, and a
12 3-year stint in a Japanese POW camp unbroken. I hope the
13 drama now playing out does not discourage my [REDACTED] son,
14 [REDACTED], from seriously considering a life of service.

15 After two internship on a State Department Soviet desk
16 in the late 1980s, I formally joined the Foreign Service in
17 1992, and have not, for a moment, regretted that choice to
18 devote my life to principled public service. I served twice
19 in Ukraine for a total of 6 years, posted in Kyiv, first
20 during and after the Orange Revolution from 2004 to 2008, and
21 again, from 2015 to 2018, in the aftermath of the Revolution
22 of Dignity when I worked at deputy chief of mission.

23 In between, I worked in Washington from 2012 to 2015, in
24 several policy and programming positions directly affecting
25 U.S. strategic interests in Ukraine, most notably, as

1 director for law enforcement and justice sector programming
2 for Europe and Asia, and then as the European Bureau's senior
3 anticorruption coordinator.

4 In the summer of 2018, then-Assistant Secretary for
5 European and Eurasian Affairs, Wess Mitchell asked me to come
6 back from Kyiv to Washington early to join his team as Deputy
7 Assistant Secretary of State to take charge of our eastern
8 European Caucasus portfolio, covering six countries in the
9 front line of Russian aggression and malign influence,
10 Ukraine, Moldova, Belarus, Georgia, Armenia, and Azerbaijan.
11 The administration's national security strategy, which Wess
12 helped write, makes clear the strategic challenge before us
13 great power competition, with peer or near-peer rivals, such
14 as Russia and China and the need to compete for positive
15 influence without taking countries for granted. In that
16 sense, Ukraine has been on the front lines, not just of
17 Russia's war in eastern Ukraine since 2014, but of the
18 greater geopolitical challenges facing the United States
19 today.

20 Ukraine's success, thus, is very much in our national
21 interest in the way we have defined our national interests
22 broadly in Europe for the last 75 years, and specifically in
23 central and Eastern Europe, for the last 30 years, since the
24 fall of the Wall in 1989. A Europe whole, free, and at
25 peace -- our strategic aim for the entirety of my foreign

1 service career -- is not possible without a Ukraine full free
2 and at peace, including Crimea and Donbas, both current
3 occupied by Russia.

4 I am grateful for all of you on the key congressional
5 committees who have traveled to Ukraine in the past
6 5 years -- and I had occasion to speak to many in the 3 years
7 I was in Kyiv -- and appropriating billions of dollars in
8 assistance in support of our primary strategic goals, in
9 particular, increasing Ukraine's resiliency in the face of
10 Russian aggression in the defense, energy, cyber, and
11 information spheres, and empowering institutions in civil
12 society to tackle corruption and undertake systemic reforms.

13 I believe that all of us in the legislative and the
14 executive branches in the interagency community working out
15 of our embassy in Kyiv, with Ukrainians in government in the
16 Armed Services in civil society, and with our transatlantic
17 allies and partners, can be proud of our efforts and our
18 resolve in Ukraine over the past 5 years, even though much
19 more remains to be done.

20 U.S. officials who have spoken publicly in Ukraine to
21 push back on Russian aggression and corrupt influences have
22 been subject to defamatory and disinformation campaigns, and
23 even online threats for years. Starting in 2015 for former
24 Ambassador Pyatt, in 2017 for me, and in 2018 for former
25 Ambassador Yovanovitch.

1 That was, frankly, to be expected, from Russian proxies
2 and corrupt Ukrainians, and indicators that our efforts were
3 hitting their mark. You don't step in to the public arena of
4 international diplomacy in active pursuit of U.S. principled
5 interests against venal vested interests without expecting
6 vigorous pushback.

7 On the other hand, I fully share the concerns in
8 Ambassador Yovanovitch's statement on Friday expressing her
9 incredulity that the U.S. Government chose to move an
10 ambassador based, as best she tell, on unfounded and false
11 claims by people with clearly questionable motives, at an
12 especially challenging time in our bilateral elections with a
13 newly elected Ukrainian President.

14 One final note, I will do my best to answer your
15 questions today and I understand there are going to be a lot
16 of them. I suspect your questions may well involve some
17 issues, conversations and documents that span a number of
18 years. The State Department is in the process of collecting
19 documents in response to the subpoena, not to me, but to the
20 Department that may contain facts relevant to my testimony.
21 I have no such documents or materials with me today.

22 With the exception of a few documents related to the
23 State Department inspector general's submission to Congress
24 this month, neither the Department nor the committee has
25 provided documents at issue in this inquiry. I will, thus,

1 do my best to answer as accurately, completely and truthfully
2 as I can to the best of my recollection.

3 And with those introductory words, I'm ready to answer
4 all your questions regarding the subject of the subpoena,
5 which has ordered me to appear before you today.

6 MR. GOLDMAN: Thank you, Mr. Kent.

7 MR. JORDAN: Could we get a copy, could staff get a copy
8 of the Secretary's opening statement for us, please.

9 MR. GOLDMAN: Yeah, we can deal with that.

10 EXAMINATION

11 BY MR. GOLDMAN:

12 Q Mr. Kent, I'm going to pick up just where you left
13 off there about the documents. You are aware of a request of
14 you as well to provide documents. Is that right?

15 A In the letter that was emailed to me on September
16 27th there was a request to appear voluntarily and to provide
17 documents, yes.

18 Q What did do you, if anything, in relation to
19 providing documents in response to that request?

20 A I received direction that from the State Department
21 that at the same time you issued the letters to me you issued
22 a subpoena to the Department, and therefore the documents
23 would be collected as part of that subpoena request since
24 they are considered Federal records.

25 THE CHAIRMAN: Ambassador, you don't need to turn the

1 mic off.

2 BY MR GOLDMAN:

3 Q Are you aware of the status of that document
4 production by the State Department related to your personal
5 documents -- or professional documents, I should say?

6 A I collected all the different types of records that
7 possibly could be considered part of the request and provided
8 them to the listed authority at the State Department.

9 Q And have you had any followup conversations about
10 production of those documents?

11 A I have not.

12 Q Have you had any conversations, separate and apart,
13 from the letters that we understand you received? Have you
14 had any type of conversations with the State Department --
15 anyone at the State Department about your testimony here
16 today?

17 A My testimony today? No.

18 Q Okay. So you didn't have -- sorry, I don't mean
19 the substance of your testimony, but did you have any
20 conversations about whether you would be testifying or will
21 testify?

22 A The interaction consisted of letters through
23 counsel.

24 Q So you had no personnel conversations with anyone?

25 A I had no personal conversation.

1 Q Did you have any conversations with anyone at the
2 State Department about the document request?

3 A Yes.

4 Q Can you describe those conversations?

5 A Define conversations.

6 Q All right. Well, who did you speak to about the
7 document?

8 A Okay. So the first interaction was with somebody I
9 presume many of you are familiar with [REDACTED], who
10 works with our congressional liaison. And initially, when I
11 asked in email form whether I should start collecting
12 documents, because I had received a personal request, I was
13 instructed to await formal guidance, meaning formal
14 instructions on how to fulfill the document production
15 request, so that was the first interaction.

16 Q And what was the second interaction?

17 A The second interaction with the Department issued
18 written guidance on how to be responsive to the subpoena for
19 documents to the Department late on October 2nd and that was
20 in writing.

21 Q From whom?

22 A The instructions were sent from the executive
23 secretary of the Department, Lisa Kenna.

24 Q And what did you do upon receiving those
25 instructions?

1 A That was after close of business. The senior
2 bureau official at the time was Maureen Cormack (ph), and
3 Maureen gave me a paper copy and said that the European
4 Bureau staff on whom most of the requirements would fall
5 would convene at 9 o'clock the next morning to discuss how we
6 could fully be responsive to the request.

7 Q And did that meeting at 9 o'clock the next day
8 occur?

9 A It occurred.

10 Q And what happened at that meeting?

11 A We had roughly 20 members of European Bureau still
12 there and followed the overall staff meeting of the morning
13 which was from 8:30 to 9:00. Most people left. Those
14 related to the inquiry stayed. And we had several additional
15 staff who joined us at that meeting.

16 Q And can you just summarize the conversation at that
17 meeting?

18 A We started going through the instructions of the
19 State Department, which initially, the first paragraph
20 identified a number of individuals as key record collectors.
21 And so we -- the first question that came up was when it said
22 "including colon" and it listed names, was that an inclusive
23 or exclusive list? Was it only those individuals or more?
24 We had two people in the room who are not members of the
25 European Bureau staff, there could have been more, but they

1 self-identified as [REDACTED] from congressional liaison
2 and [REDACTED] from the Office of Legal Counsel at the
3 State Department. They clarified that that was not an
4 exclusive list, meaning not only those people listed, but
5 others who might have records should also be responsive.

6 Q Okay. At any -- I just want to back it up a little
7 bit and a little bit more generally here. I appreciate your
8 detail, but we are somewhat -- we didn't want to stay here
9 all night. So I'm just trying to get a sense of, sort of,
10 the back and forth. Was there, at any point, did you take
11 issue with any of the directives or suggestions that you
12 received from the State Department?

13 A The letter of instruction that was issued after the
14 close of business on October 2nd was the first formal
15 instruction that any of us had received in response to the
16 subpoena to the Department and the personal letters which had
17 been sent at the end of September 27th, so there was not any
18 formal structured interaction, as I mentioned, that I'd had
19 initial interaction with [REDACTED], and she directed me to
20 await formal guidance. I did have several interactions with
21 other State Department officials on Tuesday, October 1st.

22 Q With whom?

23 A With the director general of the Foreign Service,
24 and with the acting L, so to speak, Marek String.

25 Q And what was the purpose of those conversations?

1 A I approached the director general late in the
2 afternoon -- mid-afternoon on October 1st, because I had not
3 had any contact from any member on the leadership of the
4 Department. And there was a letter sent to these committees
5 that characterized interactions that I do not feel was
6 accurate.

7 Q Can you explain what you didn't feel was accurate?

8 A Well, there was a line in there that the committees
9 had been attempting to bully, intimidate, and threaten career
10 foreign service officers. And I was one of two career
11 foreign service officers which had received letters from the
12 committees, and I had not felt bullied, threatened, and
13 intimidated. There was another line in there that suggested
14 that the career Foreign Service officers had requested the
15 committee's to route all communications through House liaison
16 and I think your colleague who -- [REDACTED], who sent me the
17 initial email on Friday night received my reply, which
18 indicated that I acknowledged receipt, and that our
19 congressional liaison had requested that the information be
20 routed to them. So I was concerned that the letter itself
21 did not accurately characterize the interaction.

22 Q When you're talking about the letter, you're
23 talking about the letter from Secretary Pompeo?

24 A Correct.

25 Q And what was the response of the two individuals

1 that you spoke to?

2 A Well, Ms. Perez, who is one of the top two career
3 foreign services officers and oversees the personnel system,
4 I had worked for her previously directly in a previous job.
5 And because I'd had no contact with the leadership of the
6 Department outside of the European Bureau, I suggested that
7 it was time that somebody engaged me personally, particularly
8 since representations were being made about me.

9 Q What representation? Oh, the letter?

10 A Right, the language in the letter.

11 Q And what was Ambassador Perez's response?

12 A She needed to go and give a response to 150 people
13 about taking care of your people. And she said when that was
14 finished, she would reach out and find somebody that would
15 reach out to me. And so she came back after an hour and said
16 that the acting legal counselor of the Department, "L" in our
17 parlance, Marek String, would reach out to me; that if I did
18 not hear from him in 24 hours, I should contact her again.

19 Q Did hear from him?

20 A I did after I wrote him an email.

21 Q And did you ultimately have a conversation with
22 him?

23 A I did. He called me back through the Operations
24 Center in the evening when I was already at home.

25 Q And can you summarize that conversation for us?

1 A He apologized for not having had anyone reach out
2 to me prior. He said it was a very busy day, that they had
3 responsive and were doing a lot and -- but I'd known Marek
4 previously and respected him. If it weren't for Marek, we
5 would not have had Charge Taylor out in Kyiv. He helped with
6 the process of getting him brought back on board as an Active
7 Duty person. So I respected his professionalism previously,
8 so it was a professional conversation.

9 Q Did you voice the same -- similar concerns?

10 A I did.

11 Q And what was his response?

12 A He apologized, because I mentioned that there had
13 not been an exchange.

14 Q Sorry. Did you voice your concerns about the two
15 statements in the letter that you disagreed with?

16 A To the best of my recollection, again, it was a
17 phone call at night when I was in my kitchen eating dinner at
18 about 9 -- between 8 and 9. So I cannot say it was more, I
19 think, the tonality. It was a pleasant, professional
20 exchange.

21 Q And was there any follow-on conversations that you
22 had?

23 A Not with Marek, not with Marek. That was again, on
24 the night on the 1st. The guidance that we received in
25 writing came shortly after close of business on the 2nd. And

1 then the next sort of point was the meeting, the guidance,
2 our -- the European Bureau's meeting at 9 o'clock on October
3 3rd.

4 Q And since October 3rd, until today, October 15th,
5 is anything else -- any other further conversation that
6 you've had?

7 A I have not. That was also the time where I think
8 the 3rd was when we formally -- I formally engaged Andrew
9 Wright as my counsel in this process. And therefore, there
10 were additional engagements, interactions with -- through
11 counsel.

12 Q Are you aware that as we sit here today, we have
13 not received one document from the State Department?

14 A I can read the news, but as I've answered you
15 before, I'm not aware -- I did my role. Obviously there were
16 a lot of documents and records that I had that I needed to
17 provide, based on the subpoena and the guidance that the
18 State Department issues. But having provided those records,
19 I do not know the process on reviewing them.

20 Q After your conversation with Marek String, did you
21 have any additional conversations with anyone in L?

22 A I did. There was a representative from L, as I
23 previously mentioned, [REDACTED], who attended the
24 European Bureau guidance meeting on October 3rd.

25 Q Did you have any private conversations with him?

1 A We have a very public exchange in front of the
2 roughly 20 people in the meeting. And then subsequent to
3 that, I was called out into the hall where I had a continued
4 conversation with him and [REDACTED].

5 Q Can you describe the public exchange?

6 A Well, public -- in a room, closed-door room. The
7 exchange started when we were discussing the issue of who
8 needed to be responsive to the records collection. The
9 individuals listed primarily were in the European Bureau.
10 And I noted several people who should have been listed who
11 played key roles on staff at the embassy in Kyiv. And then I
12 mentioned Consular Affairs Assistant Secretary Risch, because
13 he had spoken to Rudy Giuliani several times in January about
14 trying to get a visa for the former corrupt prosecutor
15 general of Ukraine, Viktor Shokin. And my read of the
16 request would include that.

17 [REDACTED] took issue with my raising the additional
18 information, and the conversation rapidly, I would say,
19 either escalated or degenerated into a tense exchange.

20 Q So what was his response to your suggestions of
21 additional custodians?

22 MS. SPEIER: What did he say?

23 MR. KENT: I've got two questions here, so I don't know
24 how you want to manage -- Representative Speier asked me a
25 question and you.

1 MS. SPEIER: No, I didn't. I was just talking to
2 myself.

3 MR. KENT: Oh. Sorry.

4 MR. BAIR: It was the same question.

5 MR. GOLDMAN: It's the same question.

6 MR. KENT: He objected to my raising of the additional
7 information and said that he didn't think -- I do not
8 remember his exact words, but -- he made clear that he did
9 not think it was appropriate for me to make the suggestion.
10 I took the opportunity, then, to point out that that was the
11 first -- the meeting was the first time that we were
12 discussing guidance for being responsive to a subpoena. At
13 this point, it was already October 3rd. The request for the
14 documents and the request for submission had been delivered
15 on September 27th and we had less than 2 business days to be
16 responsive. [REDACTED] has then said, I don't think I should
17 be even talking to you. It's not appropriate. I should only
18 talk to counsel, and I talked to your counsel last night.
19 That was, as I knew, a factually incorrect statement at that
20 point. He never had a conversation with my counsel. The
21 conversation ended at that point, but later on when I then
22 picked up this issue of guidance and our responsibilities, he
23 raised his voice again, suggested, as I told you before, I
24 should not be talking to you, it is against the bar ethics,
25 for me to contact and talk to you directly. I took issue

1 with that. I said I'm under no obligation to retain private
2 counsel. I said somebody provided information to the
3 Secretary that he said publicly in Italy that the
4 congressional committees were preventing me from talking to
5 legal counsel. And I said I've got 15 witnesses in a room
6 hearing you say that you don't want to talk to me. So I'm
7 worried that you as working for this office, are adopting
8 positions at odds with the language that your office is
9 providing the Secretary of State.

10 My interest in this process was so that the State
11 Department and the Secretary would be protected, and being
12 fully responsive to the legal subpoena that had been issued.

13 BY MR. GOLDMAN:

14 Q Was his concern more of a process concern or did he
15 take any objection to your substantive suggestion that
16 additional custodians should be included?

17 A I honestly cannot answer what he was thinking. I
18 can only say what he said to me.

19 Q That's what I'm asking. What did he say?

20 A He said to me that he represented the Secretary of
21 State and the Department's interest in this process. And
22 that was the end of that -- and he also said that he was the
23 author of the lines about the -- of the letter that included
24 the language about the bullying and intimidation.

25 I pointed out to him that I thought the language he had

1 then drafted, since he said was the drafter, was inaccurate.
2 And he asked why did I say that. I said, well, you say that
3 the career Foreign Services are being intimidated. And he
4 said, who are you speaking about? And I asked him, about
5 whom are you speaking? And he said, you're asking me to
6 reveal confidential information. And I said, no, I'm not.
7 There are only two career Foreign Service officers who
8 subject to this process. I'm one of them. I'm the only one
9 working at the Department of State, and the other one is
10 Ambassador Yovanovitch, who is teaching at Georgetown. So
11 I'm not asking to you reveal anything that isn't already
12 commonly known.

13 So that was that part of that conversation.

14 Q What his response when you said that?

15 A He spent the next 5 minutes glaring at me.

16 Q Did he disagree that Mr. Risch should be included
17 in the --

18 A We did not return to that topic.

19 Q Now this was all with the others in the room?

20 A This is in the room with the 15 to 20 other people,
21 yes.

22 Q And then you said there was an additional
23 conversation in the hallway with [REDACTED]. Can you
24 describe that conversation?

25 A Correct. [REDACTED] then said, opened the door after a

1 couple of minutes and asked if I could come out. So I
2 excused myself before my colleagues. I apologized for them
3 having had to hear an uncomfortable conversation. I said
4 that it was important that they had been there as witnesses,
5 since that was likely the only such only conversation
6 engagement I would have with the legal staff of the State
7 Department. I walked out, closed the door. And I stuck my
8 hand out and said, Hi, I'm George Kent. We've never met. We
9 shook hands. And then I said, that was unprofessional. And
10 he then said, you were unprofessional. He got very angry.
11 He started pointing at me with a clenched jaw and saying,
12 What you did in there, if Congress knew what you were doing,
13 they could say that you were trying to sort of control, or
14 change the process of collecting documents. And what I said
15 to him was what I hear you saying -- I said that's called
16 projection. What I hear you saying is that you think that I
17 am doing that.

18 What I was trying to do was make sure that the
19 Department was being fully responsive. He then told me, I
20 don't think it is appropriate for you to go back into that
21 room. I told him that's not your business, that's my
22 meeting, but I will agree with you, though, I will go back in
23 and tell my colleagues that since I'm one of the chief
24 records collectors, I will go back to my office and resume
25 collecting records to be responsive to the request.

1 And the only other thing we did was I gave him my
2 business card, he wrote his name and phone number in my
3 notebook. And he said, I imagine you will be writing up your
4 version of this conversation and I will be too. And that was
5 it.

6 Q And did you write up your version?

7 A I did.

8 Q Did you provide that memo to the State Department
9 to be turned over?

10 A I believe -- yes, I did.

11 Q Were you aware that the original request to the
12 Department was made on September 9th?

13 A I am aware that there was a letter sent, yes. I
14 was traveling through much of that next week. So I am not a
15 lawyer and I understand there are different ways of signaling
16 how serious the issue is, but yes, I was aware that an
17 earlier set of letters were sent prior to the September 27th
18 letters.

19 Q Were you asked to collect your records prior to, I
20 believe, you said October 2nd?

21 A There was no request for anyone to collect records
22 prior to the subpoena that was issued, to my understanding,
23 on the 27th.

24 Q And I assume you did not have any further
25 conversations with [REDACTED]?

1 A No, and I think as counsel can confirm, once our
2 relationship was established, he, [REDACTED], was taken off
3 of my account, and while I did not participate in further
4 conversations, my understanding is that the tone and further
5 back and forth between L and my counsel was fully
6 professional and respectful.

7 Q All right. Before I move on, Mr. Kent, is there
8 anything else on the topic of the State Department's response
9 to the Congress' subpoena that you think the committee should
10 know about that you haven't addressed?

11 A No.

12 THE CHAIRMAN: If I could, I take it, at some point, you
13 were instructed by the State Department not to provide the
14 documents directly to the committee, but rather to provide
15 them to the State Department?

16 MR. KENT: The initial document request under the
17 subpoena was to the State Department and the State Department
18 as part of its guidance did share the consideration that
19 communications would be considered Federal records, and that
20 they would be handling them, and that is a position that I
21 accepted.

22 THE CHAIRMAN: But in terms of your own documents, the
23 ones in your possession that we had requested, did you get
24 instructions from the State Department that rather than
25 provide them to the committee, you should provide them to the

1 State Department?

2 MR. KENT: The letters that came in, the letter that
3 came to me on September 27th was sent concurrently with a
4 subpoena for those documents. And so they are considered
5 Federal records. And all executive branch employees are
6 reminded of that. So I was responsive to the request under
7 subpoena to the Department for those records to be collected.

8 THE CHAIRMAN: But did you receive any instructions from
9 the State Department that you should not provide the
10 documents directly to the committee?

11 MR. KENT: I would have to go back and look at the
12 written guidance that was issued on October 2nd. But I will
13 say it was my understanding that I would provide the
14 documents as part of the subpoena to the Department for the
15 documents. My documents are not my personal documents. Any
16 record that I create in the performance of my professional
17 duties would be considered a record of the Department of
18 State.

19 THE CHAIRMAN: And I assume that any records that you
20 had on a personal device, those would have been provided to
21 the State Department to be turned over as well?

22 MR. KENT: That is the -- right, correct.

23 THE CHAIRMAN: Thank you.

24 BY MR. GOLDMAN:

25 Q Did you have any conversations with anyone else in

1 the State Department about your interaction with [REDACTED]?

2 A Yes.

3 Q Who?

4 A Now former, I guess, technically retired, he sent
5 in his resignation letter, Michael McKinley, senior adviser
6 to the Secretary of State. I had had no prior interaction
7 with Mr. McKinley until the weekend after the letters were
8 issued, and the story became news, and he reached out to talk
9 to me.

10 Q He reached out to you?

11 A Correct. I was out picking apples with my wife --
12 Stribling Orchards, a very nice place in Markham, Virginia,
13 if you ever want to get good apples -- and he reached out to
14 me through the Operations Center and said that he felt the
15 State Department should stand up for its career Foreign
16 Service officers and wanted to know if I had any objection to
17 him trying to get the Department to issue a statement of that
18 nature.

19 Q What did you say?

20 A I think said I think it is entirely appropriate for
21 the State Department leadership to stand up for its career
22 foreign service officers.

23 Q And what did you say about the statement?

24 A He didn't share the statement with me. I asked him
25 if he'd already floated the idea, and if he got any

1 responses.

2 Q What did he say?

3 A He said he had not yet succeeded in securing an
4 agreement to issue such a statement.

5 Q Had he heard about your interaction with
6 [REDACTED]?

7 A So that came later, because our first conversation
8 was on September 28th, Saturday, when I was picking apples.
9 He then subsequently came to my office, and he was the only
10 Foreign Service officer outside the European Bureau who
11 initiated contact and came to my office.

12 So he checked in with me several times over the last 2
13 weeks to see how I was doing. And I did describe my -- the
14 guidance meeting and what had occurred on the 3rd of October.

15 Q And what was his response to --

16 A He was concerned about that. He asked if I had
17 written it up. And I said, I wrote a note to the file. And
18 he asked if, in his capacity as a senior adviser to the
19 Secretary, in part, responsible for ensuring that the
20 Department leadership was connected to the career Foreign
21 Service, if I would mind sharing it with him so that he could
22 share it with other leaders of the Department, and I said I
23 had no problem. And so I shared with him a copy of my note
24 to the file.

25 Q Did he say who he was going to share it with?

1 A He later told me he shared it with the Deputy
2 Secretary Sullivan, Under Secretary Hale, and I believe the
3 counselor -- sorry -- acting legal, Marek String.

4 Q And did he indicate to you what the -- any response
5 was to sharing the memo?

6 A No.

7 Q Did he indicate to you who he had discussed a
8 statement with?

9 A Not specifically.

10 Q Generally?

11 A He said leadership of the Department. That's -- so
12 I presume that included people outside of the European
13 Bureau, but I did not ask specifically which individuals he
14 had engaged.

15 Q Did you have any further conversations about that
16 statement with him?

17 A I did ask him, one of the times he dropped by my
18 office, I asked him if that statement had gone anywhere, and
19 he said, no.

20 Q Did he indicate why not?

21 A I don't know recall if he gave any specific
22 information on why.

23 Q Anything else noteworthy about your conversations
24 with Ambassador McKinley?

25 A I had had never met him. I actually had to Google

1 him. His career has not crossed mine. He's been an
2 ambassador in four places -- three times in South America and
3 Afghanistan. But he appeared to me in person to be a
4 genuinely decent person who was concerned about what was
5 happening.

6 And so I very much appreciated him reaching out on a
7 personal level and showing, as someone who's been an
8 ambassador in four missions, including Afghanistan,
9 understanding it's important to be responsive and engage the
10 people who work for you.

11 Q Did you share his concerns?

12 A Which concerns?

13 Q About how the career Foreign Service officers were
14 being treated during this process?

15 A Well, as I mentioned before, that's why I reached
16 out to the director general, Carol Perez, on October 1st
17 because I had concerns that outside of the European Bureau,
18 the leadership in the Department was not actually signaling
19 its support for the career Foreign Service officers.

20 Q All right. Mr. Kent, we're going spend some time
21 today discussing Ukraine policy as well as efforts by
22 nongovernment individuals to influence Ukraine policy. As
23 you no doubt are aware one of the central players in this
24 investigation is Rudy Giuliani. When did you first learn
25 that Rudy Giuliani had taken an interest in Ukraine?

1 A Well --

2 Q Or any Ukrainians?

3 A I think it's a matter of record that the former
4 mayor of New York and the current mayor of Kyiv have known
5 each other for over a decade. Mayor Klychko is a former
6 heavyweight boxing champion of the world. And so I believe
7 that Giuliani first met Klychko, roughly, in 2008.

8 Q Okay.

9 A So I think Giuliani, as a person, a private
10 individual, has traveled to Ukraine over the course of the
11 last decade.

12 Q When you were in Ukraine, did you ever meet with
13 him?

14 A I never met with him, never been in the presence of
15 him, never had any communication with him.

16 Q So other than, as of 2018, at some point, did you
17 come to learn that Mr. Giuliani was actively engaged in
18 matters relating to Ukraine?

19 A The first indication that I heard of contacts in
20 2018 came in May 2018. The then-prosecutor general of the
21 country, Yuriy Lutsenko, had planned to go to New York and
22 his plane, KLM plane, was canceled. But my understanding was
23 that his intent to go to New York was to meet with Rudy
24 Giuliani.

25 Q And did you understand what the purpose of that

1 meeting was?

2 A At the time, no, because the meeting didn't happen.

3 Q How did you learn about it?

4 A There were stories in the Ukrainian media that he
5 intended to go. I'd heard the story about the cancelation,
6 KLM. Some of the stories later claimed that he did not have
7 a visa. That was not true, because I know the plane had been
8 canceled and he later traveled to New York. And also the
9 head of Ukrainian diaspora organization [REDACTED],
10 told me that he had had a conversation with Lutsenko and
11 Lutsenko said his intent was to go to New York and meet with
12 Giuliani.

13 Q Were you still in --

14 A I was in -- I left Kyiv, Ukraine on August 12th,
15 2018.

16 Q And what did you learn about Mr. Giuliani's
17 interactions with Mr. Lutsenko after that initial aborted
18 trip?

19 A The next time I heard Mr. Giuliani's name mentioned
20 was on the 9th of January this year, 2019, when I was copied
21 on an email that Giuliani was calling the State Department
22 regarding the inability of the previous prosecutor general
23 Viktor Shokin to get a visa to come to the United States.

24 Q How did you learn about that?

25 A I was copied on an email. Because I'm the Deputy

1 Assistant Secretary of State covering Ukraine, and it was a
2 matter about Ukraine.

3 Q And did you have any involvement in that visa
4 issue?

5 A I was involved extensively in conversations and
6 exchanges over the next 2 days, yes.

7 Q Describe briefly who Viktor Shokin is.

8 A Viktor Shokin served as prosecutor general of
9 Ukraine from, I believe his appointment date was February
10 10th, 2015, until sometime of the spring, perhaps late
11 February, early March 2016. He was a longtime prosecutor.
12 He was known to have been the godfather of then-President
13 Poroshenko's kids. And he was someone with whom and about
14 whom the U.S. Government had many conversations over that
15 period of time as prosecutor general.

16 Q Was there a broad-based international assessment of
17 his, whether or not he was a credible or corrupt prosecutor
18 general?

19 A There was a broad-based consensus that he was a
20 typical Ukraine prosecutor who lived a lifestyle far in
21 excess of his government salary, who never prosecuted anybody
22 known for having committed a crime, and having covered up
23 crimes that were known to have been committed.

24 Q Who was the email from that you received on January
25 9th?

1 A I do not recall. I believe it may have been from
2 one of the staff in the Office of the Secretary of State,
3 because Rudy Giuliani was trying to call into that office.

4 Q And did you follow up on this email?

5 A The initial redirection was to the Assistant
6 Secretary of Consular Affairs, Mr. Risch.

7 Q Okay. The redirection by who?

8 A I was just copied on the email. Since it was about
9 a visa, I think it was entirely appropriate for the matter to
10 be referred to the part of the State Department that deals
11 with visas.

12 Q And what was Mr. Giuliani's involvement in this
13 matter?

14 A He was pushing a visa. He wanted Viktor Shokin to
15 get a visa.

16 Q Had Viktor Shokin been denied a visa at that point?

17 A Apparently, Mr. Shokin did not have a valid visa at
18 the time. I do not know whether he had been denied a visa
19 recently.

20 MR. SWALWELL: Ambassador, can you spell "Risch"?

21 MR. KENT: I believe, with apologies to any German
22 Americans, I think it is R-i-s-c-h, but sometimes names get
23 changed. My original German name was Kindt, K-i-n-d-t, and
24 then my great-great-grandmother changed to anglicize it to
25 K-e-n-t.

1 MR. SWALWELL: Thank you.

2 BY MR. GOLDMAN

3 Q So describe generally what your role was in this
4 visa matter, if any?

5 A There was a series of conversations between members
6 of the Consular Affairs front office and European Affairs
7 front office. For the European office, that included
8 Assistant Secretary Wess Mitchell and myself principally.
9 And to the best of my recollection, on the side of Consular
10 Affairs, it would be Assistant Secretary Risch and the deputy
11 assistant secretary for visas, who I believe is Ed
12 Romatowski.

13 Q Just to try to get to the bottom line,
14 Mr. Giuliani, what was the State Department's view about the
15 propriety of a visa for Mr. Shokin?

16 A Mr. Shokin, as I mentioned, was well and very
17 unfavorably known to us. And we felt, under no
18 circumstances, should a visa be issued to someone who
19 knowingly subverted and wasted U.S. taxpayer money. And as
20 somebody who had a fiduciary responsibility for
21 anticorruption programs, I felt personally strongly, Wess
22 Mitchell felt very strongly that it was incorrect and so we
23 stated that view clearly to our congressional -- to or
24 Consular Affairs colleagues.

25 Q Okay. And what -- did you learn why Mr. Giuliani

1 was pushing to have a visa granted?

2 A To the best of my recollection, the story that he
3 conveyed to my colleagues in Consular Affairs was that Shokin
4 wanted to come to the United States to share information
5 suggesting that there was corruption at the U.S. embassy.

6 Q And did you understand what he was referring to?

7 A Knowing Mr. Shokin, I had full faith that it was
8 bunch of hooey, and he was looking to basically engage in a
9 con game out of revenge because he'd lost his job.

10 Q And do you know whether there was any engagement
11 with Mr. Giuliani on behalf of the State Department?

12 A To the best of my recollection, to my awareness
13 based on the email exchanges, He may have had between two and
14 three conversations with the Assistant Secretary in that
15 period of time, Giuliani to Risch. No time did Wess Mitchell
16 or I engage Giuliani.

17 Q And did you learn about the substance of those
18 conversations from Mr. Risch?

19 A I shared what I recall, and I presume that either
20 that was in one of those conversations were an email
21 exchange, but I couldn't tell you for sure.

22 Q What ultimately happened with the visa application?

23 A When the State Department was not being responsive,
24 my understanding is that former Mayor Giuliani attempted to
25 call the White House, and deputy chief of staff, my

1 understanding deputy chief of staff, Rob Blair, then called
2 the State Department to ask for a background.

3 Q Who did Mr. Blair speak to in the State Department?

4 A In the end, I believe it was a conference call. I
5 participated sitting in Wess Mitchell's office. I believe
6 Consular Affairs may have also been on the call.

7 Q And can you describe the conversation?

8 A We laid out enough frank detail about U.S.
9 Government engagement and assessment of Mr. Shokin. And Mr.
10 Blair said, thank you very much, I've heard enough. He
11 identified his role at that point to ground truth the
12 situation and look out after the interest of the Office of
13 the President. And I took from his response to us that he'd
14 heard what he needed. And that was the last I heard about
15 that, and Mr. Shokin, to the best of my knowledge, did not
16 ever receive a visa and has not come to the U.S.

17 Q So after Mr. Giuliani reached, attempted to
18 convince the State Department to issue the visa directly, and
19 was told no, he then went around to the chief of staff's
20 office?

21 A That -- I do not know who he tried to reach at the
22 White House. I only know that Mr. Blair reached out to us to
23 ground truth the situation.

24 Q To your knowledge, had anyone in the State
25 Department informed Mr. Blair or the chief of staff's office?

1 A My understanding is he reached out to us, and we
2 were responsive to him reaching out to us.

3 Q And did you understand the he learned about it from
4 Mr. Giuliani?

5 A I do not if he had a direct conversation. To the
6 best of my recollection, he said he was asked, which suggests
7 that he did not have the conversation himself. I don't know.

8 Q Was this the first that you had heard about any
9 concerns about the embassy in Kyiv?

10 A No. I was at the embassy in Kyiv when a series of
11 corrupt prosecutors, including Shokin's team accused us of
12 not sharing our assistance to improve the prosecutor service
13 in Ukraine. And to my understanding, because it was released
14 as part of the disinformation campaign, that included a
15 letter from April 2016 which I signed as Charge.

16 Q Was that -- were those accusations accurate?

17 A The accusations were completely without merit.

18 Q Following this January 9th meeting, when is the
19 next time that you learned about any involvement of Rudy
20 Giuliani in Ukraine matters?

21 A On February 11th, there was a seminar hosted at the
22 U.S. Institute of Peace, about the conflict in Donbas, and
23 the Minister of Interior, Arsen Avakov, came and participated
24 presenting his plans for what he calls a plan of small steps.

25 We had a separate meeting, since I'm the leading

1 policymaker focused on the region. And during that meeting,
2 he let me know that Yuriy Lutsenko, the then-prosecutor
3 general of Ukraine, had made a private trip to New York in
4 which he met Rudy Giuliani. I said, did he know what the
5 purpose was, and the Minister of Interior Avakov said it was
6 to throw mud. And I said, throw mud at whom? And he said, a
7 lot of people. I asked him, whom? And he said, towards
8 Masha, towards you, towards others.

9 Q Masha is Marie Yovanovitch?

10 A Former Ambassador Yovanovitch, yes.

11 Q Did he say -- name any other names?

12 A At that point, to the best of my recollection, he
13 mentioned specifically Masha and me, and then said others but
14 did not mention the others.

15 Q Where was this meeting?

16 A It would have either happened at the U.S. Institute
17 of Peace or in my office, which is right across the street.
18 The State Department and USIP are across the street.

19 Q Did he explain in any more detail what he had
20 learned about the conversations between Lutsenko and
21 Giuliani?

22 A He was just passing along information. That was
23 not the purpose of the meeting. The meeting was to talk
24 about our assistance programs. He oversees the law
25 enforcement reform. It was to talk about Ukrainian politics.

1 Frankly, at the time, he was the second most powerful person
2 in the country after President Poroshenko. It was to talk
3 about his ideas about trying to bring peace to the Donbas.
4 And his comment about Lutsenko's trip and meeting with
5 Giuliani was and, Oh, by the way, probably the last thing he
6 said before we finished the meeting.

7 Q Did he express -- why did he mention this to you?

8 A I don't know. I would say that Mr. Avakov likes to
9 keep lines of communication open to all sides and -- but I
10 cannot say why he chose to share that information.

11 Q Did he express any concerns about this?

12 A He thought it was the wrong thing to do. He
13 thought Lutsenko was a fool to have made a private trip and
14 to have done what he did.

15 Q Do you know whether he was aware of Mr. Giuliani's
16 connection to President Trump?

17 A Mr. Avakov?

18 Q Yes.

19 A Mr. Avakov is a very well-informed person, and I'm
20 absolutely sure he knew who Giuliani was connected to.

21 Q Did you, after learning this information, what, if
22 anything -- what if any conversations did you have with
23 anyone else about the information you learned?

24 A I cannot say with complete certainty, but I know
25 that I shared the information that Avakov passed to me with

1 others.

2 Q Who else?

3 A Based on my normal procedures I would guess that I
4 shared it with people who followed Ukraine in the European
5 Bureau, as well as with the leadership of or embassy in Kyiv.

6 Q Do you know what mud Lutsenko and Giuliani were
7 discussing in connection to you?

8 A I did not know, no.

9 Q At that time you did not know?

10 A I still don't know.

11 Q You haven't seen memoranda that --

12 A I've seen the letter that I signed in April 2016.
13 I don't know if that's all. I've seen a fake list that had
14 my business card that I used temporarily in 2015, when I was
15 at the embassy as acting DCM. The business card was the one
16 I used in 2015, the letter itself was completely fake with
17 lots of misspellings. But I have never -- no one has ever
18 shown me what Lutsenko might have been passing to Giuliani.
19 So I did not know then and I still do not know now.

20 Q You mentioned the documents that the State IG had
21 provided to Congress. Have you reviewed those?

22 A They were not -- no one shared this with me, no.
23 So I -- what I have been told, I first learned about it from
24 [REDACTED] reporter who emailed me, a person I'd never had
25 contact with, and to whom I did not respond, who claimed that

1 she had seen the documents and asked me a question, and with
2 the many dozens of emails from media over the last several
3 weeks, since this story started, I didn't answer a single
4 one, I forwarded them all to our press officer.

5 Q Was this recent?

6 A This was after -- it was probably a day or 2 after
7 the IG came up and passed documents.

8 Q Did you speak to Ambassador Yovanovitch about the
9 conversation that you had with Mr. Avakov?

10 A I did not -- well, I cannot say for certain. I
11 mean, again, the conversation was February 11th. That was
12 the day of the seminar. I could say -- I cannot say for
13 certain whether I talked or whether I sent a brief email.

14 Q Okay.

15 A My guess is, to the best of my recollection, I
16 conveyed the information.

17 Q Did you become aware of whether Ambassador
18 Yovanovitch had also spoken with Mr. Avakov around this time?

19 A I believe it may have been that conversation that
20 she shared that she had had a similar conversation with him.

21 Q At that point did you understand what Rudy
22 Giuliani's interest was in meeting with Lutsenko?

23 A I did not have any visibility. I had better
24 insights into the mind of Yuriy Lutsenko than I did of Rudy
25 Giuliani.

1 Q And what were those insights into Mr. Lutsenko?

2 A Mr. Lutsenko is somebody with whom the embassy had
3 a long relationship dating back to the Orange Revolution
4 period, which is when I first met him. And at that time he
5 was a seemingly pro-Western politician. We met with him,
6 he's a very gregarious, outgoing person. He was imprisoned
7 for 2 years under former President Yanukovitch, and he came
8 out and resumed politics. When Shokin was forced out, the
9 intent of then-President Poroshenko was to appoint someone he
10 trusted. Yuriy Lutsenko is also the godfather of his kids.
11 And the question was whether someone who didn't have a law
12 degree could be a reliable partner to try to reform the
13 prosecutorial service.

14 So I had a series of meetings with him in the spring of
15 2016 to judge and assess whether he would be a serious
16 partner for us. And so, that was the initial, if you will,
17 renewal of a relationship. Subsequent to that time, it was
18 very clear that Mr. Lutsenko was not any more serious about
19 reforming the corrupt prosecutorial service than Viktor
20 Shokin had been. And at that point, our relationship -- not
21 personal to me, but the relationship between the embassy and
22 Mr. Lutsenko began to sour.

23 Q So it was the embassy and the U.S. view that
24 Mr. Lutsenko was another corrupt prosecutor general?

25 A That was our assessment, yes.

1 Q When you spoke to Mr. Avakov, did you learn whether
2 Mr. Giuliani was working with anyone else on matters related
3 to Ukraine?

4 A He just mentioned his -- his -- this is, by the
5 way, aside. Again, he's a Ukraine politician serving as
6 minister of interior, he was talking about another Ukraine
7 politician serving as prosecutor general, and his focus was
8 on that dynamic. And because he said he'd heard my name
9 mentioned, he'd passed that along.

10 Q When was the next time that Rudy Giuliani came up
11 in conversation?

12 THE CHAIRMAN: A question if I could, just for
13 clarification. You mentioned a letter with misspellings and
14 forgery.

15 MR. KENT: Yes?

16 THE CHAIRMAN: Can you tell us what that letter was and
17 what you know of its provenance?

18 MR. KENT: Well, that was part of series of news
19 articles that came out I believe starting March 20th, this
20 spring. There with a number of articles that were initially
21 led by John Solomon of The Hill, who gave -- who took an
22 interview with Yuriy Lutsenko earlier in March. And so,
23 there was, I believe, video somewhere, there certainly were
24 pictures of them doing interview. And it's part of a series
25 of articles, it was an intense campaign. One of those

1 articles released because the interview on the first day
2 Lutsenko had claimed that Ambassador Yovanovitch had given
3 him a list in their first meeting of people not to prosecute.
4 Several days later, a list of names was circulated on the
5 internet, with -- the photograph had a copy of my temporary
6 business card that I used for a short period of time in 2015.
7 So it was a real -- it didn't look like a regular business
8 card. It was the one that we did on the embassy printer. So
9 I think the card was genuine, and someone attached that to a
10 list of names that was a hodgepodge of names.

11 Some of the people I had to google, I had not heard of.
12 Half the names were misspelled. Not the way that any
13 American, or even Ukrainian, or Russian would transliterate
14 Ukrainian names. My best guess, just from a linguistics
15 semantic point is the person who created the fake list was
16 either Czech or Serbian.

17 THE CHAIRMAN: So when you referred earlier to a forged
18 letter, you were referring to the forged do-not-prosecute
19 list?

20 MR. KENT: That was -- yeah. This was the -- it wasn't
21 a letter, it was just a list of names with my actual business
22 card attached.

23 THE CHAIRMAN: Thank you.

24 BY MR GOLDMAN:

25 Q When was the next time that you learned anything

1 being Mr. Giuliani's involvement in Ukraine, after February
2 11th?

3 A Well, Mr. Giuliani was almost unmissable starting
4 in mid-March. As the news campaign, or campaign of slander
5 against, not only Ambassador Yovanovitch unfolded, he had a
6 very high -- a media promise, so he was on TV, his Twitter
7 feed ramped up and it was all focused on Ukraine, and it was
8 focused on the four story lines that unfolded in those days
9 between March 20 and 23rd.

10 Q Where do those story lines unfold?

11 A They unfolded both in the U.S. media and the
12 Ukrainian media, simultaneously in peril.

13 Q What U.S. media outlets?

14 A Well, Mr. Solomon started off in The Hill, as I
15 recall. There was a lot of tweeting, and of people that I
16 had not previously been aware of, and then that also then
17 played into late night television, subsequent days, both the
18 Hannity Show and the Laura Ingraham Show covered this topic
19 extensively.

20 Q That original John Solomon article, was that based
21 on accurate information?

22 A It was based on an interview with Yuriy Lutsenko.

23 Q And was the information that Mr. Lutsenko provided
24 accurate, to your knowledge?

25 A No. It was, if not entirely made up in full cloth,

1 it was primarily non-truths and non-sequiturs.

2 The interview was broken into two parts. The first part
3 was focused on any corruption efforts in which he went after
4 the Ambassador and other actors on anticorruption issues. I
5 think that is where he claimed that we hadn't shared his
6 money, meaning his assistance to the prosecutor general's
7 office.

8 And the second half of the first wave theme was looking
9 back at the 2016 campaign and allegations that the National
10 Anti-Corruption Bureau head, a person name Artem Sytnyk, had
11 somehow provided the list of people taking money from the
12 discredited pro-Russian party, Party of Regions, back in
13 2016.

14 So that was day one. There were two story lines that
15 were launched more or less in parallel that were covered
16 extensively in the U.S. press, first by The Hill and
17 amplifiers, and in Ukraine by what are known as Porokhobots,
18 trolls on the internet, particularly Facebook, in support of
19 then-President Poroshenko and against the people that are
20 perceived to be Poroshenko's opponents.

21 Q You said there were some, I think you said,
22 surprising Twitter --

23 A I honestly -- I have forgotten my Twitter password.
24 I'm not on the Twittersphere. So they are just names that
25 did not mean anything to me until they all of a sudden became

1 very active, talking about Ukraine and particularly the
2 activities of our embassy in Ukraine.

3 Q Were you aware of whether the President retweeted
4 this John Solomon article?

5 A To the best of my recollection, the President may
6 have retweeted something affiliated with the Hannity Show the
7 second day.

8 Q Did it reference John Solomon, as you recall?

9 A I honestly, again, I have started following Twitter
10 more than I did before March, but I was not an active
11 follower at that point.

12 Q Prior to the initial Hill article between February
13 11th and March 20th, was there any engagement that you had,
14 either with the Ukrainian -- on the Ukrainian side, or with
15 any State Department officials about any of these issues
16 related to Rudy Giuliani?

17 THE CHAIRMAN: If I could -- just for clarification
18 again, I think I mentioned one or two of the story lines, but
19 you said there were four story lines. Can you tell us what
20 the other story lines were?

21 MR. KENT: The third story line that came out the next
22 day was focused on the Bidens and Burisma, that was the third
23 story line. The fourth one that came out of day after was
24 going after some civil society organizations, including
25 anticorruption action center that were described as Soros

1 organizations?

2 BY MR. GOLDMAN:

3 Q I want to -- we're going to go through these four a
4 little bit in more depth, but I want to make sure that
5 there's nothing else that occurred between February 11th and
6 March 20th of note on this topic?

7 A I received an email from our embassy on March 19th,
8 the deputy director of the National Anti-Corruption Bureau
9 for Ukraine, usually referred to as NABU, that was set up in
10 2015 and proved very effective at trying to investigate
11 high-level corruption as it was intended to do. The deputy
12 director was a former Georgian national named Gizo Uglava.
13 And he came into the embassy and described his conversation
14 the night before with a completely inebriated, drunk, Yuriy
15 Lutsenko, and Lutsenko was angry. He said he'd given an
16 interview with an American journalist 2 weeks prior and that
17 interview that he had accused the embassy of undermining him,
18 and that was his motivation, and that the embassy had been
19 supportive of the Democrat party, and was not supportive of
20 the Trump party and that -- so basically the lines of attack
21 that then came out in the subsequent articles, Lutsenko
22 shared with this other law enforcement individual, who then
23 came and shared what he had heard from Lutsenko the night
24 before.

25 Q To the embassy?

1 A To the embassy, yes.

2 Q And prior to March 19th, there was no other
3 indication other than television or --

4 A To the best of my recollection, the story was not
5 in play publicly until the first articles appeared. And to
6 the best of my recollection, somebody from The Hill reached
7 out to us in the early evening, or the very end of the work
8 day on the 19th, and asked the press officer of the European
9 Bureau whether we had reaction to a number of assertions,
10 allegations.

11 Q All right. Let's go through -- just give me one
12 minute.

13 [Discussion off the record.]

14 BY MR. GOLDMAN:

15 Q So did you understand why the Ukrainian law
16 enforcement source went to the embassy to describe what a
17 drunk Lutsenko had said?

18 A I believe, first of all, Mr. Uglava had a very good
19 working relationship with the embassy. His organization,
20 NABU, was one of the key anticorruption organizations that
21 had been stood up after the Revolution of Dignity. It was in
22 its first year, it was functioning surprisingly well, meaning
23 it was putting together investigations on high-level corrupt
24 individuals. And because of its initial effectiveness, which
25 I think surprised a lot of people, it then became a target of

1 people in places of influence, because it had been effective.
2 And one of the people that was looking to destroy NABU as an
3 effective Bureau was Yuriy Lutsenko.

4 Q And did the information that you received about
5 this, was that in writing or was it on the phone?

6 A I received it in an email from the embassy. And
7 that email should be part of the records collected, not
8 individually, but the State Department has a system, that is
9 supposed to automatically be able to pull all emails and
10 cables that have key words. That's my understanding of how
11 that material should be provided eventually to the committees
12 after review.

13 Q Could you just summarize for us the four lines that
14 you -- lines of --

15 A I think the four story lines that played out in the
16 media, the first one was the anticorruption line in which the
17 embassy was attacked, and anticorruption actors in Ukraine
18 were attacked. The second line was the 2016 cycle,
19 allegations that somehow, somebody, whether it was Ukrainians
20 or people at the embassy had animus towards Paul Manafort.
21 The third line was a line of reporting related to the Bidens,
22 and the interconnectivity between Vice President Biden's role
23 alleged interconnectivity between Vice President Biden's role
24 and pushing our anticorruption agenda, and the presence of
25 his son, Hunter Biden, on the board of the gas company

1 Burisma. And the fourth line of attack was alleging that
2 certain civil society organizations were funded by the Soros
3 organization.

4 Q Now, based on your time as DCM there, which would
5 have overlapped with some of these events, as well as your
6 expertise in the area and your current role as the Deputy
7 Assistant Secretary of State, did you believe that there was
8 any merit to any of those four story lines?

9 A I did not.

10 Q I believe our time is up so I yield to the
11 minority.

12 BY MR. CASTOR:

13 Q What did your State Department officials do to try
14 to counteract these stories that you believe were totally
15 fabricated?

16 A Correct.

17 Q What did you or State Department officials do to
18 try to counteract these stories?

19 A When stories, media occurs about any of the issues
20 in our area of responsibility, particularly when they touch
21 on allegations or assertions about U.S. policy, or U.S.
22 issues, the responsible part of the State Department with the
23 press officers and the team in embassies work together to
24 prepare press guidance, and that can be a combination of
25 either guidance, if asked, or if a situation warrants it,

1 statements that would usually come out by the spokeswoman.

2 Q Right, so what did you do?

3 A So immediately since our Ambassador and embassy was
4 being attacked with allegations that we felt were completing
5 baseless, we prepared press guidance, and I believe the
6 record -- the public record would show that the media outlets
7 quoted that press guidance.

8 Q And was that it?

9 A That was it for those initial days, yes. In terms
10 of the public stance in response to media articles.

11 Q Was that sufficient to counteract the narrative?

12 A The narrative continued to be pushed until the
13 narrative was still out there. It accelerated on whatever
14 that Sunday was, because the son of the President issued a
15 Tweet in which he suggested that we needed more like
16 Ambassadors like Rick Grenell and fewer, I believe he may
17 have hashtagged Obama appointee was the point, and it was
18 taken by people as an attack on Ambassador Yovanovitch.

19 Q So what else did the State Department do? I mean,
20 this seems like it is a major threat to the Ambassador, and
21 major threat to the State Department. What type of
22 additional full-throated maneuvers did the State Department
23 take here?

24 A The request from the embassy endorsed by the
25 European Bureau, there should be a high-level endorsement of

1 Ambassador Yovanovitch.

2 Q And then what happened there?

3 A There was no high-level Department endorsement of
4 Ambassador Yovanovitch.

5 Q What did the State Department do? You described a
6 series of complete falsehoods in your words.

7 A Yes.

8 Q Fabrications, a fake list, that is going to the
9 heart of the ability of the Ambassador to serve effectively.

10 A Correct.

11 Q And so is it fair to say this was a big league
12 crisis for the Ambassador?

13 A This particularly after there were Tweets by
14 members of the Presidential family, it was clearly a crisis
15 for Ambassador Yovanovitch and a crisis that was threatening
16 to consume the relationship. So our recommendation to our
17 superiors was that there should be a clear statement of
18 support for Ambassador Yovanovitch.

19 Q Clear statement of support, and obviously there was
20 a media statement --

21 A The initial media guidance that we released and was
22 quoted extensively was, I think, complete fabrication, utter
23 nonsense as well as in rebutting Prosecutor General
24 Lutsenko's allegation that somehow we had misdirected
25 assistance met for the prosecutor general. We said something

1 along the lines that we had a fiduciary responsibility to the
2 American taxpayer and when our assistance was not going to
3 good use, we redirected it for more productive purposes.

4 And so, those were the initial lines in that first
5 couple of days. When we got to the weekend, past the Sunday
6 morning talk shows, saw the President's Tweet against the
7 Ambassador. The question that consumed us was what do we
8 need next? And how do we show support for Ambassador
9 Yovanovitch?

10 Q And what does the State Department do? It didn't
11 seem like the efforts were sufficient.

12 A There were exchanges at this point with officials,
13 including, to the best of my recollection, Under Secretary
14 Hale. It may have included the Counselor of the Department,
15 Brechbuhl, at that point. And there was a suggestion made,
16 and I can't remember by whom, initially, but eventually,
17 Gordon Sondland, our Ambassador to U.S. EU also joined some
18 of the back and forth that Ambassador Yovanovitch should
19 issue a statement, or do a video or tweet declaring full
20 support for the foreign policy of President Trump,
21 essentially asking her to defend herself as opposed to having
22 the State Department defend her.

23 Q You talked about the four lines. And the first one
24 you said was the anticorruption actors were being attacked,
25 was that part of the non prosecution list?

1 A The non prosecution, or the allegation that
2 Ambassador Yovanovitch, in her first meeting with Yuriy
3 Lutsenko, which, if I recall correctly, occurred in October
4 2016. He alleged that there had been this list. There was
5 no such list, and that was part of our reason for pushing
6 back firmly. And -- but that was part of, I would say, a
7 cluster of issues around the anticorruption theme.

8 Q Has the embassy ever communicated names not to
9 prosecute for any reason?

10 A That's not what the purpose of our advocacy, or our
11 program is. Our advocacy is to help, in terms of
12 programming, is to build capacity, so they can have the
13 ability to go after corruption and effectively investigate,
14 prosecute, and then a judge allege criminal activities. The
15 issue of whether we asked at any time that they follow up on
16 a prosecution, if there is a criminal nexus in the United
17 States, we have several different ways of conveying that
18 interest. We have something called the Mutual Legal
19 Assistance Treaty, or MLAT. We also have FBI agents known as
20 legal attaches overseas. So we can do it in writing direct
21 from the Department of Justice, or we can have the legal
22 attaches engage their counterparts.

23 But what Lutsenko alleged was that we were not doing a
24 law-enforcement-to-law-enforcement request based on a
25 criminal nexus in the United States but that we were

1 politically asking them not to prosecute Ukrainians. And we
2 just don't do that.

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1 [11:37 a.m.]

2 BY MR. CASTOR:

3 Q At any point in time were names of officials,
4 whether it was for any reason, shared with the prosecutor's
5 office in connection with do not prosecute?

6 A Well, again, we don't go in and say do not
7 prosecute. The types of conversations that we have that
8 might be construed are different.

9 Q You mentioned the name Sytnyk earlier?

10 A Artem Sytnyk who is the still and the first head of
11 the so-called NABU, National Anti-Corruption Bureau of
12 Ukraine.

13 Q And was he ever in the cross hairs of Lutsenko?

14 A He was.

15 Q Was he being investigated?

16 A To the best of my knowledge, yes, there were open
17 prosecutor general investigations on Mr. Sytnyk.

18 Q Do you know if anyone at the embassy ever asked
19 Lutsenko not to investigate Sytnyk?

20 A What I would say, I would characterize the
21 interactions as different because what we warned both
22 Lutsenko and others that efforts to destroy NABU as an
23 organization, including opening up investigations of Sytnyk,
24 threatened to unravel a key component of our anticorruption
25 cooperation, which had started at the request of Petro

1 Poroshenko.

2 Q I mean, could reasonable people interpret that as a
3 request not to investigate Sytnyk?

4 A I am sure that Mr. Lutsenko has claimed that, but
5 he also claimed that there was a list, and there was no list,
6 and he made a lot of other claims. And so as I said, this is
7 an issue of believability about someone who routinely lies.

8 Q You're familiar with the name Shabunin?

9 A Vitali Shabunin perhaps? Is that --

10 Q Yeah. And could you identify him for us?

11 A He is one of the leaders of the NGO known as AnTAC,
12 it's the anticorruption center in Ukraine.

13 Q What's AnTAC's role?

14 A AnTAC is an advocacy group that is designed to both
15 publicly bring attention to issues related to corruption, to
16 advocate for better laws and better prosecutions, and on
17 occasion it has also participated in some of the
18 capacity-building activities that were funded by the U.S.
19 Government.

20 Q Who funds AnTAC?

21 A AnTAC is an organization, has funding that, to the
22 best of my knowledge, includes primarily funds from the
23 European Union and the U.S. Government. It has also received
24 grants from the International Renaissance Foundation, which
25 is the Ukrainian name and arm of the Open Society Institute.

1 Q And who runs the Open Society Institute?

2 A The Open Society Institute was initiated 20-odd
3 years ago by George Soros.

4 Q Can you remember -- sorry. Do you know if the name
5 Vitali -- I apologize for these pronunciations.

6 A That's okay.

7 Q I'm not familiar with how to do this properly, and
8 I apologize. I mean no disrespect.

9 A I'm not Ukrainian, so --

10 Q Vitali Shabunin, do you know if he was ever the
11 subject of a prosecution in Ukraine by Lutsenko?

12 A I do not know. To the best of my knowledge, he was
13 subject to harassment by the securities service known as the
14 Security Bureau of Ukraine. There was an incident where
15 someone threw what's known as bright green, it's iodine-based
16 disinfectant, and they actually threw it on his face near his
17 house. It can damage eyes but is oftentimes done as a form
18 of intimidation in the former Soviet Union.

19 So because Shabunin was outspoken, he was certainly the
20 target of harassment. But I don't know for certain whether
21 there was an active criminal investigation by the prosecutor
22 general's office.

23 Q Was he ever up on charges of hooliganism or
24 something to that effect?

25 A I believe when the person who was picketing his

1 house and throwing this green material on him, and claiming
2 to be a journalist even though he wasn't, provoked him, and
3 Shabunin pushed him near his house. Yes, he was then -- I
4 think there was a charge of alleged hooliganism.

5 Q Do you know if anyone ever tried to communicate
6 with Lutsenko's office that this was not a worthwhile charge
7 to pursue?

8 A I think, you know, if we're going back -- I don't
9 know specifically about that particular incident or charge,
10 but as a matter of conversation that U.S. officials had with
11 Ukrainian officials in sharing our concern about the
12 direction of governance and the approach, harassment of civil
13 society activists, including Mr. Shabunin, was one of the
14 issues we raised, yes.

15 Q Was Shabunin on this list that you described as
16 fake?

17 A I don't know if that list has been provided to the
18 committee. You could show me the list and I might have some
19 recollection. But I --

20 Q Okay. Do you have any recollection of who was on
21 that list?

22 A There were about 15 names, and I remember it was
23 very odd. It included the country's leading rock star Slava
24 Vakarchuk, who is now the leader of one of the parties in
25 parliament. It included very bizarrely a person who was a

1 friend of the current -- the ex-President Poroshenko and was
2 head of the overseer of the defense industry named
3 Gladkovskiy, and in parentheses it had his previous name,
4 Svinarchuk. The reason why that's memorable is because it
5 means a pig or a pig farmer, and he changed his name before
6 he went into government so he didn't have a name that said
7 basically Mr. Piggy. But no one knew that that was really --
8 knew that was his name when the list allegedly was created in
9 2016. That was a story line from 2019.

10 There were a couple of young so-called Euro optimist MPs
11 where friends had joined Poroshenko's party but then become
12 sort of critics of President Poroshenko. Their names include
13 Mustafa Nayyem, Svitlana Zalishchuk, and Serhiy Leshchenko.
14 I believe the former defense minister, who was running for
15 President at the time, Anatoliy Hrytsenko, was at the list.
16 There was a judge I'd never heard of. And there may have
17 been other people on that list. I just don't remember the
18 full list.

19 Q What do you know about Leshchenko?

20 A Serhiy Leshchenko was a journalist for Ukrainskaya
21 Pravda, which is an online -- the leading online news source
22 in Ukraine. He ran for parliament as one of the young
23 pro-western members of then-President Poroshenko's party. He
24 continued to act as an investigative-style public figure even
25 as a member of parliament.

1 He did not get reelected in the parliamentary elections
2 in September. And because he was an active parliamentarian,
3 because he had been an investigative journalist, he was
4 someone that the U.S. Embassy had known for years.

5 Q What was his role in the Manafort issue?

6 A To the best of my recollection he was one of the
7 individuals who helped popularize the information that came
8 out of the black book. I believe Andy Kramer from The New
9 York Times was the first person to write a story in English
10 about it. Andy came and talked to me sometime in late 2015,
11 2016. I do not recall. He was based in Moscow, so he was
12 not there in Kyiv that often.

13 But at some point Andy shared with me where he had heard
14 the first information. And so I believe, although I cannot
15 say for sure, that Mr. Kramer may have shared that he had
16 talked to Leshchenko as one of his sources for that early
17 article.

18 Q Were there other sources of information regarding
19 Manafort pushing out of Ukraine?

20 A About -- well, Mr. Manafort operated in Ukraine for
21 over a decade. So are you specifically saying about his
22 entire time, or what's the specific --

23 Q Around that timeframe, which of course is -- you
24 know, mid-2016 is when he became involved with the
25 President's campaign.

1 A Right. Because Mr. Manafort had spent a decade in
2 Ukraine, Ukrainians followed his reemergence as a U.S. figure
3 very closely.

4 Q And was Leshchenko the primary person bringing that
5 to the attention of The New York Times and the other --

6 A No. I think, all Ukrainians, they didn't need a
7 single person doing it. Because Mr. Manafort first appeared
8 in Ukraine in 2005 when he was hired by former Prime Minister
9 Yanukovych who tried to steal the election that became the
10 Orange Revolution, that was the end of 2004.

11 To the best of my recollection, in this case it's
12 actually quite good because I was with Ambassador Herbst at
13 the time when Yanukovych told us that he'd hired Manafort,
14 and that was the spring of 2005. So Mr. Manafort's time in
15 Ukraine started in 2005, and according to public records, he
16 participated up through the campaigns of 2014.

17 Q Now, the allegation that the embassy shared an
18 animus about Manafort or was interested in pushing
19 information to the forefront, is that an accurate description
20 of the second narrative that was pushed in the March 2019
21 timeframe?

22 A That is part of what Yuriy Lutsenko in that
23 narrative pushed, yes.

24 Q Okay.

25 A It's, again, inaccurate, not accurate

1 characterization.

2 Q Okay. Is it accurate that somebody in the Ukraine,
3 not from the embassy, but somebody, maybe Ukrainians, were
4 pushing this narrative?

5 A I think it would be accurate to say, given what
6 President Yanukovych did to the country, which was loot tens
7 of billions of dollars, that there were many Ukrainians who
8 in part blamed Paul Manafort for that success because he
9 proved to be a brilliant political technologist in giving
10 Yanukovych advice that helped him win the presidency.

11 Q And do you think people in the U.S., supporters of
12 President Trump that saw this information come out of the
13 Ukraine may have wondered if this was an effort to attack the
14 President or the President when he was a candidate?

15 THE CHAIRMAN: Counsel, are you asking what the American
16 public -- an opinion about what the American public might
17 believe?

18 BY MR. CASTOR:

19 Q No. Is it reasonable -- I'll restate it.

20 A Well, I will just say, I was in Ukraine at the time
21 so I don't know what the reaction was.

22 Q Is it reasonable to conclude that if you are in
23 President Trump's world and you're seeing these stories
24 coming out of the Ukraine that it appears to have the look of
25 a political attack?

1 THE CHAIRMAN: The witness can answer if they wish, but
2 you're asking the State Department witness a question about
3 how to evaluate the public response to --

4 MR. MEADOWS: Mr. Chairman, with all due respect, with
5 all due respect, we didn't cross-examine you or -- you're not
6 the counselor.

7 THE CHAIRMAN: Mr. Meadows, I said the witness can
8 answer, but it seems --

9 MR. CASTOR: Okay. Thank you.

10 THE CHAIRMAN: But it seems that you're asking for an
11 answer that's beyond the knowledge of a State Department
12 witness.

13 BY MR. CASTOR:

14 Q Was that part of the second narrative that you
15 described that, you know, injecting the Manafort was an
16 effort to attack then-candidate Trump?

17 A Again, I can't say how any individual, any American
18 would react to a narrative. I can only answer for myself and
19 the knowledge I had. And I'll tell you what I told
20 Ukrainians in 2016. I said that Paul Manafort was an
21 extremely successful political adviser who had helped
22 President Yanukovich win, and no one should underestimate his
23 abilities to help any candidate that he advised. And that
24 was my assessment of his professional ability to help a
25 candidate win, regardless of the country.

1 Q Do you think the second narrative that either
2 Lutsenko is pushing or the journalist he was dealing with in
3 the United States were pushing, do you think that related to
4 trying to spin up President Trump's supporters?

5 A You're asking me to speculate on what Yuriy
6 Lutsenko, Rudy Giuliani, and John Solomon were doing, and I
7 would suggest that's a question for those three individuals.

8 Q Did it have the effect of that though?

9 A It's hard for me to make an assessment since there
10 were so many story lines put in play at the same time to
11 assess how any one of those story lines had an effect on any
12 given audience.

13 Q Did the State Department zero in on that particular
14 story line, or did they approach all of these four at the
15 same time?

16 A Our primary concern was that our Ambassador and our
17 embassy were being subjected to inaccurate accusations. But
18 as situational awareness, we followed or tried to follow
19 because the volume was intense, the various different
20 stories.

21 Q The third story line was relating to Burisma?

22 A Correct.

23 Q And what's your knowledge of Burisma's corruption
24 history and efforts to prosecute Burisma?

25 A I first became aware of the owner of Burisma,

1 Mykola Zlochevsky, when I first went to our embassy in
2 mid-January 2015. I went for a short period of time. At the
3 time I was the senior anticorruption coordinator, but I'd
4 already been selected to be the next deputy chief of mission.

5 So my predecessor had a 3-week break. He was going back
6 to [REDACTED], and I was asked
7 to go out, because so much was happening at the time, the
8 Russians were pushing the final push to take as much
9 territory as they could, that they needed an extra officer.
10 And as well, Ambassador Pyatt thought I could be helpful in
11 the anticorruption front.

12 I was asked by our professional Department of Justice
13 former prosecutor, who was engaged in capacity building, [REDACTED]
14 [REDACTED] if I would be willing to go in and talk
15 to the prosecutor general's office, because in late
16 December 2014, somebody in the prosecutor general's office of
17 Ukraine -- this is, to be clear, pre Lutsenko, pre Shokin, a
18 different corrupt, ineffective prosecutor -- who inexplicably
19 had shut the criminal case that had been the basis for a
20 British court to freeze \$23 million in assets held by Mykola
21 Zlochevsky.

22 That was an issue of our interest because we had made a
23 commitment to the Ukrainian Government in 2014 to try to
24 recover an estimated tens of billions of dollars of stolen
25 assets out of the country. The first case that U.S., U.K.,

1 and Ukrainian investigators worked on was a case against
2 Zlochevsky, and that's because the British Serious Crimes
3 Office had already opened up a case, an investigation against
4 Zlochevsky.

5 We spent roughly half a million dollars of State
6 Department money in support of the FBI and this investigation
7 and to build capacity to track down stolen assets. And so,
8 again, I had a fiduciary responsibility -- I'd previously
9 been the director of the office which provided that funds to
10 find out what had happened and why were our monies being
11 wasted.

12 So armed with the facts that the DOJ rep gave me, we
13 asked for a meeting at the prosecutor general's office. They
14 made the deputy prosecutor general named Donylenko available.
15 And so I went into his office, February 3, 2015, and said,
16 how much was the bribe and who took it? And he laughed and
17 said, ha ha ha ha, that's what President Poroshenko asked us
18 last week. And I said, and what did you tell him? And he
19 said \$7 million, and it happened in May before our team came
20 in, May of 2014.

21 I said, wrong. Somebody, a prosecutor under your
22 command, signed a letter on December 25 -- which is not
23 Christmas in Ukraine. They celebrate it late -- and provided
24 it to the lawyer who provided it to the British judge before
25 the FBI and the Serious Crimes Office could react. So that

1 was 6 months after your team came into the office.

2 He did not offer the name of anyone he suspected of
3 having taken the bribe. He did, however, say, well, I've
4 been friends with Zlochevsky for 21 years, and he's in Dubai
5 right now. Here's his phone number. Do you want it? And I
6 said, no, I think you should actually arrest him next time he
7 comes back to Ukraine.

8 But I want to make very clear the seriousness with which
9 the U.S. Government takes this because we spent months and
10 hundreds of thousands of dollars trying to help your country
11 get your stolen assets back, and somebody in your office took
12 a bribe and shut a case, and we're angry.

13 So that was my introduction. And the focus at that
14 point was on Zlochevsky the person, the ex-minister, when he
15 was minister of ecology, which oversees the unit that issues
16 the licenses to do substrata geologic exploration for gas.
17 He awarded it to a series of companies that happened to be
18 either through shell companies or affiliated with the
19 holdings, which was known as Burisma.

20 But the focus at the time, the case in 2014, in the
21 frozen assets, was the assets frozen for Zlochevsky, the
22 minister, not directed to the conduct of Burisma, the
23 company.

24 Q Okay. But he controlled Burisma?

25 A Yes. Whatever the roster may say, he's the

1 beneficial owner, as they say.

2 Q And did they suffer from allegations of corruption,
3 the company?

4 A The company, which is actually a major player,
5 thanks to all the licenses he granted to himself, when he was
6 a minister, is a serious gas producer, but its reputation in
7 the industry is a company that throws elbows and uses
8 political strings. So it's a legitimate company, but it does
9 not have a good reputation in Ukraine.

10 Q Because it has a history of corruption?

11 A Because it has a history of not just competing on
12 quality of service.

13 Q Okay. But is that a euphemism for corrupt
14 activities?

15 A He was the minister and he granted himself licenses
16 to explore gas.

17 Q Okay. But you're agreeing with me, right, this
18 is --

19 A Yes. And it was the position of the U.S. when I
20 went into that office in February 3 that the prosecutor
21 general should, first of all, prosecute whoever took the
22 bribe and shut the case, and second of all, there was still
23 the outstanding issue of trying to recover the stolen assets.

24 Q You had some firsthand experience with
25 anticorruption issues in 2014, 2015, and then you went to

1 Kyiv in 2015, correct?

2 A Correct.

3 Q What else can you tell us about issues relating to
4 the company, related to corruption?

5 A Well, I think, that pretty much sums it up. If
6 you're asking about the corruption of the company, there is
7 the issue of how they got the licenses and then their
8 reputation. And so our concern was primarily focused on the
9 fact that we, working with the U.K. and Ukrainian law
10 enforcement authorities, had frozen assets that, to the best
11 of my knowledge, were in accounts that were under his name.

12 Q When did that occur?

13 A The action -- this was all in 2014. And, again, to
14 the best of my knowledge, the reason why this was the first
15 effort to try to recover stolen assets is because the
16 U.K. Serious Crimes Office had opened up a case in the spring
17 of 2014, and as we were talking to the Ukrainians, how can we
18 be of help, there was a stolen assets recovery conference in
19 London co-hosted by the attorney general and the
20 U.K. counterpart and the World Bank that this became the test
21 case for our ability as partners in the U.S., U.K. playing a
22 key role together to try to recover stolen assets from the
23 previous government.

24 Q Did the company ever engage in, you know, public
25 efforts to rehabilitate their image?

1 A Yes.

2 Q And what were those?

3 A I later became aware -- I did not know it at the
4 time because, again, my focus was on Zlochevsky -- that one
5 of the ways that they did was to appoint westerners to their
6 board.

7 Q Corporate governance experts?

8 A Westerners.

9 Q But not corporate governance experts?

10 A I don't know all the members' backgrounds. And
11 I've served my entire life in government service, so I'm not
12 familiar with corporate boards.

13 Q Do you know who they appointed to their board?

14 A The big name in Ukraine was former President of
15 Poland, Aleksander Kwasniewski.

16 Q And why was he appointed to the board?

17 A I don't know. I've never met Mr. Zlochevsky, and I
18 do not know why they did what they did.

19 Q Anybody else that you recall appointed to the
20 board?

21 A It's become clear in public knowledge that Hunter
22 Biden, the son of then-Vice President Biden, was also
23 appointed to the board.

24 Q Any idea why they wanted to name him to the board?

25 A Again, I've never had a conversation with

1 Zlochevsky, so I don't know.

2 Q But it was probably because his dad was the Vice
3 President?

4 A That's a question for Zlochevsky. That's, I think,
5 how people have interpreted it.

6 Q That's a reasonable interpretation, right?

7 A As I said, I have never had a conversation with
8 Mr. Zlochevsky.

9 Q Did he have any experience in the natural gas
10 business?

11 A I have never met nor do I know the background of
12 Hunter Biden.

13 Q Okay. So you don't know if he spoke any of the
14 relevant languages?

15 A I do not know.

16 Q Do you know if he moved to Ukraine?

17 A I don't know.

18 Q Do you know how much he got paid?

19 A I have not seen any documents. I've heard people
20 make suggestions.

21 Q Did he get paid a lot?

22 A I'm a U.S. Government employee. I don't know how
23 much corporate board members get in any country, but I
24 understand a lot of people get paid a lot of money.

25 Q It wasn't a nominal fee.

1 A Again, I don't work in the corporate sector so I
2 don't know what standard board compensation would be.

3 Q Okay. I mean, it's been reported that it's
4 somewhere in the neighborhood of \$50,000 a month or more?

5 A I have read articles, and I have no idea how much
6 Burisma may pay its board members.

7 Q Have you ever met with -- during your time in Kyiv,
8 did you ever meet with anybody on the board of Burisma? Did
9 they pay a courtesy call on the embassy?

10 A I personally never met and I don't know if board
11 members met with the embassy. I don't know.

12 Q Did anybody affiliated with the company ever pay a
13 courtesy call in the embassy to try to help the embassy
14 understand the company is engaging in rehabilitating their
15 image?

16 A Again, I can only speak for myself. And there was
17 no one affiliated with Burisma that asked to come to the
18 embassy to meet me. But that's me as the DCM over a 3-year
19 period of time.

20 Q In engaging with some of these
21 anticorruption-focused organizations, whether it's NABU or
22 AnTAC, did you have any firsthand experience of the efforts
23 that Burisma was trying to rehabilitate their image,
24 whether -- you know, did NABU communicate that to you?

25 A That would not have been a conversation that we had

1 with NABU. I will say that now that you mention it, there
2 apparently was an effort for Burisma to help cosponsor, I
3 guess, a contest that USAID was sponsoring related to clean
4 energy. And when I heard about it I asked USAID to stop that
5 sponsorship.

6 Q Why?

7 A Because Burisma had a poor reputation in the
8 business, and I didn't think it was appropriate for the U.S.
9 Government to be cosponsoring something with a company that
10 had a bad reputation.

11 Q When was that?

12 A I would believe that would be sometime in mid-2016.

13 Q Okay. Any other communications with, you know,
14 AnTAC officials or NABU about Burisma and their effort to
15 rehabilitate themselves?

16 A I do not recall direct communications with anybody
17 from AnTAC. I do know that the former Ambassador to Ukraine,
18 John Herbst, whom I mentioned previously, had been on the
19 board, I believe, of AnTAC. And he recounted to me an
20 exchange with another member of the AnTAC board named Daria
21 Kaleniuk, who criticized him because the Atlantic Council,
22 where he runs the Ukraine Project, agreed to take Burisma as
23 a corporate sponsor. And so Daria criticized the Atlantic
24 Council for doing so.

25 Q When was Ambassador Herbst -- when was his tenure?

1 A He was Ambassador to Ukraine between 2003 and 2006.

2 Q So before --

3 A Before Bill Taylor.

4 Q Well, before -- okay. Maybe it would be helpful to
5 just go through the chronology of the ambassadors. We've got
6 Herbst, and then -- to the extent you remember. This isn't a
7 quiz.

8 A Again, I went to -- I was then serving in Thailand
9 afterwards, so I wasn't necessarily focused on Ukraine. We
10 had Ambassador Herbst. We had Ambassador Taylor, I believe
11 from 2006 to the 2009. The next Ambassador, I believe, was
12 John Tefft. And then the next Ambassador after that was
13 Geoff Pyatt. And then there was Ambassador Yovanovitch.

14 Q The fourth narrative you identified, you know,
15 going after the civil society organizations --

16 A Right.

17 Q -- and you identified NABU and AnTAC, right?

18 A Right. NABU was a -- well, it was -- AnTAC was a
19 civil society organization, and the other one that I recall
20 being mentioned early on was something called the Ukraine
21 Crisis Media Center, which was set up to help be a sort of
22 platform for information about Ukraine starting during the
23 Revolution of Dignity, 2014.

24 Q Any other organizations you can think of that fall
25 into that fourth bucket?

1 A In the initial press coverage, AnTAC was clearly
2 the main target, but these story lines continued to repeat
3 and combine. So, for instance, in May former Mayor Giuliani
4 alleged that former Ambassador Yovanovitch was going to work
5 for a Soros organization and after she left post, which was
6 false. She went to work, still as a U.S. State Department
7 employee, as a diplomat teacher/lecturer at Georgetown.

8 Q Was there any basis to that allegation? Like, had
9 she considered it, or was there any talks with any of these
10 organizations?

11 A Absolutely none.

12 Q Okay. So it was totally, from your point of view,
13 totally fabricated?

14 A Fake news. It was, you know. He stated something
15 that was fake, not true, publicly.

16 Q So you said the U.K. -- or, I'm sorry, the Ukraine
17 Crisis Media Center, NABU, and AnTAC. Any other
18 organizations sort of fit into that --

19 A Those were the only ones that I remember having
20 been mentioned, but, again, there are a lot of stories out
21 there.

22 Q Going back to Shokin's tenure as prosecutor
23 general.

24 A Yes.

25 Q You indicated that he was not well regarded for his

1 legitimate prosecutions?

2 A Correct.

3 Q And the same can be said of Lutsenko?

4 A Correct.

5 Q With regard to Shokin, it really seemed that the
6 IMF and the U.S. Government adopted an official position that
7 Shokin had to go?

8 A Correct.

9 Q And that's the subject obviously of the Vice
10 President. You know, he made some statements that have been
11 videotaped about how he played a role in removing Shokin, and
12 as a result, you know, \$1 billion in aid was freed up. Are
13 you familiar with that?

14 A Yes.

15 Q And is it fair to say that it was the U.S.
16 Government's official position Shokin needed to go?

17 A Yes.

18 Q And what did the U.S. Government do to demonstrate
19 that position, in addition to what the Vice President did and
20 said?

21 A Right. Again, as I've stated before, U.S. State
22 Department officials feel when we're spending taxpayer money
23 in a country we have a fiduciary responsibility. So I'd like
24 at this point to explain what we felt our fiduciary
25 responsibility had been and why this became an issue of

1 policy.

2 We had been asked by President Poroshenko to help with a
3 project in -- to reform the prosecutor general's office. The
4 previous year we'd worked with Minister of Interior Avakov,
5 whom I mentioned earlier to the launch of what was known as
6 the patrol police. It was an immediate success. They were
7 trained by the California Highway Patrol, brand new police,
8 highest female police officer percentage in the world at the
9 time.

10 And so he asked us to do something similar in making a
11 quick victory reform in the prosecutor general's office. He
12 appointed, he, Poroshenko, appointed a new deputy prosecutor
13 general named David Sakvarelidze, that's a Georgian name.
14 Just like the deputy head of NABU, there were a lot of
15 Georgians that Poroshenko brought in who had a proven track
16 record in Georgia.

17 And asked us to work with him and another deputy
18 prosecutor general, with whom we had a good relationship via
19 the FBI, named Vitaly Kasko. And the focus was to create an
20 inspector general's unit inside the prosecutor's office that
21 could go after corrupt prosecutors.

22 So that was stood up in the -- Shokin was appointed in
23 February. We started -- I think Sakvarelidze may have been
24 appointed in March. We started working on that project, and
25 they hired a bunch of young, enthusiastic prosecutors.

1 And then in the summertime they launched what was going
2 to be their first case, in the central province of Poltava,
3 as a test case. They had a businessman who complained he was
4 being shaken down by a couple of corrupt prosecutors. He
5 agreed to be a cooperating witness.

6 They worked with the security service, which had wiretap
7 authority, and they tapped these two prosecutors whose names
8 I believe are Shapakin and Korniyets. Don't know their first
9 names. And then they went in to get the warrants and arrest
10 them.

11 And the reason why I'm going through all this detail is
12 it's important to understand that one of those two
13 prosecutors that was the first case turned out to have been
14 the former driver of Shokin, who he made his driver a
15 prosecutor.

16 So the people in the IG unit had no idea that the first
17 corrupt prosecutor -- and there were a lot of them -- that
18 they were targeting happened to have been the former driver
19 and very close, personal friend of the prosecutor general.

20 When they arrested him -- and the only reason they could
21 arrest him is because the deputy prosecutor general heard
22 about it and tipped them off, except he tipped off the wrong
23 corrupt prosecutor in the province -- Shokin went to war. He
24 wanted to destroy anybody connected with that effort. They
25 tried to fire and put pressure on the judges who would issue

1 the warrants. They tried to fire all of the inspector
2 general prosecutors.

3 He eventually managed to force out everybody associated
4 with that, including the deputy head of the security service,
5 the intel service, who had provided the wiretapping coverage.
6 It was absolute warfare protecting his associate, and he
7 destroyed the inspector general unit that we'd been standing
8 up.

9 So then that was the wasting of U.S. taxpayer resources,
10 and so that is the reason why the IMF, the U.S., and the
11 European Union said collectively the justice sector and the
12 prosecutor is so important for the success of this country
13 and it's so important to reform it that Victor Shokin has
14 shown that he's actively wasting U.S. taxpayer dollars and
15 he's preventing reform.

16 And because in the conditionality of our sovereign loan
17 guarantees, the U.S. Government guaranteed loans for Ukraine
18 to borrow in the market, 2014, 2015, and 2016, reform,
19 anticorruption reforms, and the prosecutor's reforms were key
20 conditionality.

21 The conversations that went between the embassy and the
22 State Department were then brought ahead of the Vice
23 President going to Ukraine in December of 2015, and Shokin's
24 removal then became a condition for the loan guarantee.

25 Q What year was this?

1 A The visit that we're talking about by the Vice
2 President was in December 2015, I believe.

3 Q And what official overt acts did the U.S.
4 Government take with regard to Lutsenko?

5 A At that point he was not the prosecutor general.
6 He was actually the head of -- he was basically the majority
7 leader in parliament.

8 Q No. I'm talking about during Lutsenko's reign as
9 the prosecutor general.

10 A Okay. So we're now shifting from the 2015 period
11 to 2016 to 2019. When you say official acts, what do you
12 mean?

13 Q Well, there was a number of official acts that, you
14 know, it was the official U.S. Government's position that
15 Shokin needed to go.

16 A Right.

17 Q And there were similar issues with Lutsenko that he
18 wasn't a tremendous prosecutor. Is that correct?

19 A Correct. But we never said that Lutsenko should
20 go.

21 Q Okay. So the U.S. Government never took an
22 official position that Lutsenko needed to go?

23 A We didn't. We complained about some of his
24 actions, but --

25 Q It didn't amount to the concern that you have with

1 Shokin?

2 A That, I believe, would be an accurate assessment,
3 yes.

4 Q Okay. Mr. Jordan.

5 MR. JORDAN: Well, I would just ask, why? I mean, you
6 said Mr. Shokin was terrible. I think the term you used
7 earlier was he's a typical Ukrainian prosecutor --

8 MR. KENT: Yeah.

9 MR. JORDAN: -- didn't do his job, and that you all
10 wanted him gone. You said his kids were -- him and
11 Poroshenko were godfather to each other's kids.

12 MR. KENT: Yeah.

13 MR. JORDAN: And then you get the new guy, Lutsenko, who
14 you said is just as bad, also kids are -- you know, kids
15 with -- Mr. Poroshenko and him are godfather to each other's
16 children. Lutsenko is showing up drunk, making statements.
17 And, oh, by the way, he's not even a lawyer. And so I think
18 the counselor's question was, where was the outrage with
19 Mr. Lutsenko that was there for Mr. Shokin?

20 MR. KENT: First of all, the first phase -- Yuriy
21 Lutsenko was prosecutor general for over 3 years, almost 3
22 and a half years. Shokin was for a year. And his
23 unwillingness to do anything and his venality and his
24 undermining U.S.-supported projects started within several
25 months.

1 Yuriy Lutsenko, as I say, is a charming person, and so
2 it was not clear how he would end up being as a prosecutor
3 general in actively undermining reforms immediately. Several
4 months after he became prosecutor general in the spring of
5 2016, for instance, former President Poroshenko in one of his
6 calls with then-Vice President Biden asked for a former, I
7 believe, New Jersey State prosecutor [REDACTED]
8 [REDACTED] by name.

9 [REDACTED] had served for 2 years as an anticorruption
10 adviser under contract to the Department of Justice in
11 Ukraine and spoke Ukrainian fluently. And, in fact,
12 Poroshenko had thought about appointing him as the first head
13 of the NABU, this National Anti-Corruption Bureau. It turned
14 out he was too old. He was already 65, and you had to be
15 under 65 to be appointed.

16 So Poroshenko had actually helped recruit him for a
17 previous anticorruption job. So he asked by name whether the
18 U.S. Government would be willing to bring him back to Ukraine
19 as an adviser. The U.S. Government agreed and so the
20 embassy's part of the section that does anticorruption work
21 and law enforcement reform brought [REDACTED] on contract
22 as an adviser inside the prosecutor general's office to help
23 mentor Lutsenko, to help stand up an IG unit to replace the
24 informal team that had been destroyed by Shokin.

25 So for the first period of time it appeared that we were

1 going to be able to work with Mr. Lutsenko on prosecutorial
2 reform, which was both a necessary precondition for a
3 successful country and a priority for the U.S. Government
4 programming.

5 MR. JORDAN: It's been reported that there was broad
6 international consensus on Shokin. Who led that charge? Was
7 that everyone was equally involved and invested in moving
8 him, or was that led by the U.S.?

9 MR. KENT: When it comes to certain conditionalities,
10 the IMF, particularly in the economic sphere, has, I would
11 say, the primary voice. When it comes to certain other
12 efforts the U.S. oftentimes is the lead voice. That includes
13 in the security sector where we provide the most military
14 assistance. And we coordinate through the European Command
15 with willing allies, like the Poles, Lithuanians, U.K.,
16 Canada, and in the justice sector, as well, the U.S.
17 played -- also had a lead voice.

18 MR. JORDAN: So the United States would be the lead one
19 pushing for the new prosecutor?

20 MR. KENT: I would say the U.S. has had more skin in the
21 game on --

22 MR. JORDAN: Oh, of course.

23 MR. KENT: -- justice sector reform over the last
24 5 years.

25 MR. JORDAN: That's understandable. Right. Thank you.

1 MR. ZELDIN: If I could follow up to that, if you don't
2 mind, Steve.

3 So did Shokin ever investigate actual corruption?

4 MR. KENT: I am not aware of any case that came to
5 conclusion, but I do not have insight into what all the
6 prosecutors do in Ukraine, and there are about about 25,000
7 of them.

8 MR. ZELDIN: Are you aware of him ever having an
9 investigation into actual corruption?

10 MR. KENT: I do not know, again, what happens behind
11 closed doors. I think proof is in the pudding. Am I aware
12 of any case on corruption that went to court and was settled
13 when he was prosecutor general? I'm not aware of that.

14 MR. ZELDIN: I'm not asking that.

15 MR. KENT: Okay. What are you asking?

16 MR. ZELDIN: If you ever had an investigation. I'm not
17 asking about the conclusion of the investigation.

18 MR. KENT: Honestly, sir, I can't answer that question.
19 I do not know.

20 MR. ZELDIN: Okay. Earlier on in response to the
21 questions you were asked with regards to Burisma and
22 Zlochevsky, it sounded like you were talking about actual
23 corruption. No?

24 MR. KENT: When I was talking about Zlochevsky, when I
25 was talking to Mr. Danilenko, the deputy prosecutor general,

1 prior to Shokin coming in, that was based on a specific case
2 that had been developed in 2014 before I came to Ukraine.
3 And by time I got there, that case had been dismissed by the
4 team against Zlochevsky, the person, by the team of
5 prosecutors that were there prior to Mr. Shokin going into
6 office.

7 MR. ZELDIN: But you did testify that Shokin had an
8 investigation into Burisma and Zlochevsky, correct?

9 MR. KENT: I did not say that.

10 MR. ZELDIN: Are you aware that Shokin had an open
11 investigation into Burisma and Zlochevsky?

12 MR. KENT: I have read claims by people that there were
13 investigations, but I have no specific knowledge about
14 whether those investigations were open or what the nature of
15 them might be.

16 MR. ZELDIN: When did you learn of an investigation by
17 Shokin into Burisma and Zlochevsky?

18 MR. KENT: I just told you, I did not learn of an
19 investigation. I've read claims that there may have been an
20 investigation.

21 MR. ZELDIN: When did you first read of claims that
22 there may be an investigation into Burisma and Zlochevsky?

23 MR. KENT: I read stories referencing that in the last
24 several months after the series of articles starting in March
25 brought this set of issues to the fore.

1 MR. ZELDIN: Okay. So before the last several months
2 when you started reading about a case against Burisma and
3 Zlochevsky, you were never previously aware of an
4 investigation into Burisma and Zlochevsky?

5 MR. KENT: Specifically during Shokin's time, no.

6 MR. ZELDIN: And one followup. With regards to the EU
7 and the IMF, was there a U.S.-led effort to get the EU and
8 the IMF to also target Shokin, or was that something that EU
9 and IMF did totally on their own?

10 MR. KENT: The IMF keeps its own counsel, but oftentimes
11 when they go on factfinding missions they often have
12 conversations with embassies. Here in Washington, the U.S.
13 Treasury is the U.S. Government liaison with the IMF.

14 In terms of the European Union, traditionally in a
15 country like Ukraine, the European Union Ambassador and the
16 U.S. Ambassador coordinate very closely. And since 2014 and
17 the German presidency of the G7, there is a coordinating
18 process for the G7 ambassadors plus the head of the European
19 Union mission. And they meet almost weekly, and they discuss
20 issues and they go into issues like this in very deep detail.

21 MR. ZELDIN: So the United States and the EU were
22 coordinating with regards to the effort to target Shokin?

23 MR. KENT: The U.S. and the EU shared their assessments
24 at the time. And I have to say that in particular, if we're
25 talking about the period of time between Thanksgiving, 2015,

1 and March of 2016, I was not in Ukraine. I was back here to
2 take Ukrainian for several months.

3 My understanding is that the ambassadors spoke and
4 compared views on their concerns that Shokin's continued
5 presence as prosecutor general prevented any hope of
6 prosecutorial reform.

7 MR. JORDAN: Mr. Secretary, you said you didn't know for
8 sure if Shokin was investigating Burisma, but you knew
9 Burisma was a troubled, corrupt company, right?

10 MR. KENT: As I said, Burisma had a reputation for
11 being, first of all, one of the largest private producers of
12 natural gas in Ukraine but also had a reputation for not
13 being the sort of corporate, cleanest member of the business
14 community.

15 MR. JORDAN: And you were so concerned about that that
16 you advised USAID not to do any type of coordinated
17 activity --

18 MR. KENT: Correct.

19 MR. JORDAN: -- sponsoring any type of corporate or
20 contest with them? Okay.

21 MR. KENT: Correct.

22 MR. MCCAUL: Sort of following up on that question, and
23 thank you for your service, yeah, you referred to Burisma as
24 it had a bad reputation essentially?

25 MR. KENT: That is what I was told by the members of our

1 embassy community who focused on economic issues and had
2 liaison with the U.S. business community, yes.

3 MR. MCCAUL: And so you instructed USAID to pull back on
4 funding for a clean energy conference, is that right, that
5 Burisma was headlining?

6 MR. KENT: To the best of my awareness, it was one of
7 these sponsor programs where it invited school kids or young
8 Ukrainians to come up with ideas for a clean energy campaign,
9 and there may have been something like a camera for the best
10 proposal.

11 And the cosponsorship was between a part of USAID that
12 worked on energy and economic issues. And when I heard about
13 it I had concerns, so I raised those with the mission head of
14 USAID in country at the time and she shared my concerns.

15 MR. MCCAUL: So when the State Department evaluates
16 foreign assistance to countries isn't it appropriate for them
17 to look at the level of corruption in those countries?

18 MR. KENT: Yes. Part of our foreign assistance was
19 specifically focused to try to limit and reduce corruption.
20 And we also tried, to the best of our knowledge and
21 abilities, to do due diligence to make sure that U.S.
22 taxpayer dollars are being spent for the purposes that they
23 were appropriated and that they are as effective as they can
24 be.

25 MR. MCCAUL: In fact, if you look at Central America,

1 corrupt governments down there, isn't it appropriate to
2 evaluate the corruption factor and where the money goes to on
3 foreign assistance?

4 MR. KENT: I will be honest with you, sir, I've never
5 served in the Western Hemisphere, and I've only made one trip
6 to Panama as part of my National Defense University
7 industrial study group. So I would defer to my colleagues
8 who are working on Central American policy.

9 MR. MCCAUL: But in line with your previous statements,
10 the whole notion of looking at corruption in foreign
11 governments and predicating foreign assistance on that, is an
12 appropriate thing.

13 MR. KENT: I believe that my colleagues who have worked
14 on international narcotics and law enforcement see when there
15 are funds appropriated by Congress to try to fight drug
16 trafficking and improve the law enforcement systems in
17 Central America. It's intended to help our national
18 interests to both stop the drug trafficking and improve the
19 justice system so that corruption can be contained.

20 MR. MCCAUL: And I think based on your testimony,
21 Ukraine has a strong and long history of corruption. Is that
22 correct?

23 MR. KENT: I would say that corruption is part of the
24 reason why Ukrainians came out into the streets in both 2004
25 when somebody tried to steal the election and again in 2014

1 because of a corrupt, kleptocratic, pro-Russian government,
2 which eventually collapsed. The Ukrainians decided enough
3 was enough.

4 And so Ukraine, yes, is a country that has struggled
5 with these issues, but I would say also in the last 5 years
6 has made great progress.

7 MR. MCCAUL: And just for the record, I signed with
8 Chairman Engel a letter to obligate the funding security
9 assistance to Ukraine. But is it not appropriate for the
10 President of the United States to bring up with a foreign
11 leader issues of corruption when the foreign leader brings up
12 Javelin missiles? Is it not appropriate to discuss going
13 after corruption in a country where we are providing foreign
14 assistance?

15 MR. KENT: Issues of corruption have been part of the
16 high-level dialogue between U.S. leaders and Ukrainian
17 leaders regardless of who is the U.S. leader and who the
18 Ukrainian leader is. So that is a normal issue of the
19 diplomatic discussion at the highest level.

20 MR. MCCAUL: Thank you.

21 MR. MEADOWS: Steve, can I just get one clarification?
22 It's not long.

23 MR. CASTOR: Of course.

24 MR. MEADOWS: Did I hear you say that Shokin, prosecutor
25 Shokin, really, his reputation within 3 months of being

1 appointed was really negative from your standpoint? Is that
2 what you said?

3 MR. KENT: That's what I said.

4 And it's not just my personal opinion. If you look at
5 the political polling, if you go to IRI or NDI, both of which
6 have done extensive polling in Ukraine since 2014, President
7 Poroshenko, who was elected with roughly 55 percent of the
8 vote in 2014, maintained that support through the first year.
9 And then as this controversy over the corrupt godfather of
10 his kids, Prosecutor General Shokin, exploded in what was
11 known as the diamond prosecutor affair -- because one of the
12 things they confiscated from his former driver was a cache of
13 diamonds -- his support levels, Poroshenko's support levels,
14 as polled by the International Republican Institute in
15 particular, plummeted from about 55 percent to the mid-20s
16 over that period of time.

17 And so that was the issue that destroyed Poroshenko's
18 credibility and his high-level support in the eyes of the
19 Ukrainian people.

20 MR. MEADOWS: So timeframe, was that 2015?

21 MR. KENT: Yes, sir.

22 MR. MEADOWS: And so when in 2015 would your opinion
23 have been this is a bad guy, we can't trust him?

24 MR. KENT: Our concerns about Shokin's conduct in office
25 were triggered by the reaction to the so-called diamond

1 prosecutor case.

2 MR. MEADOWS: Yeah. And when was that?

3 MR. KENT: That took place in late summer, early fall of
4 2015.

5 MR. MEADOWS: All right. Steve, go ahead.

6 MR. CASTOR: With all the time I have left, I'd like to
7 open up a new topic. I'm just kidding. I'm out of time.

8 MR. KENT: And if we could take a break.

9 THE CHAIRMAN: Yeah. Actually, what I was going to
10 suggest is let's take a half an hour lunch break. Let's
11 resume promptly at 1:00.

12 I want to remind all Members that may not have been here
13 for prior sessions, although we have not discussed classified
14 information today, we are in a closed deposition, and under
15 House Rules, Members are not to discuss testimony in a closed
16 session.

17 I know, Mr. Jordan, I've had very little luck in getting
18 members to abide by that. But those are the rules, and I'm
19 just reminding Members and staff they're not to discuss the
20 substance of the testimony.

21 [Recess.]

22

23

24

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1 [1:10 p.m.]

2 THE CHAIRMAN: Okay. Let's go back on the record.

3 Mr. Secretary, I want to just ask you a few questions to
4 follow up on my colleague's questions, and then I'm going to
5 turn it over to Mr. Mitchell to continue going through the
6 timeline with you.

7 One question I have though is, we've come to learn of a
8 meeting between Mr. Giuliani and Mr. Lutsenko, and there were
9 some Ukrainians that were apparently -- apparently came to
10 believe that President Trump had called into that meeting.
11 Do you know anything about that?

12 MR. KENT: I do not.

13 THE CHAIRMAN: Okay. Earlier in response to some
14 questions from my colleagues in the minority you mentioned
15 that there was an effort to get the top level of the State
16 Department to issue a statement of full-throated support for
17 the Ambassador and that statement was not forthcoming. Is
18 that right?

19 MR. KENT: Correct.

20 THE CHAIRMAN: And was the hope that that statement
21 would come from Secretary Pompeo?

22 MR. KENT: The statements of that nature could come from
23 a variety of people or levels. So I think we were looking
24 for a statement of support from a high-ranking State
25 Department official.

1 THE CHAIRMAN: And would it have been most helpful
2 coming from the Secretary himself?

3 MR. KENT: It's always most helpful if the top leader
4 issues a statement, but to be honest, I cannot recall during
5 that week whether he was on travel. If he were on travel
6 then Deputy Secretary Sullivan might have been the
7 top-ranking official in the building. I just don't recall on
8 those particular days who was essentially in charge.

9 THE CHAIRMAN: And did you ever learn why no statement
10 was issued by a top-level official at the State Department?

11 MR. KENT: No.

12 THE CHAIRMAN: You mention, I think, that in this
13 context that the suggestion was made to the Ambassador that
14 instead of or because there would be no statement coming from
15 the top that maybe the Ambassador should go out herself,
16 defend herself, and express her personal support for the
17 President.

18 MR. KENT: Correct.

19 THE CHAIRMAN: Where did that idea come from?

20 MR. KENT: I think I recall being copied on emails in
21 which Under Secretary David Hale made the suggestion.
22 Separately, Gordon Sondland made the suggestion. I think
23 with Gordon he made the suggestion specifically to be
24 aggressive on Twitter or to tweet. But in any case, there
25 were a number of suggestions that Ambassador Yovanovitch

1 herself speak out against the campaign against her.

2 THE CHAIRMAN: And how did you come to know Ambassador
3 Sondland's advice?

4 MR. KENT: I believe I was copied on the email. It may
5 not have been -- I don't think it was from him, but it was an
6 exchange between Ambassador Yovanovitch and my guess would be
7 leaders in the European Bureau. Again, that is an email that
8 should be a record that was collected and is part of the
9 document collection.

10 THE CHAIRMAN: Part of the document collection that has
11 not yet been provided to Congress?

12 MR. KENT: Correct.

13 THE CHAIRMAN: And in that email communication, that's
14 where you would have learned of Ambassador Sondland's
15 suggestion that the Ambassador tweet out a defense of herself
16 and express her support for the President?

17 MR. KENT: And the President's foreign policy, yes.

18 THE CHAIRMAN: You mentioned that there are appropriate
19 legal channels that can be used if the United States is
20 conducting an investigation --

21 MR. KENT: Correct.

22 THE CHAIRMAN: -- and wishes to get overseas evidence
23 through LEGAT and through the MLAT process. Is that right?

24 MR. KENT: Correct.

25 THE CHAIRMAN: There have been a number of public press

1 reports that Attorney General Bill Barr and others at the
2 Justice Department are essentially doing an investigation of
3 the investigators into the origins of the Russia
4 investigation.

5 Do you know whether Mr. Barr or anyone else at the
6 Justice Department has sought information to bolster, I
7 think, what you describe is a bogus theory about the 2016
8 election that had been part of that John Solomon series?

9 MR. KENT: I am not aware of any Justice Department
10 inquiries to Ukraine regarding 2016, no.

11 THE CHAIRMAN: I think you testified in an answer to my
12 colleague's questions that at the time that it was U.S.
13 policy and IMF policy and the policy of other allies and
14 allied organizations that Shokin needed to go. This was
15 based on Shokin essentially dismantling an inspector general
16 office the U.S. had helped fund to fight corruption in
17 Ukraine, particularly in the prosecutor's office. Is that
18 right?

19 MR. KENT: That's correct.

20 THE CHAIRMAN: And at the time that the State Department
21 and these other international organizations were seeking to
22 have Shokin removed, you weren't even aware whether Shokin
23 had any investigation of Burisma?

24 MR. KENT: I do not recall that being part of the
25 conversation. The conversation was very much focused, first

1 and foremost, on the so-called diamond prosecutors case that
2 involved these corrupt prosecutors, Korniyets and Shapakin,
3 and the campaign that Shokin conducted to destroy and remove
4 from office anyone associated with it regardless of what part
5 of government those officials served in, prosecutors,
6 investigators, judges, even security officials who had been
7 involved in the wiretapping.

8 THE CHAIRMAN: And what was your position at the time?

9 MR. KENT: At the time this was occurring, in 2015, I
10 was in the capacity of the number two at the embassy, the
11 deputy chief of mission.

12 THE CHAIRMAN: So as the number two in the embassy, at
13 this time, you weren't even aware of even an allegation that
14 there was an investigation underway by Shokin involving
15 Burisma?

16 MR. KENT: That was not something that I recall ever
17 coming up or being discussed.

18 THE CHAIRMAN: My colleague also asked you about whether
19 it was appropriate to bring up the conversation -- bring up a
20 discussion of corruption in the context of the President of
21 Ukraine asking for more javelins or expressing the need for
22 more javelins.

23 I want to ask you actually about what the President
24 said, because he didn't talk generically about corruption.
25 He asked for a favor involving an investigation into

1 CrowdStrike and that conspiracy theory and for an
2 investigation into the Bidens. Is it appropriate for the
3 President of the United States in the context of an ally
4 seeking military support to ask that ally to investigate his
5 political rival?

6 MR. KENT: The first time I had detailed knowledge of
7 that narrative was after the White House declassified the
8 transcript that was prepared -- not transcript, the record of
9 conversation that was prepared by staff at the White House.
10 As a general principle, I do not believe the U.S. should ask
11 other countries to engage in politically associated
12 investigations and prosecutions.

13 THE CHAIRMAN: Particularly those that may interfere
14 with the U.S. election?

15 MR. KENT: As a general principle, I don't think that as
16 a matter of policy the U.S. should do that period, because I
17 have spent much of my career trying to improve the rule of
18 law. And in countries like Ukraine and Georgia, both of
19 which want to join NATO, both of which have enjoyed billions
20 of dollars of assistance from Congress, there is an
21 outstanding issue about people in office in those countries
22 using selectively politically motivated prosecutions to go
23 after their opponents. And that's wrong for the rule of law
24 regardless of what country that happens.

25 THE CHAIRMAN: And since that is really U.S. policy to

1 further the rule of law and to discourage political
2 investigations, having the President of the United States
3 effectively ask for a political investigation of his opponent
4 would run directly contrary to all of the anticorruption
5 efforts that we were making. Is that a fair statement?

6 MR. KENT: I would say that request does not align with
7 what has been our policy towards Ukraine and many other
8 countries, yes.

9 THE CHAIRMAN: Mr. Mitchell.

10 BY MR. MITCHELL:

11 Q Good afternoon, sir.

12 A Afternoon.

13 Q I'm going to pick up where Mr. Goldman left off,
14 which was the end of March of this year, 2019. And you
15 testified earlier that you met with the deputy director of
16 NABU on about March 19.

17 A I did not. I was here in the United States.
18 Somebody at the embassy did.

19 Q And you received correspondence regarding a meeting
20 that the deputy director of NABU had with someone in the
21 embassy in Kyiv. Is that correct?

22 A Correct. Somebody in the embassy sent an email
23 recounting a conversation that was held with Mr. Gizo Uglava,
24 deputy head of NABU.

25 Q And that email relayed a conversation that the

1 deputy director had with Mr. Lutsenko --

2 A Correct.

3 Q -- about an interview that Mr. Lutsenko had given
4 with an American journalist?

5 A Correct.

6 Q Was that the first time that you got wind of this
7 interview that Mr. Lutsenko had had with, what you later
8 learned to be, Mr. Solomon?

9 A Yes.

10 Q Okay. And the following day, March 20, was the day
11 that Mr. Solomon published the article in which there was
12 video of part of the interview that he had with Mr. Lutsenko.
13 Is that correct?

14 A That's my recollection of what happened on the 20th
15 of March.

16 Q And once you saw that article, is this when the
17 State Department issued or shortly thereafter issued these
18 denials saying that it was a complete fabrication, it was
19 false?

20 A Yes. It would have been on March 20 that the U.S.
21 Embassy, which is 7 hours ahead of us, and the press team at
22 the European Bureau would have worked to prepare guidance in
23 response to attacks against our Ambassador.

24 Q Were you involved in that?

25 A Yes, I was.

1 Q Okay. What was your involvement?

2 A I reviewed the language, as I do any proposed press
3 guidance related to any of the six countries over which I
4 have policy oversight, and I have the ability to either
5 clear -- with just that word "clear" -- or make suggestions
6 and edits for the text.

7 Q Okay. And in this particular case, what did you
8 do?

9 A I believe I may have toughened up the language, so
10 complete fabrication may have been from me. But I cannot
11 tell you in detail because press guidance is just that. It's
12 then provided by a press officer in response to press
13 inquiries.

14 Q Okay. But you agreed at the time, as you do now,
15 that it was, in fact, a complete fabrication?

16 A Yes. I can tell you that it was my language about
17 the fiduciary responsibility, the same language you heard me
18 use here today, because of my background in being the
19 director of the office which had the responsibility for
20 undertaking these programs.

21 And so that language about we have the fiduciary
22 responsibility to ensure that U.S. taxpayer dollars are being
23 used appropriately, and when they're not we redirected them
24 to better purposes, that was language that I added.

25 Q And based on your personal experience and your

1 personal knowledge of these allegations?

2 A Correct.

3 Q And then at some point -- and the chairman asked
4 you questions about this as well -- there was an effort or
5 discussion, let me say it that way, about whether the State
6 Department should issue a full-throated defense for the
7 Ambassador?

8 A Yes.

9 Q And that was done over email?

10 A Yes.

11 Q And that was Ambassador Sondland, Under Secretary
12 Hale, and counselor -- you think Counselor Brechbuhl might
13 have been on those emails as well?

14 A Two separate strings. Ambassador Sondland's
15 communications would have been with Ambassador Yovanovitch,
16 and then she would have communicated with the Department.
17 There would have been potentially communications with the
18 European front office with Under Secretary Hale and Counselor
19 Brechbuhl.

20 Q Were you on all of those communications that you've
21 just described?

22 A The emails that I've described are because I was
23 copied on the emails, and that's why in the process of
24 collecting documents relevant to the subpoena research, my
25 memory was refreshed of the email traffic on which I was

1 copied.

2 Q And what was the time period for that email traffic
3 in relation to the article that came about on or about
4 March 20?

5 A It would have been over the next perhaps 10 days,
6 basically the last 10 days of March.

7 Q Okay. And during that time period, were there also
8 additional articles that came out by Mr. Solomon?

9 A The articles came out, if not daily, almost daily,
10 and they oftentimes combined two of the four themes I laid
11 out before. To the best of my recollection, there was never
12 a new line of attack, but many articles combined two of the
13 previous four themes.

14 Q Okay. And the suggestion was made to the
15 Ambassador to release a tweet or make some sort of strong
16 statement herself. Is that right?

17 A Correct.

18 Q Okay. And did the Ambassador do that?

19 A This back and forth was done in the context of the
20 upcoming, at that point, first round in the Ukrainian
21 presidential elections that took place, I believe, on
22 March 31.

23 So Ambassador Yovanovitch, in consultation with her
24 press attache, made a decision, she informed us, to record
25 some preelection videos encouraging Ukrainians to vote. And

1 as part of that process, she included in that a statement of
2 support of the administration and the foreign policy, the
3 administration of President Trump and its foreign policy.

4 Q Okay. And those videos that you just described,
5 the purpose of them was to publish them in Ukraine. Is that
6 correct?

7 A Correct. These were videos that the embassy was
8 already planning to issue in a preelection encouragement for
9 Ukrainians to engage in their civic duties. And so
10 Ambassador Yovanovitch used that metaphor of civic duty in
11 making reference to support as a career nonpartisan public
12 official who supported and carried out the foreign policy of
13 President Trump as she had with other Presidents.

14 Q So was the intended audience of those videos people
15 within the United States as well?

16 A My understanding based on the email back and forth
17 that I received from Ambassador Yovanovitch, including her
18 press officer, was that her intent was to send a signal such
19 as was being suggested by her within the context of something
20 that was already being planned that was focused on electoral
21 and presidential politics.

22 Q Okay. And do you know whether that video was
23 forwarded to anyone within the White House?

24 A I do not know.

25 Q Do you know why the Department of State elected not

1 to do a full-throated defense of the Ambassador?

2 A I think that's a question that the committees could
3 ask those outside of the European Bureau.

4 Q You do not know why?

5 A I do not know why.

6 Q Did you have any conversations at any point with
7 anyone who would have made that decision?

8 A The State Department is a hierarchical
9 organization. I work for the acting assistant secretary.
10 Normally the acting assistant secretary is the one who
11 engages officials above our bureau, to include the Under
12 Secretary of Political Affairs, David Hale, who has oversight
13 over our bureau; on occasion, the counselor of the
14 Department, Ulrich Brechbuhl; and then depending on the
15 situation, as appropriate, the Secretary himself.

16 Q Okay. So these are all the individuals that would
17 have made that decision?

18 A These are the leaders of the Department of State.

19 Q Okay. But did you have any conversations with
20 them --

21 A No.

22 Q -- about their decision not to issue a
23 full-throated defense of the Ambassador?

24 A I did not have conversations with them, no.

25 Q Are you aware of anyone from the Department of

1 State at around the end of March or beginning of April
2 reaching out to Sean Hannity?

3 A Yes.

4 Q What do you know about that?

5 A I believe, to the best of my recollection, the
6 counselor for the Department, Ulrich Brechbuhl, reached out
7 and suggested to Mr. Hannity that if there was no proof of
8 the allegations, that he should stop covering them.

9 Q And how do you know that?

10 A Because I was informed of that in an email.

11 Q By who?

12 A I cannot say for certain who was the sender. It
13 could have been from the counselor, and it could have been
14 from Acting Assistant Secretary Reeker.

15 Q Okay. And why would they have informed you of this
16 communication to Hannity?

17 A Because I'm the Deputy Assistant Secretary of State
18 overseeing our relations with Ukraine, and I am normally the
19 one who would have primary communications with our
20 ambassadors or charges for the six countries over which I
21 have policy oversight.

22 Q Okay. So is it fair to say that you were in
23 communication with Ambassador Yovanovitch pretty frequently
24 during this time period, end of March, beginning of April,
25 about these issues?

1 A It is fair to say that when she was Ambassador and
2 I was Deputy Assistant Secretary of State, we were in regular
3 communication about everything that went on in the
4 U.S.-Ukraine relationship.

5 Q Okay. And do you know whether this communication
6 from Counselor Brechbuhl to Sean Hannity had any effect?

7 A I unplugged when we moved back to the U.S. and so
8 we don't have a TV at home, so I do not watch TV at night.

9 Q Okay. But the situation regarding Ambassador
10 Yovanovitch and the allegations against her was something
11 that you were keenly aware of during this time period?

12 A Correct. However, the week you're referring to is
13 the week of the Ukrainian presidential election, and so my
14 focus that week was on the first round of results and what
15 would be the potential impact on U.S. national interests if,
16 as seemed likely at that time, there would be a new
17 President.

18 Q Do you have any recollection as to when Counselor
19 Brechbuhl reached out to Hannity?

20 A I do not. If you had asked me that question before
21 you gave me a timeframe, I would have given you a rough
22 timeframe. I do not remember the exact days. End of March,
23 early April is what I would have said.

24 Q But, again, it's memorialized in an email to the
25 best of your recollection?

1 A To the best of my recollection, there is some sort
2 of email regarding that, yes.

3 Q Okay. Are you aware that at the beginning of March
4 Ambassador Yovanovitch was asked to extend her stay in
5 Embassy Kyiv?

6 A Yes.

7 Q How do you know that?

8 A The first person who asked her to consider
9 extending her stay was me, and that was in January when she
10 was back for the chief of mission conference. We had a
11 challenge in the process of finding someone that we would
12 nominate to replace her. And because of a different
13 assignment, it was clear that that was not going to happen on
14 schedule.

15 And we had concern -- I had concern that the country,
16 Ukraine, would be going through transition and we might not
17 have an Ambassador there. So I initially asked her to
18 consider staying on through the election season in Ukraine.

19 Q When you say through the election season, what time
20 period did that encompass?

21 A There were two elections scheduled for this year in
22 Ukraine. There was presidential elections in the spring and
23 then there were parliamentary elections scheduled no later
24 than the fall.

25 Q So when you talked to Ambassador Yovanovitch in

1 January of 2019 and you floated the idea that she extend her
2 stay you thought of extending her stay through the fall of
3 2019?

4 A My proposal was through the end of the year to give
5 us a chance to find a potential number -- another nominee
6 that the White House could put forward and possibly be
7 confirmed and be out in Ukraine, or at the very least having
8 an experienced Ambassador there through the most critical
9 part of transition and then possibly have the Charge.

10 Q Had you talked to anyone else at the Department of
11 State prior to making this proposal to the Ambassador in
12 January 2019?

13 A Not that I recall, but it is possible that I talked
14 with Wess Mitchell, who was our assistant secretary at the
15 time.

16 Q Okay. Is it fair to say that you wouldn't have
17 proposed this to Ambassador Yovanovitch had you thought that
18 it would have met any resistance at the Department of State?

19 A Correct.

20 Q And that's because Ambassador Yovanovitch was a
21 well-respected Ambassador?

22 A She was the senior-most career Ambassador in
23 Europe, yes.

24 Q And what was Ambassador Yovanovitch's reaction when
25 you offered her this possibility in January of 2019?

1 A Well, I asked her if she would be willing to stay
2 longer, and she said that she would think about it. And she
3 came back and said she would be willing to consider it.

4 Q Okay. When did she say that?

5 A Again, we started the conversation in January. My
6 guess is that she thought about it for a little bit and got
7 back to us, to me some point over the next month, which was
8 prior to the conversation that you were referring to in
9 March.

10 Q Okay. So between the time that she came back to
11 you and said that she was willing to extend her stay and the
12 conversation that you had in March, what happened with regard
13 to this extension?

14 A So the conversation in March was not with me. It
15 was with Under Secretary David Hale. He visited Ukraine the
16 first week of March. I accompanied that visit. And Under
17 Secretary Hale asked her to stay until 2020.

18 Q Had you spoken to Under Secretary Hale about his
19 proposal before he made it to the Ambassador?

20 A No.

21 Q Okay.

22 A Not that I recall.

23 Q And did you speak with Ambassador Yovanovitch about
24 Under Secretary Hale's offer?

25 A Well, I was there on the trip, and so by time she

1 told him that she was willing to stay, because what she said
2 was she wanted to have clarity because she had a 91-year-old
3 mother with her and needed to also plan for other issues, by
4 time Under Secretary Hale flew away she had indicated her
5 willingness to stay essentially an extra year through 2020 to
6 give the State Department and the administration time to find
7 a nominee that could be nominated and confirmed and sent out
8 so that we would have an experienced Ambassador in an
9 important country at a time of transition.

10 Q When did you first learn that the offer for an
11 extension had been rescinded?

12 A I don't know I heard, per se, that the offer for an
13 extension had been rescinded. The offer was on or about the
14 5th of March. The 5th to 7th of March, I think, was the time
15 when Under Secretary Hale was there. The media storm that
16 was launched with Mr. Solomon's interview of Prosecutor
17 General Lutsenko started on March 20, 2 weeks later.

18 Q Okay. So the talk about potentially recalling
19 Ambassador Yovanovitch and the rescinding of the extension
20 were one and the same?

21 A To be clear, there were two people representing
22 leadership of the State Department, first I, the deputy
23 assistant secretary, and then the under secretary who asked
24 Ambassador Yovanovitch about her willingness to stay longer.
25 What then happened was a media campaign against her, and then

1 subsequent to that was a request for her to come back.

2 Q Okay. And when was that request made for her to
3 come back?

4 A To the best of my recollection, she indicated on
5 April 25 that she'd been instructed to get on a plane to come
6 back to Washington as soon as possible.

7 Q So she indicated to you?

8 A Yes.

9 Q Was that the first that you heard that she'd been
10 recalled?

11 A I believe that was the first time I heard that
12 instructions had been sent for her to come back to the U.S.,
13 yes.

14 Q Okay. So you learned for the first time that she
15 had been instructed to come back from the Ambassador herself?

16 A To the best of my recollection, yes.

17 Q And did she provide any -- at any time, has she
18 provided any reasons why she was recalled?

19 A I understand that, because it was part of her
20 opening statement that was published, she referred to a
21 conversation she had with the Deputy Secretary of State.

22 Q Other than her opening statement?

23 A I believe that I did hear about that conversation
24 subsequently, and I cannot say whether it was from her or
25 from one of the people above me, like acting assistant

1 secretary. But I did hear an account of that session. I
2 heard of it before reading it on Friday, yes.

3 Q Okay. And whatever you heard before, was it
4 consistent with what you read on Friday?

5 A Yes.

6 Q Okay. Who else did you speak to, if anyone, on the
7 7th floor regarding the recall of Ambassador Yovanovitch and
8 the reasons for that recall?

9 A I was not having conversations with anybody on the
10 so-called 7th floor State Department leadership about this
11 issue.

12 Q Anyone else at the State Department?

13 A I or other people having conversations with the 7th
14 floor?

15 Q People that you had conversations with.

16 A I did not have further conversations about that
17 effort. It was presented as a decision, so it was, she was
18 recalled. And I believe she came back on the 26th of April
19 for consultations.

20 Q Well, what was your reaction to learning that she'd
21 been recalled?

22 A I, on a personal level, felt awful for her because
23 it was within 2 months of us asking her, the Under Secretary
24 of State asking her to stay another year. And within a very
25 short order she was being recalled.

1 Q But you never sought a time to investigate why or
2 find out why she was being recalled?

3 A My position is not to investigate. Decisions had
4 been made by the leadership of the State Department and
5 ambassadors serve at the pleasure of. So when an instruction
6 comes down that is a decision that was being made.

7 Q So on May 6 the State Department issued a statement
8 saying that Ambassador Yovanovitch was ending her assignment
9 in Kyiv as planned.

10 A I believe --

11 Q Do you recall that statement?

12 A I believe that was something issued by the embassy
13 in Kyiv not by the State Department, and it was in the form
14 of a management notice.

15 Q Do you recall seeing that at the time?

16 A I did.

17 Q Okay. And what was your reaction to that embassy
18 notice?

19 A If I'd been the DCM, I don't think that's how I
20 would have had that news be released to the embassy
21 community.

22 Q Okay. Can you explain?

23 A I think of a situation of that magnitude I would
24 have called a townhall meeting and talked to people face to
25 face. Also the fact that it was leaked to the Ukrainian

1 press within 2 hours was another indication of why issuing a
2 management notice to roughly 600 people would not have been
3 the way to introduce that information to 600 employees that
4 their boss was no longer going to be their supervisor.

5 Q Okay. So I take it that you took issue with the
6 way in which it was communicated, but what about the
7 substance of the message itself, and specifically that it
8 said that she was leaving her post as planned?

9 A Again, this was an embassy management notice. If I
10 had still been the deputy chief of mission, I would have
11 handled notification of the embassy staff differently, so
12 that's -- I am now the -- that was my job from 2015 to 2018.
13 My job now is as a deputy assistant secretary for oversight
14 of policy and programming. It's not running an embassy.

15 Q On May 14, Rudy Giuliani told Ukrainian journalists
16 that the Ambassador was recalled because she was part of the
17 efforts against the President. Were you aware of
18 Mr. Giuliani's statement at the time?

19 A I do not know that I saw that statement at that
20 time, no, but I did see an interview that he gave with a
21 Ukrainian publication, censor.net, that I believe was
22 published on May 27 that expressed a variant of that opinion,
23 yes.

24

25

1 [1:40 p.m.]

2 BY MR. MITCHELL:

3 Q And what was your reaction to Mr. Giuliani's
4 statement?

5 A Mr. Giuliani, at that point, had been carrying on a
6 campaign for several months full of lies and incorrect
7 information about Ambassador Yovanovitch, so this was a
8 continuation of his campaign of lies.

9 Q So you did not think it was true at the time that
10 the Ambassador was removed because she was part of the
11 efforts against the President?

12 A I believe that Mr. Giuliani, as a U.S. citizen, has
13 First Amendment rights to say whatever he wants, but he's a
14 private citizen. His assertions and allegations against
15 former Ambassador Yovanovitch were without basis, untrue,
16 period.

17 Q How did Bill Taylor come to be appointed as the
18 Charge d'affaires?

19 A When it became clear that Ambassador Yovanovitch
20 was going to be recalled, one of my responsibilities as the
21 Deputy Assistant Secretary of State was to try to find and
22 resolve how we are going to ensure that our key missions have
23 appropriate leadership.

24 One of the unfortunate elements of the timing was that
25 we were also undergoing a transition in my old job as deputy

1 chief of mission. The person who replaced me had already
2 been moved early to be our DCM and Charge in Sweden, and so
3 we had a temporary acting deputy chief of mission. So that
4 left the embassy not only without -- the early withdraw of
5 Ambassador Yovanovitch left us not only without an Ambassador
6 but without somebody who had been selected to be deputy chief
7 of mission.

8 So collectively we all knew -- and the "we" is the
9 people who ran our policy towards Europe -- that we needed to
10 find an experienced hand that could help the embassy in
11 transition, help the relationship in transition, and also be
12 a mentor to the new incoming deputy chief of mission, who had
13 not yet arrived and had never been the deputy chief of
14 mission.

15 There was a process of looking to see who was available,
16 who might be good. I had at one point thought of Bill
17 Taylor, but because he had not been a career Foreign Service
18 officer but had been a senior executive civil servant, I knew
19 that it would be very difficult to go through the process of
20 recalling him and getting in him in a position to go out.

21 In a conversation with Kurt Volker, then the special
22 representative for Ukraine negotiations, Kurt mentioned again
23 that he thought Bill would do a good job. And I told him, I
24 agree, but I just don't know if it's possible. So I started
25 that process of engaging the lawyers and the people who deal

1 with personnel issues to see if it were actually possible to
2 recall someone who had been an Ambassador, had been a senior
3 executive, but had not been a senior Foreign Service officer
4 back to serve as Charge. And that took us 3 or 4 weeks, but
5 we eventually got to the answer that we achieved, which was
6 yes, and he went out as Charge, arriving June 17th or 18th.

7 Q And did you have conversations with Bill Taylor
8 about this possibility of him becoming the Charge d'affaires
9 during this time period?

10 A Extensive conversations.

11 Q On April 29th, Bill Taylor sent a WhatsApp message
12 to Kurt Volker describing a conversation that you had with
13 Bill Taylor in which you talked about two, quote, two snake
14 pits, one in Kyiv, and one in Washington. And then Mr.
15 Taylor went on to say that you, Mr. Kent, described much more
16 than he knew, and it was very ugly.

17 Do you recall having that conversation along these lines
18 with Mr. Taylor?

19 A I had many conversations with Charge Taylor, and my
20 reference to the snake pits would have been in the context of
21 having had our Ambassador just removed through actions by
22 corrupt Ukrainians in Ukraine as well as private American
23 citizens back here.

24 Q And what corrupt Ukrainians in the Ukraine were you
25 talking about?

1 A The series of corrupt former -- or still current
2 prosecutors who engaged former Mayor Giuliani and his
3 associates, and those included former Prosecutor General
4 Shokin, the then Prosecutor General Yuriy Lutsenko, who no
5 longer is, the special anticorruption prosecutor, Nazar
6 Kholodnytsky, and another deputy prosecutor general named
7 Kostiantyn Kulyk.

8 Q And when you say engaged, what do you mean by
9 engaged?

10 A Well, those individuals -- when I say engaged, they
11 apparently met, they had conversations. Some of them were
12 interviewed -- Mr. Kulyk was interviewed, I believe -- by
13 Mr. Solomon. Mr. Giuliani publicized his meeting with Nazar
14 Kholodnytsky in Paris about the same time that he gave an
15 interview to censor.net and accused former Ambassador
16 Yovanovitch, me, and the entire U.S. Embassy of partisan
17 activity in 2016. And we've already talked about his
18 engagement with Shokin and Lutsenko.

19 Q Do you have any any information about money being
20 exchanged between any of these Ukrainians that you described
21 to Mr. Giuliani?

22 A I have no knowledge of any money being exchanged.

23 Q It doesn't mean that they didn't exchange money,
24 you just have no knowledge of it?

25 A I have no information to suggest that happened.

1 Q Okay. Now, Mr. Parnas and Mr. Fruman have also
2 appeared in the news recently?

3 A Yes.

4 Q Were you aware of Mr. Parnas and Mr. Fruman's
5 existence at the end of April, beginning of June 2019?

6 A Yes.

7 Q How did you become aware of them?

8 A I first heard their names through a series of
9 conversations with a variety of people.

10 Q Okay. When was the first time you heard of Mr.
11 Parnas and Mr. Fruman?

12 A There is a U.S. -- I'll give you a series of points
13 and I'm trying in my mind sort out what I heard from whom,
14 when, but we're talking about the period primarily starting
15 in April, possibly in March. I'm not sure that I heard of
16 their names before then.

17 There is a U.S. businessman who's active in gas trading
18 to Ukraine named Dale Perry, his name came up publicly last
19 week because he was interviewed by AP. He sent an open
20 letter complaining about corruption and pressure that he was
21 facing, including he said, an effort to unseat the American
22 Ambassador in Ukraine.

23 And he fingered three individuals that he said were
24 attempting to move into the gas business, and those included
25 Harry Sargeant III from Florida and then two, he said, people

1 who came from Odesa, referencing Lev Parnas and Igor Fruman.
2 So that was the first source that I recall hearing.

3 Second, I heard from people when I went to Ukraine in
4 the first week of May that Giuliani associates were coming to
5 Ukraine, and the names that were mentioned were Fruman and
6 Parnas. One of the people I met was an affiliate of the new
7 President -- President-elect at that point; he was not yet
8 President -- and his name was Ivan Bakanov. He has since
9 become head of their security service. And he mentioned
10 Fruman's name, and he said and there's another one, I don't
11 remember his name. And later on he WhatsApp'd me the
12 business cards of Fruman and Parnas.

13 And also on that trip before I met with Bakanov, I met
14 with Minister of Interior Avakov, the person whom I'd had the
15 conversation I detailed in Washington in February, and he
16 mentioned them as well, and said that they were coming in to
17 Ukraine and that he -- that was the first time that I heard
18 that Rudy Giuliani was planning to come that week as well.

19 Q So the first time that you spoke with Mr. Avakov in
20 February he did not mention Mr. Parnas and Mr. Fruman is that
21 correct?

22 A Correct.

23 Q Okay. But then he did at the beginning of May?

24 A Correct.

25 Q And when what day say exactly about Mr. Parnas and

1 Mr. Fruman?

2 A He said that he had heard that they were coming to
3 town and that their associate Rudy Giuliani was coming as
4 well.

5 Q Okay. You said it was the first week of May?

6 A That's when I was in Ukraine, yes. So I was in
7 Ukraine I believe May 8th and 9th, and I believe I may have
8 met Avakov the first day I was there, that would be the 8th,
9 and he mentioned that he heard that Parnas and Fruman were
10 coming, and that they were coming with their associate, the
11 Mayor Giuliani.

12 He also told me that when he had been, he, Avakov, had
13 been in the United States in February, he had communication
14 that Mayor Giuliani had reached out to him and invited him to
15 come and meet the group of them in Florida. And he told me
16 that he declined that offer.

17 Q Did Mr. Avakov explain why he declined that offer?

18 A He told me he had a tight schedule and needed to
19 get back Ukraine. But he said did say that he was planning
20 to have coffee with them, they had asked, and he was planning
21 to meet them in Kyiv. I don't know if they met or not. I
22 met him before that, but he said that if they want to meet,
23 I'll meet and have coffee with them.

24 Q During the May trip?

25 A The May trip, yes.

1 Q And did Mr. Avakov explain to you why Mr. Parnas,
2 Mr. Fruman, and Mr. Giuliani were traveling to Ukraine at the
3 beginning or mid-May?

4 A He did not, no.

5 Q No indication whatsoever?

6 A He did not.

7 Q If I recall when you had this conversation with Mr.
8 Avakov in February, Mr. Avakov thought it was unwise what
9 Mr. Giuliani was doing. Did I get that right?

10 A He told me in February that he thought that it had
11 been unwise that Yuriy Lutsenko, the prosecutor general of
12 Ukraine, made a private trip to New York to see Rudy
13 Giuliani.

14 Q Was that because -- well, why?

15 A I can't answer that question. I mean, that was his
16 assessment as the minister of interior that the prosecutor
17 general of his country should not make a private trip to the
18 United States. That was my understanding of his assertion in
19 February.

20 Q Now, you indicated that you had another
21 conversation with -- I can't read my own writing, Bakanov?

22 A Bakanov.

23 Q Bakanov. And what was his relationship with
24 then-candidate Zelenskyy at the time of this meeting at the
25 beginning of May?

1 A He was President-elect Zelenskyy's oldest childhood
2 friend. Zelenskyy told me the first time we met the December
3 of 2018 that the person he had known the longest, that he had
4 grown up on the same corridor in their apartment block from
5 kindergarten was Ivan Bakanov.

6 Q Okay. And can you describe that conversation?

7 A In December 2018?

8 Q No, I'm sorry, in May of 2019.

9 A So my conversation with Ivan Bakanov?

10 Q Yes.

11 A To the best of my recollection that was a
12 conversation where we talked about what might happen since it
13 was in between post election, pre-inauguration. I asked him
14 what jobs he thought he might be interested in or appointed
15 to since his childhood friend was now the President-elect,
16 and he described to me his interest in either being chief of
17 staff or the new prosecutor general.

18 Q And what did Mr. Bakanov say with regard to
19 Mr. Fruman, Mr. Parnas, and Mr. Giuliani?

20 A He did not mention Mr. Giuliani. To the best of my
21 recollection, the only name in that meeting that I wrote
22 down -- and that's part of the records which I provided to
23 the State Department -- was Fruman. And then later on he
24 followed up because he couldn't remember the other name,
25 which turned out to be Parnas.

1 And he said, these guys want to meet me, what do you
2 think? And since I had met with Mr. Avakov in the morning, I
3 repeated what Avakov told me. He told me, you can always
4 meet and have a cup of coffee with people, you don't have to
5 make any commitments.

6 Q Okay. At the time did you have any understanding
7 of what Parnas and Mr. Fruman might be doing in Ukraine with
8 Mr. Giuliani?

9 A I understood that they were associates of Mr.
10 Giuliani, and this was now 2 months into the campaign that
11 had led to the, ultimately, unfortunately, to the removal of
12 our Ambassador. But I did not know their specific purpose in
13 coming to Ukraine on or about the 10th and 11th of May.

14 Q Did there come a time when you did learn what their
15 purpose would be?

16 A I only read subsequent to leaving Ukraine the press
17 coverage of the former Mayor of New York's stated intent to
18 go to Ukraine, and then to notice that he canceled his trip.

19 Q And when you say Mr. Giuliani's public statements
20 about the purpose of his trip that he ultimately canceled,
21 what is your recollection of what Mr. Giuliani said?

22 A I don't recall what Mr. Giuliani said in the paper
23 about his reasons for canceling, other than the fact that I
24 believe he may have criticized some individuals around
25 President-elect Zelenskyy.

1 Q And do you recall that his statements were also
2 about investigating the Bidens?

3 A I honestly don't remember what he may have been
4 saying or tweeting. As I said earlier, at this point I was
5 not a regular -- I don't tweet personally, and I don't follow
6 all the tweets of everybody.

7 Q When you learned that Mr. Giuliani was going to
8 travel to Ukraine at the beginning of May, May 9th or May
9 10th, did you have any discussions with anyone at the
10 Department of State about his upcoming trip?

11 A Not that I recall, no. I learned about it when I
12 was in Ukraine.

13 Q Were you at all concerned about his trip?

14 A He's a private citizen. Private citizens have the
15 right to travel. The extent that I might have had concern,
16 it would be what he might try to do as a private citizen
17 involved in the U.S.-Ukraine official relationship.

18 Q To the extent that it could interfere with the
19 ordinary diplomatic channels that would be handled by the
20 Department of State?

21 A To that extent, yes. Again, I did not know the
22 purpose of his trip, I only heard that he might be coming in.

23 Q I think my time is up.

24 BY MR. CASTOR:

25 Q We talked this morning about what the State

1 Department did in the press to counteract these narratives?

2 A Correct.

3 Q The John Solomon stories and so forth.

4 A Yes.

5 Q Did the State Department undertake any effort to
6 convince the White House, not the press, but the White House,
7 that these stories are not grounded in good facts?

8 A That is not -- relations between or communications
9 between the leadership of the State Department and the White
10 House at that level do not go through the regional bureau.

11 Q Okay.

12 A So I'm not aware of the conversations that would
13 have happened.

14 Q Do you know if there was any effort, I mean, they
15 would have kept you in the loop if they were trying to make
16 the case that, hey, you can't be believing this stuff. And
17 if you're thinking about removing Yovanovitch, hold on, let
18 me -- let us make our case. Did that opportunity occur?

19 A My understanding is that there were high-level
20 discussions between the leadership of the State Department
21 and the White House prior to the decision to recall
22 Ambassador Yovanovitch, but those obviously were ultimately
23 unsuccessful, and the account that I heard at the time is in
24 accordance with what I read Ambassador Yovanovitch had in her
25 statement on Friday.

1 Q Okay. Because you mentioned at one point the White
2 House got involved with the visa application for Shokin?

3 A I didn't say that. What I said was that after the
4 State Department made clear that it was not ready to issue,
5 it was our understanding that former Mayor Giuliani reached
6 out to the White House, and then that was the point at which
7 Deputy Chief of Staff Blair was tasked with calling us to
8 find out the background of the story.

9 Q And ultimately Shokin didn't get the visa?

10 A He didn't get the visa, correct.

11 Q So Mr. Blair was sympathetic to your point of view
12 and didn't push the issue anymore?

13 A My understanding is -- what I recall him saying is
14 I heard what I need to know to protect the interest of the
15 President. Thank you. And that was the end of that
16 conversation.

17 Q Okay. So there certainly was at least one incident
18 where you had some positive back and forth with the White
19 House that led to a result consistent with your interests?

20 A Correct. That was -- I believe that conversation
21 occurred on the 11th of January, specifically about this
22 issue of a visa for the corrupt former prosecutor.

23 Q Do you know if Shokin had come to the United States
24 on a visa before?

25 A Yes. [REDACTED]

1

2

3

Q Okay. So he had been granted visas in the past?

4

A He had had visas at some point in the past,

5

correct.

6

Q And do you know when?

7

A I do not know.

8

Q Okay. Do you recall if it was during your time

9

when you were in Kyiv?

10

A I do not know.

11

Q Was the denial of his visa, was this the first time

12

he had made an attempt to travel to the United States but had

13

been denied?

14

A I do not know that. To the best of my knowledge he

15

didn't try to travel to the U.S. and was denied, he did not

16

have a visa. To the best of my recollection, because of the

17

acts of corruption affiliated with undermining U.S.

18

programming and policy goals, we probably, if the visa had

19

not expired prudentially, revoked the visa under the

20

assumption that we don't want corrupt individuals coming to

21

the United States.

22

Q Was Lutsenko on par with Shokin in terms of being

23

an unreliable prosecutor?

24

A Well, I think -- how would you define unreliable

25

prosecutor?

1 Q Well, you talked at great length that Shokin was
2 not prosecuting corruption cases?

3 A Correct. Yeah.

4 Q There were cases of corruption where he just
5 simply, you know, looked the other way and caused them not to
6 be prosecuted. And then I think you mentioned that he
7 prosecuted people that weren't doing anything wrong?

8 A Yeah, I think Shokin's record and his nearly year
9 tenure was not of prosecuting crime. Lutsenko was in office
10 3 years, and so he had more opportunity to take some action.
11 He did lead a number of cases that led to small scale
12 convictions as well as settlements and payments of fines to
13 allow companies to continue to operate in Ukraine.

14 Q But what was the position of the embassy about
15 Lutsenko, was he a --

16 A So I would say the breaking point of our
17 disillusionment with Yuriy Lutsenko came in late 2017, by
18 that point he had been in office for a year and a half, and
19 there was a specific case, and it was as emblematic as the
20 diamond prosecutor case had been for Shokin.

21 The National Anti Corruption Bureau, NABU, became aware
22 because of complaint that there was a ring of Ukrainian state
23 officials that were engaged in selling biometric passports,
24 Ukrainian passports, to people who did not have the right to
25 the passports, including foreigners.

1 And the ring included deputy head of the migration
2 service, a woman named Pimakova (ph), as well as people
3 collaborating in the security service of Ukraine.

4 And, obviously, for our own integrity, you know, we want
5 to know that a passport from a country is issued to the
6 correct person. And as this case was developing, Lutsenko
7 became aware of it, and this corrupt official who was sort of
8 the apex of the scheme went to him or to the prosecutors and
9 became essentially a cooperating witness for them. And so
10 they basically busted up the ring or they busted up the
11 investigation by NABU. And then he went further and exposed
12 the undercover agents that had been a part of this case.

13 So that's obviously a fundamental perversion of law and
14 order to expose undercover agents. They were actually
15 engaged in pursuing an actual crime, whereas, he was
16 essentially colluding with a corrupt official to undermine
17 the investigation.

18 And so this case was critical to us because when we
19 searched the database it turned out that a number of the
20 passports that had been issued as part of these schemes had
21 gone to individuals who had applied for U.S. visas.

22 So we were very angry and upset because this threatened
23 our security, and it potentially also threatened their
24 ability to retain their visa free status in the European
25 Union.

1 Q So did the State Department take a position that
2 Lutsenko had to go?

3 A We didn't say that. What we said was that all the
4 officials that were involved in this ring needed to be held
5 to account and prosecuted, and we needed to see that they
6 were taking seriously our concerns about the integrity of
7 their passports.

8 Q Had Lutsenko had any open investigations at that
9 time into any oligarchs?

10 A Again, there are a lot of prosecutors in the
11 country, and I don't know which investigations he might have
12 had open.

13 Q But you didn't know whether there was any specific
14 investigations into somebody like Zlochevsky?

15 A I do not know if there was an investigation into
16 Zlochevsky, the individual, Yuriy Lutsenko has said publicly
17 that he investigated Burisma on nonpayment of taxes. And as
18 I recall, there was a settlement where Burisma paid a penalty
19 for nonpayment of taxes, and at that point Zlochevsky
20 returned from his external home in Monaco and resumed a
21 public life in Ukraine.

22 Q Going back to the passport issue. Did it present a
23 risk that terrorists would get credentials?

24 A That was a potential theoretical risk, and that is
25 exactly what I told in the first meeting that we had with the

1 new deputy foreign minister, the deputy justice minister, the
2 deputy head of the migration service, the deputy head of the
3 security service, when we had occasion, the essentially, DCMs
4 of the European Union Ambassadors, embassies, and with me as
5 the U.S. DCM, we all raised our great concerns that this
6 uncovered ring posed a threat to our interests as well as
7 Ukraine's continued access to for visa free travel to the
8 European Union.

9 Q What would it have taken for the U.S. Government to
10 take a stronger position as it did on Shokin with regard to
11 Lutsenko?

12 A I think that the -- Yuriy Lutsenko, apart from this
13 NABU case where he actively undercut an investigation that
14 was in our interests, Lutsenko's actions did not raise to the
15 same level. We did, however, I mentioned earlier that at the
16 request of Petro Poroshenko, we made available a former New
17 Jersey prosecutor [REDACTED], we
18 let that contract lapse after roughly 9 months because it was
19 clear that Lutsenko was not going to push forward reform as
20 he had promised to us.

21 So what we did was we curtailed our capacity building
22 assistance to the prosecutor's office under Lutsenko while we
23 continued to engage Lutsenko personally as well as other
24 leaders on the continuing need for reform. And we made clear
25 that we were willing to resume assistance with their

1 political will to actually take the steps that were necessary
2 to reform the prosecutor's office.

3 Q What type of decisionmaking would have had to have
4 occurred at the State Department to take an official position
5 that Lutsenko needed to go?

6 A Well, I mean, it's -- I would say that we're now
7 talking about late 2017, and we were beyond having the
8 potential leverage of sovereign loan guarantees. Ukraine's
9 economy had stabilized. And I would say that there was less
10 consistent high-level engagement on Ukraine.

11 Q Okay. In March of this year, Ambassador
12 Yovanovitch gave a speech at the Ukraine Crisis media Center?

13 A Correct.

14 Q Are you familiar with that? Where she called on
15 Kholodnytsky to be removed?

16 A Correct.

17 Q What can you tell us about that.

18 A Nazar Kholodnytsky was selected by Viktor Shokin
19 as, in our view, the weakest of the three final candidates to
20 become the special anticorruption prosecutor. This is a new
21 unit that was semi-independent within the prosecutor's
22 office, and it was set up specifically to prosecute cases of
23 high corruption that were developed by NABU. We worked
24 intensively with Nazar for almost 2 years, until we reached a
25 breaking point with him. And that intensive work included

1 U.S. prosecutors who were brought in, and FBI agents embedded
2 as mentors. Intensive training trips to the U.S., training
3 in Ukraine. A mentoring trip to Romania where Laura Kovesi
4 is a very well-known anticorruption prosecutor and now the
5 lead prosecutor in Europe. Because even though we saw
6 Kholodnytsky as an imperfect person, he was the new
7 anticorruption prosecutor, and his success, would be
8 Ukraine's success, would be our success.

9 However, we reached a breaking point in a case that was
10 known as the fish tank case. There was suspicion that he had
11 been involved in corrupt acts, and under a Ukrainian warrant
12 a bug, a tap was put in his fish tank in his office. And in
13 the course of the first 2 weeks, he was caught trying to
14 suborn a witness, coach him to lie, as well as obstruct
15 justice in a case that involved his hometown, in an effort to
16 bribe the minister of health, Ulyana Suprun, [REDACTED]
17 [REDACTED]. So [REDACTED] agreed to wear a tap
18 for NABU and caught the effort on trying to give her a bribe.

19 So we had a case involving corruption, and he was caught
20 on tape suborning the witness and trying to obstruct justice.
21 At that point it was no longer possible for the
22 U.S. Government, despite 2 years of investment, to continue
23 to work with Nazar.

24 We called him into the embassy to have a conversation.
25 This is before it went public. And I and the director of the

1 international narcotics and law enforcement section of the
2 embassy had the conversation, tough conversation with him,
3 and suggested that if he were to resign quietly, given the
4 information that was clearly available, that he was young
5 enough that it wouldn't necessarily destroy his career, but
6 that we, the U.S. Government, could no longer work with him.

7 And that if he were to remain as the anticorruption
8 prosecutor, we would cease cooperating with him. And he
9 stood up, walked out, and you know, tweeted, you know, before
10 he left the embassy compound that he was going to have a
11 defiant attitude. So we stopped cooperating with him once
12 presented with evidence that he was actively suborning a
13 witness and obstructing justice.

14 Q You have regaled us over the course of many, many
15 minutes today about the deep issues of corruption in the
16 Ukraine. You talked in extensive detail that the problems
17 are in the Shokin era, during the Lutsenko era, and even now
18 with Kholodnytsky. Is it fair to say that if the President
19 had a deep-rooted skepticism in Ukraine's ability to fight
20 anticorruption, that was a legitimate belief to hold?

21 A It is accurate to say that Ukraine has a serious
22 problem with corruption, and the U.S. is committed where
23 there's a political will to work with Ukrainians, inside and
24 outside government to make changes, but absent that political
25 will, this will be a problem that will stick with Ukraine and

1 stick with the U.S.-Ukraine relationship.

2 Q So we send a lot of money to Ukraine, correct?

3 A I would not say that we send money. Congress
4 appropriates money. The accusation by former prosecutor
5 Lutsenko is that we didn't show him the money, but that
6 fundamentally misunderstood how our assistance is
7 administered. And this was the issue in the letter that I
8 think is part of the packet that you may have received that I
9 signed in April 2016.

10 He accused us, or they accused because it was before
11 Lutsenko came in, of -- and then he just picked up the
12 accusation, that somehow we didn't hand them the money. I
13 talked to one of his temporary deputy prosecutors who was a
14 reformist who later chose not to work with him. And she told
15 me that they actually thought that we, the U.S. Embassy, had
16 bags of cash that we would hand to her or to her
17 predecessors, and that's how we, the U.S. Government, did
18 business.

19 The way the U.S. Government and the Embassy supports
20 anticorruption programming in Ukraine is that we sign
21 agreements with implementers. One of those is the Department
22 of Justice. They have this program, OPDAT, Overseas
23 Prosecutorial Development and Training. Another was with the
24 U.N. organization called IDLO, International Development Law
25 Organization. Another was the OECD, which has a strong and

1 vigorous anticorruption component. And finally, a civil
2 society association, AnTAC, the anti-corruption center.

3 Those are the four organizations with which the U.S.
4 Government signed contracts or grants to administer our
5 justice programming for the reform of the Prosecutor
6 General's Office.

7 Q How much grant money does AnTAC get?

8 A I do not know the exact amount.

9 Q Do you know a ballpark?

10 A Huh?

11 Q Do you know a ballpark?

12 A I do not. I would hesitate to offer a number
13 because I don't -- it's been years since I've seen any
14 spreadsheets.

15 MR. JORDAN: Secretary, Mr. Kent, I just want to go back
16 to questions Steve asked earlier. What was it going to take
17 for the government to take the same position with Mr.
18 Lutsenko that you took with Shokin, and I've just been making
19 a list. He wasn't a lawyer. He actually talked about
20 showing him the money, I think you just said. We know that
21 he's been drunk on certain occasions. He was selling
22 passports, potentially to terrorist.

23 MR. KENT: He was not selling passports. He undermined
24 an investigation of people selling passports.

25 MR. JORDAN: Okay. I guess we'll live with that

1 distinction. It's pretty minor. And the guy he hired for
2 this new prosecutor's office was every bit as bad. The one
3 guy he picked -- he hired Kholodnytsky, right?

4 MR. KENT: Shokin hired Kholodnytsky. So his
5 predecessor hired Kholodnytsky.

6 MR. JORDAN: Kholodnytsky was working when Mr. Lutsenko
7 was prosecutor?

8 MR. KENT: Correct.

9 MR. JORDAN: He didn't bring him in line?

10 MR. KENT: After -- he did not.

11 MR. JORDAN: So I think it sort of underscores Mr.
12 Castor's question. What was it going to take for the United
13 States Government to say this guy has got to go as well?

14 MR. KENT: We made our concerns about the
15 ineffectiveness of Mr. Lutsenko clear to his patron, the then
16 President of Ukraine, Petro Poroshenko, but that assignment
17 is made by the nomination of the Ukrainian President, and the
18 dismissal requires a vote in the Ukrainian parliament.

19 MR. JORDAN: Thank you.

20 MR. PERRY: Thank you. Scott Perry, down here, from
21 Pennsylvania. I just want to clarify something that's been
22 kind of veered on numerous occasions before you got here and
23 today. Are you familiar with the transcript of the call
24 between the President of the United States and President
25 Zelenskyy? Are you familiar with it?

1 MR. KENT: I read it after it was declassified by the
2 White House, yes.

3 MR. PERRY: Okay. So you have some, and if you need it,
4 we can give it to you. But in a kind of exchange on the last
5 round the implication was is that there was a favor asked by
6 the President for an investigation. Do you know anywhere in
7 the transcript where the President uses the word
8 investigation?

9 MR. KENT: I don't have the transcript in front of me.

10 MR. GOLDMAN: Can we admit it as an exhibit?

11 MR. PERRY: Sure.

12 [Majority Exhibit No. 1

13 Was marked for identification.]

14 MR. KENT: But I will say that at the time I didn't have
15 access to the transcript, so --

16 MR. PERRY: But you've had it now.

17 MR. KENT: After it was declassified.

18 MR. PERRY: You had it up until today. And I just want
19 to let you know, it doesn't say an investigation. The
20 President doesn't say an investigation. When he uses -- do
21 you see it as, or it was implied that the President is asking
22 for a favor for him, but when he says, do us a favor, do you
23 see that as the United States or the President of the United
24 States when he says do us a favor?

25 MR. KENT: Sir, I was not on the call.

1 MR. PERRY: I know you weren't, but I'm reading it to
2 you right now. It's on page 3 at the top.

3 MR. GOLDMAN: Could we provide him one?

4 MR. KENT: So sir, could you repeat. Could you repeat
5 your precise question again.

6 MR. PERRY: The implication was in the last round that
7 the President was asking to do him a favor. Do the President
8 of the United States a favor, but the verbiage says do us a
9 favor. Do you see that as doing a favor for the United
10 States or the President himself personally?

11 MR. KENT: As I'm reading the paragraph, it refers to
12 CrowdStrike and Mueller and then so on and so forth, and so
13 that is the first time I'd ever heard of this line of
14 thought. That does not strike me as being related to U.S.
15 policy.

16 MR. PERRY: Okay. And, again, in regard to the, do us a
17 favor line, it has nothing to do with Biden or Burisma in
18 this paragraph on the top of top page 3?

19 MR. KENT: That's, as I'm reading through this again,
20 it's --

21 MR. PERRY: Well, I'll let you know --

22 MR. KENT: It's not in that paragraph. Yeah --

23 MR. PERRY: There's nothing referred to in on page 3
24 regarding Biden or Burisma that can be connected with the
25 line, do us a favor. The words, do us a favor.

1 MR. KENT: I would agree with you that it's not in that
2 paragraph.

3 MR. PERRY: Right.

4 MR. KENT: As put together by the staff at the National
5 Security Council.

6 MR. PERRY: Right. Okay. And do you remember anywhere
7 in this transcript where the President says, you know, for
8 the -- the President of the United States says to President
9 Zelenskyy to dig up or get some dirt?

10 MR. KENT: Again, I think the National Security Council
11 account is what it is.

12 MR. PERRY: Yeah. It's not in there is my point. It's
13 not in there. And I just want to make the record clear
14 because for hours and hours in testimony over the course of
15 days here there's a continual characterization of these
16 events that are not true, that are not correct, per the
17 transcript.

18 Moving on, in the past round you were asked about your
19 opinion about the President, is it proper for the President
20 to ask another country for an investigation into a political
21 rival? I think that was the general characterization. I
22 want to explore that a little bit. And in your answer you
23 said that it would not be the standard. And my question is,
24 do you have -- does the Department of State have a standard
25 in that regard?

1 MR. KENT: I believe it is a matter of U.S. policy and
2 practice, particularly since I have worked in the area of
3 promoting the rule of law, that politically related
4 prosecutions are not the way of promoting the rule of law,
5 they undermine the rule of law.

6 MR. PERRY: But is that written as a policy somewhere or
7 is that just standard practice?

8 MR. KENT: I have never been in a position or a meeting
9 where I've heard somebody suggest that politically motivated
10 prosecutions are in the U.S. national interest.

11 MR. PERRY: Okay. So would you say that if the United
12 States was interested in pursuing justice of a past incident,
13 of an incident that occurred in the past regarding someone
14 that had a political office, is that off limits to the United
15 States of America?

16 MR. KENT: I think if there's any criminal nexus for any
17 activity involving the U.S., that U.S. law enforcement by all
18 means should pursue that case, and if there's an
19 international connection, that we have the mechanisms to ask
20 either through Department of Justice MLAT in writing or
21 through the presence of individuals representing the FBI, our
22 legal attaches, to engage foreign governments directly based
23 on our concerns that there had been some criminal act
24 violating U.S. law.

25 MR. PERRY: One more, Steve.

1 Regarding your conversation about Ambassador
2 Yovanovitch's release, and you heard her viewpoint because
3 you heard it previous, and then you saw it related in her
4 opening statement here. Right? Do you think there's another
5 viewpoint? I know you know that viewpoint, is there a
6 potential for another viewpoint?

7 MR. KENT: A viewpoint about what?

8 MR. PERRY: About her release. You heard her viewpoint.
9 This is what happened to me. This is why I was released.
10 This is why she was released as the Ambassador. That's her
11 viewpoint. You heard that, you knew that. Correct?

12 MR. KENT: As I mentioned, I heard that that was the
13 view expressed and conveyed by the Deputy Secretary of State
14 to her. Correct.

15 MR. PERRY: Right. And do you think there could be
16 another viewpoint other than hers?

17 MR. KENT: That was the viewpoint of the Deputy
18 Secretary of State.

19 MR. KENT: And it's also hers, correct?

20 MR. KENT: She conveyed what she heard from the Deputy
21 Secretary of State.

22 MR. PERRY: But there could be another viewpoint, that's
23 my point.

24 MR. KENT: Theoretically there are multiple points about
25 --

1 MR. PERRY: Right. And whose decision ultimately is
2 that?

3 MR. KENT: What decision about what?

4 MR. PERRY: Who serves as an Ambassador from the United
5 States to another country?

6 MR. KENT: All Ambassadors serve at the pleasure of the
7 President.

8 MR. PERRY: So if an Ambassador is relieved for whatever
9 reason, is that something that would normally be investigated
10 by the Secretary Department of State?

11 MR. KENT: All Ambassadors serve at the pleasure of the
12 President. And that is without question, everybody
13 understands that.

14 MR. PERRY: All right. Thank you. I yield.

15 BY MR. CASTOR:

16 Q When is the first time you heard about the call
17 between the President and President Zelenskyy?

18 A Which call?

19 Q The July 25th call, the one that is the subject of
20 the exhibit?

21 A Well, can you repeat the question.

22 Q When did you hear about the call?

23 A I heard that the call was going to take place on --
24 I heard that it would take place the day before on the 24th.

25 Q Okay. Did State Department officials want the call

1 to occur?

2 A Yes. I was informed that it was finally scheduled
3 by Lieutenant Colonel Alex Vindman, who's the director at the
4 National Security Council responsible for Ukraine. And I
5 then emailed the Embassy suggesting that they send a
6 communications officer over to the presidential office to
7 check the quality of the line because it had been a long time
8 since we had had a formal call, and sometimes those lines
9 don't work when they get calls. So as far as I know, the
10 embassy did that to ensure that when the White House
11 situation room called out the call would go through.

12 Q Okay. You said finally scheduled, so there had
13 been some process over time to get this call scheduled?

14 A There had been discussions on and off for awhile
15 for a followup call to the congratulatory call on April 21st,
16 the day that Zelenskyy won the presidency, and the timeline
17 slipped until it was after the parliamentary elections.
18 Those occurred on July 21st, and the call eventually happened
19 4 days later on the 25th.

20 Q Everyone was in favor of making this call happen
21 after the parliamentary elections?

22 A The State Department was supportive of a call.

23 Q And was there anybody who was not supportive of the
24 call in the U.S. Government?

25 A I have read that there were officials that had some

1 reluctance.

2 Q What did you read?

3 A I think that's a question you could ask people that
4 work at the National Security Council.

5 Q So you read there were some issue from the National
6 Security Council about scheduling the call?

7 A I read that there were some people who had some
8 misgivings about the call, yes.

9 Q Okay. But you didn't know about those misgivings
10 prior to the call?

11 A I may have heard that there were some views, I did
12 not understand what the views were behind that expression.

13 Q Okay. Who held those views?

14 A I don't know.

15 Q Okay. So you didn't have any personal knowledge of
16 any officials at the National Security Council being
17 uncomfortable with the idea of having a call?

18 A I got the impression that there was at least one
19 official uncomfortable, but I didn't understand what that was
20 about. I, the State Department, was in favor of a
21 congratulatory call after the election.

22 Q Did Alex Vindman tell you anything that gave you
23 pause?

24 A Before the call, no.

25 Q Okay. So it's finally scheduled, it happens on

1 July 25th. You weren't on the call, right?

2 A Correct.

3 Q Was anyone from the State Department, to your
4 knowledge?

5 A I believe I was aware that the White House Sit Room
6 was going to try to patch through the counselor of the
7 department, Ulrich Brechbuhl.

8 Q Okay. Any other folks from the Department?

9 A That was the only name that I or office that I
10 heard mentioned.

11 Q Okay. Nobody in Kyiv?

12 A It would not be normal to have the embassy patched
13 into the phone call.

14 Q Okay. And then after the call occurs, did you get
15 a read-out from anybody?

16 A I did.

17 Q Who did you get the read-out from?

18 A From Lieutenant Colonel Vindman.

19 Q And when was the read-out?

20 A It was not the same day. It may not have been the
21 day after, but it could have been either July 26th or 27th,
22 several days after.

23 Q What did he tell you to the best of your
24 recollection?

25 A It was different than any read-out call that I had

1 received. He felt -- I could hear it in his voice and his
2 hesitancy that he felt uncomfortable. He actually said that
3 he could not share the majority of what was discussed because
4 of the very sensitive nature of what was discussed.

5 He first described the atmospherics and compared it to
6 the previous call, which was April 21st. That had been a
7 short, bubbly, positive, congratulatory call from someone who
8 had just won an election with 73 percent. He said this one
9 was much more, the tone was cooler, reserved. That President
10 Zelenskyy tried to turn on the charm, and he is a comedian
11 and a communicator, but that the dynamics didn't click in the
12 way that they had on April 21st.

13 Again, he did not share the majority of what was said.
14 I learned the majority of the content after reading the
15 declassified read-out. He did share several points. He
16 mentioned that the characterization of the Ambassador as bad
17 news. And then he paused, and said, and then the
18 conversation went into the direction of some of the most
19 extreme narratives that have been discussed publicly. That's
20 all he said.

21 Later on, he said that he made reference to a back and
22 forth about the prosecutor general, that would be Lutsenko,
23 saying, you've got a good guy, your prosecutor general, and
24 he's being attacked by bad guys around you, is how I recall
25 Lieutenant Colonel Vindman characterizing it. And then he,

1 in summation, he said in his assessment, Zelenskyy did not
2 cross any line. He said that Zelenskyy said, if anything bad
3 had happened in the past, that was the old team. I'm a new
4 guy, I've got a new team, and anything we do will be
5 transparent and honest.

6 Q And is that as much as you can remember from
7 your --

8 A And then there was -- I think the last thing that
9 Lieutenant Colonel Vindman mentioned was there about a brief
10 mention by Zelenskyy about U.S. -- interested in working on
11 energy-related issues. Previously, I should have said, at
12 the front earlier in the conversation, that he said that
13 Lieutenant Colonel Vindman told me that President Zelenskyy
14 had thanked the U.S. for all of its military assistance.
15 That the U.S. did a lot for Ukraine. And Lieutenant Colonel
16 Vindman told me that the President replied, yes, we do, and
17 it's not reciprocal.

18 Q Is that pretty much what you can remember?

19 A That is I think the summation of everything I can
20 recall.

21 Q Did he tell you anything about the Bidens?

22 A He did not mention, to the best of my recollection,
23 including the notes that I took, which I've submitted to the
24 State Department. He did he -- Lieutenant Colonel Vindman,
25 did not mention the specifics. He just said, as I said at

1 the beginning, he said the majority of the conversation
2 touched on very sensitive topics that I don't feel
3 comfortable sharing.

4 Q Did he mention Burisma?

5 A He did not mention any specifics.

6 Q And he didn't mention 2016?

7 A He did not mention that to me, no.

8 Q And did you make any followup inquiries with him
9 like, hey, can I come over and speak with you in a secure
10 environment or learn more about this call --

11 A None.

12 Q It seems like there's some issues relating to one
13 of the countries that I have responsibility for?

14 A I did not, and no.

15 Q What was your expectation where you would next
16 learn more?

17 A That was the second conversation between the two
18 Presidents in April, May, June, July, 4 months. We at that
19 point were focused on trying to sort through why the Office
20 of Management and Budget had put a hold on security
21 assistance. We were also focused on the way forward and
22 potentially trying to arrange a meeting possibly on the 1st
23 of September in Warsaw on the 80th anniversary of the start
24 of World War II, possibly in New York during the UN General
25 Assembly.

1 So those were the next step issues in the relationship,
2 both functionally in terms of military assistance, as well as
3 in procedurally in terms of the possibility of a meeting.

4 Q And the meeting you said could have happened in
5 Warsaw. What was the date that Warsaw was supposed to be?

6 A The start of World War II was the 1st of
7 September 1939, so the commemorations were the 1st of
8 September 2019 in Warsaw.

9 Q You said the General Assembly was the 26th, if I'm
10 correct?

11 A That week, I believe the Monday may have been the
12 24th or the 23rd, so maybe the 23rd through the 27th was the
13 week of the leaders' participation.

14 Q Okay. And so then you never -- did you learn any
15 more about that call from any other officials?

16 A No.

17 Q So between the time that you had the conversation
18 with Vindman, it was on the telephone, right?

19 A A secure call between NSC and the State Department,
20 yes.

21 Q And the time when the transcript was declassified,
22 did anybody else give you a read-out or any information about
23 the call?

24 A No.

25 Q When the transcript was released on September -- I

1 think it was September 25th, did you have an advanced copy of
2 it or --

3 A I was up in New York engaged in meetings with
4 leaders in my area of responsibility and, no, I did not have
5 any advanced knowledge.

6 Q Okay. Now, did you have any communications after
7 the call after you spoke with Vindman, did you then
8 subsequently debrief anybody about what happened on the call?

9 A I may have shared with other people in the European
10 front office, which had a focus on that, and that includes
11 people like Tyler Brace, who is our one political appointee,
12 schedule C, former staffer for Senator Portman, who has a
13 specific interest in Ukraine and Russia, as well as the
14 acting assistant secretary.

15 Q Uh-huh. Any other individuals that you discussed
16 the call with?

17 A In terms of giving a substantive read-out, I do not
18 recall having a substantive discussion. We have a weekly
19 secure video conference call with the leadership of Embassy
20 Kyiv, now led by Charge Bill Taylor, it is possible that I
21 discussed part of that with him subsequently.

22 Q Now, during this time period had you been having
23 communications with Ambassador Yovanovitch?

24 A At this point she was back in the United States,
25 and so we did have reason to have communications, yes.

1 Q Okay. And how frequently were you speaking with
2 her?

3 A I would say we're now talking about the end of July
4 through the month of August, perhaps once or twice a week.

5 Q And into September?

6 A Right. The second half of August I was on vacation
7 with my family [REDACTED], so there's no contact there.
8 We got together for dinner in early September. Her
9 [REDACTED] mother and my wife were very close socially when
10 we were in Washington, I'm sorry, in Kyiv, so it essentially
11 was a social gathering, a meal shared.

12 Q And did you relate anything to her when you had
13 dinner with her in early September about the call?

14 A I may have made some reference to the negative
15 characterization of her.

16 Q Okay. Do you remember anything else that you may
17 have related to her about that call?

18 A I would not have -- to the best of my recollection
19 in general, I wouldn't have discussed the substance of the
20 call in part because the read-out of the call I got was not
21 substantive, and second of all, I wouldn't have been
22 appropriate.

23 Q Okay. So you're having dinner with Ambassador
24 Yovanovitch, it's early September, and you made brief
25 mention?

1 A I may have made brief mention of negative
2 characterization of her personally.

3 Q And what was her reaction?

4 A I honestly don't remember.

5 Q How long were you having this discussion with her
6 at dinner?

7 A Generally, this would have been a very short
8 conversation because her mother and my wife were part of it,
9 and we generally avoided talking about anything related to
10 work when we were together.

11 Q Did she have any followups for you? I mean, the
12 President of the United States -- you know, you related to
13 her that the President of the United States may have
14 mentioned her on a call with President --

15 A As I think she may have said to you Friday, in part
16 because of the what the Deputy Secretary of State told her,
17 she aware of the President's views of her.

18 Q So presumably this was really interesting
19 information that you had and you related to her, and I'm just
20 wondering whether there was any additional back and forth. I
21 mean, did she --

22 A No, not that I recall. Ambassador Yovanovitch is
23 an intensely private person, she's an introvert. And, again,
24 she's also someone who follows very strict what is deemed
25 proper and proprietary, and so that's -- we did not linger on

1 any conversation of that nature.

2 Q Now, when you related this information to her, did
3 you provide any characterization about your view of the call?

4 A Not that I recall.

5 Q Okay. Did you provide a characterization of your
6 view of how the President conducted himself on the call?

7 A No, that wouldn't have been appropriate, and no.

8 Q Okay. And after the dinner, early part of
9 September, you know, leading up to the release of the
10 transcript on the 25th, did you have any additional
11 discussions with her?

12 A I was on travel for the mid-part of the month. I
13 was back for a couple of days, and then I was up in New York
14 for the U.N. General Assembly meetings, which was, as you
15 said on the 25th, I was in New York when that occurred. So,
16 again, to the best of my recollection, no.

17 Q And she was at Georgetown at this point on a
18 fellowship?

19 A She was teaching -- yes, a course on diplomacy at
20 Georgetown.

21 Q And your office is at the State Department. Did
22 you have an occasion to visit with her during the workday? I
23 mean, did she come over to the State Department? Did you
24 appear at Georgetown at any point in time?

25 A No. She at one point asked -- commented that the

1 students in the Masters program at Georgetown had superior
2 oral briefings skills, but lacked fundamental writing skills.
3 And I had mentioned that previously we used to run
4 essentially remedial writing seminars for the officers in the
5 European bureau as well as Embassy Kyiv, that I helped
6 conduct, and she asked if I had the notes from that, and I
7 said I did. And so I passed her essentially the notes of
8 presentations I had made about writing well.

9 Q Okay. And then you mentioned that you spoke to her
10 on a somewhat regular basis, but the call never came up other
11 than the dinner?

12 A To the best of my knowledge, I cannot recall.

13 Q Okay. The communication you had with Vindman on
14 the 29th, and that was an estimated date.

15 A It could have been a day or two earlier. It could
16 have been the 29th, honestly. It's several days later,
17 depending on what day the call happened, during the week, it
18 could have been the next Monday, it could have been the
19 Friday, I just don't remember.

20 Q Fair enough. And you said that was your only
21 communication you had with the NSC about it?

22 A I did not seek to revisit that issue nor did I talk
23 to anybody else at the NSC about the call.

24 Q Who else was on the call with NSC, do you remember?

25 A That call between Lieutenant Colonel Vindman and I

1 was just a call between the two of us.

2 Q Okay.

3 MR. CASTOR: I think I'm out of time here.

4 MR. ZELDIN: How much time is left?

5 MR. CASTOR: About 1 minute.

6 MR. ZELDIN: Okay. I am interested. Why wouldn't you
7 asked for more information about the call?

8 MR. KENT: Lieutenant Colonel Vindman was clearly
9 extremely uncomfortable sharing the limited amount of
10 information that he did. So he shared what he felt
11 comfortable sharing, and that constituted the read-out that I
12 received from him.

13 MR. ZELDIN: But you didn't want to have more
14 information?

15 MR. KENT: He made clear to me that he felt
16 uncomfortable sharing as much as he had actually shared. So
17 the relationship between a director of the NSC and say
18 someone at my level is a relationship, it's intense, it's
19 frequent, and you have to develop a trust factor. And he
20 made clear to me that he had shared as much as he felt
21 comfortable sharing, and I respected that.

22 MR. ZELDIN: We're out of time, but we might revisit
23 that.

24 THE CHAIRMAN: Why don't we take a 10-minute break and
25 use the facilities, and we'll come back. And try to be

1 prompt in 10 minutes.

2 [Recess.]

3 THE CHAIRMAN: All right. Let's go back on the record.

4 Secretary, I have a few questions for you. I think a
5 couple of my colleagues do, and then we'll go back to the
6 timeline with Mr. Goldman.

7 I just very briefly wanted to go through a bit of the
8 call records since that was raised by my colleagues in the
9 minority. If you turn to page 2 of that call record at the
10 bottom, this is again the July telephone call between
11 President Trump and President Zelenskyy. The very last
12 sentence reads: We are ready to -- this is President
13 Zelenskyy: We are ready to continue to cooperate for the
14 next steps, specifically, we are almost ready to buy more
15 javelins from the United States for defense purposes.

16 And there, Mr. Secretary, he's referring to Javelin
17 anti-tank weapons?

18 MR. KENT: That's correct.

19 THE CHAIRMAN: That are important in terms of fighting
20 off either Russia troops or separatists in Donbass?

21 MR. KENT: That's correct.

22 THE CHAIRMAN: Immediately after President Zelenskyy
23 raises this desire to purchase more javelins, the President
24 says, I would like you to do us a favor, though, because our
25 country has been through a lot and Ukraine knows a lot about

1 it, I would like you to find out what happened with this
2 whole situation with Ukraine, they said CrowdStrike. Do you
3 know what that refers to, CrowdStrike?

4 MR. KENT: I would not have known except for the
5 newspaper media coverage afterwards explaining what that was
6 a reference to.

7 THE CHAIRMAN: And the President goes on to say, I guess
8 you have one of your wealthy people, the server they say
9 Ukraine has it. Do you know what server the President
10 believes Ukraine had?

11 MR. KENT: I can only again refer to the media articles
12 that I have read subsequently about this explaining that
13 there is, the founder of CrowdStrike who is a Russian
14 American, and the media as said that that was a confused
15 identity. But that's again -- the only basis I have to judge
16 that passage is what I've read in the media.

17 THE CHAIRMAN: And further on in the paragraph, the
18 President says: I would like to have the Attorney General
19 call you or your people, and I would like you to get to the
20 bottom of it. Do you have any reason to question the
21 accuracy of that part of the call record?

22 MR. KENT: I wasn't on the call, and the first time I
23 saw this declassified document record of conversation was
24 after it was declassified by the White House.

25 THE CHAIRMAN: Now, you mentioned that you when you

1 spoke with -- is it General Vindman?

2 MR. KENT: Lieutenant Colonel Vindman.

3 THE CHAIRMAN: Lieutenant Colonel Vindman. When you
4 spoke to Colonel Vindman, he said there was certain very
5 sensitive topics he did not feel comfortable mentioning. Was
6 this one of the topics that he did not mention?

7 MR. KENT: This whole passage, which you just went
8 through, he made no reference to it. That's correct.

9 THE CHAIRMAN: If this were a matter of standard U.S.
10 policy of fighting corruption, that wouldn't be a sensitive
11 topic, would it, if the President was actually advocating
12 that Ukraine fight corruption?

13 MR. KENT: If he had read this to me, I would have asked
14 him what is CrowdStrike and what does that mean, because it's
15 just not clear to me just reading it. As I said, other
16 people interpreted what the context was for that, but again,
17 I'll go back to what I said before.

18 Understanding that this is a reference to concerns about
19 2016. If anybody did anything in 2016 that violated U.S.
20 elections or election laws that, you know, there's a reason
21 to investigate something with the U.S. nexus, we should open
22 that investigation. And if the Ukrainians had a part in
23 that, then that would be natural for us to formally convey a
24 request to the Ukrainians.

25 THE CHAIRMAN: But if it were a legitimate law

1 enforcement request or if it were a generic discussion of
2 corruption in line with U.S. policy, it wouldn't have been a
3 sensitive matter and Colonel Vindman could have raised it
4 with you, right?

5 MR. KENT: If it was a normal matter, he probably would
6 have. Again, when he said that there were sensitive issues
7 that he didn't feel comfortable talking about, I did not know
8 what exactly he meant until I read this declassified
9 memorandum of conversation.

10 THE CHAIRMAN: Let me ask you about another matter that
11 it appears he did not bring up with you. The President, on
12 the top of page 4, says: The other thing, there's a lot of
13 talk about Biden's son. That Biden stopped the prosecution
14 and a lot of people want to find out about that, so whatever
15 you can do with the Attorney General would be great. Biden
16 went around bragging that he stopped the prosecution. So if
17 you can look into it.

18 Was that another one of the very sensitive topics that
19 Colonel Vindman did not feel comfortable sharing with you?

20 MR. KENT: That passage -- he made no reference that
21 would have in his limited read-out to me that would have
22 matched that passage of the memorandum of the conversation.

23 THE CHAIRMAN: So the dual request to look into the
24 Bidens and to look into this CrowdStrike 2016, for lack of
25 better description, conspiracy theory, Colonel Vindman didn't

1 feel comfortable informing you that either one of those
2 things was raised by the President during the call?

3 MR. KENT: That's correct.

4 THE CHAIRMAN: Mr. Quigley.

5 MR. QUIGLEY: Thank you, Mr. Chairman. Mr. Secretary,
6 thank you for your service and for being here. Earlier you
7 mentioned that media campaign against the Ambassador took
8 place. Were you aware of who was involved with that media
9 campaign?

10 MR. KENT: I could only see the figures that voluntarily
11 associated themselves with that campaign in both countries.

12 MR. QUIGLEY: And who was that in Ukraine and who was
13 that in the U.S?

14 MR. KENT: Well in Ukraine, very clearly, the prosecutor
15 general at the time, Yuriy Lutsenko, his press spokeswoman
16 retweeted the tweet of Don Trump, Jr. attacking the
17 Ambassador. So very clearly, it wasn't just him personally
18 as a Ukrainian, but the institution.

19 There were -- I made references earlier to what were
20 known as the Porokhobots, the trolls on social media who were
21 active in support of Poroshenko. And 10 days before the
22 election, rather than attacking Russia or attacking his
23 political opponents, as they normally did, they were
24 attacking Ambassador Yovanovitch and me by name.

25 So I would say that is cluster of the Ukrainians who

1 were actively promoting this campaign. And then obviously
2 the people in the United States that were promoting it.

3 MR. QUIGLEY: Sure. Referencing Mayor Giuliani, you
4 became aware of his activities in Ukraine. What was your
5 understanding while this was happening of what his role was?
6 A personal attorney working somehow for the government
7 working as a campaign person's attorney?

8 MR. KENT: His role in orchestrating the connections
9 with information from Yuriy Lutsenko seemed to be a classic,
10 you scratch my back, I scratch yours, issue. Yuriy Lutsenko
11 told, as I mentioned, Gizo Uglava, that he was bitter and
12 angry at the embassy for our positions on anti-corruption.
13 And so he was looking for revenge. And in exchange, it
14 appeared that the campaign that was unleashed, based on his
15 interview, was directed towards Americans, principally the
16 Ambassador, as well as organizations that he saw as his
17 enemies in Ukraine, the National Anti Corruption Bureau as
18 well as the Anti Corruption Center.

19 Several Ukrainians at the time told me that they saw
20 what Lutsenko was trying to do was get President Trump to
21 endorse President Poroshenko's reelection. This was
22 happening in March before the election. That did not occur.
23 It would not have made a difference either because Zelenskyy,
24 as noted before, won with 73 percent.

25 MR. QUIGLEY: To your knowledge, was Mr. Giuliani ever

1 tasked, coordinated, briefed with anyone at the State
2 Department to do what he was doing?

3 MR. KENT: To the best of my knowledge, in the first
4 phase of Mr. Giuliani's contact with Ukrainians and his
5 efforts to orchestrate the media campaign, nobody from the
6 State Department had contact with him. When I say the first
7 phase, that is essentially the phase involving Prosecutor
8 General Lutsenko through the election of President Zelenskyy,
9 which occurred on April 21st.

10 MR. QUIGLEY: So the first phase, but at any time other
11 time and after the fact, were you aware of any tasking,
12 briefing, coordination that took place?

13 MR. KENT: Yes.

14 MR. QUIGLEY: And could you detail that?

15 MR. KENT: At a certain point, I believe in July, then
16 special representative for Ukraine negotiations, Volker, told
17 me that he would be reaching out to Rudy Giuliani.

18 MR. QUIGLEY: And --

19 THE CHAIRMAN: I just want to mention, we intend to go
20 through this in a timeline.

21 MR. QUIGLEY: First of all, it's somewhat news to me,
22 and I'll pass it back if that's what you want, but it
23 seems --

24 THE CHAIRMAN: We're going to get into all of this.

25 MR. QUIGLEY: All right.

1 THE CHAIRMAN: And it may be more orderly to do it in
2 chronological order though.

3 MR. QUIGLEY: Very good. I'll ask one more question.
4 In your belief, in your understanding, in your experience,
5 why was the Ambassador recalled?

6 MR. KENT: Based on what I know, Yuriy Lutsenko, as
7 prosecutor general, vowed revenge, and provided information
8 to Rudy Giuliani in hopes that he would spread it and lead to
9 her removal. I believe that was the rationale for Yuriy
10 Lutsenko doing what he did.

11 Separately, there are individuals that I mentioned
12 before, including Lev Parnas and Igor Fruman, who started
13 reaching out actively to undermine Ambassador Yovanovitch,
14 starting in 2018 with a meeting with former Congressman Pete
15 Sessions on May 9th, 2018, the same day he wrote a letter to
16 Secretary Pompeo impugning Ambassador Yovanovitch's loyalty
17 and suggesting that she be removed. And others also in 2018
18 were engaged in an effort to undermine her standing by
19 claiming that she was disloyal.

20 So that's the early roots of people following their own
21 agendas and using her as an instrument to fulfill those
22 agendas.

23 MR. QUIGLEY: Okay.

24 THE CHAIRMAN: Ms. Speier, any questions on what we
25 covered so far?

1 MS. SPEIER: Thank you for your lifetime of service on
2 behalf of the country. Secretary, as the Deputy Assistant
3 Secretary of State for Eastern Europe and the Caucasus, it
4 would seem to me that you would be familiar with the efforts
5 by the administration to engage with Ukraine. Is that --

6 MR. KENT: Correct.

7 MS. SPEIER: So in that circumstance, you were read into
8 that July 25th phone conversation by the Lieutenant Colonel
9 but were not actually on the call?

10 MR. KENT: Correct. I've never in 27 years been on a
11 call made by a President of the United States.

12 MS. SPEIER: So that is not consistent with your role
13 then. Okay.

14 MR. KENT: I have never served at the National Security
15 Council, I've only served at the State Department and at
16 embassies overseas.

17 MS. SPEIER: All right. You said earlier that you
18 provided all of your documents to the State Department for
19 them to make available to us. Forgive me if I don't think
20 they're re going to be forthcoming. But if you were to
21 identify certain documents in particular, you mentioned a few
22 already today, but if you were to mention certain documents
23 that you think are particularly important for us to have
24 access to, what would they be?

25 MR. KENT: The, if you will, I guess, the unique records

1 that I generated in the course of my work would include notes
2 to the file and conversations that I took down in my
3 handwritten notes.

4 MS. SPEIER: Anything else that comes to mind?

5 MR. KENT: Likely the WhatsApp exchange between me and
6 Ambassador, or sorry, Charge Taylor.

7 MS. SPEIER: So is it typical for you to use WhatsApp in
8 communicating with your colleagues?

9 MR. KENT: In parts of the world, WhatsApp has become a
10 very active method of communication for a variety of reasons,
11 it's considered encrypted, although I don't think text
12 messages are secure. I believe the voice encryption is still
13 secure. And in countries like Ukraine there's actually no
14 data charge for use WhatsApp, and that's what drives the use
15 of social media, so they pay for text messages, but when they
16 use social media apps they don't actually pay for that data.
17 So that has altered communications in parts of world by rate
18 setting and how people communicate.

19 So in Latin American, for instance, and in parts of
20 Europe and Asia, applications like WhatsApp have become the
21 dominate form of communication.

22 MS. SPEIER: There has been a lot of conversation
23 earlier today from our colleagues on the other side of the
24 aisle about Burisma as being a company that lacked some
25 ethical commitments and moral compass of sorts. Are there

1 other companies in Ukraine that would fall in that same
2 category?

3 MR. KENT: There are many companies in Ukraine that
4 might fall into that category, yes.

5 MS. SPEIER: Could you give us some examples?

6 MR. KENT: If you took the roster of the richest
7 Ukrainians, they didn't build value, they largely stole it.
8 So we could go down the richest 20 Ukrainians and have a long
9 conversation about the structure of the Ukrainian economy,
10 and certainly most of the billionaires in the country became
11 billionaires because they acquired state assets for largely
12 under valued prices and engaged in predatory competition.

13 MS. SPEIER: Burisma doesn't stand out as being
14 different from any number of companies?

15 MR. KENT: I would say that Mr. Zlochevsky's actions
16 stood out in one way that he was the actual minister who
17 awarded himself the licenses to explore for gas exploration.

18 MS. SPEIER: Okay.

19 MR. KENT: Other people may have just had the minister
20 on their payroll.

21 MS. SPEIER: Okay. Going back to that July 25th call,
22 there was a lot of exchanges between Ambassador Sondland, Mr.
23 Volker, and also the Charge Taylor about whether or not the
24 aid would be forthcoming, whether or not the statement would
25 be written. Were you privy to any of that?

1 MR. KENT: I did not participate in those exchanges by
2 virtue of the fact that, to the best of my knowledge, you
3 don't have me as a participant in those exchanges, and none
4 of those have been released.

5 I did have my own dialogue with Charge Taylor in the
6 course of our work, in the same way that I had a dialogue
7 with Ambassador Yovanovitch and with our ambassadors in
8 Moldova, Azerbaijan, Armenia, and our Charges in Georgia and
9 Belarus.

10 THE CHAIRMAN: And I would like to address my colleague
11 we're going to get to that through the timeline.

12 MS. SPEIER: I'm particularly interested in 2017. Are
13 you going to take care of that?

14 THE CHAIRMAN: We are. Can I suggest that we have the
15 counsel continue with the timeline, and then as we get
16 through it members can add in with questions. Thank you.
17 Mr. Goldman.

18 MR. GOLDMAN: Thank you, Mr. Chairman.

19 BY MR. GOLDMAN:

20 Q Focusing your attention on May of this year when I
21 believe you said that Rudy Giuliani met in Paris with Nazar
22 Kholodnytsky, who was the prosecutor of the anti-corruption.

23 A The special anti corruption prosecutor, yes.

24 Q Anti corruption, okay. And he had already been
25 removed by that point, right?

1 A No, he had been under pressure for over a year. We
2 stopped cooperating with them approximately in March of 2018
3 when the so-called fish tank scandal emerged.

4 Q Okay. Just to summarize. You have testified today
5 that Mr. Giuliani met with Yuriy Lutsenko in January, that he
6 advocated to get the former Prosecutor General Shokin a visa
7 in January. And then he met with a special prosecutor in
8 May, who the U.S. had ceased all former relations with. And
9 Lutsenko and Shokin are generally, the general consensus
10 belief is that they either are or, at this point, or were
11 corrupt prosecutor generals. Is that an accurate summary of
12 Mr. Giuliani's meetings with prosecutors in Ukraine?

13 A Yes.

14 Q Okay. And you also indicated that by May of this
15 point, Mr. Giuliani had been on television and in the media
16 advocating for the four story lines that you summarized from
17 those March articles. Is that right?

18 A Correct.

19 Q Okay. And then in May you went to Ukraine and you
20 had meetings with Ukrainian officials, two of whom mentioned
21 to you that Mr. Giuliani wanted to meet with them. Is that
22 right?

23 A Mr. Avakov mentioned Giuliani. I can't recall if
24 Mr. Bakanov mentioned Giuliani when we first talked, the one
25 name that I wrote down in my notes was that he mentioned

1 Fruman, he said he didn't remember the other name, and later
2 he sent me the business card of Fruman and Parnas.

3 Q Thank you for clarifying that. But he knew that
4 Fruman and Parnas were associates of Giuliani, right?

5 A Correct.

6 Q Now, you would agree, right, that high-level
7 Ukrainian officials don't meet with every private American
8 citizen who travels to Ukraine. Correct?

9 A Correct.

10 Q So the Ukrainians certainly understood that Mr.
11 Giuliani was not a regular private citizen. Is that right?

12 A Correct.

13 Q And would you assess that they understood that he
14 represented President Trump?

15 A They understood that Mr. Giuliani asserted he
16 represented Mr. Trump in his private capacity. Yes.

17 Q Did they understand what that meant? Private
18 capacity versus official capacity?

19 A Ukrainians such as Arsen Avakov are experienced
20 players willing to meet with anybody. The team of the
21 incoming president at that time, President-elect Zelenskyy,
22 had spent their entire careers as a tight-knit group of
23 entertainment company executives who had no experience in
24 politics. So they were looking to try to figure out to
25 understand how to navigate political networks.

1 Q And did you speak to any of the incoming officials
2 about Mr. Giuliani in this May, June timeframe?

3 A My conversation with Mr. Bakanov, as I recounted
4 part of it before when he gave the names of the associates,
5 one of whom he knew, the other he couldn't remember, when he
6 asked for my counsel, I had suggested, as I said, someone
7 like you who's an associate could meet and hear somebody out
8 without making commitments. But at this time it would be my
9 best counsel to you to shield your President-elect from
10 private citizens.

11 Q And to your knowledge was Mr. Giuliani promoting
12 official U.S. policy in Ukraine at this point?

13 A Mr. Giuliani is a private citizen who was not a
14 U.S. Government official.

15 Q But I understand that, but is what he was pushing
16 consistent with official U.S. policy?

17 A Mr. Giuliani was not consulting with the State
18 Department about what he was doing in the first half of 2019.
19 And to the best of my knowledge, he's never suggested that he
20 was promoting U.S. policy.

21 Q And the actual efforts that he was making, just to
22 be very clear, were they consistent with what official State
23 Department policy was?

24 A The U.S. has a lot of policy interests in Ukraine.
25 It involved promoting the rule of law, energy independence,

1 defense sector reform, and the ability to stand up to Russia.
2 As a general rule, we don't want other countries involved in
3 our own domestic political process, no.

4 Q So around this -- at the end of May, there was the
5 inauguration of President Zelenskyy. Is that right?

6 A Correct. I believe it may have been May 20th, to
7 be precise.

8 Q Were you involved at all in the discussions about
9 who would represent the United States at that inauguration?

10 A Yes.

11 Q Can you just summarize for us what your involvement
12 was and what those discussions entailed?

13 A The starting point was the conversation between
14 Presidents Trump and President-elect Zelenskyy on election
15 day. President Zelenskyy asked if it would be possible for
16 President Trump to come to inaugural. There was no date at
17 that point. President Trump suggested that he would talk to
18 Vice President Pence, and schedules willing, that he hoped it
19 could work out, but in any case, the U.S. would have
20 representation at the inaugural. That was April 21st.

21 By the time we got close to when the inauguration date
22 was set, which was on very short notice, the outgoing
23 Ukrainian parliament voted on May 16th, which was a Thursday,
24 to have the inauguration on May 20th, which was a Monday,
25 leaving almost no time for either proper preparations or

1 foreign delegations to visit.

2 So we scrambled on Friday the 17th to try to figure out
3 who was available. Vice President Pence was not available.
4 Secretary of State Pompeo was traveling. And so we were
5 looking for an anchor, someone who was a person of stature
6 and whose job had relevance to our agenda.

7 I suggested to Lieutenant Colonel Vindman, since there
8 oftentimes is this dialogue between the State Department and
9 the NSC for inaugural delegations, to having the NSC ask
10 Secretary of Energy Perry. Because he had traveled to
11 Ukraine, understood the issues, and energy was one of the top
12 three issues that we were working with Ukraine. So that was
13 the start of that conversation, and then it was a matter of
14 building out possibilities.

15 Inaugural delegations are determined by the White House.
16 So whatever the NSC and the State Department worked together
17 as options, ultimately the decision is made elsewhere. As an
18 example, when President Yushchenko was inaugurated in Ukraine
19 in 2005, and I was the control officer on the ground at the
20 time, the delegation was Secretary Colin Powell in his last
21 act as State of State, and five Ukrainian Americans. That's
22 it.

23 In this case, we proposed a group of officials that we
24 thought were relevant, those included a number of Senators
25 and as well as Marcy Kaptur, the head of the Ukrainian

1 American Caucus in the House. It included some Ukrainian
2 American leaders here in the United States, as well as
3 officials. That was about 15 in total to play with.

4 Former National Security Advisor Bolten weighed in at
5 some point in the process, and eventually the White House
6 settled on a list, which was, in the end, Secretary Perry,
7 Lieutenant Colonel Vindman representing the NSC, Ambassador
8 Sondland, Ambassador Volker, and then our Charge in country
9 at the time, Acting Joseph Pennington.

10 Q Was Ambassador Sondland on the State Department's
11 original list?

12 A He was not somebody that we initially proposed, but
13 Ambassador Sondland has his own networks of influence,
14 including chief of staff Mulvaney. So it did not surprise us
15 when he weighed in, his name emerged.

16 Q Why did it not surprise you. What did you
17 understand Ambassador Sondland's role in Ukraine to be by
18 March 17th of this --

19 A Ambassador Sondland had started cultivating a
20 relationship with the previous Ukrainian President
21 Poroshenko. He visited, as I recall, a ship visit to Odesa,
22 which may have been where he first met Poroshenko and other
23 leaders. And so in the same way that he had expressed an
24 interest in our relationship with Georgia starting late in
25 2018, early this year he expressed an interest in playing a

1 role in managing our relationship with Ukraine.

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1 [3:24 p.m.]

2 BY MR. GOLDMAN:

3 Q And you described an independent relationship that
4 he had with the chief of staff. What do you know about that?

5 A Well, I think the proof in the pudding is, after
6 the delegation went to the inauguration on May 20th and had a
7 meeting with President Zelenskyy -- and that included Senator
8 Ron Johnson, who was there not as part of the Presidential
9 delegation but separately. But he sat in the meeting with
10 Zelenskyy, and then he joined a briefing to the President in
11 the Oval Office on May 23rd.

12 It was Ambassador Sondland's connections with Mulvaney
13 that got them the meeting with the President. It was not
14 done through the NSC staff, through Lieutenant Colonel
15 Vindman and Ambassador Bolton.

16 Q I don't understand what you mean.

17 A Well, normally for international issues, meetings
18 would appear on the President's calendar because they were
19 proposed by the National Security staff and pushed through
20 the National Security Advisor. In this case, the out-brief
21 to the President of the inaugural happened because of
22 Ambassador Sondland's connections through Chief of Staff
23 Mulvaney, to the best of my knowledge.

24 Q So you're talking about President Trump's
25 debriefing after the inauguration on May 23rd.

1 A The inauguration on May 20th. The Oval Office
2 meeting to talk about that and the way forward occurred in
3 the Oval Office on May 23rd.

4 Q Before the inauguration, you just mentioned that
5 you were not surprised that Ambassador Sondland was added to
6 the list because of his relationship with the chief of staff.
7 Were you aware of Ambassador Sondland having any significant
8 role in Ukrainian policy for the State Department by mid-May?

9 A Again, I don't remember when the ship visit was to
10 Odesa, but I think Sondland's visit to Ukraine to Odesa for
11 the U.S. port visit was the start of his involvement.

12 Q I understand that. I'm asking way ahead. If that
13 was during the time that President Poroshenko was the
14 President, that was earlier.

15 A But it was the last month of his presidency. So he
16 did call President Poroshenko in March for instance after the
17 attack started on Ambassador Yovanovitch to suggest the
18 Poroshenko back off. So his acceleration of his involvement
19 in Ukraine and in our relationship was in one phase, just
20 starting the last month or two of Poroshenko's presidency,
21 and it accelerated after President Zelenskyy's assumption of
22 office on May 21st.

23 Q Did it also accelerate after Ambassador Yovanovitch
24 was recalled?

25 A Ambassador Yovanovitch was recalled on the 26th of

1 April, and she was out of the country by the time President
2 Zelenskyy was inaugurated on May 20th. So it was coterminus.
3 She essentially ceased serving as Ambassador, the functions
4 of Ambassador, on April 26th.

5 Q Right. And after that, did Ambassador Sondland's
6 role increase in Ukraine?

7 A Yes.

8 Q Were you aware of whether that went through
9 official channels or how that came to be?

10 A The way that came to be was the main three U.S.
11 officials, executive branch officials, Secretary Perry,
12 Ambassador Sondland, and Special Representative Volker, were
13 part of that briefing of the President. And they came out of
14 that meeting asserting that going forward they would be the
15 drivers of the relationship with Ukraine.

16 Q Before the inauguration did you have any
17 conversations with the Ambassador Sondland about Ukraine
18 generally?

19 A To the best of my knowledge, before May, likely
20 during the chief of mission conference where all ambassadors
21 come back for several days in mid-January, Ambassador
22 Sondland came through the office suite where my office is to
23 see my colleague who works with Western Europe. Julie Fisher
24 (ph) is her name. And she introduced him to the other people
25 in the office. So I shook his hand. There was no

1 conversation, but that was the first time I had met him,
2 without a substantive conversation, in January.

3 Q So you did not speak to him again after January?

4 A To the best of my recollection, we had no direct
5 conversation and were not in each other's presence until the
6 U.N. General Assembly week, the last week in September.

7 Q So you did not attend that Oval Office meeting on
8 May 23rd, right?

9 A I did not.

10 Q Okay. Did you get a readout of what occurred?

11 A There were several readouts. That particular week
12 I was -- my eldest daughter graduated from Boston University
13 and I then took my kids and my wife up to Acadia National
14 Park we were hiking on Cadillac Mountain so I was not in
15 Washington those days where the readout occurred May 23rd.

16 Q So did you subsequently learn what occurred?

17 A So there were several readouts provided secondhand
18 from representatives who had been in that meeting and
19 presumably those will be part of the documents that were
20 collected as part of your requested documents and --

21 Q So you're -- sorry. You're referring to written
22 readouts?

23 A Written readouts. I believe there were three
24 separate readouts. Again not from anyone that I got that was
25 forwarded by email. Specifically Fiona Hill whom I'm

1 gathering that the committee talked to yesterday. She gave a
2 readout to my office director who was probably acting for me
3 that week, [REDACTED], normally office director of Eastern
4 Europe. Kurt Volker gave a readout to his then-special
5 assistant, Chris Anderson (ph), who is currently a language
6 student. And Gordon Sondland would have given a readout to
7 somebody that would have been forwarded to us.

8 So when I came back from my New England vacation, I had
9 three different versions of that conversation in my inbox.

10 Q And so what did you -- just quickly, what did you
11 understand to have occurred at that meeting?

12 A I should say that in addition to those secondhand
13 accounts I eventually heard Kurt Volker's account directly
14 from him, the way he characterized it to a number of
15 interlocutors when we were together in Toronto on the 1st and
16 2nd of July for the Ukraine Reform Conference and the
17 interlocutors included President Zelenskyy himself. He said
18 that President Trump had been very angry about Ukraine, he
19 said that they were corrupt, and they had wished him ill in
20 2016. So that was one part of the discussion.

21 On the other hand, by the end of the meeting there was
22 agreement that they would work moving forward to work towards
23 an Oval Office visit, a visit to the White House which
24 Presidents Zelenskyy and Trump had talked about in that
25 initial call on April 21st. And that energy issues would be

1 of importance going forward, keeping in mind not only
2 Secretary' Perry's presence, but the concern that the
3 Russians were going to cut all gas transit through Ukraine on
4 New Year's day the way they had done three times since 2006.

5 Q You --

6 A And finally sorry. The last point that I recall
7 from the readouts was that there would be an accelerated
8 search for a political nominee for Ambassador, as opposed to
9 having a career Foreign Service officer proposed from the
10 State Department.

11 Q Were you aware of any evidence that Ukraine was
12 involved in any way, Ukrainian officials were involved in any
13 way in interfering with the 2016 election?

14 A I'm not aware of any evidence to that effect, no.

15 Q And you're familiar with the Intelligence Community
16 assessment about Russia's interference?

17 A I have read the documents that have been made
18 available to me as part of my read. The Office of
19 Intelligence and Research briefs me twice a week, but that
20 does not mean that I've read every document about Russia, no.

21 Q No, I understand, there is specific document that
22 the Intelligence Community assessment about Russian
23 interference in the 2016 election. Are you familiar with the
24 conclusion?

25 A I know that it exists. I can't say -- I don't

1 recall reading any special confidential version of it. And
2 to the extent that it has been discussed in general in the
3 media I'm aware of those findings.

4 Q And you're aware that the Intelligence Community
5 uniformly determined that Russia interfered in the election?

6 A I'm aware of that general conclusion, yes.

7 Q And are you aware that Special Counsel Mueller
8 indicted I believe 12 Russians and laid out an indictment --

9 A Yes.

10 Q -- how Russia interfered. Right?

11 A Yes.

12 Q Do you have any reason to believe that both of
13 those either the indictment or the Intelligence Community
14 assessment is wrong in any way?

15 A I have no reason to believe that, no.

16 Q Okay. You mentioned this April 21st call. And we
17 haven't touched upon it touch. You said you were not on the
18 call. Did you get a readout of that call as well?

19 A I did.

20 Q And what did you learn that was discussed on that
21 call?

22 A Again, I received that readout from Lieutenant
23 Colonel Vindman. It was a very short and nonsubstantive
24 call, as you might expect. As I recall April 21st was Easter
25 Sunday in the United States. Again, Ukrainians are Orthodox.

1 Different calendar. And we were very pleased that the
2 President agreed to call on election day on a Sunday. We had
3 presumed that it might happen the next workday, which was a
4 Monday. And as you might expect on a Sunday call when it was
5 probably past midnight in Ukraine on election night,
6 President Zelenskyy was in a good mood, President Trump was
7 very positive and congratulated him on a great win.

8 And President Zelenskyy, as I recall what Alex told me,
9 said that he had studied President Trump's win in 2016
10 running as an outsider and had adopted some of the same
11 tactics. And invited President Trump to his inaugural, the
12 date to be determined. And President Trump, as I said,
13 acknowledged he would try to find somebody appropriate to
14 attend. And said, we'll try to work on getting you to
15 Washington.

16 And that was more or less the extent that probably was
17 something more said, but you know on an election day the
18 point is what Alex summed up was, Lieutenant Colonel Vindman,
19 those types of calls are designed to build rapport and he
20 thought it was successful doing so.

21 Q Following the May 23rd Oval Office meeting, where
22 there was a -- you testified there was a decision to try to
23 arrange a White House meeting. You know, what if any actions
24 did you take or were -- did other Ukraine-focused government
25 officials take to try to set that up?

1 A That's the function of the national security staff.
2 To the extent that there is input, they ask for input from
3 other officials, other offices. We obviously stand ready to
4 be supportive but that's -- that's their function. That's
5 not our function --

6 Q Were you supportive of a White House meeting?

7 A I was, the State Department was. Ukraine is an
8 important country that Congress appropriates roughly in the
9 ballpark \$700 million a year in assistance and Zelenskyy won
10 a clear mandate for change and so we were supportive of a
11 visit to the White House, yes.

12 Q Did you have any reason to doubt Zelenskyy's
13 sincerity about his anticorruption views?

14 A I had no reason to doubt the sincerity of Zelenskyy
15 trying to represent change for his country based on the
16 series of meetings I had with him dating back to December
17 2018. Starting from the beginning it was clear that he had a
18 prior association with a fairly notorious oligarch named Ihor
19 Kolomoisky and that was going to be a mark of his willingness
20 to really make a break from past relationships and stand on
21 principle.

22 So from not necessarily our first conversation in
23 December, but in the second conversation in March prior to
24 the election, we were already talking about Kolomoisky and
25 the down sides of association with somebody who had such a

1 bad reputation.

2 Q And how important is -- would a White House meeting
3 be to President Zelenskyy?

4 A The President of the United States is a longtime
5 acknowledged leader of the free world, and the U.S. is
6 Ukraine's strongest supporter. And so in the Ukraine
7 context, it's very important to show that they can establish
8 a strong relationship with the leader of the United States.
9 That's the Ukrainian argument and desire to have a meeting.

10 The foreign policy argument is it's a very important
11 country in the front lines of Russian malign influence and
12 aggression. And the U.S. spends a considerable amount of our
13 resources supporting Ukraine and therefore it makes sense.
14 But that's the arguments for a meeting. The time on a
15 President's schedule is always subject to competing
16 priorities.

17 Q Following that meeting you said that Secretary
18 Perry, Ambassador Sondland and Ambassador Volker had asserted
19 that they were leading Ukrainian policy efforts? Did I get
20 that right?

21 A Correct.

22 Q Who had asserted that?

23 A Well, the three of them asserted that. And citing
24 the fact that they had briefed the President coming out of
25 that meeting, they felt they had the mandate to take the lead

1 on coordinating efforts to engage the new Ukrainian
2 leadership.

3 Q And what engagements with the new Ukrainian
4 leadership occurred following that meeting up until the
5 conference on July 1st that you're aware of?

6 A I do not -- I do not recall. Special
7 Representative Volker traveled frequently to Ukraine so it is
8 possible that he may have gone in late May. I just don't
9 recall precisely. He traveled frequently there.

10 There was a coordinating meeting in the Department of
11 Energy in mid-June, on June 18th. So Secretary Perry chaired
12 that. Ambassador Sondland, Ambassador Volker from the State
13 Department, Acting Assistant Secretary Reeker, my direct
14 supervisor, Tyler Brace, all attended that meeting in
15 Secretary Perry's office, and they also connected recently
16 arrived Charge Taylor from Kyiv.

17 So I would say that, to the best of my knowledge, after
18 that May 23rd meeting, this June 18th meeting was the next
19 meeting where a number of officials got together specifically
20 to talk about policies and programs towards Ukraine.

21 Q And in June and early July, are you aware of any
22 conversations that Ambassador Sondland might have had with
23 the Chief of Staff Mulvaney about Ukraine and President
24 Zelenskyy?

25 A I'm not aware of conversations between Sondland and

1 Mulvaney, but frankly that's a relationship that I would not
2 be a part of. To the best of my -- what I am aware of is
3 that subsequent to the June 18th meeting, there was a
4 June 28th conference call between Secretary Perry, Sondland,
5 Volker, and involving Charge Taylor, at the end of which they
6 were patched through to President Zelenskyy.

7 Q And what did you learn about that conversation?

8 A I do not recall. I got a readout of that
9 conversation. Initially I have an email suggesting that
10 Ambassador Sondland on June 27th had written Charge Taylor to
11 suggest that that would be a U.S.-only meeting or a U.S.-only
12 call. But in the end, on the next day, it turned into a call
13 with President Zelenskyy after a pre-conversation among the
14 Americans, based on what Charge Taylor has told me.

15 Q Was it unusual that you were not included on that
16 conference call?

17 A Well, if it involves the Secretary of Energy it's
18 not necessarily unusual. But again, that was I think a
19 period of time where the direction of our engagement with
20 Ukraine shifted into shall we say unusual channels.

21 Q And what do you mean by unusual channels?

22 A Well, I think it's somewhat unusual to have an
23 Ambassador to the E.U., plus the Secretary of Energy engaged
24 deeply in the policy towards a country that is not a member
25 of the E.U. It was just -- again, we had our Special

1 Representative for Ukraine Negotiations, and I know you've
2 talked to former Ambassador Volker. His listed
3 responsibilities were focused on negotiating with Russia over
4 their war in Ukraine, and then Charge Taylor as the lead
5 representative in country.

6 And so frankly, in that constellation Charge Taylor was
7 the primary voice for our full interests as the Charge of our
8 mission in Kyiv.

9 Q And one more question, you said that you learned of
10 the call from Charge Taylor.

11 A Correct.

12 Q But he did not give you a substantive readout of
13 the call?

14 A He did give me a readout, yes. He gave me a
15 readout of prebrief with the Americans.

16 Q And what was that readout?

17 A He indicated that there was a discussion about the
18 need to raise a sensitive issue with Zelenskyy. And in that
19 discussion Ambassador Volker volunteered that he would be
20 seeing Zelenskyy in person the next week in Toronto and that
21 was the meeting in which I participated on July 2nd.

22 Q Do you know what the sensitive issue was?

23 A Kurt Volker told me that it was giving guidance to
24 Zelenskyy on how he needed to characterize his willingness to
25 be cooperative on issues of interest to the President.

1 Q Such as?

2 A I did not have the full details of what exactly
3 that was, but I think it was sending signals about potential
4 investigations.

5 Q I think our time is up. We yield to the minority.

6 BY MR. CASTOR:

7 Q Vindman was on the July 25th call?

8 A The July -- yes.

9 Q And was he on the April 21st call?

10 A Yes.

11 Q Was he in the meeting with the President on May
12 23rd?

13 A I do not know and I think not.

14 Q Okay. You said you got three readouts, one from
15 Fiona Hill, one from Sondland, and one from Volker?

16 A The initial readouts I got were, yes secondhand
17 from these three people. It was my understanding.

18 Q -- in on the meeting?

19 A My understanding is again Fiona didn't give it
20 directly to me. My understanding is that she may have gotten
21 it from deputy -- then deputy national security advisor
22 Kupperman.

23 Q She sent you the readout?

24 A No. She had a conversation with [REDACTED], who
25 was the acting deputy assistant secretary at the time. To

1 the best of my knowledge. I received the readout from [REDACTED]
2 once I came back from my vacation.

3 Q Okay. You said when you returned to your office
4 you had three emails. Is that --

5 A Yes. I believe I got an email with [REDACTED] readout
6 of a conversation with Fiona, Chris Anderson's readout that
7 he got from Kurt Volker and a third readout from someone in
8 the State Department who worked with our mission to the
9 European Union that would have had Ambassador Sondland's
10 version.

11 Q So Sondland gives a readout to his staffer who
12 writes it up, sends an email.

13 A Yes.

14 Q Volker produces one with Christina Anderson?

15 A Chris Anderson.

16 Q Chris Anderson. And so then help me understand
17 again. Like who produced the one from the NSC?

18 A So Fiona had a conversation. To the best of my
19 recollection, she had a conversation with [REDACTED], who is
20 normally the director for Eastern Europe and, while I was
21 away at my daughter's [REDACTED], was acting in my
22 stead as acting deputy assistant secretary.

23 Q Oh, okay. So he's a State Department employee.

24 A He's a State Department employee, yeah.

25 Q Was she in the meeting?

1 A My understanding is -- again, I did not talk to
2 her, but my understanding was that her version of the readout
3 came from Mr. Kupperman, the then deputy to Ambassador
4 Bolton. But I'm not sure.

5 Q Was he in the meeting?

6 A I'm not sure. My understanding again, this is now
7 third hand from [REDACTED] is that Fiona's readout came from
8 Kupperman, not from her participation in the meeting. But I
9 don't know. I have not talked to Fiona about that.

10 Q Okay. Was Kupperman in the meeting?

11 A My understanding from what I heard from [REDACTED]
12 relaying what he heard from Fiona his impression was that
13 that came from Kupperman who was in the meeting. But I can't
14 --

15 Q He was in the meeting?

16 A Huh?

17 Q He was in the meeting?

18 A That is the impression I received from talking to
19 [REDACTED].

20 Q Did any of these readouts have a list of officials
21 in the meeting?

22 A No.

23 Q Okay. Can we just go through who we think was in
24 the meeting? We know Secretary Perry, Senator Johnson.

25 A To the best of my knowledge, the principals --

1 Q Ambassador Volker.

2 A -- the briefers to the President were those that
3 represented lead officials and that would be Secretary Perry,
4 Ambassador Sondland, Ambassador Volker and Senator Johnson.

5 Q And they brought staff to the meeting?

6 A I do not know. I was -- again, I was on leave
7 status.

8 Q Okay.

9 A And I wasn't in the meeting and wouldn't have been
10 in the meeting even if I were in Washington.

11 Q Okay. Who from the NSC was in the meeting?

12 A To the best of my understanding, all I know is that
13 Charlie Kupperman -- or Kupperman. I don't know first name,
14 sorry. Kupperman, former deputy National Security Advisor
15 Kupperman may have been in the meeting.

16 Q Okay. But Vindman wasn't?

17 A That is my understanding, correct.

18 Q Did Vindman tell you subsequently that he wasn't in
19 the meeting?

20 A I didn't ask if he was in the meeting, because when
21 I returned from work I had three different version or
22 readouts of the meetings from others.

23 Q But you had regular communications with Vindman.
24 Right?

25 A I did.

1 Q And did he ever at any point in time tell you that
2 he wasn't in the meeting or was being excluded from things?

3 A We didn't have a conversation along those lines.
4 No.

5 Q Do you think he was excluded?

6 A I honestly don't know. And I had three different
7 versions of the meeting so I wasn't looking for a fourth.

8 Q And in your regular communications with Vindman do
9 you have any reason to believe that he's been cut out of any
10 of these discussions? Not just about the May 23rd meeting,
11 but about subsequent relevant events?

12 A Again, I don't -- I go over to the NSC when there
13 are meetings that the NSC does not want to allow the State
14 Department to be on the secure video conference system, but
15 apart from specific meetings that I'm invited over, I don't
16 go over there on a regular basis just because it takes time.
17 It's easier if they'll allow us to be on video conference.
18 It is a better use of my time. So I would say I have more
19 communications with Lieutenant Colonel Vindman by email and
20 phone call.

21 Q Okay. And in any of those emails or phone calls
22 has he alerted you that he -- he's been cut out of the
23 process?

24 A He is a lieutenant colonel and colonels who have
25 served in staff positions generally aren't people who

1 complain. He's a -- he was a campaign planner before he came
2 over to the NSC and he has that campaign planning mentality,
3 you know, what's the goal and he'll plow forward. That's
4 just his personality.

5 Q Okay. And do you think he is plowing forward?

6 A He's very active at scheduling interagency meetings
7 and asking the State Department to write papers for him.

8 Q But plowing forward, does it have some sort of
9 connotation that he's going through a tough time and he's --

10 A No. He's a lieutenant colonel who spends his day
11 working on campaign plans. That's what his -- that was his
12 job at the Joint Chiefs of Staff before he was brought over
13 as a detailee to the NSC. I think if you talk to most State
14 Department employees will have an opinion that the role of
15 the National Security Council is to coordinate the work of
16 other agencies, not to task us. We don't respond to them.
17 And occasionally we have to remind them of that.

18 Q You have to remind him of that?

19 A My staff oftentimes complains that they feel that
20 he thinks that they work for him the way he works for other
21 people at the JCS and have asked me on numbers of occasions
22 to gently point out to him that we don't report to him. So I
23 have supported my staff in gently suggesting that he remember
24 what the roles of the National Security Council staff are
25 vis-a-vis a bureau and an executive agency like the State

1 Department.

2 Q Did he receive that warmly?

3 A He received it with a smile and that's -- we have a
4 good working relationship. I would say there's more tension
5 perhaps between him and the staff that work for me, but we
6 have a respectful working relationship.

7 Q Okay. And in Fiona Hill's readout what was her --
8 what can you remember from her readout?

9 A I think -- what I recall and I can't say the
10 specific details particularly since there were three versions
11 floating around that I read in rapid succession, just by
12 tonality that the meeting was perhaps more problematic than
13 the initial readouts that we got through secondhand knowledge
14 of what Ambassador Sondland and Ambassador Volker said.

15 I believe one element and I can't remember where this
16 came from that initially the President did not want to sign a
17 congratulatory letter. And he actually ripped up the letter
18 that had been written for him. But by the end of the
19 meeting, he'd been convinced and the version I recall hearing
20 was Ambassador Sondland helped draft it. And to be honest,
21 the second version of the letter actually read better than
22 the first version. I wasn't involved in either of them
23 because I had been on leave and eventually that letter was
24 signed.

25 Q At the State Department in the wake of Ambassador

1 Yovanovitch's, her recall, can you describe the morale with
2 those closest to her?

3 A When you say those closest to her, are you
4 referring to the embassy staff that had been working for her
5 in Kyiv?

6 Q And her close confidants here in Washington.

7 A I don't know who her close confidants in Washington
8 would be. I was, as I mentioned, in Ukraine and Kyiv at the
9 embassy on May 8th. I did offer to have a restricted
10 townhall meeting for Americans, essentially, in our version
11 of the SCIF, and the country team, the meeting room, where
12 we'd have -- and anyone who wished to have a conversation
13 about what had happened and the way forward.

14 And my sense was -- one of them actually said that when
15 the attacks started in March, particularly after members of
16 the President's family started attacking her, at some level
17 they realized that she was going to be recalled, and it was a
18 matter of when, not if. Their question, as people working at
19 the embassy, was what was going to be the impact on them, on
20 the embassy, and on our policy towards Ukraine.

21 And so, while I did -- basically I was willing to answer
22 any questions, I think they were more focused, at that point,
23 already, having digested that she had been removed, and they
24 wanted to know what was going to happen next. So I assured
25 them that our policy was our policy and it would remain our

1 policy. And that we were in the process of trying to find an
2 experienced person that temporarily would lead the mission
3 and would be a good leader for the people working there, the
4 250 Americans working in our embassy, and also someone that
5 could be a voice and face for U.S. policy in Ukraine.

6 I honestly cannot remember, but probably did not say
7 that it was going to be Ambassador Taylor. He was the one we
8 all wanted at that point, but we still had to work out
9 whether we could bring him back. And those details with the
10 personnel system had not yet been finalized.

11 Q Would Ambassador Taylor have fit the mold for the
12 type of person that was discussed in the meeting with the
13 President?

14 A When you said the person discussed in the meeting
15 with the President, meaning what?

16 Q Well, the meeting with the President, you related
17 that President Trump seemed angry, that he was, you know,
18 Ukraine was corrupt. That there are those in the Ukraine
19 that wished him ill in 2016 and they were going to work
20 towards an Oval Office meeting, energy issues were important
21 and then you mentioned that there was a decision to put in a
22 new political Ambassador.

23 A So Charge Taylor, notwithstanding the fact he was
24 nominated and confirmed by the Senate, nominated under
25 president George Bush, was not a permanent nominee for the

1 position of Ambassador.

2 Q Okay.

3 A He was called back essentially to government
4 service because he knew all the players. He's a bundle of
5 positivity and gets along with everyone and he's a real
6 leader. He was a long time senior executive at the State
7 Department, but he was a graduate of West Point who joined
8 the 101st, and he was platoon leader in Vietnam and in
9 Germany. So it is hard to find anybody hasn't been impressed
10 by Bill Taylor.

11 Q And is there still an effort afoot to find a
12 permanent political Ambassador?

13 A There is. And that is the job of the White House
14 because it is the President's prerogative to appoint,
15 nominate an Ambassador and then the Senate's role to confirm.

16 Q During his tenure as Vice President, Joe Biden had
17 a role with regard to Ukraine. Is that correct?

18 A Correct.

19 Q And what was the role as you understood it? And
20 you were in country at the time, right?

21 A I was, although his involvement in Ukraine predated
22 my return to the Ukraine account. I believe -- it should be
23 a matter of record, but I believe as Vice President he
24 visited Ukraine six times, which probably is unusual for any
25 country outside of the usual countries like Germany, like --

1 one of which I believe would've been when the former leader
2 Yanukovych was there and then the subsequent visits
3 afterwards.

4 By the time I came back on the account, it was clear
5 that President Obama, towards the end of his administration,
6 had delegated several foreign policy issues in Europe to Vice
7 President Biden to take the lead. Ukraine was one of them;
8 Cyprus was the other.

9 So, if you will, Vice President Biden was the top cover.
10 The State Department's lead official
11 post-Russian-invasion-of-Ukraine/occupation-of-Crimea was
12 Assistant Secretary Victoria Nuland. And then we had a very
13 active Ambassador, Geoff Pyatt, at the time. And so those
14 were the chief voices on our Ukraine policy: Pyatt as chief
15 of mission, Toria as the assistant secretary, and Vice
16 President Biden as Vice President.

17 Q When he got involved with advocating for the
18 removal of Shokin, what type of planning went into that? Was
19 that something that was planned for on the Vice President
20 side of things or did the embassy or the State Department tee
21 him up with the right information he needed to weigh it into
22 that?

23 A Geoff Pyatt allowed me to go back to my family at
24 Thanksgiving. I had come out on an emergency basis for my
25 predecessor [REDACTED]

1 [REDACTED]. And I came out on 24 hours' notice to
2 Ukraine the beginning of October for my third stint. So I
3 was not in country at the time of the visit and planning.

4 My understanding is that the conversations that were
5 near-daily between Ambassador Pyatt and Toria Nuland
6 regarding what to do on the way forward then included
7 pitching the Office of the Vice President to push President
8 Poroshenko to remove Shokin.

9 There was a similar push against Prime Minister Arseny
10 Yatseniuk, who had several different corrupt political
11 backers. And there was one named Martynenko who was involved
12 in all sorts of dirty business, including nuclear fuel
13 supplies from Russia. And so we pressured Yatseniuk to have
14 one of his corrupt cronies resign, and Martynenko resigned.

15 And there was also the pressure on Poroshenko, on the
16 corrupt prosecutor general, and Shokin was not dismissed, I
17 believe, until early March, so 3 weeks after Vice President
18 Biden's visit in December 2015.

19 Q The Vice President, he relates to some of these
20 details on a video that's been published on I think the Wall
21 Street Journal. Have you seen that video?

22 A I did. To the best of my recollection, he was at
23 some conference, maybe Council on Foreign Relations, sometime
24 in 2018, and he was telling the story in a sort of folksy
25 manner.

1 Q He was folksy. And he describes a quid pro quo
2 where, you know, \$1 billion worth of aid would be held up
3 until they fired Shokin. Is that what your understanding of
4 the way he tells it?

5 A That is -- sounds more or less like what he said on
6 that stage. Yes.

7 Q And going back to 2016 when it actually happened,
8 was that the way it went down?

9 A Again, I was in -- briefly in Ukrainian language
10 training at the time of his visit so I was not in Ukraine. I
11 would think that the State Department could produce documents
12 related to the sovereign loan guarantees and the timing of
13 those three guarantees to align the timing.

14 We provided one in 2014, one in 2015, and one in 2016.
15 And I do not recall the exact timing of the issuance of those
16 loan guarantees, but I'm not aware that they aligned
17 perfectly with his visit to Ukraine on December 2015.

18 Q Okay. But you think it is fair to say that this
19 was a bottom up initiative?

20 A To the best of my knowledge, the idea came from
21 Ambassador Pyatt in discussion with Assistant Secretary
22 Nuland and then was pitched to the Office of the Vice
23 President.

24 Q Okay. So if we're going to pursue additional
25 information on that, we would probably have some documents to

1 inform us that we could ask for.

2 A That would be my impression. I would just note
3 having read the subpoena that the document request was date
4 timed I believe starting January 20 or 21st, 2017. And we're
5 talking about events that happened in November, December,
6 2015.

7 MR. ZELDIN: Steve, if I can ask, did you know at the
8 time of the Vice President's visit when he had made that
9 threat that he was going to make that threat? I mean, or was
10 it some other expectation more narrowly tailored towards
11 advocating for Shokin to be removed?

12 MR. KENT: Yeah. I know as was discussed earlier, the
13 U.S. the IMF, the European Union countries, we had all come
14 to the conclusion in the wake of the diamond prosecutors
15 affair that there was going to be no progress for reform on
16 the prosecutor general under Shokin.

17 But specifically about how the Vice President's trips
18 messaging was managed by that point. I left the day before
19 Thanksgiving to fly back to the U.S. and to go into Ukraine
20 language training. So at that point I was not privy to those
21 discussions in the two weeks prior to the Vice President's
22 visit.

23 MR. ZELDIN: So you don't know whether or not the Vice
24 President was going to threaten the loss of \$1 billion?

25 MR. KENT: My understanding, as I explained, is that

1 that was an approach that was discussed between Ambassador
2 Pyatt and Assistant Secretary Nuland to use his visit as
3 leverage. This was an issue that Ambassador Pyatt and
4 Assistant Secretary Nuland in her visits that was an agenda
5 item that they were pushing. And in the same way that the
6 Department of Justice official asked me to go in to the
7 prosecutor general office office in February 2015 and ask who
8 took the bribe and how much was it to shut down the case
9 against Zlochevsky, the Ambassador and Assistant Secretary
10 Nuland asked the office of Vice President if the Vice
11 President could push this tough message.

12 MR. ZELDIN: And to be clear, was Ambassador Pyatt and
13 Assistant Secretary Nuland advocating to threaten the loss of
14 \$1 billion?

15 MR. KENT: I believe that is the case. But again, we're
16 now relying on my memory of almost 4 years ago. So I believe
17 it was pushing the Ukrainians essentially for an additional
18 what would be called a prior action before we would issue the
19 sovereign loan guarantee. But I think that's something that
20 we would have to look at the documents from that period of
21 time.

22 MR. ZELDIN: You as the deputy chief of mission were not
23 involved in that process.

24 MR. KENT: So in parts of 2015 I went out as essentially
25 the acting deputy chief of mission. I then came back to the

1 U.S. the day before Thanksgiving and was in the U.S. for 3.5
2 months for language training and then returned to Kyiv in
3 late March 2016. So in the 2 weeks prior to the Vice
4 President's visit, I was already back in the U.S. as a
5 language student as opposed to being an active participant in
6 the conversations.

7 MR. ZELDIN: And you referenced Ambassador Pyatt, you
8 referenced Assistant Secretary Nuland. Of anyone involved in
9 that process, are you aware of anyone in contact with Hunter
10 Biden at the time other than the Vice President?

11 MR. KENT: I am not aware of, no.

12 MR. JORDAN: One quick question.

13 Mr. Secretary, you leave 2 weeks before the Vice
14 President gets there. But this policy, this idea that we
15 were going to call for Shokin's removal it didn't just
16 develop in those two weeks.

17 MR. KENT: Correct.

18 MR. JORDAN: You weren't involved in a discussion and a
19 decision to say this is going to be our official policy we're
20 going to ask the Vice President to do this.

21 MR. KENT: I think someone made a reference to
22 Ambassador Pyatt's speech in September. Earlier -- at some
23 point today, he gave a strong, hard-hitting speech against
24 corruption, and it was clear then that we were pushing for
25 Shokin's ouster. And so we had taken a harder line against

1 Shokin in the wake of the diamond prosecutor affair in
2 mid-2015.

3 So months prior to Vice President Biden's visit, this
4 was an issue that U.S. officials including our Ambassador and
5 our Assistant Secretary of State were pushing in their
6 meetings with the Ukrainians.

7 MR. JORDAN: I guess I'm asking, though, was there a
8 decision made between Ms. Nuland, the Ambassador, and you to
9 say, we're going to ask the Vice President to do it on this
10 trip. And if so when was that made?

11 MR. KENT: Again, I do not -- I could not -- I was not
12 part of -- I would say that on a daily basis Ambassador Pyatt
13 and Assistant Secretary Nuland had conversations, that was
14 conversations that the Ambassador would have on his office
15 with her on a secure phone and I'm sure there were additional
16 email back and forths. But I cannot give you a precise date
17 other than to say that --

18 I would say that on the record Ambassador Pyatt's speech
19 in Odesa, which I believe was in September of 2015 was a
20 powerful public statement of U.S. concern about the lack of
21 progress. And I believe it may have specifically mentioned
22 both the shortcomings of prosecutor Shokin and reference to
23 our concern that the case against Zlochevsky had been shut
24 down and frozen money was released.

25 And so I think that speech is a matter of public record

1 September 2015, Vice President Biden's visit happened
2 October, November, December, 3 months later.

3 MR. JORDAN: Do you think they told the Vice President
4 the 2 weeks prior to him getting there when you had left do
5 you think that they talked to the Vice President when he got
6 there in country?

7 MR. KENT: Again, the way a trip would normally be
8 staffed, there would be conversations prior, there would be
9 paper prepared and conversations prior to the trip. And that
10 oftentimes would be someone like Assistant Secretary Nuland
11 going over and participating in a pretrip brief.

12 MR. JORDAN: When did you learn that the Vice President
13 made this demand on the Ukrainians and specifically the
14 President?

15 MR. KENT: I think I -- I don't recall -- I mean, he
16 gave a public speech and in the well of the Ukrainian
17 parliament. But this demand would have been delivered in
18 private in his meeting with President Poroshenko.

19 MR. JORDAN: You never got a readout on how it all went
20 down?

21 MR. KENT: I was a language student for a period of
22 several months in the U.S. I was aware that he'd made the
23 request. I was also aware that Shokin remained an embattled
24 prosecutor general for several months more until there was a
25 vote held in their parliament to remove him.

1 MR. MEADOWS: So let me follow up one last time. So who
2 made the decision that Vice President Biden should be the one
3 that communicated this? You know, if you all are having all
4 these discussions for so many months, who made that decision
5 that says, let's wait until the VP goes over to make this
6 request?

7 MR. KENT: Yeah. Well, there was no waiting, as I
8 mentioned.

9 MR. MEADOWS: Well 3 months.

10 MR. KENT: Well that was a -- I gave an example of a
11 publicly available speech that was a statement, a very strong
12 statement on the record of --

13 MR. MEADOWS: Yeah, but your inference was is that that
14 was the start of it.

15 MR. KENT: No, I wouldn't say that. It's just that I
16 think that's a public mark where people could see this is the
17 American Ambassador speaking on the record about our concerns
18 about the lack of progress and the rule of law reform in 2015
19 a year and a half after the Revolution of Dignity. At the
20 same time, there was constant private messaging, messages and
21 meetings that Ambassador Pyatt had in Kyiv, conversations or
22 meetings when Assistant Secretary Nuland would travel, and
23 conversations would happen when Vice President Biden would
24 talk to both President Poroshenko as well as then prime
25 minister Arseny Yatseniuk.

1 MR. MEADOWS: So before you went away to language
2 school, you had no recollection that the decision had been
3 made that the Vice President was going to make this? Is that
4 your statement?

5 MR. KENT: No. I would say that -- well, again, we're
6 now talking about conversations, of which I was not a part,
7 that happened 4 years ago. I do not think -- my guess, to
8 the best of my ability, I would anticipate that the issue of
9 Shokin's status was raised prior to the Vice President's
10 trip, possibly during a conversation. But I was not on those
11 calls between the Vice President of the United States and the
12 President of Ukraine.

13 MR. MEADOWS: But wouldn't it be a big deal if the Vice
14 President is going to demand a curtailment of \$1 billion?
15 Wouldn't that have registered with you, since your passion
16 and --

17 MR. KENT: Right. Well, as I said, my understanding of
18 how that decision got to the point of having the Vice
19 President raise that in the first week of December when he
20 came to Kyiv started with conversations between Ambassador
21 Pyatt and Assistant Secretary Nuland and then a
22 recommendation that Vice President Biden pushed that issue
23 when he visited.

24 That's my understanding of how the information, the
25 idea, the flow pattern occurred and then he made the request

1 when he came out.

2 MR. MEADOWS: Okay, Steve.

3 BY MR. CASTOR:

4 Q At the time was there any discussion of perceived
5 conflicts of interest either on the part of the Vice
6 President or his son?

7 A You're now talking about a period leading up to his
8 visit in December 2015.

9 Q Well, Hunter Biden he was first reported that he
10 was on the board in mid-2014?

11 A Correct.

12 Q And the Vice President's involvement with Ukraine
13 is pretty significant at that point in time and it remained
14 until he, you know, through 2016. Correct?

15 A Yes.

16 Q And the question was, you know, were there any
17 discussions of a perceived conflict of interest on the part
18 of either Hunter Biden or the Vice President?

19 A When I was -- the first time I was in Ukraine as
20 acting deputy chief of mission in the period of mid-January
21 to mid-February 2015, subsequent to me going into the deputy
22 prosecutor general on February 3rd and demanding who took the
23 bribe and how much was it to shut the case against Zlochevsky
24 I became aware that Hunter Biden was on the board. I did not
25 know that at the time.

1 And when I was on a call with somebody on the Vice
2 President's staff and I cannot recall who it was, just
3 briefing on what was happening into Ukraine I raised my
4 concerns that I had heard that Hunter Biden was on the board
5 of a company owned by somebody that the U.S. Government had
6 spent money trying to get tens of millions of dollars back
7 and that could create the perception of a conflict of
8 interest.

9 Q And what did the person on the other end of the
10 line tell you?

11 A The message that I recall hearing back was that the
12 Vice President's son Beau was dying of cancer and that there
13 was no further bandwidth to deal with family related issues
14 at that time.

15 Q Was that pretty much the end of it?

16 A That was the end of that conversation.

17 Q Okay. That was in mid-2015?

18 A That would have been in February, because to the
19 best of my recollection Beau Biden died that spring. I then
20 returned to Ukraine in August of 2015 and I believe he passed
21 before then. So the only time that conversation could have
22 happened is in that narrow window between January, February,
23 2015.

24 Q And subsequent to that, did you ever think through
25 with other State Department officials about maybe we should

1 try to get Hunter Biden to leave the board or maybe we should
2 get the Vice President to transition his key responsibilities
3 on Ukraine to some other senior U.S. official?

4 A No. It's easy in a conference room like this to
5 have a considered discussion about things. In Ukraine at
6 that time, we had a war with Russia occupation, we had an
7 embassy staff going from 150 Americans to 250 Americans, from
8 no Special Force U.S. Government soldiers to close to 70 in
9 country, our assistance went from \$130 million to nearly a
10 billion.

11 And we were working nearly nonstop. Ambassador Pyatt, I
12 can tell you from working for him, would wake up between 4:58
13 and 5:01, because that was when I got the first email from
14 him, and went to bed between 12:59 and 1:01, because that's
15 when I would get the last email. He had an internal clock.
16 He only slept 4 hours. And it was nonstop, 20 hours a day,
17 7 days a week.

18 Q Okay. Gotcha.

19 You referenced earlier the President's congratulatory
20 note to President Zelenskyy.

21 A His call.

22 Q No, the note.

23 A Yes.

24 Q It was ripped up?

25 A That is what I heard from others, yes.

1 Q Was that the May 29th letter?

2 A If there's a letter that's signed May 29th that
3 would be the second version that was then signed.

4 Q Okay. So that's the only letter we're talking
5 about, right?

6 A Correct.

7 Q Okay. In the letter they talk about a White House
8 meeting as a prospect.

9 A I believe so.

10 Q I can make it an exhibit or I can read it whatever
11 your preference is?

12 A If I could look at it that would be helpful.

13 Q Okay. So this will be Exhibit 2.

14 Do you guys need copies or are you good?

15 A Very positive letter, yes.

16 [Minority Exhibit No. 2

17 Was marked for identification.]

18 BY MR. CASTOR:

19 Q Yes. The penultimate paragraph says, to help show
20 that commitment -- the last sentence of the penultimate
21 paragraph says, I'd like to invite you to meet with me at the
22 White House in Washington, D.C. as soon as we can find a
23 mutually convenient time.

24 A Yes.

25 Q So this was the spiffed up letter or --

1 A This is the letter that I understand that
2 Ambassador Sondland helped arrange, yes, sir.

3 Q I think you'd characterize the new letter as
4 possibly better than the original?

5 A Yes.

6 Q What were the difference to the extent you
7 remember?

8 A Just I think stylistically I liked the second
9 version. I don't know who the drafter of the first version
10 was and I don't know how many people were involved in
11 production of the language of the second one. I just thought
12 the second one read better.

13 Q Okay. And do you know why the President was
14 disappointed with the first version?

15 A It wasn't he was disappointed with the version of
16 letter, he -- based on what the readout I heard from Kurt
17 Volker and others that he was disappointed with Ukraine.

18 Q Okay. And so the new letter was offered the to the
19 President for his signature somewhat later in time?

20 A My understanding, and I think this may have been
21 the version from Gordon Sondland that while the President was
22 angry obviously at the point that he point and tore up the
23 letter. By the end of the meeting he agreed to sign a
24 revised version and this is the version that he signed.

25 Q Okay. And the offer or the invite to come meet at

1 the White House, is that something that is customarily
2 offered to an ally without specific the meeting will happen
3 on this date?

4 A Well, as I mentioned before, President Trump and
5 President-elect Zelenskyy had this discussion on April 21st
6 when President-elect Zelenskyy had invited President Trump to
7 come to his inauguration, and he said, well, I will send
8 somebody there, but I'd like to get you to the White House.

9 So this was following up on that theme. President Trump
10 had offered it in concept in April. He put it in writing in
11 May. But, you know, as anyone who's ever staffed not just
12 the President but a principal, you can have an agreement in
13 principle to meet but then schedules are complicated,
14 particularly when you're dealing with two Presidents of two
15 countries.

16 Q So it is not uncommon for the meetings to be
17 proposed suggested, discussed and then take a while to put
18 together?

19 A That's a fair statement, yes.

20 Q And sometimes the meetings don't actually happen.

21 A That would also probably in certain circumstances
22 also be a fair assessment.

23 Q Okay. Because these issued are complicated?

24 A Because schedules are busy, yes.

25 Q If I heard you correctly you mentioned that in

1 March Ambassador Sondland contacted President Poroshenko to
2 urge him to back off attacks on Ambassador Yovanovitch was
3 it? Did I hear that right?

4 A That is probably close to what I said. And it that
5 is what I recall seeing in an email exchange, yes.

6 Q Okay. So in March Poroshenko is about to lose the
7 election? Right?

8 A He doesn't realize it but the rest of the country
9 does, yes.

10 Q Okay. And so in urging him to back off the attacks
11 on Yovanovitch, do you have any idea whether Poroshenko
12 genuinely knew that his apparatus was attacking her?

13 A When I visited in May I had the prime minister, and
14 three ministers, and a former prime minister tell me that
15 Poroshenko authorized the attacks -- let me be careful. He
16 authorized Lutsenko to share the information with Giuliani
17 that led to the attacks on Ambassador Yovanovitch.

18 Q Okay. And where did you learn of Sondland's
19 content?

20 A With Poroshenko in March that I referred to.

21 Q Okay.

22 A In an email I believe from the embassy it could
23 have been Ambassador Yovanovitch, it could have been from the
24 DCM at the time, Pam Tremont.

25 Q Okay. Did Sondland tell you himself?

1 A I did not hear it directly from Sondland, no.

2 Q Do you have an understanding of like how this
3 conversation was put together?

4 A My understanding based on also seeing how
5 Ambassador Sondland has engaged Georgian leaders, because I
6 also have responsibility for Georgia, is that when he meets
7 leaders in Brussels -- or, in the case of the Ukraine, he met
8 President Poroshenko and other leaders in Odesa during the
9 U.S. trip visit, he hands them his business card, he gets
10 their business card, and then starts direct communication via
11 WhatsApp or phone calls.

12 Q With world leaders?

13 A With world leaders.

14 Q Okay. And he did that with President Poroshenko?

15 A Yes. To the best of my knowledge, he did that with
16 President Poroshenko as well as the then Georgia prime
17 minister.

18 Q I'm going to mark Exhibit 3.

19 [Minority Exhibit No. 3

20 was marked for identification.]

21 BY MR. CASTOR:

22 Q This is a letter to Poroshenko from Senators
23 Menendez, Durbin, and Leahy about the Mueller investigation.

24 Does anybody need copies? Do you have enough?

25 Take as much time as you need to check this out.

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Have you ever seen this letter before?

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1 [4:23 p.m.]

2 MR. KENT: I do not recall, but I can't rule out. The
3 U.S. Congress does not, as a matter of course, copy embassies
4 on its correspondence with other countries, but we oftentimes
5 do receive courtesy copies sometimes through the State
6 Department.

7 BY MR. CASTOR:

8 Q Do you know if the State Department has provided us
9 a copy?

10 A I honestly cannot remember, but I at least recall
11 hearing about a communication which could have been this
12 letter.

13 Q Okay. And what do you remember about this
14 communication?

15 A Well, that there were some people expressing
16 interest in whether Ukraine had possibly stopped cooperating.
17 This is not the first time I've heard it, but I honestly
18 could not give you precisely, you know, information. Again,
19 this was not a communication that went through the embassy --

20 Q Of course.

21 A -- nor did we go to the prosecutor general to raise
22 the concerns of the three Senators who sent this letter.

23 Q Okay. Do you know if anyone in the leg affairs --

24 A At the time, I was working in Kyiv, so I would not
25 necessarily have been aware. My predecessor was Bridget

1 Brink, who is now serving as our Ambassador in Slovakia. So
2 she was the Deputy Assistant Secretary at the time, so I'm
3 not sure if this letter was passed through and was discussed.

4 Q If the State Department found out about this, do
5 you think they would dispatch their legislative liaisons to
6 talk with the Senators or their Senator's staff to --

7 A Honestly, again, I was in Kyiv at the time, so I do
8 not have knowledge of any interaction between the Senate's --
9 three senators, their staff --

10 Q Fair enough.

11 A -- and either Hill liaison or the European Bureau.

12 Q Were you aware of any questions about whether
13 Lutsenko was failing to cooperate with Special Counsel
14 Mueller?

15 A Again, I didn't have any conversations with
16 Mr. Lutsenko as a general rule. By this point in May
17 of 2018, our relations with him had soured. And so we didn't
18 have a complete break in communications, but we did not --
19 we, the U.S. Embassy, did not meet with him frequently.

20 Q Do you know if anyone at the State Department had
21 a -- picked up the phone and called the Justice Department
22 and said, you know, this Lutsenko fellow is not so great. If
23 you are getting information from him, you might want to
24 better understand that he is not well-regarded at this point?

25 A To be honest, I have no knowledge of that, and I

1 can't say either yes or no.

2 Q Okay. I'll ask you one last question, and then our
3 time is about to expire after this round.

4 There was some discussion about instances where Mayor
5 Giuliani was operating in Ukraine and having meetings. And
6 we know that he has got some clients and other interests.
7 It's fair to say the Ukrainians are aware of his celebrity
8 status, at least some Ukrainians?

9 A I think some Ukrainians, like many Americans,
10 remember him from the time he was Mayor of New York at the
11 time of the attacks, September 11. Besides I mentioned, in a
12 positive light, former heavyweight boxing champion, Mayor of
13 Kyiv, Klychko. The other individuals that former Mayor
14 Giuliani has chosen to associate in Ukraine have far less
15 positive reputations in Ukraine.

16 Q Right. But, you know, he was at least somebody
17 that was, you know, considered to be an international, you
18 know, political figure from his time as Mayor of New York.

19 A Right. Although, again, that would have had less
20 impact in Ukraine, which was focused on its own issues and
21 challenges at the time.

22 Q Right. But his ability to get meetings is
23 understandable?

24 A I mean, he had an existing relationship with the
25 mayor of Kyiv, and I think Mayor Klychko would probably see

1 him at any moment. I would say that is the level of an easy
2 ask. It was well known in Ukraine that his main paying
3 clients in Ukraine at the time were the mayor of Kharkiv and
4 a Russian Ukrainian oligarch named Pavlo Fuks.

5 Q Is this before 2016 -- I'm sorry, before 2018 in
6 the --

7 A I believe that Mayor Giuliani's association with
8 Mayor Kernes and Pavlo Fuks contractually began in 2017.

9 Q Okay. Thank you.

10 MR. KENT: And if I could take another break.

11 THE CHAIRMAN: Let's gets a 5-minute break. We still
12 have a lot of material to get through, and we want to try to
13 get you out as a reasonable hour. So let's try to come back
14 as soon as possible after a quick break.

15 [Recess.]

16 THE CHAIRMAN: Let's go back on the record.

17 Secretary, I have just a few questions before I hand it
18 back to Mr. Goldman. My colleagues asked you a great deal
19 about the Bidens and Burisma. I want to go back to one of
20 the origins of the narrative they were getting at. You
21 mentioned there were four false narratives in the Solomon
22 article back in April of 2019. Is that right?

23 MR. KENT: Well, there were four narratives that were
24 introduced, led off by the Solomon articles. But I'm not
25 sure that all four were introduced by Solomon. The first two

1 were definitely part one, part two, but there were a number
2 of different platforms in play that week.

3 THE CHAIRMAN: And part one, was that Lutsenko's claim
4 that Biden pressured Poroshenko to fire Shokin because of the
5 prosecutor general's office investigation of Burisma?

6 MR. KENT: No. I believe that the first day the two
7 themes that were introduced were the anticorruption theme,
8 and that was targeting the embassy, including the letter that
9 I had signed in April 2016, and NABU, as in an organization,
10 and then the 2016 conversation. The discussions of the
11 Bidens and Burisma was the third narrative theme that was
12 introduced a day or two later.

13 THE CHAIRMAN: So that was the third false narrative you
14 referred to?

15 MR. KENT: Right.

16 THE CHAIRMAN: And, in fact, that false narrative that
17 the Vice President had pressured the firing of Shokin over
18 Burisma, Lutsenko himself would later recant. Did he not?

19 MR. KENT: Mr. Lutsenko has held many positions on many
20 issues that are mutually exclusive, and including on this
21 issue.

22 THE CHAIRMAN: Well, in mid-May of 2019, Mr. Lutsenko,
23 were you aware, did an interview with Bloomberg in which he
24 said he had no evidence of wrongdoing by Biden or his son.
25 Are you familiar with that interview?

1 MR. KENT: I am more familiar with the interview that he
2 gave to The L.A. Times, in which he said that the activities
3 related primarily to Zlochevsky's actions as minister, which
4 occurred several years before Hunter Biden came on to the
5 board. So his interviews this year, subsequent to leaving
6 office, are more in accord with the facts as I understood
7 them at the time, than his assertions as prosecutor general.

8 THE CHAIRMAN: So let me ask you a little bit more again
9 about this false narrative since recanted. Just to be
10 absolutely clear about this, when the Vice President was
11 asked to make the case, or help make the case for Shokin's
12 firing, this was the policy of the State Department, and the
13 State Department was asking the Vice President to assist with
14 the execution of that policy?

15 MR. KENT: That would be a correct assessment, yes.

16 THE CHAIRMAN: And it was the policy of other
17 international organizations as well that recognized that
18 Shokin was corrupt?

19 MR. KENT: Correct. He was not allowing for reform of
20 the prosecutor general service, and in contrast, he actually
21 was actively undermining reform of the prosecutor general
22 service and our assistance.

23 THE CHAIRMAN: And this involved, as you said, an effort
24 to undermine the very inspector general office that the State
25 Department had assiduously worked to help the Ukrainians

1 establish to root out corruption within the prosecutor force?

2 MR. KENT: Correct.

3 THE CHAIRMAN: Mr. Goldman.

4 BY MR. GOLDMAN:

5 Q Thank you, Mr. Chairman.

6 Picking up off of that June 28 conference call that you
7 referenced, following that, you said that you were in Toronto
8 for a meeting where President Zelenskyy also was present?

9 A Correct. This was the Ukraine Reform Conference.
10 It essentially is the primary friends, donors of Ukraine.
11 This was the third edition. The first one was held, I
12 believe, in Denmark; second in London; and the third was
13 hosted in Canada by the Canadian Government. And Kurt Volker
14 and I were the ranking U.S. officials who attended for the
15 U.S.

16 Q And who was there from Ukraine?

17 A President Zelenskyy himself.

18 Q And any of his senior aides?

19 A Many of his senior aides. In the meeting that we
20 had on July 2, to the best of my recollection, those included
21 his chief of staff, Andriy Bohdan, who is a very
22 controversial figure; it included his two closest personal
23 assistants, a person named Shefir, and another one named
24 Yermak; it included a professional in the presidential
25 apparatus, Igor Zhovkva; their ambassador to Canada, Andriy

1 Shevchenko, and an interpreter.

2 Q And what was discussed at that meeting?

3 A The whole range of U.S.-Ukraine relations, because
4 of special representative for Ukraine negotiation Volker's
5 focus on the Donbas conflict. That was one segment of the
6 conversation.

7 When we got to more general bilateral relations, that
8 was the first time, I mentioned earlier, that I heard
9 directly from Kurt his assertion that Perry, Sondland, and
10 Volker were now in charge of Ukraine policy. He made that
11 assertion to President Zelenskyy.

12 Coming out of the meeting with the President, he
13 explained how the meeting had gone on May 23 in the Oval
14 Office, that the three officers were the ones leading the
15 charge, and that -- he said that we're working on a phone
16 call with the President.

17 And Zelenskyy cut him off at that point and said, just a
18 phone call? How about the visit? And Volker said, first a
19 phone call, which this is a conversation happening on July 2.
20 He said, We'll aim for that perhaps next week, and hopefully
21 that will lead into a meeting by the end of the month,
22 July 29 and 30, which was roughly, I think, the dates that
23 were discussed in the June 18 meeting that Secretary Perry
24 chaired.

25 Q Was there any discussion in that meeting in Toronto

1 on July 2 about the investigations that Rudy Giuliani had
2 been promoting?

3 A There was not a discussion in the full format of
4 everyone on both sides of the table. However, prior to the
5 meeting, Ambassador Volker told me that he would need to have
6 a private meeting separately with the President, that he
7 would pull him aside. And he explained to me that the
8 purpose of that private conversation was to underscore the
9 importance of the messaging that Zelenskyy needed to provide
10 to President Trump about his willingness to be cooperative.

11 And that happened -- as the meeting broke up, he
12 announced that he needed to have a private meeting. He went
13 around to the Ukrainian side of the table and pulled
14 Zelenskyy, his chief of staff, Bohdan, and the translator. I
15 was standing about 10 feet of the way, introducing myself to
16 Andriy Yermak and talking to him. So that was -- Volker had
17 several minutes with Zelenskyy, his chief of staff and the
18 interpreter.

19 Q You said the messaging about the willing -- or
20 cooperation.

21 A Yeah.

22 Q Cooperation about what?

23 A The details at that point were not clear to me. I
24 would say that Kurt Volker had not provided additional
25 details. It was more that President Zelenskyy needed to be

1 signaling something in his cooperative attitude towards
2 something the President was interested in.

3 Q And at that point you did not know what the
4 President was interested in?

5 A At that point, Kurt Volker did not say, nor was I
6 aware of what the President was interested. Rudy Giuliani
7 was tweeting what Rudy Giuliani thought, but Rudy Giuliani
8 was and is -- remains a private citizen, not an official of
9 the U.S. Government.

10 Q Right. Did you understand why Kurt Volker needed
11 to have this in a private pull-aside -- have this
12 conversation in a private pull-aside meeting rather than with
13 everyone there?

14 A Well, it was clear that he both wanted to restrict
15 knowledge of it, and considered the matter sensitive. But,
16 again, I had not been on the June 28 conference call. I
17 heard about that subsequently from Charge Taylor.

18 And I had also not been involved in any of the
19 conversations that had gone on. I wasn't there at the
20 June 18 nor the May 23. So sometimes I can get readouts
21 officially of meetings, but if you're not there, you miss the
22 sidebar conversations that can take place.

23 Q So it's your testimony that you did not -- you were
24 not aware at that point of what the sensitive issue that Kurt
25 Volker needed to talk about related to President Zelenskyy's

1 cooperation with President Trump?

2 A What I was aware of was that there was an interest,
3 and Kurt was sending a signal of a desire to have Zelenskyy
4 be cooperative, but I did not know the details of what the
5 ask was on that date, July 2.

6 Q Okay. Did Kurt Volker explain to you what he
7 discussed with President Zelenskyy in that pull-aside
8 afterwards?

9 A No. But he explained -- he was, I would say,
10 relatively transparent beforehand. This is what I'm going to
11 do, and this is my message and this is why.

12 Q And how did you -- what did he say the why was?

13 A Well, I think his goal, to my understanding, based
14 on my conversations with him, he was trying to get through
15 what seemed to be a hiccup in the communications, and wanted
16 to get President Trump and President Zelenskyy together,
17 counting on Zelenskyy's personal interactive skills to build
18 rapport and carry the relationship forward.

19 Q Okay. But that's the why he was doing it?

20 A That was my understanding, based on what I heard
21 from Kurt prior to the meeting, yes.

22 Q And what did he tell you after about the meeting?

23 A It was, you know -- it was a several-minute
24 exchange, and so I just presumed that he had said and raised
25 the ask in the way that he had described to me right before

1 the meeting.

2 Q And what was your reaction to the ask as you
3 understood it from Volker at the time?

4 A At the time, I was interested to see where this
5 thought pattern would go. I do not recall whether the
6 follow-on conversation I had with Kurt about this was in
7 Toronto, or whether it was subsequently at the State
8 Department. But he did tell me that he planned to start
9 reaching out to the former Mayor of New York, Rudy Giuliani.

10 And when I asked him why, he said that it was clear that
11 the former mayor had influence on the President in terms of
12 the way the President thought of Ukraine. And I think by
13 that moment in time, that was self-evident to anyone who was
14 working on the issues, and therefore, it made sense to try to
15 engage the mayor.

16 When I raised with Kurt, I said, about what? Because
17 former Mayor Giuliani has a track record of, you know, asking
18 for a visa for a corrupt former prosecutor. He attacked
19 Masha, and he's tweeting that the new President needs to
20 investigate Biden and the 2016 campaign.

21 And Kurt's reaction, or response to me at that was,
22 well, if there's nothing there, what does it matter? And if
23 there is something there, it should be investigated. My
24 response to him was asking another country to investigate a
25 prosecution for political reasons undermines our advocacy of

1 the rule of law. And that was the nature of the exchange, at
2 some point in July, either at Toronto or perhaps, more
3 likely, mid-July in the State Department.

4 Q Now, Ambassador Volker is a longtime, you know,
5 Foreign Service officer, right?

6 A He is.

7 Q What was his reaction when you said that this would
8 undermine the rule of law and everything that we stand for?

9 A I do not recall him giving a verbal response.

10 Q Okay. And so presumably you and Kurt Volker were
11 in Toronto for some time, right?

12 A We arrived, to the best of my recollection, on the
13 1st and departed late afternoon of the 3rd. We did not
14 travel together.

15 Q Did you spend any time together there?

16 A We were in many meetings together, yes.

17 Q Did you spend any meals together?

18 A I do not recall us having working meals together,
19 but it was a hectic trip and generally, his -- or hectic, not
20 trip, but set of meetings. There were a lot of Ukrainians
21 there, and I had a lot of sidebar meetings with attendees at
22 the conference.

23 Q So --

24 A I should also say that there was a -- because Kurt
25 was head of delegation, the Canadian foreign minister hosted

1 a dinner for heads of delegation to which Kurt was invited.
2 I was not because there was just one U.S. attendee. So, for
3 instance, whatever the anchor night was, he went to the
4 leaders meeting, and I met with other Ukrainians who were
5 there.

6 Q Are you familiar with a July 10 meeting at the
7 White House involving senior Ukrainian officials and senior
8 American officials?

9 A I saw pictures tweeted outside after the meeting.
10 At the time I was on a multi-country swing that included,
11 among other countries, Moldova and Ukraine.

12 Q So you were unaware -- prior to the meeting
13 occurring, you were unaware that it was happening?

14 A I knew that there was going to be a meeting. The
15 principals for that meeting were Ambassador Bolton and
16 Oleksandr Danylyuk, who'd been appointed the head of the
17 National Security and Defense Council in Ukraine, which
18 doesn't have an analogous role to our National Security
19 Council but has a name that sounds similar. And Oleksandr
20 Danylyuk is a Ukrainian official well-known to many of us who
21 have worked on Ukraine.

22 Q Now, just to be clear, the conversation that you
23 had with Kurt Volker, even if you aren't sure that it was in
24 Toronto, it occurred before your European swing?

25 A I can't tell you for certain when in July it was.

1 I have since been made aware by seeing the WhatsApp messages
2 that Kurt released that he said he had breakfast with
3 Giuliani on July 16th, so it would make sense that my
4 conversation with Kurt happened before then -- July 19th --
5 because he was telling me that he would reach out to Mayor
6 Giuliani.

7 Q Did you discourage him from reaching out to Mayor
8 Giuliani?

9 A I asked him what his purpose was, and that's when
10 he said, as I relayed earlier, that because, clearly, former
11 Mayor Giuliani was an influence on the President's thinking
12 of Ukraine that he, Kurt Volker, felt it was worthwhile
13 engaging --

14 Q Right. I know. But did you think it was
15 worthwhile engaging?

16 A What I understood was Kurt was thinking tactically
17 and I was concerned strategically.

18 Q Did you have any discussions with anyone else at
19 the State Department by mid-July, any time up to mid-July or
20 prior to, about Mr. Giuliani's potential influence on the
21 President and the fact that what he was advocating may be
22 contrary to official U.S. policy?

23 A I did not, in part because after Giuliani attacked
24 me, as well as Ambassador Yovanovitch and the entire embassy,
25 in his late May interview, I was told to keep my head down

1 and lower my profile in Ukraine.

2 Q Who told you that?

3 A The message was relayed from my supervisor, Acting
4 Assistant Secretary Reeker message relayed from Under
5 Secretary Hale.

6 Q Do you know if it became from above Under Secretary
7 Hale?

8 A All I know is that Assistant Secretary Reeker,
9 after a meeting with Under Secretary Hale said that Under
10 Secretary Hale had directed me to keep my head down and a
11 lower profile in Ukraine.

12 Q And what did you understand a lower profile in
13 Ukraine to mean, given that you oversaw the policy for the
14 State Department on Ukraine?

15 A Well, I oversee policy for six countries, and this
16 was a day or two before I was going on leave to go visit --
17 attend my daughter's [REDACTED] and go hiking in Maine. And
18 so I said, Fine, you're not going to hear me talk about any
19 country for the next week and a half. And I did cancel some
20 public appearances on Ukraine in June, sort of think tank
21 sessions around Washington.

22 Q And at that point, did you sense that you were cut
23 out of the loop in terms of State Department policy
24 discussions and dealings with Ukraine given this Volker,
25 Sondland, Perry triumvirate?

1 A I wouldn't say that I was cut out of the loop. As
2 I indicated, Kurt and I continued to have a back and forth.
3 I was aware that obviously other players had come into the
4 picture. And you had Secretary Perry convening a meeting
5 with a number of State Department officials.

6 You had Gordon Sondland giving a public interview that
7 the three amigos were now in charge of Ukraine, and by that
8 he meant Perry, Sondland, and Volker. I heard Volker say
9 that to President Zelenskyy in Toronto, but I was in that
10 meeting.

11 Q Volker called them the three amigos to Zelenskyy?

12 A No. Sondland, in a public interview, called
13 themselves three amigos. Volker just stated that coming out
14 of the meeting with President Trump at the Oval Office, that
15 those were the three officials that would be taking the lead
16 on our policy towards Ukraine.

17 Q Were you speaking regularly with Bill Taylor in
18 June and July?

19 A Yes. There's a schedule of -- every Monday there
20 is a generally scheduled secure video conference. It's not
21 just one-on-one. Usually it's with office director, deputy
22 director from my side, and members of the country team on his
23 side. That was the schedule that dated back --

24 Q Well, let me rephrase the question. Did you speak
25 to Charge Taylor about the three amigos, or Rudy Giuliani or

1 any activities with regard to the advocacy for these
2 investigations?

3 A We are, in your exploration of a timeline, not yet
4 to the point where that became apparent to me that this is
5 where U.S. policy -- or not U.S. policy, where U.S.
6 engagement was headed.

7 Q Okay. And we'll probably get there, but when would
8 you say that time is?

9 A Well, I think in retrospect, from the release of
10 the WhatsApp messages, it started earlier than I was aware.

11 Q When were you ultimately aware?

12 A I would say that the middle of August, specifically
13 August 15 and 16, was when I became aware that this was
14 actively in play.

15 Q Okay. So did you get -- we're going to get there,
16 but did you get a readout from that July 10 meeting from
17 anybody?

18 A I do not recall. I was on the road for -- because
19 it was a multi-country trip. I was on the road for more than
20 a week. I saw the picture that was tweeted out, maybe from
21 Kurt Volker, maybe from Gordon Sondland, that had the two
22 Ukrainians, which were Oleksandr Danylyuk and Andriy Yermak,
23 close assistant and associate to President Zelenskyy, as well
24 as the Americans.

25 Q Do you recall when Fiona Hill left the National

1 Security Council?

2 A She was scheduled to leave at the end of July. I
3 don't recall which particular day of which particular week.

4 Q Did you have a meeting or a conversation with her
5 before she left?

6 A Yes, I did.

7 Q And did you discuss any of these issues that we've
8 been talking about today with her?

9 A Yes, but to be honest, I don't recall the last time
10 we had a conversation, and when we had the conversation would
11 be important to what we talked about. A conversation that I
12 recall, and I took notes actually dated to mid-May in which
13 we talked about the change of attitude and approach towards
14 Ukraine, and that was in the wake of meetings that President
15 Trump had, a meeting with Viktor Orban, the leader of
16 Hungary, as well as a call he had with Russian President
17 Putin in early May.

18 Q And what was the change following those two
19 conversations with Orban and Putin?

20 A Fiona assessed the conversations as being similar
21 in tone and approach. And both leaders, both Putin and
22 Orban, extensively talked Ukraine down, said it was corrupt,
23 said Zelenskyy was in the thrall of oligarchs, specifically
24 mentioning this one oligarch Kolomoisky, negatively shaping a
25 picture of Ukraine, and even President Zelenskyy personally.

1 Q And did Dr. Hill think that that had an impact on
2 President Trump's outlook?

3 A I cannot recall what she said in that meeting
4 besides giving me the brief readouts of those two meetings,
5 but that was my takeaway, and that those two world leaders,
6 along with former Mayor Giuliani, their communications with
7 President Trump shaped the President's view of Ukraine and
8 Zelenskyy, and would account for the change from a very
9 positive first call on April 21 to his negative assessment of
10 Ukraine when he had the meeting in the Oval Office on May 23.

11 Q And it was your understanding that Sondland, Perry,
12 Volker, when they came back from the inauguration they were
13 very positive about President Zelenskyy. Is that right?

14 A That is correct.

15 Q And that generally the State Department had a
16 positive outlook on President Zelenskyy?

17 A We were cautiously optimistic that this was an
18 opportunity to push forward the reform that Ukraine needs to
19 succeed in resisting Russian aggression, building a
20 successful economy, and, frankly, a justice system that will
21 treat American investors and Ukrainian citizens equally
22 before the law.

23 Q But the message from Orban, Putin, and Giuliani was
24 different than the message that the State Department was
25 relaying. Is that right?

1 A It was different than the State Department
2 assessment, and it was different than the assessment of
3 Secretary Perry, Sondland, and Volker.

4 Q Okay. But the President was listening to the
5 Giuliani, Orban, Putin contingent --

6 A I don't know.

7 Q -- according to Dr. Hill?

8 A According to Dr. Hill, in assessing the change from
9 late April to late May, but then we had also the instructions
10 coming out of that meeting leading to the signing of the
11 letter on May 29 and the efforts to help Ukraine particularly
12 in the energy sector.

13 Q Dr. Hill told us that she departed on July 19, and
14 that prior to leaving, she had a conversation with you.

15 A That -- again, I recall us speaking sometime in
16 July. I honestly don't recall the content of that. One
17 reason why I recall more specifics from May is that as I was
18 looking through my notes to find records to provide to the
19 State Department to be responsive to the subpoena, I found
20 notes that I took when I talked to her in May. When I was
21 going through my notes I did not find notes of our
22 conversation in July. But, yes, I do recall that we talked
23 in July.

24 Q And did you provide the notes from that May call to
25 the Department --

1 A Yes.

2 Q -- for production to Congress and pursuant to the
3 subpoena?

4 A Yes.

5 Q Okay. So let me just make sure I understand. You
6 heard from Ambassador Taylor at the end of June that there
7 was -- correct me if this summary is wrong -- that at the end
8 of June, that there was a conversation with Taylor,
9 Ambassador Sondland, Volker, and Secretary Perry where they
10 discussed the need for President Zelenskyy to initiate
11 some -- I think you said investigations was the readout you
12 got in that call?

13 A Well, sending the right signal without the details
14 of the --

15 Q Without the details. And then Ambassador Volker
16 reaffirmed that to you directly before the meeting with
17 President Zelenskyy in Toronto?

18 A Correct.

19 Q Okay. Up until the July 25 call, from July 2 to
20 July 25, did you have any more discussions with anyone about
21 the notion of Ukraine pursuing these investigations either
22 specifically or more generally in terms of cooperation?

23 A I do not recall any additional conversations that I
24 had in July. But I can't rule it out. Again, I had a
25 conversation with Fiona, I remember that, a sort of farewell

1 call or a meeting, discussion. But, again, I don't remember
2 the content, and also, keep in mind that we had
3 responsibilities -- I only had responsibilities for six
4 countries. She had responsibilities for many more.

5 Q Right. Okay. So you don't remember if she voiced
6 any concerns about what was going on with Rudy Giuliani or
7 anything related to that?

8 A I honestly can't remember the content of that
9 conversation apart from I know that she had some concerns
10 about nonstandard actors. I believe, in that conversation,
11 she expressed concern with Gordon Sondland's approach.

12 Q What concerns did she express with Gordon Sondland?

13 A To the best of my recollection, she had concerns
14 possibly based on having been in conversations in the Oval
15 Office that he made assertions about conversations that did
16 not match with what had actually been said in the Oval
17 Office.

18 Q Can you elaborate with any more detail?

19 A I was not in those conversations, so --

20 Q I'm just asking what she told you. I understand
21 you weren't in them.

22 A I think she may have been as direct as saying that
23 Gordon Sondland lies about conversations that occur in the
24 Oval Office.

25 Q Did she indicate to you that Gordon Sondland had

1 any conversations with the Chief of Staff Mulvaney on this
2 topic?

3 A As I mentioned before, it was clear to me that
4 Ambassador Sondland had a direct connection with Chief of
5 Staff Mulvaney, and that's actually how the May 23 readout
6 was put on the President's schedule. It was not, to the best
7 of my knowledge, done through the national security staff and
8 Ambassador Bolton. It was done Ambassador Sondland directly
9 to Chief of Staff Mulvaney.

10 Q Right. But I'm asking now in July. When Dr. Hill
11 talked to you and voiced concerns about Sondland, did she
12 mention anything about Sondland's relationship with
13 Mr. Mulvaney?

14 A She may have, but I do not remember.

15 Q Okay. Do you recall anything else that she said
16 about Ambassador Sondland in that meeting -- was it a meeting
17 or a phone call?

18 A It was a conversation, but I will say that it was
19 also not entirely about work. We have a mutual friend whose
20 wife died of cancer, and he is a Foreign Service officer and
21 studied in St. Andrews with Fiona, and that's where he met
22 his wife. And so she had passed away. So part of the
23 conversation was just about our mutual friend who died.

24 Q And the part that was about Ukraine, was there
25 anything more that --

1 A That's as much as I recall. But, again, as I said,
2 it was a conversation that had a personal component that had
3 nothing to do with work, and then part of the conversation
4 had to do with work.

5 Q So when did you become aware that President Trump
6 and President Zelenskyy were going to speak on July 25?

7 A I believe I was informed by Lieutenant Colonel
8 Vindman on July 24, the day prior. And as I mentioned
9 before, that's when I sent a message to the embassy
10 suggesting that they test the line to make sure the call went
11 through.

12 Q And I believe you said the only readout you got
13 from the call was from Lieutenant Colonel Vindman?

14 A Correct.

15 Q When you described that readout in addition to
16 emphasizing how Mr. Vindman was uncomfortable and the
17 sensitive nature of the call, so he wasn't comfortable
18 talking about it, you did say, I wrote down here, that he
19 mentioned that there was a -- that President Trump had
20 discussed the extreme narratives that had been discussed
21 publicly. Is that --

22 A At that point, I don't think he said that President
23 Trump discussed. What I recall is that he said at this point
24 the conversation went into the most extreme narratives. And
25 that was him making a summary without providing any detail.

1 Q Understood. But given everything that you knew,
2 and you certainly have indicated today that you were aware of
3 the public narratives --

4 A Yeah.

5 Q -- what did you understand him to mean?

6 A I had presumed at the time, and I may have put in
7 my notes just in parentheses, Giuliani, and that was the way
8 I interpreted what he said. But, again, he was very
9 uncomfortable having the conversation. He initiated the
10 conversation, but it was very clear he was uncomfortable
11 sharing this limited summary, including not going into the
12 detail of the call itself.

13 Q Did you come to learn whether or not Ambassador
14 Volker -- in real time, at the time, did you come to learn
15 that Ambassador Volker did meet with Mr. Giuliani?

16 A Kurt told me he was going to meet, and so, I had
17 every reason to believe that he then followed up on what he
18 said he was going to do. But he did not share with me the
19 exact contents of his discussions with the Mayor, no.

20 Q Did you know at any point whether Ambassador Volker
21 had introduced Andriy Yermak to Mr. Giuliani?

22 A I believe I became aware of that in mid-August.

23 Q So you said that earlier, a few minutes ago, you
24 said that August 15, 16 time period was when you seemed to
25 confirm that -- well, I don't want to put words in your

1 mouth, but there was a significance to August 15 and 16.

2 What was the significance to those dates in your mind?

3 A On August 15, the new special assistant to Special
4 Representative Volker, Catherine Croft, came to my office and
5 asked me, said she was trying to find out some information on
6 behalf of Kurt. And she said, you, George, know about our
7 relations with Ukraine, particularly in law enforcement.
8 Have we ever asked the Ukrainians to investigate anybody?

9 And I told her, I said, well, Catherine, there are two
10 ways of looking at that question. If there is a crime that
11 was committed in the United States and any nexus for us to
12 take action, we have two mechanisms: We have the Mutual
13 Legal Assistance Treaty, and we have the legal attaches at
14 the embassy, and that's the way a law enforcement
15 investigation should engage the Ukrainians.

16 The other option, which I -- from the context of what
17 has been spoken about in the press, maybe what you're asking
18 is the political option. And if you're asking me have we
19 ever gone to the Ukrainians and asked them to investigate or
20 prosecute individuals for political reasons, the answer is, I
21 hope we haven't, and we shouldn't because that goes against
22 everything that we are trying to promote in post Soviet
23 states for the last 28 years, which is the promotion of the
24 rule of law.

25 And I also then told her, I said, Kurt has a lot of

1 ideas. Some of them are great; some of them are not so good.
2 And part of the role of the special assistant as well as
3 people like me is to ensure that the ideas stay within the
4 bounds of U.S. policy.

5 Q And what was her response?

6 A She took that onboard.

7 Q But why was that conversation important to you to
8 crystalize what was going on?

9 A Well, because there had been a lot of talk, you
10 know. Frankly, what a private citizen tweets is an exercise
11 in one way of First Amendment rights, but when you have U.S.
12 Government employees, or in this case, a special U.S.
13 Government employee potentially seemingly to align to that
14 view, that's when it became real for me and a matter of
15 concern.

16 And that was, as I said, I said the 15th and 16th,
17 because the next day, I had a conversation with Charge Taylor
18 in which he amplified the same theme. And he indicated that
19 Special Representative Volker had been engaging Andriy
20 Yermak; that the President and his private attorney, Rudy
21 Giuliani, were interested in the initiation of
22 investigations; and that Yermak was very uncomfortable when
23 this was raised with him, and suggested that if that were the
24 case, if that were really the position of the United States,
25 it should be done officially and put in writing, essentially

1 what I described to Catherine the day before, which is the
2 Mutual Legal Assistance Treaty option. And I told Bill
3 Taylor, that's wrong, and we shouldn't be doing that as a
4 matter of U.S. policy.

5 Q What did he say?

6 A He said he agreed with me.

7 Q Now, had you had any conversations with Ambassador
8 Taylor after July 25 and prior to August 16 about this issue?

9 A Not that I can recall.

10 Q Had you had any conversations with -- well --

11 A About this issue, I mean, we had a --

12 Q Yes.

13 A -- regularly scheduled weekly teleconference that
14 involved teams, and if there were anything sensitive, we
15 could finish up in a one-to-one. We also had a relationship
16 that if there were needs, just like with any ambassador, they
17 could call me up, you know, for an unscheduled conversation.

18 Q And that never occurred in that 3-week span?

19 A I do not recall us having a conversation
20 specifically, you know, if you will, out of the regular
21 schedule until Friday, August 16. And I say it's a Friday,
22 because I was scheduled to get on a plane, leave my house at
23 about 6:00 a.m. to go to the airport, fly out to California
24 to go hiking in Yosemite with my family. So I had a very
25 time-bound limit.

1 And so after having had these two conversations, I wrote
2 a note to the file saying that I had concerns that there was
3 an effort to initiate politically motivated prosecutions that
4 were injurious to the rule of law, both in Ukraine and the
5 U.S.

6 I informed the senior official still present and the
7 European Bureau at 7:30 on a Friday night in the middle of
8 the summer, which was Michael Murphy, and informed him of my
9 intent to write a note to the file, which he agreed was the
10 right thing to do.

11 Q And when you say politically motivated
12 investigations, are you referring to investigations that were
13 also referenced in that July 25 call record?

14 A At the time, I had no knowledge of the specifics of
15 the call record, but based on Bill Taylor's account of the
16 engagements with Andriy Yermak that were the engagements of
17 Yermak with Kurt Volker, at that point it was clear that the
18 investigations that were being suggested were the ones that
19 Rudy Giuliani had been tweeting about, meaning Biden,
20 Burisma, and 2016.

21 Q And I understand you didn't know the contents of
22 the call record, but now being able to read the call record
23 as you have, you are referring to the Biden investigation
24 that the President mentioned, as well as the CrowdStrike 2016
25 investigation. Is that right?

1 A Those align with the Rudy Giuliani tweet. I think
2 it was June 21, as well as some of the other story lines from
3 earlier in the spring before President Zelenskyy was elected.

4 Q Right. I just want to be clear that when you say
5 politically motivated investigation --

6 A That is what I'm referring to, yeah.

7 Q -- that's what you're referring to. Okay.

8 Were you aware of efforts to convince the Ukrainian
9 Government to issue a statement a couple days before the
10 August 15 time period?

11 A I was not aware of the effort to negotiate the text
12 of the statement that came out as a result of Ambassador
13 Volker's testimony here, and the tweets that he released, no,
14 not until I had read those.

15 Q So you were completely unaware of those discussions
16 related to a possible statement about investigations?

17 A Correct.

18 Q Now, at that point, on August 15, when you look
19 back on the previous 2 months, let's say, the readout from
20 the June 28 call that you got from Ambassador Taylor, the
21 conversation that you had with Ambassador Volker in Toronto,
22 did you have a different view on what this White House visit
23 and the interplay between a potential White House visit and
24 these investigations?

25 A As I mentioned before, arranging visits between

1 Presidents is never easy. President Poroshenko spent several
2 years also trying to get a visit to the White House, and that
3 was more happenstance, the visit he made in June 2017. So I
4 have an appreciation that just because a leader of a country
5 wants to visit Washington and have an Oval Office visit
6 doesn't mean it that happens.

7 So I would say there was one track of trying to get a
8 visit. There was another track of what we were engaging
9 Ukraine formally through normal channels. And then this
10 particular moment was the time where not just what I read on
11 tweets by private citizens, but a greater understanding of
12 actions taken by U.S. officials, in this case, Ambassador
13 Volker, that my concerns grew.

14 Q And just so we can understand, you sort of
15 described just there kind of two parallel tracks of official
16 U.S. policy. Is that an accurate assessment?

17 A I think official U.S. policy are policies that are
18 determined and endorsed. And in this administration there's
19 the National Security Presidential Memorandum 4 that was
20 issued in April of 2017, and that actually is what determines
21 the formal policy process for formulating U.S. policy on any
22 issue or country.

23 And what we're talking about now are issues and
24 approaches that were not discussed in the interagency process
25 as staffed by the NSC and the person of either Lieutenant

1 Colonel Vindman or his boss, which was Fiona Hill and then
2 now has become Tim Morrison.

3 Q Right. And I thank you for that clarification. So
4 official U.S. policy remain the same, but there's sort of a
5 secondary or shadow policy that was now being perpetrated by
6 U.S. officials? Was that what you learned?

7 A I had growing concerns that individuals were
8 pushing communications with Ukrainians that had not been
9 discussed and endorsed in the formal policy process, yes.

10 Q Now, it sounds like you went on vacation right
11 after you wrote this memo to file, which, just as an aside, I
12 assume you also provided to the State Department --

13 A I did.

14 Q -- to turn over.

15 Did you have any subsequent conversations with anyone
16 about this revelation that you had?

17 A Well, I believe -- I went away. I came back after
18 Labor Day. The next communication or data point that I can
19 recall was a WhatsApp message that Charge Taylor sent me on
20 September 7, which would have been, I think, the Saturday
21 after Labor Day.

22 Q And what did that WhatsApp message say?

23 A Charge Taylor indicated that he had talked to Tim
24 Morrison, who is the senior director for Europe, who replaced
25 Fiona Hill. And Tim indicated that he had talked to Gordon.

1 And Gordon had told him, Tim, and Tim told Bill Taylor, that
2 he, Gordon, had talked to the President, POTUS in sort of
3 shorthand, and POTUS wanted nothing less than President
4 Zelenskyy to go to microphone and say investigations, Biden,
5 and Clinton.

6 Q And in return for what?

7 A That was not clear to me. I wasn't part of this
8 exchange. But Bill Taylor then followed up with a video
9 conference, our normal Monday call in which he elaborated on
10 his conversations with both senior director Morrison on the
11 7th as well as with Ambassador Sondland on the 8th.

12 Q And what did he say?

13 A He said that Morrison indicated that Rudy Giuliani
14 had recently talked to the President again, and he said, as
15 you can imagine, that creates difficulties managing the
16 Ukraine account.

17 On his conversation with Ambassador Sondland on the 8th,
18 I believe they went into more detail about Ambassador
19 Sondland's efforts to try to facilitate a proper approach, in
20 his view, to open up the possibility of a visit to the
21 White House.

22 Q So can you explain a little bit?

23 A Well, this was taking place -- this conversation
24 was taking place with Ambassador Taylor and I on the 9th of
25 September. The biggest annual conference on Ukraine in

1 Ukraine is known as the YES Conference. That used to stand
2 for Yalta European Strategy back when Crimea and Yalta were
3 under Ukrainian control.

4 And it was going to happen, start in a couple of days.
5 I flew out to Ukraine to take part in that conference as did
6 Ambassador Volker. And Charge Taylor indicated that
7 Ambassador Sondland was pushing a line that included having
8 President Zelenskyy give an interview potentially with CNN
9 during the YES Conference that weekend in which he would send
10 this public signal of announcing a willingness to pursue
11 investigations.

12 Q And did Ambassador Sondland discuss a White House
13 visit in the context of that statement?

14 A I think the anticipation or the hope was that
15 sending that signal would clear the way for both the
16 White House visit as well as the resumption or the clearing
17 of the administrative hold on security assistance, which had
18 been placed by OMB. Although, Charge Taylor asserted to me
19 that both Tim Morrison and Gordon Sondland specifically said
20 that they did not believe that the two issues were linked.

21 Q What was Ambassador Taylor's reaction to this whole
22 conversation?

23 A He told me he indicated to Gordon, he said, This is
24 wrong. That's what I recall him saying to me, again, orally
25 reading out of a conversation of which I was not a part.

1 Q But he thought that it may have -- that the aid may
2 be contingent on this?

3 A I have subsequently seen his tweets, which -- or
4 not his tweets, the WhatsApp messages that Kurt Volker
5 issued. And so it appears to me, having seen those WhatsApp
6 messages, that he was sharing his concerns with Ambassador
7 Sondland and Ambassador Volker.

8 MR. GOLDMAN: Okay. I think our time is up. So we will
9 yield to the minority.

10 BY MR. CASTOR:

11 Q When Volker was communicating to you about various
12 investigations that would occur in the Ukraine, whether it
13 relates to Burisma 2016, is it possible -- the way I
14 understood his -- you know, we spoke to Volker.

15 A Right.

16 Q He was in here. The way I understood his -- the
17 way he communicated it was that if there were Ukrainians
18 engaged in misdeeds, corruption, then, you know -- and it
19 could relate to Burisma, it could relate to bringing Hunter
20 Biden on the board, it could relate to Ukrainians doing
21 nefarious things in the run-up to the 2016 election, then the
22 Ukrainians ought to investigate fellow Ukrainians.

23 A So you're saying that's what Ambassador Volker said
24 to you and the committee?

25 Q That was my understanding of what he said. Is that

1 inconsistent with your understanding?

2 A Well, I think I can only share the conversation I
3 had with Kurt, and the conversation was framed differently.

4 Q Okay.

5 A But, again, I wasn't here. I haven't seen the
6 transcript of what he said to you. So I can only share my
7 recollection of my conversations with him.

8 Q Sure. And did he communicate that differently, or
9 did you just maybe understand it differently, or is there a
10 possible disconnect there, or are these two different things?

11 A I think that there are two people who -- we're
12 talking at this point about a conversation that took place
13 3 months ago, that neither of us were taking notes. We were
14 standing up. And so, I would say that, you know, he has
15 shared his recollection of the conversation, and I shared
16 mine.

17 Q Okay. But your recollection was that they were
18 pushing for political investigations that had no merit?

19 A When he said that he was going to engage Rudy
20 Giuliani about Ukraine, because Rudy Giuliani was clearly
21 influencing the President's views of Ukraine, I reminded him
22 what Rudy Giuliani was doing in Ukraine and about Ukraine,
23 about which I had concerns.

24 That's why I say that I think Kurt was approaching -- in
25 my understanding, he was approaching this issue tactically.

1 We both wanted the best for Ukraine. We both wanted the best
2 for U.S.-Ukraine relations. He saw Rudy Giuliani as an issue
3 to be addressed, and potentially an ally to be incorporated
4 to get the U.S. President to where we wanted our relationship
5 to be, which is having a meeting.

6 My concern could be summed up by the means don't
7 necessarily justify -- you know, the ends don't necessarily
8 justify the means, that if we're trying to put trade space on
9 the table of an investigation, that can violate a principle
10 that undermines what we're trying to do on a matter of
11 policy.

12 Q My understanding of what -- how he looked at Rudy
13 was that he thought Mr. Giuliani was amplifying a negative
14 narrative, meaning a false narrative, meaning that whatever
15 Rudy Giuliani was communicating, you know, about to the
16 President was something that needed to be fixed. And since
17 the President and Rudy Giuliani had communications on a
18 somewhat regular basis, he thought that it was a relationship
19 he had to try to work on if he could.

20 A Yeah. That is my understanding of his rationale
21 for engaging the former mayor of New York.

22 Q Okay. And by no means was he adopting the
23 narrative that Rudy Giuliani was proselytizing?

24 A I don't know what Kurt's view was about the
25 narrative. What I know is that by September, Kurt was

1 actively promoting the request for Ukraine to open these
2 investigations.

3 Q Okay. And it would be inconsistent with your
4 understanding if these investigations were for Ukrainians to
5 open matters into misdeeds by Ukrainian -- genuine misdeeds
6 by Ukrainians, whether it relates to Burisma or 2016?

7 A We obviously want Ukraine to have effective law
8 enforcement and justice sector institutions. That's in order
9 to be able to investigate, prosecute, and judge any criminal
10 acts. Again, as I said, I think the issue for what we ask
11 them to do in certain cases should start from whether there's
12 a criminal nexus in the U.S. because that's our role as the
13 U.S. Government, not to dictate that you should investigate
14 this person because it's in our political interest.

15 Q Okay. You've mentioned WhatsApp a few times.
16 That's a completely standard messaging application to use for
17 State Department officials, correct, as long as everything is
18 saved first?

19 A In certain countries it's almost required for
20 business. And I'll give you the example of how I ended up
21 first using WhatsApp. When Ambassador Yovanovitch had her
22 first meeting with the then new prime minister of Ukraine,
23 Volodymyr Hroysman, who is 41 years old, and she arrived in
24 August, so I'm presuming it was late August or early
25 September, he asked if she were on WhatsApp and Viber. And

1 she said, why? And he says, that's how I communicate. So if
2 you want to communicate with me, the prime minister of
3 Ukraine, you need to go back to the embassy and have them
4 download those apps.

5 So she came back to the embassy. We checked with our
6 communications and Diplomatic Security specialists. The
7 assessment was that Viber was not as secure as WhatsApp, and
8 that we were authorized to use WhatsApp for communications as
9 long as records were saved.

10 Q Okay. So the use of WhatsApp by U.S. official,
11 State Department official, White House official, presents no
12 problems as long as everything is saved?

13 A I didn't say that, but at least we're in --

14 Q Like, what kind of problems would it present as
15 long as everything is saved?

16 A Well, I think there always is a challenge with the
17 integrity of data. And, for instance, Minister Avakov of
18 Ukraine, who I've referenced several times, minister of
19 interior, told me and another member of the staff, in 2018,
20 that there were now ways, thanks to Israeli code writers, of
21 cracking the alleged encryption of text messages on WhatsApp.
22 So for people who thought they were encrypted and therefore
23 safe, at least the text messages, the texts as opposed to the
24 voice could be accessed by people.

25 Q Okay. Moments ago you referenced the name Clinton?

1 A What I said --

2 Q Could you just go through that again?

3 A Right.

4 Q I haven't heard that name lately.

5 A That was a message -- that was described in the
6 shorthand of the desire to have -- this was the Gordon
7 Sondland messaging of what the Ukrainians need to say in
8 shorthand 2016. And in shorthand, it was suggested that the
9 Ukrainians needed -- Zelenskyy needed to go to a microphone
10 and basically there needed to be three words in the message,
11 and that was the shorthand.

12 Q Clinton was shorthand for 2016?

13 A 2016, yes.

14 Q Okay. Are you aware of the narrative that there
15 were some Ukrainians that tried to influence the outcome of
16 the election?

17 A I recall reading a Politico article to that effect
18 in the spring of 2017, yeah.

19 [Minority Exhibit No. 4

20 Was marked for identification.]

21 BY MR. CASTOR:

22 Q Okay. I'm going to mark as exhibit -- what are we
23 up to, 4? These guys love this article. This is a Politico
24 article by Ken Vogel dated January 2017. It's, like, 18
25 pages. It goes into some depth. I'm just going to point you

1 to some things just and ask you whether you have any
2 awareness or ever remember this issue coming up. I'm not
3 going to ask you to, you know, adopt the article as, you
4 know, personal endorsement or anything.

5 Were you aware that a Ukrainian American named [REDACTED]
6 [REDACTED] was, you know, a consultant for the Democratic
7 National Committee and had made some overtures to the
8 Ukrainian Embassy?

9 A I was not aware of that. I did at the time read
10 this article nearly 3 years ago now. But, yes, I read this
11 article.

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1 [5:37 p.m.]

2 BY MR. CASTOR:

3 Q And when you read this article, did you do any
4 followup, communicate with anybody at the State Department
5 about the validity of this?

6 A I was in Ukraine. They were in Washington. And I
7 presumed that people had read it. But it's an article by two
8 journalists that I don't think I've met. But, you know, it
9 was -- obviously, people were talking about it because of the
10 allegations --

11 Q Are you familiar with the Embassy's posture during
12 this time period with Ambassador Chaly?

13 A Again, at this time, which we're talking about the
14 period of the election, which is November 16, and this
15 article coming out the month of the inaugural in 2017. I was
16 in Ukraine, Kyiv, not here in Washington. That said, I do
17 know Ambassador Chaly. I met him for the first time in the
18 fall of 2004 when he was the think tank --

19 Q And he had written an op-ed, I guess, that said
20 some less than positive things about Candidate Trump?

21 A It's possible. I mean, "he" being Ambassador
22 Chaly?

23 Q Yeah.

24 A If you say so. Honestly, again, I was in Ukraine
25 focused on that end of the relationship.

1 Q Who was the Deputy Assistant Secretary at the time?

2 A It would have been Bridget Brink, my predecessor.

3 Q So, other than this, you know, reading this story,
4 you did not ever come into any firsthand information relating
5 to [REDACTED]?

6 A No.

7 Q Or learn about any initiative on behalf of the DNC
8 to promulgate some of this information?

9 A No.

10 Q The story walks through Serhiy Leshchenko's role in
11 publicizing the Manafort ledgers.

12 A The so-called black ledgers, yes.

13 Q What do you recall about that?

14 A About the black ledgers?

15 Q Yeah.

16 A I recall that those were documents apparently found
17 at the former estate of the previous President who fled to
18 Russia, Viktor Yanukovich, and it indicated individuals who
19 had been receiving payments by the former ruling party.

20 Q And at the time Leshchenko, at least it's reported
21 here, suggested that his motivation was partly to undermine
22 Trump?

23 A He's a Ukrainian citizen. I don't know what his
24 motivations are. I know that he was an investigative
25 journalist, and there were, as I recall, hundreds of names,

1 almost all of which were Ukrainian, in the black book.

2 Q Would it be fair to say that there were some
3 Ukrainians that were trying to influence the outcome?

4 A I honestly do not know. I was in Ukraine, and so I
5 was not privy to whatever activities may have been happening
6 here in the United States.

7 Q [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED] when I would go to the NSC,
22 the person I would normally talk to directly was the State
23 Department detailee, the woman I mentioned previously,
24 Catherine Croft, who has been working with Kurt Volker, she
25 was a director at the NSC for Ukraine. And prior to

1 Catherine doing her 1-year stint, she had worked at the
2 Ukraine desk at the State Department. And there was an
3 officer named [REDACTED] who had been working at the
4 Embassy in Kyiv, and he came back and did a year stint at
5 NSC.

6 So my principal interlocutor when I would go to the NSC
7 to have conversations generally was the State Department
8 director, [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q [REDACTED]
13 [REDACTED] Generally, directors at the NSC do not
14 travel on their own, but they often accompany principals. I
15 can say that Victoria Nuland was Assistant Secretary,
16 sometimes Celeste Wallander and Charlie Kupchan would travel
17 with her to countries, whether that would be Russia or
18 Ukraine.

19 Q [REDACTED]
20 [REDACTED]
21 [REDACTED] And, again, I spend most of my life in
22 support of others, and so it hurts me to say this, but
23 generally people remember who the principal on the trip was
24 and not all the staff who actually do most of the work.

25 Q You talked earlier about Lieutenant Colonel

1 Vindman's interactions with your staff?

2 A Yes. He would reach out -- I'm the Deputy
3 Assistant Secretary, but there's an office that works on
4 Ukraine, Moldova, and Belarus, and those are three countries
5 for which he had responsibility within the NSC, although he
6 was actually recruited to work on Russia, but he ended up
7 working on Ukraine, Moldova, and Belarus, so he is a staff of
8 one for those three countries. So it was natural that he
9 would turn to an office that had multiple people working on
10 those countries to see if they could be supportive.

11 Q Okay. And you explained that he had, from time to
12 time, made a lot of requests of your staff?

13 A From time to time, he asked for -- a very short
14 fuse -- detailed documentation that the members felt, first
15 of all, was impossible to meet on his deadline and, second of
16 all, distracted them from the work they had to do. And
17 usually they would raise their complaints to their office
18 director, [REDACTED]. And [REDACTED], if he did not feel his
19 conversations with Alex could provide sufficient relief, he
20 would ask me to weigh in.

21 Q How long has this he been going on?

22 A Well, I mean, I believe that Alex came on to the
23 account at the end of the summer of 2018. So my return from
24 Kyiv, I started work the day after Labor Day in
25 September 2018, and his arrival to the NSC staff may have

1 been the same week and certainly was within the same month.
2 He came over from Joint Chiefs at the end of the summer of
3 2018.

4 Q Do you know when his detail was up?

5 A Generally, again, I've never worked at the NSC, but
6 my general understanding is it's 1-year renewable. And
7 generally, because of the budget and staffing patterns, they
8 ask for detailees, which the host agencies pay for. And
9 generally they come from State, Office of Secretary of
10 Defense, or JCS in the Intel Community, and Treasury also
11 provides individuals. Under Secretary Tillerson, when he had
12 our staff freeze, he tried to limit all detailees. So, as a
13 result, the number of State Department officials on detail at
14 the NSC dropped dramatically, and that required, in order to
15 staff it at similar levels, an increase in detailees from the
16 Intel Community, the Pentagon, and JCS.

17 Q Do you know when his detail is up?

18 A Well, he's obviously in his second year now, and I
19 get the sense that there are mechanisms to allow for
20 renewable, even though that's not standard. Those jobs are
21 incredibly draining, so most people are happy to do 1 year
22 and move on. But he clearly got an extension to a second
23 year, but I've never discussed that issue with him. But my
24 presumption is that, at some point, it was extended by a
25 second year.

1 Q Did you have any communications with anyone at the
2 State Department about your testimony here today, other than
3 the ones you've described with the lawyers and --

4 A Well, I described early on a communication about
5 the document search. Subsequent to that, I did not have any
6 discussions or coordination about what I would say
7 personally. The conversations with the counsel, legal office
8 counsel, then went through counsel with [REDACTED], I got
9 several letters that were signed by Under Secretary of
10 Management Brian Bulatao, and then there were a number of
11 conversations that [REDACTED] had, which I did not
12 participate in.

13 Q But nobody has tried to influence your testimony.
14 Is that correct?

15 A No. That is correct.

16 Q And did you talk to Ambassador Yovanovitch after or
17 before her testimony with us?

18 A When you say "talked," what's your timeframe? What
19 are your time --

20 Q Since she appeared, which was last Friday?

21 A I have not had any conversations with her since
22 then. My wife, I believe, has because of the health of her
23 mother. And my wife visited her mother in hospital and then
24 had a conversation with Masha.

25 Q Okay. But you didn't speak to her about her

1 testimony or your testimony?

2 A I have not talked to Masha since Friday, no.

3 Q Okay. And to the extent you reference her
4 testimony, it's the prepared statement?

5 A It was made available and, I read it online, I
6 think The New York Times.

7 Q Okay. This morning, we were talking about the
8 State Department's record collection procedure and responding
9 to the subpoena. Have you ever been involved with a
10 congressional records request?

11 A The only previous record request that I have seen,
12 although I was not specifically named as a record collector,
13 was the Senate's Select Intelligence Committee's request for
14 documents related to Paul Manafort and Konstantin Kilimnik.

15 Q How did the -- as far as you know, the ordinary
16 process work for producing documents to Congress?

17 A Well, again, I have been present or seen the
18 process happen twice, once when I was at an Embassy and, the
19 other time, the past 2 weeks at the State Department. At the
20 Embassy, there was a mechanism where our information
21 management resource, our specialists who work with the
22 information systems, went through and were able to extract
23 from the system of backups any emails that had reference to
24 the individuals listed.

25 And what was different about this search the last 2

1 weeks was, the State Department did that automatically, but
2 there were these other records that would not have been
3 accessed automatically, and those included memos that were
4 written but never logged and sent to a principal like the
5 Secretary, handwritten notes, or other communications.

6 Q Okay. Did I understand your testimony that you
7 were concerned about the integrity of the document collection
8 process?

9 A What I said was, when we had our meeting on the 3rd
10 of October, based on instructions that had been prepared by
11 others that I presumed were in our congressional liaison in
12 the legal office, that when they identified potential chief
13 record collectors, that there were individuals that were not
14 included that were in the listing, and, therefore, there were
15 additional people that were asked to check for records.

16 Q Okay. And I may have heard this incorrectly, but
17 it's not your understanding that the State Department
18 officials look for documents and then send them in to
19 Congress individually, right?

20 A It was clear in the instructions that, as part of
21 the process of collecting documents, the records should be
22 identified, and then there would be a central repository for
23 the processing of those documents. And that's in an office
24 that is under our what's known as the A Bureau, the
25 Administrative Bureau. So I guess there's a unit that deals

1 with this, and that was the mechanism.

2 Q You don't have concerns with that, do you?

3 A That sounds like an appropriate centralized way of
4 gathering documents from many people.

5 Q So the function of the State Department collecting
6 the documents and going through the documents, organizing the
7 documents, and producing them to Congress is what you
8 understand to be ordinary course?

9 A Well, my role as an identified record collector was
10 to go through all of my records and identify information and
11 provide that information. So that's what I did. What
12 happens after that is a process that I don't have --

13 Q Okay. You don't have a lot of experience with
14 that?

15 A This is the first time that I've gone through this
16 process, yes.

17 Q Okay. So you're not in a position to evaluate
18 whether the process undertaken here has been irregular or
19 improper?

20 A This is the first time I've done this type of
21 process where I've had to go through all my handwritten notes
22 and other forms of communication to find evidence that might
23 be responsive to the subjects that were listed in the
24 subpoena.

25 Q Okay. And then a couple times you used the

1 terminology "when Volker released his tweets"?

2 A I should have said WhatsApp messages; I'm sorry.

3 Q And so I just wanted to circle back to that, that I
4 don't believe Ambassador Volker has released anything
5 himself. He provided documents to the committees, and then,
6 you know, the committee -- is that your understanding?

7 A I do not know how that information made it into the
8 public domain.

9 Q Uh-huh.

10 A I do not engage the media and have studiously
11 avoided the media before coming here. I cannot say that's
12 been Kurt's approach.

13 Q Okay. But you're not aware of him releasing his
14 text messages like affirmatively on his own?

15 A I do not know how his WhatsApp messages made it
16 into the public domain.

17 Q I mean, it's conceivable that somebody on the Hill
18 side, I know that might come as a shock, would push certain
19 messages out. Is that something that --

20 A That's one option.

21 Q Okay. So you think that maybe he's pushing his own
22 messages out on his own?

23 A I do not know.

24 Q Okay.

25 MR. CASTOR: Mr. Zeldin.

1 MR. ZELDIN: Assistant Secretary Nuland's name has come
2 up a few time, Kathy Kavalec?

3 MR. KENT: Kathy Kavalec.

4 MR. ZELDIN: Are you aware of Assistant Secretary Nuland
5 instructing Kathy Kavalec to speak to Christopher Steele
6 during the 2016 campaign?

7 MR. KENT: I was in Kyiv, and Kathy Kavalec was the
8 Deputy Assistant Secretary for Russia, and so I was not aware
9 of what the nature of engagement between Assistant Secretary
10 Nuland and Deputy Assistant Secretary Kavalec would have
11 been, no.

12 MR. ZELDIN: Are you aware of Ambassador Yovanovitch
13 ever having conversations with Ukraine officials on specific
14 individual cases before the prosecutor?

15 MR. KENT: When you say "specific cases," what do you
16 mean?

17 MR. ZELDIN: In any of the prosecutor's cases, any of
18 the Ukraine's prosecutor's cases, are you familiar with any
19 conversations Ambassador Yovanovitch had with that Ukraine
20 prosecutor about any of those cases?

21 MR. KENT: Which prosecutor are you referring to?

22 MR. ZELDIN: Well, I was referring to the state
23 prosecutor, but with regards to Ukraine's state prosecutor or
24 any cases within the Ukraine Government, are you aware of
25 Ambassador Yovanovitch having any conversations with any

1 prosecutor in Ukraine about any of the Ukraine cases?

2 MR. KENT: During the period of time when Yuriy Lutsenko
3 was prosecutor general, and he became prosecutor general
4 before Ambassador Yovanovitch arrived at post in August 2016,
5 the U.S. Government had concerns that Ukrainian law
6 enforcement, prosecutorial, and intelligence services were
7 occasionally harassing and investigating without merit civil
8 society activists, members of the media, and political
9 opponents.

10 And so it was a matter of concern that those in office
11 were using that office not to prosecute criminals but to put
12 pressure on civil society, the media, and political
13 opponents. In that context, yes, both the Ambassador and I
14 raised concerns specifically about action taken without
15 evident merit to pressure civil society, the media, and
16 political opponents.

17 MR. ZELDIN: Was this a conversation solely in general,
18 or were there discussions about specific cases?

19 MR. KENT: When, in a country whose leading journalist
20 was murdered on the orders of a President in 2000, when
21 journalists are attacked, when an anticorruption activist has
22 acid thrown in her face at the orders of people that were
23 politically connected and after 12 operations she died, yes,
24 we raised specific cases of concern regarding the misuse of
25 state office to go after civil society activists, members of

1 the media, and members of the opposition.

2 In the year before President Poroshenko ran for
3 reelection, there were over a hundred such attacks against
4 civil society, the media, and occasionally political
5 opponents, none of those were prosecuted by Yuriy Lutsenko.

6 MR. ZELDIN: Do you recall the names of -- any of the
7 names of the individual cases that you spoke to or Ambassador
8 Yovanovitch spoke to Ukraine about?

9 MR. KENT: I would say that, in the last 3 years, the
10 most prominent case was this anticorruption activist that I
11 mentioned. Her name is Katia Handziuk, H-a-n-d-z-i-u-k. She
12 was in a town in Kherson, and according to activists, civil
13 society, and journalists, there were politicians connected to
14 President Poroshenko, which was also Prosecutor General Yuriy
15 Lutsenko's party, as well as the party connected to Yuliya
16 Tymoshenko. And despite this general knowledge, there was no
17 firm action taken by the prosecutor general.

18 MR. ZELDIN: And this was a case important to you and
19 Ambassador Yovanovitch?

20 MR. KENT: This was a case important for the rule of law
21 under a President who had run to change Ukraine, starting
22 with the Revolution of Dignity. So, if you were to ask a
23 Ukrainian over the last year, if they had to cite one case
24 that encapsulated the failures of President Poroshenko and
25 his team, which included Prosecutor General Yuriy Lutsenko,

1 the case of Katia Handziuk became a clarion example of the
2 failure for the country to move forward in the same way that
3 the murder of Georgiu Gongadze in 2000 encapsulated the
4 failure of then President Kuchma to move the country forward.

5 MR. ZELDIN: But this would be a case that Ambassador
6 Yovanovich would be very familiar with?

7 MR. KENT: This is a case that was under great
8 discussion. The initial attack occurred in the summer of
9 2018, I believe, that the activist eventually died in roughly
10 November of 2018.

11 MR. ZELDIN: Yeah, I just don't want to put any words in
12 your mouth, that's why I'm asking the question. This would
13 be a case that Ambassador Yovanovitch would have been very
14 familiar with?

15 MR. KENT: I would imagine so, yes.

16 MR. ZELDIN: And were there many other cases that you
17 have recall of individual names of cases as you sit here
18 today, without having to go through the entire list?

19 MR. KENT: I honestly -- the number of uninvestigated
20 assaults on members of civil society, the media, and the
21 opposition, as I said, eventually reached 100, and that was a
22 trend line and a message to everybody. So I cannot cite all
23 100.

24 MR. ZELDIN: I wasn't asking. I just wanted to ask,
25 though, if necessary, there are many cases that you recall

1 the names associated with the cases?

2 MR. KENT: On any given month, there would have been
3 perhaps cases that rose to the fore as being emblematic of
4 the direction. For instance, last December, 2018, one of the
5 candidates for President, Anatoliy Hrytsenko, was assaulted
6 in a parking garage in the city of Odesa. A former Defense
7 Minister running for President was assaulted by thugs, and
8 there was no effort to investigate that. That is a classic
9 example of intimidation, and the lack of an investigation is
10 a suggestion that those in power were not interested in
11 holding the people to account because the accounts indicated
12 that they were probably connected to the power organizations.

13 MR. ZELDIN: Did you keep track of these individual
14 cases that we were engaging Ukraine with?

15 MR. KENT: The Embassy, as part of its advocacy, would
16 have no doubt kept a running list and, in my experience from
17 when I was there, would have discussed this extensively with
18 the other likeminded Ambassadors. And there was a collection
19 of Ambassadors to the G7 countries, plus the Ambassador to
20 the EU, met almost weekly. And the issue of the
21 deterioration of the rule of law and the lack of
22 accountability and impunity for these attacks was a frequent
23 topic.

24 MR. ZELDIN: With regards to this list of cases, who
25 would you speak to on the Ukraine side about the individual

1 cases. Was there a person, an office, that you would
2 communicate with?

3 MR. KENT: The Ambassadors, I believe, collectively, the
4 G7 Ambassadors, plus the EU Ambassador, when they had a meet
5 with President Poroshenko, my understanding is this was the
6 type of issue that was raised. Again, starting in August 18,
7 I was back in Washington, so I did not participate in those
8 meetings. The trend line and the deterioration started about
9 the time I came back here to Washington.

10 MR. ZELDIN: When communicating with Ukraine with these
11 lists, was Lutsenko or any of the people from his office
12 present in any of those meetings?

13 MR. KENT: I can't say for certain. I do not think it
14 was normal for the prosecutor general to be attending the
15 meetings when, you know, eight Ambassadors come in to see
16 President Poroshenko. It's not like they met that often.
17 Prosecutor General Lutsenko, in my experience, occasionally,
18 would summon Ambassadors or Embassy representatives to have
19 meetings with him for sort of exchange on the situation, the
20 current status of rule of law in the country.

21 MR. ZELDIN: It's a possibility that somebody
22 representing Lutsenko might be present at any of these
23 meetings?

24 MR. KENT: Again, this trend line started last summer
25 about the time I came back, so I don't know who was in any

1 particular meetings.

2 MR. ZELDIN: The United States policy towards Ukraine
3 over the course of the last couple of years with regards to
4 aid, support for Ukraine, would you assess it as getting
5 stronger?

6 MR. KENT: I would say that, thanks to the appropriators
7 on the Appropriation Committee, the amounts made available
8 for assistance to Ukraine has increased yearly since 2014,
9 yes.

10 MR. ZELDIN: And how important is it to Ukraine to have
11 access to Javelin.

12 MR. KENT: I am the son of a submarine captain. I'm not
13 the son of an Army cav or infantry officer, but I understand
14 from my colleagues who do have such experience -- and our
15 Belarus desk officer was an officer who used Javelins -- is
16 that they are incredibly effective weapons at stopping
17 armored advance, and the Russians are scared of them.

18 MR. ZELDIN: Earlier on, in one of the rounds, I believe
19 this morning, there was discussion with regards to the firing
20 of Ambassador Yovanovitch, and later on, you testified that
21 you read the July 25th transcript. Do you recall the part of
22 the transcript where President Zelenskyy is speaking about
23 Ambassador Yovanovitch?

24 MR. KENT: I have the transcript here, and yes, I
25 believe somewhere our President says something, and then

1 President Zelenskyy says something back --

2 MR. ZELDIN: You're looking at page 4?

3 MR. KENT: Right.

4 MR. ZELDIN: There is a full paragraph of President
5 Zelenskyy in the middle of the page, and towards the bottom
6 of that paragraph, President Zelenskyy speaks about
7 Ambassador Yovanovitch?

8 MR. KENT: Yep.

9 MR. ZELDIN: And in it, part of what President Zelenskyy
10 says, quote: Her attitude toward me was far from the best as
11 she had admired the previous President and she was on his
12 side. She would not accept me as the new President well
13 enough, end quote.

14 Do you know where President Zelenskyy would have
15 developed the belief that Ambassador Yovanovitch was loyal to
16 a previous President?

17 MR. KENT: I have no idea because I do know that
18 President Poroshenko thought she was not a fan of him.

19 MR. ZELDIN: And I recall you testifying to that
20 earlier.

21 MR. KENT: Yeah.

22 MR. ZELDIN: That President Poroshenko had targeted
23 Ambassador Yovanovitch, which is why I wanted to ask you
24 about this particular quote from President Zelenskyy. Did
25 you have an opportunity to meet with President Zelenskyy and

1 Ambassador Yovanovitch at the same time?

2 MR. KENT: I have not been a part of the meeting with
3 Zelenskyy since this call happened, and since I also -- since
4 I first saw this text 2 weeks ago. And of the meetings that
5 I had with Zelenskyy previously, the meeting in March
6 of 2019, which is when he was running as a candidate that was
7 Under Secretary Hale, Ambassador Yovanovitch, and myself,
8 when I came back in May, when he was President-elect
9 Zelenskyy, Ambassador Yovanovitch had already been recalled.
10 So the only meeting that was in the room at the same time
11 with Ambassador Yovanovitch and Zelenskyy was in March, and
12 the principal in the meeting was Under Secretary Hale.

13 MR. ZELDIN: Did you have an opportunity to observe any
14 direct interaction between President Zelenskyy and Ambassador
15 Yovanovitch?

16 MR. KENT: I only saw when he was Candidate Zelenskyy
17 with her, and at that point, the focus was on Under Secretary
18 Hale as the ranking visitor.

19 MR. ZELDIN: So no indications from that exchange that
20 would help us understand that statement from President
21 Zelenskyy with regards to loyalty to a previous President and
22 not accepting Zelenskyy?

23 MR. KENT: I have no way of explaining why he said that,
24 no.

25 MR. ZELDIN: Why weren't you on the July 25th call?

1 MR. KENT: As I stated earlier, in my 27 years in the
2 Foreign Service, I've never been on a Presidential call, and
3 that is not normal for officials that are at the Embassy or
4 at the State Department. The people who normally are on a
5 Presidential call are staff at the National Security Council
6 and the White House. And I have not served as a detailee to
7 the National Security Council in my career.

8 MR. ZELDIN: As far as the participants on the call, you
9 testified earlier that you got a readout of the call from
10 Lieutenant Colonel Vindman?

11 MR. KENT: Correct.

12 MR. ZELDIN: Was there anyone else on the call who would
13 typically give you a readout of that phone call?

14 MR. KENT: I would say that it was standard procedure
15 for the director to give a readout to the Deputy Assistant
16 Secretary. So, for instance, it was also Lieutenant Colonel
17 Vindman who gave me the readout in April after the
18 inaugural -- sorry, the election day victory call. So that
19 was standard practice, that the director for a country would
20 give a readout to the DAS so that the policy DAS at State
21 would know the substance of what was discussed so we could
22 make sure that our policy going forward was aligned with the
23 conversations had by the President.

24 MR. ZELDIN: We only have a couple minutes left, but
25 something that is still outstanding from a previous round I'm

1 trying to understand. You have a reputation of loving and
2 cherishing this U.S.-Ukraine relationship and dedicating your
3 life toward strengthening the relationship between the United
4 States and Ukraine. That is something that I've heard. And
5 you get a readout from Lieutenant Colonel Vindman that
6 doesn't have a lot of details, and you don't try to get any
7 more information about the call. I just want to better
8 understand your mindset that, once you got that readout that
9 was lacking substance, that you chose not to try to get any
10 more information. This is what you've dedicated your life
11 towards strengthening this relationship. And I don't
12 understand that. Can you better explain that?

13 MR. KENT: I think some people try to be in the middle
14 of everything, and some people try to do their job based on
15 the conditions which they are issued. So, again, I don't
16 work at the White House. There are conversations and
17 meetings that I do not take part in. My job is to represent
18 the State Department and try to promote our national
19 interests through the policies that have been discussed and
20 agreed to in the interagency format and to use the mechanisms
21 that the State Department has under its ability, including
22 programming funded by appropriations from Congress, to pursue
23 those national interests. So that's my job. It's also my
24 job for six countries.

25 Now, admittedly, Ukraine is the biggest country.

1 Georgia is a country which Congress appropriates over \$100
2 million a year. And so I am juggling responsibilities for
3 these six countries and traveling to all six countries. So
4 we are focusing on one of six countries today for which I
5 have responsibility. So I do not live, breathe every single
6 second of my life focused on Ukraine, no.

7 MR. GOLDMAN: I think that's time.

8 Ambassador Kent, you've been here a long day and I'm
9 sure --

10 MR. KENT: I'm not Ambassador.

11 MR. GOLDMAN: I'm sorry. Mr. Kent. The members are
12 going to have to go vote I think in about 20 minutes. So I
13 know you've just sat through another hour and a half. Would
14 you like to take a 5-minute break --

15 MR. KENT: I'd appreciate that.

16 MR. GOLDMAN: And then we'll come right back. Okay.
17 Let's do that.

18 [Recess.]

19 MR. GOLDMAN: Back on the record. It's 6:20, and it's
20 the majority's round. Mr. Kent, thank for your patience and
21 diligence today, we are nearing the end.

22 Mr. Mitchell.

23 BY MR. MITCHELL:

24 Q Sir, in the last round, you mentioned security
25 assistance. Can you just generally describe what Ukraine

1 Security Assistance Initiative is?

2 A Well, that is a specific term that refers to money
3 appropriated in the Defense budget as opposed to the State
4 Department budget. Traditionally, foreign assistance was
5 appropriated under what's known as foreign military financing
6 in State Department budget. Several years ago, Congress
7 started appropriating monies in the Defense budget. And so
8 the Ukraine Security Initiative is monies that are made
9 available in the Defense budget. And that is something that
10 was started maybe 3 years ago and has grown in scope. The
11 fiscal year 2019, which just concluded, it was \$250 million.

12 Q Are you generally familiar then with both USAI and
13 FMF?

14 A Generally familiar, but I did not ever have line
15 authority over security assistance in the way I had for a
16 rule of law and justice sector assistance.

17 Q And when you say "authority," do you mean both when
18 you were in Ukraine as well as in your current position?

19 A The way security assistance works, regardless of
20 what budget it is appropriated in, the monies are executed by
21 agents usually affiliated in the case of Ukraine with
22 European Command, and we have an Office of Defense
23 Cooperation in the Embassy. And the direction in how we
24 spend that money is usually determined in a joint military
25 commission between EUCOM and the Ukrainian general staff

1 administrative heads.

2 Q Are you generally familiar with the way in which,
3 the process by which USAI funds are released?

4 A Are you now talking about a budgetary process here
5 in Washington?

6 Q So, for example, does Ukraine need to meet certain
7 benchmarks before those funds can be released?

8 A The authorizers in Congress have put conditionality
9 for the last several years on the second half. So, for
10 instance, this past year, \$250 million, there was a
11 conditionality on the second \$125 million. In a previous
12 year, I don't know if it was the previous year -- I don't
13 know if it's the previous 2 years ago or the first year
14 3 years ago -- there was that conditionality, but the
15 appropriators did not appropriate as much money as the
16 authorizers authorized. So the conditionality did not kick
17 in. But, yes, generally the authorizers and appropriators
18 worked together to put conditionality on the monies in the
19 USAI.

20 Q And what was your involvement, if any, on
21 determining whether the conditionality had been met?

22 A The conditionality is set by the Office of the
23 Secretary of Defense. My counterpart, Laura Cooper, plays a
24 principal role in that, and the determination to Congress is
25 made by the Secretary of Defense.

1 Q And is there an interagency process that takes
2 place with regard to the release of the funds?

3 A Once the funds are in the hands of the U.S.
4 military -- and specifically, I believe, they are held with
5 the Defense Security and Cooperation Agency -- the State
6 Department does not have a role, no. On the front end,
7 discussing what might be appropriate conditions, there is a
8 discussion, but ultimately that is a process, and the
9 specific conditions, and whether they have been met, is
10 determined by the Office of Secretary of Defense.

11 Q What about with regard to FMF, how does that work?

12 A Foreign military financing, the State Department
13 has a greater role in determining what the policy goals are
14 and how that money would be applied, but that is also very
15 much a collaborative process. And, ultimately, the FMF is
16 also cut over to the U.S. military, specifically, the DSCA is
17 the executive military agent. We don't spend and implement
18 the programming the way that we would, say, for law
19 enforcement programming. It, again, is monies where we have
20 a greater policy role upfront and voice, but in the end, it's
21 executed by U.S. military components.

22 Q And what is your personal involvement in FMF then?

23 A I have frequent conversations with my counterpart,
24 Laura Cooper, not just about Ukraine. She covers more
25 countries, but there's a lot of assistance going to Georgia,

1 and so we have conversations about multiple countries, and we
2 also talk about the conditionality in Ukraine.

3 Q Did you attend any of the PCC or sub-PCC meetings
4 in July regarding security assistance for Ukraine?

5 A Yes.

6 Q Which ones did you attend?

7 A The first one where this issue came up was
8 July 18th. It was a sub-PCC, to the best of my recollection,
9 and the intended topic was [REDACTED]
10 [REDACTED].

11 Q Was there any discussion of the meeting at the
12 sub-PCC level on July 18th about any sort of freeze of the
13 security assistance to Ukraine?

14 A Yes.

15 Q Can you describe that discussion?

16 A It was described as a hold, not a freeze. There
17 was a representative of the Office of Management and Budget.
18 I was at the State Department in a security video conference,
19 I did not recognize the face. And I believe the individual
20 representing OMB at the time was not normally the person who
21 did. It was the summer vacation cycles. And he just stated
22 to the rest of the those participants, either in person or
23 video screens, that the head of the Office of Management and
24 Budget who was the acting chief of staff, Mick Mulvaney, at
25 the direction of the President had put a hold on all security

1 assistance to the Ukraine.

2 Q Mulvaney had put a hold at the direction of the
3 President. Is that what you heard?

4 A That is what the representative of the Office of
5 Management and Budget stated in the sub-PCC on July 18th,
6 yes.

7 Q Was there any discussion following that
8 announcement?

9 A There was great confusion among the rest of us
10 because we didn't understand why that had happened.

11 Q Did anyone ask at that sub-PCC meeting why that
12 happened?

13 A We did. And the individual said that he
14 apologized, that he normally did not deal with these issues,
15 but this was the message he was asked to convey and he
16 conveyed it.

17 Q And the individual being this gentleman from OMB?

18 A The representative from the OMB in that particular
19 meeting, yes.

20 Q Was that the end of that discussion on this topic?

21 A Yes.

22 Q On that day?

23 A Yes.

24 Q Did you have any internal discussions at the
25 Department of State on or about July 18th after this

1 pronouncement had been relayed to you?

2 A I did.

3 Q And who did you have those discussions with?

4 A Tyler Brace, our schedule C political appointee,
5 former staffer for Senator Portman, who understand budgetary
6 processes in great detail.

7 Q When did you have that conversation?

8 A I believe I had it subsequent to the sub-PCC, same
9 day.

10 Q And can you just describe what you talked about?

11 A We discussed what the significance of that was
12 because none of us could understand why. Since there was
13 unanimity that this was in our national interest, it just
14 surprised all of us.

15 Q When you say "unanimity" that it was in our
16 national interest, what do you mean by that?

17 A I believe that it is a factually correct statement
18 to say that there's broad support among both parties in
19 Congress, both Houses in Congress, and among the State
20 Department, the Defense Department, Joint Chiefs, and other
21 elements of the U.S. Government for the security assistance
22 programs.

23 Q Prior to this July 18th meeting, had you gotten any
24 sort of wind or idea that this aid would be frozen or held?

25 A No.

1 Q And it was your understanding on July 18th that all
2 conditions had been met?

3 A For?

4 Q To release funds.

5 A That was my understanding. You're talking about
6 the funds for USAI and the FMF fund?

7 Q Correct.

8 A That was my understanding, yes.

9 Q Has your understanding since changed?

10 A Well, eventually, the hold was released on
11 September 11th, and the funds were then apportioned by OMB to
12 the extent that it was possible to spend them by the end of
13 the fiscal year, yes.

14 Q So do you know anything that changed between
15 July 18th and when they were actually released in September?

16 A When you say what changed?

17 Q Any sort of conditions.

18 A In Ukraine?

19 Q Anywhere.

20 A My understanding of what happened after that date
21 was that Senior Director Tim Morrison started going up the
22 chain of the interagency process according to National
23 Security Presidential Memorandum 4, and that meant holding a
24 policy coordinating committee meeting, which he scheduled for
25 July 23rd, followed by a deputy small group meeting, which I

1 believe may have occurred on July 26th. And then Senior
2 Director Morrison was looking to schedule a principal small
3 group meeting that would involve the Secretary of State
4 personally, Secretary of Defense, and Ambassador Bolton so
5 they could discuss the issue and then take it to the
6 President.

7 Q Were you present for the PCC meeting on July 23rd?

8 A I believe I was, yes, as a back-bencher. I was not
9 the principal.

10 Q I should have asked you. On the 18th, did you take
11 any notes of that meeting?

12 A I did.

13 Q And are those among the notes that you provided to
14 the Department of State to produce to Congress?

15 A They should be. I photocopied quite a lot of
16 notes, but certainly the statement of conclusions should be
17 included, although now I'm thinking -- I'm not sure if
18 sub-PCCs have statement of conclusions. Those may be only
19 for PCC meetings. But to the extent I took notes on that
20 meeting, I would have included them, yes.

21 Q For July 23rd, you said were you a back-bencher at
22 the PCC meeting?

23 A Yes.

24 Q And was this topic of the hold of the Ukraine aid
25 discussed at that meeting?

1 A That was the purpose of the meeting.

2 Q What was discussed?

3 A To the best of my recollection, the conversation
4 was everybody going around the table and saying they
5 supported the lifting of the administrative hold so that the
6 State Department and the Office of Secretary of Defense,
7 Pentagon, could move forward. We were ending -- approaching
8 the end of the fiscal year, and I believe that Laura Cooper,
9 speaking on behalf of the Pentagon, indicated that the DOD
10 comptroller had determined that they needed to move forward
11 by August 6th in order to spend the money and meet Congress'
12 intent.

13 Q Was there any discussion of the legality or
14 illegality of the hold?

15 A There was discussion about the standing of OMB to
16 put an informal hold. Normally, the conversations with OMB
17 prior to notification to Congress is a courtesy, not
18 something required under law. And that is why the position
19 was expressed by Laura Cooper, to the best of my
20 recollection, that DOD counsel had determined that they would
21 move forward by August 6th regardless. And I recall Senior
22 Director Morrison suggesting that the State Department also
23 review its legal requirements and be prepared to have that
24 briefed at the next meeting, which he set 3 days later, as a
25 deputy small group meeting.

1 Q So, if OMB did not move forward by August 6th, what
2 would be the implication?

3 A Again, this is about an account that was not
4 appropriated to my department nor executed in my department,
5 so I would defer to my colleague, Laura Cooper. But to the
6 best of my recollection, what she said in that meeting was
7 that, according to DSCA, they may not be able to execute all
8 of the requirements by the end of the fiscal year. My
9 understanding is that USAI monies are 1-year monies. The
10 monies in the State Department FMF account are 2-year monies.

11 Q What did OMB say, if anything, in response to Laura
12 Cooper's --

13 A OMB's position was what it had been on the 18th,
14 that they were under the direction of their boss to put --
15 hold all security assistance to Ukraine.

16 Q Did they provide a reason?

17 A They said it was at the direction of the President.

18 Q Who was present for the July 23rd meeting?

19 A That would be a matter of record because that was a
20 PCC, and there's a statement of conclusions. And in the
21 statement of conclusions, on the first page, there's a
22 listing of all participants in the meeting.

23 Q Did you receive a copy of the statement of
24 conclusions for this meeting?

25 A I believe I did, and that would have been provided

1 to the document request.

2 Q Did OMB provide any reasoning beyond simply it was
3 at the direction of the President?

4 A Not to my recollection, no.

5 Q So they didn't describe why the President had
6 placed this hold?

7 A There was a lack of clarity.

8 Q What do you mean by that?

9 A The participants who up until that point had
10 thought that there was unanimity that this was in our
11 national interest did not receive an explanation for why this
12 particular action was taken.

13 Q Okay. So, to your knowledge, no one at the PCC
14 meeting on July 23rd knew why the President was making the
15 decision or at least they didn't express it at that meeting?

16 A I do not recall any coherent explanation, no.

17 Q Was there any explanation at all, coherent or
18 incoherent?

19 A OMB placed a hold on a process that --
20 traditionally, that is the office that has a voice on how the
21 executive branch spends money.

22 Q Was that unusual, in your experience?

23 A According to, in my conversation with Tyler Brace,
24 who again has worked here as a staffer, the previous cycle,
25 OMB head, Acting Chief of Staff Mulvaney, had attempted a

1 rescission at the end of the year, and indeed the next week,
2 at the beginning of August, he sent out a data call with the
3 intent potentially to execute a rescission involving billions
4 of dollars of assistance worldwide, not just Ukraine.

5 Q Okay. So, in your experience, though, was this
6 unusual?

7 A I had read about Mr. Mulvaney's attempt to push a
8 rescission at the end of the last fiscal year. My
9 understanding was that Secretary Pompeo protested vigorously,
10 and the effort to have a rescission was then suspended.

11 And, ultimately, the same thing happened this year, this
12 overall greater effort to have a rescission held up the
13 process for much of August, but it was also lifted, and that
14 left us with just the hold on Ukraine assistance.

15 Q The Ukraine assistance that you just mentioned, is
16 that FMF, or is that the USAI?

17 A It affected both accounts, the Department of
18 Defense \$250 million, and the \$141 million under FMF.

19 Q Okay. And you said that that was still being held
20 in August?

21 A That hold, the OMB-directed hold, was lifted on
22 September 11th.

23 Q What happened at the July 26th deputies' meeting?

24 A I did not participate in that meeting. Under
25 Secretary Hale represented the State Department, and I cannot

1 recall the exact outcome. That would also be documented in
2 the document call, but it did not change the ultimate
3 situation.

4 Q Did you see a readout of that particular meeting?

5 A I did.

6 Q And is it in a similar form as the statement of
7 conclusions?

8 A To the best of my knowledge, yes.

9 Q And what do you recall from that readout?

10 A The main takeaway for me was that Senior Director
11 Morrison was trying to find out when Secretary of State
12 Pompeo and the Secretary of Defense would both be in
13 Washington so they could have an in-person principal small
14 group meeting to discuss the same issue and then take it to
15 the President.

16 Q Was there any discussion at the July 26th deputies'
17 committee meeting about the reasons for the hold?

18 A I honestly cannot recall if there was any detail.
19 The bottom line was the hold remained, and we needed a
20 principal small group to carry the process forward.

21 Q But it's your understanding at the July 26th
22 meeting that, again, there was unanimous support to release
23 the funds to lift the hold. Is that right?

24 A With the exception of OMB, yes.

25 Q Then you mentioned that there was planning to have

1 a meeting on July 31st. Did that meeting actually take
2 place?

3 A I didn't say that, but I believe that may have been
4 one of the dates that Senior Director Morrison was attempting
5 to schedule a principal small group meeting.

6 Q Was there a principals meeting at any point?

7 A To the best of my knowledge, because of the travel
8 schedules of the two Secretaries, no.

9 Q So what happened next, as far as you know, with
10 regard to the lifting of this hold?

11 A I am aware that many Senators, particularly from
12 the Republican side, who had traveled to Ukraine from the
13 relevant committees, called and talked to the President. I'm
14 aware that -- I saw an email that Senator Inhofe had had
15 about a 20-minute conversation. He had visited twice when I
16 was in Ukraine because Oklahoma National Guard was doing
17 training at the main training base. Senator Portman called,
18 including the day it was lifted. And my understanding is
19 that Senate Majority Leader McConnell also called.

20 Q Was there any discussions at State between July
21 31st and when the funds were actually released about the
22 freeze that you partook in?

23 A The State Department was concerned. Obviously, we
24 wanted to get the hold lifted so that we could get the money
25 apportioned by OMB and then obligated. And so we were -- at

1 the direction of Senior Director Morrison, exploring what was
2 the absolute minimum amount of time that would be necessary
3 to obligate the money once the hold was lifted. So we were
4 preparing for a decision so that we could ensure that the
5 money could be obligated before the end of the fiscal year.

6 Q When was the first time that you heard that the
7 security assistance might somehow we be linked to this White
8 House visit or investigations conducted by Ukraine?

9 A Because everyone was unclear why this had happened,
10 I think, in the vacuum of a clear explanation, people started
11 speculating. So there was a coincidence of timing, but as I
12 referenced earlier in the communication with Charge Taylor,
13 he indicated to me that, in his communications with both
14 Senior Director Morrison and Ambassador Sondland, and this
15 would have been the weekend of the 7th and 8th of September,
16 that both of them insisted that there was not a direct link.

17 Q And that was based on what?

18 A This was a conveyed conversation. That was their
19 assertions. According to Charge Taylor, separately, Senior
20 Director Morrison, with whom he had a conversation on the 7th
21 of September, and Ambassador Sondland, with whom he had a
22 conversation on the 8th of September, had asserted that the
23 two were not directly linked.

24 Q And how do they know?

25 A I cannot answer for them. That would be the

1 question to direct to Senior Director Morrison and Ambassador
2 Sondland.

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1 [6:44 p.m.]

2 BY MR. MITCHELL:

3 Q They didn't provide any information as to their
4 source?

5 A I was not part of that conversation. I was having
6 a conversation with Charge Taylor.

7 Q And this conversation with Charge Taylor, was that
8 over WhatsApp or was that in person or --

9 A That was a part of our regularly scheduled Monday
10 secure calls, video conferences. And that part of the
11 conversation we ask all of our staff to leave, so it is just
12 one on one in a secure communication.

13 Q Okay. And what else did Charge Taylor tell you
14 about these conversations that he had had?

15 A I recounted to the best of my knowledge what those
16 conversations were. That was Senior Director Morrison
17 talking about his concern that Rudy Giuliani had had another
18 conversation with the President, as well as what Sondland
19 relayed Rudy to be his interaction.

20 Q And did you memorialize that conversation that you
21 had had?

22 A Yes. That was part of a note to the file which I
23 provided to the document collection process.

24 Q Did you talk to anyone else at the Department of
25 State about what Charge Taylor told you?

1 A I believe I shared my concerns with my colleagues
2 in the European front office. That would be the ones
3 immediately near my office. Included Deputy Assistant
4 Secretary Michael Murphy, who oversees our relations with the
5 Baltics and Nordics and NATO. And for large stretches of
6 time earlier in 2019 it was our senior Bureau official and
7 also the deputy assistant secretary, [REDACTED], who
8 oversees our relations with Western Europe, and that includes
9 relations with Ambassador Sondland and the mission he leads
10 in Brussels.

11 Q When you said you shared concerns, what do you mean
12 by that?

13 A I shared the -- I shared the sense that I had heard
14 from Charge Taylor that Ambassador Sondland was engaged in
15 the types of conversations that he was engaged in on Ukraine
16 even though that was not part of his portfolio as our
17 ambassador to the European Union.

18 Q And again, was this a conversation that you had
19 with Deputy Assistant Secretary Murphy and Fisher in writing
20 or in person?

21 A Their offices are between 5 and 10 feet away from
22 my office and so I -- this was a direct conversation in their
23 office.

24 Q And what was their reaction?

25 A They were aware of the challenge of dealing with

1 Ambassador Sondland who has a, I would say, track record of
2 freelancing, would be one way of putting it, but working on
3 issues other than the reason why he was sent to Brussels to
4 work our relationship with the European Union.

5 Q Did they indicate that they would try do anything
6 about it?

7 A I don't think there is anybody at the level of
8 deputy assistant secretary of state who can do anything about
9 what Gordon Sondland chooses to do.

10 Q Do you know when they escalated the issue?

11 A I do not.

12 Q At any point were you given a reason why the hold
13 was put in place?

14 A Not that I recall. Well, I believe, at least in
15 relation to the USAI, there were some concerns expressed in
16 the Pentagon, Office of Secretary of Defense, did a review
17 and responded that they felt that the conditions and concerns
18 that we had had been met and that the programming should go
19 forward. But that was a specific review about USAI, which is
20 not State Department controlled, and so that was an issue
21 between the Pentagon and I guess the White House and NSC.

22 Q Do you know whether a similar review was conducted
23 with regard to FMF?

24 A We were not asked for a similar review. The media
25 coverage was focused on the 250 million of USAI. If you look

1 at those articles at the time they were not mentioning \$391
2 million, which would have been the total FMF plus USAI.

3 Q Do you know whether a similar review of FMF has
4 since been conducted?

5 A The hold was lifted on September 11th and we moved
6 forward with notifying Congress and ensuring the funds were
7 obligated before the end of the fiscal year. We were not
8 asked and we proceeded with what we needed to do in order to
9 obligate the funds as to meet the congressional intent in
10 appropriating them.

11 Q Okay. So to the best of your knowledge, you have
12 no knowledge of any plan to conduct any such review?

13 A We did not see it necessary nor were we asked to do
14 so.

15 Q All right. Now, when you were in Ukraine, Ukraine
16 was receiving USAI and FMF funds at the time, correct?

17 A They were receiving FMF, yes, and I believe the
18 start of USAI was while I was there. I do not recall
19 specifically which fiscal year USAI funds started to be
20 appropriated.

21 Q Okay. So based on your experience in Ukraine, as
22 well as your experience here in Washington, D.C., how
23 important are these funding programs for Ukraine security?

24 A I would assess that they are critically important.
25 The Ukrainian defense establishment was unprepared to fight a

1 war with Russia when Russia began its war in 2014. And
2 therefore, the training that we do, which is probably the
3 most valuable in training Ukrainians to fight, as well as the
4 equipping that we do, have been critical to the success of
5 the Ukrainian armed forces in defending their country.

6 At the same time I would say that we probably derive
7 more benefit from the relationship than the Ukrainians do.

8 Q How so?

9 A That would be something to discuss in a classified
10 manner, particularly with my colleagues from the defense and
11 intel agencies.

12 Q But suffice to say that it was in both Ukraine's
13 national interests as well as the United States' national
14 interest that these funds be released to the Ukraine?

15 A Very much so.

16 Q And that's true not just for the time period that
17 you were in Ukraine but also for 2019 when you were back here
18 in D.C.?

19 A Correct.

20 Q Have you had any conversations with anyone about
21 what the Ukrainians' perspective was on the freeze?

22 A They were confused, to the best of my
23 understanding.

24 Q Okay. And how did you get that understanding?

25 A Charge Taylor was in Ukraine trying to figure out

1 how to explain what went on. My most recent trip to Ukraine,
2 I arrived on September 11th. Fortunately that was the day
3 that the hold was lifted. So by the time I started engaging
4 Ukrainians in person, it was a good news story.

5 Q Had you prepared to answer their questions about
6 the hold?

7 A I was prepared for the possibility that it would
8 not be lifted and therefore the conversations would be very
9 difficult and I would not be able to provide an adequate
10 understanding or answer.

11 Q Did you try to get an adequate understanding or
12 answer prior to your trip?

13 A Fortunately, I didn't have to worry about that
14 hypothetical because it was resolved essentially as I arrived
15 in Ukraine.

16 Q Right. But prior to you arriving in Ukraine did
17 you attempt to find out why the hold was in place so that you
18 could actually have a meaningful conversation with the
19 Ukrainians about this issue?

20 A We -- it was very clear that this issue was only
21 going to be resolved the very highest level, and that's why
22 Tim Morrison wanted to have Secretary Pompeo and SecDef Esper
23 in the same place at the same time to have that conversation.

24 That was the level at which the conversation needed to
25 happen. It didn't matter what the deputy assistant secretary

1 or an assistant secretary or an under secretary or a deputy
2 secretary thought.

3 Q Okay. To the best of your knowledge, did that
4 meeting happen?

5 A To the best of my knowledge, there was never a
6 principal small group meeting on this issue.

7 Q What did Taylor, Charge Taylor, say to you about
8 his conversations with Ukrainians about the hold?

9 A I honestly don't recall in detail. I think it was
10 clear starting, if not from July 18th, certainly from July
11 23rd, that this was an issue that had to be resolved in
12 Washington, and it was a tough nut for everyone to crack
13 without a lot of clarity.

14 Q It was your understanding at the time, though, that
15 the issue had to be resolved at the principals level?

16 A Once we cleared the deputy small group meeting,
17 which I believe was July 26th, it was clear it had to be
18 resolved at a principals level and above. And so that was
19 clear I think to everyone after July 26th.

20 Q Okay. And when you say above, you mean
21 specifically the President of the United States?

22 A Well, the principal small group, members of the
23 Cabinet, who then could take the issue to the President.

24 Q And again there was never a PCC as far as you know?

25 A There was a PCC on July 23rd. So in the sort of

1 climbing the ladder we started with a sub-PCC on the 18th.
2 There was a policy coordinating committee on the 23rd. There
3 was a deputy small group on the 26th. And there was an
4 attempt to schedule but lack of principals subsequent. That
5 was Tim Morrison driving the interagency policy review
6 process in the way it was intended.

7 Q So to the best of your knowledge, this issue
8 ultimately was not resolved by the principals, it was
9 resolved by the President?

10 A Correct.

11 Q You testified earlier about August 15th and August
12 16th. At the time did you think that the aid might in any
13 way be linked to the investigations that were being pushed by
14 Mr. Giuliani or that were discussed by the President in the
15 July 25th call?

16 A I personally did not associate them, no.

17 Q Has your thinking changed in any way since then?

18 A This is a personal opinion. It strikes me that the
19 association was a meeting with the White House, at the White
20 House, not related to the security assistance. But again,
21 that's just my personal opinion, other people may have
22 different opinions.

23 Q What was Charge Taylor's opinion?

24 A I think there is the WhatsApp exchange where he
25 expressed concerns that it might be linked.

1 Q But what did he tell you?

2 A I don't recall having a conversation where he
3 expressed the same opinion to me that he shared in the
4 WhatsApp messages that apparently were leaked, but in any
5 case were handed over by former Special Representative
6 Volker.

7 He did in one conversation with me share a conversation
8 he had with Ambassador Sondland in which Ambassador Sondland,
9 who had told him that there was no quid pro quo with the
10 security assistance, said, on the other hand, you know, the
11 President's a businessman and if you're going to sign a check
12 for \$250 million why not ask somebody for something.

13 Now, that was sort of an informal comment that
14 Ambassador Sondland made to Ambassador -- to Charge Taylor
15 and that he conveyed to me. But the same person, Ambassador
16 Sondland, said there was no quid pro quo on security
17 assistance.

18 Q When did Charge Taylor relay this conversation that
19 he had had with Ambassador Sondland?

20 A I cannot recall if it was in our secure conference
21 call that I described on September 9th or, since I then flew
22 to Ukraine and stayed with him over that weekend, whether he
23 may have shared that with me in person. But I believe I did
24 write that note up and share it with the records. So it's
25 part of the records that were collected by the State

1 Department.

2 Q And the Ukraine trip was on or about September
3 11th?

4 A I arrived in Ukraine on September 11th, that's
5 correct.

6 Q What did you do with the -- this memo that you
7 wrote up on or about the 9th of September or 11th of
8 September?

9 A I added it to the note on file that I had initially
10 written on the 16th of August and then subsequently amended
11 it with the conversations I had with Charge Taylor in person
12 in Ukraine.

13 Q And who did you give that memo to?

14 A It was a note to the file, so it stayed as a note
15 to the file until I submitted it to the document collection
16 when those were requested.

17 Q Okay. When you say to the document collection,
18 you're talking about -- were you referring to the subpoena?

19 A I am referring to the subpoena.

20 Q Okay. So you didn't specifically give this memo to
21 Deputy Assistant Secretary Murphy, for example?

22 A To the best of my recollection, when I returned
23 from Kyiv I wrote the note to the file and I orally briefed
24 Deputy Assistant Secretary Murphy, Deputy Assistant Secretary
25 Fisher, and Acting Assistant Secretary Reeker.

1 Q It is a different brief than the ones we were
2 talking about earlier?

3 A Correct. The previous time when I talked -- yes,
4 because this is sequential. So I had two conversations with
5 two individuals on the 15th and 16th of August. That was the
6 first time I wrote a note to a file. I had subsequent
7 conversations with Ambassador -- Charge Taylor on the 9th of
8 September, another note to the file. And then travel to
9 Ukraine, conversations there, return, note to the file, oral
10 brief.

11 Q Okay. And the oral briefing was with Fisher,
12 Reeker, and Murphy?

13 A To the best of my knowledge, yes, but I did -- I
14 know that I included in my note to the file the officials
15 whom I briefed orally. So I wrote it up and then I briefed
16 and I added that as a note in the file that I -- precisely
17 whom I had oral briefed.

18 Q Was this one oral briefing or multiple oral
19 briefings?

20 A It was -- it would have been sequential because
21 those are three different individuals. And so two of them,
22 again, offices are collocated with mine, then Acting
23 Assistant Secretary Reeker's office is across the hall.

24 Q And what were their reactions?

25 A At this point it was clear the nature of the

1 interactions that Special Representative Volker and
2 Ambassador Sondland were having, so it was more confirmation
3 of the conversations that had been clearly ongoing between
4 Ambassador Sondland and Ambassador Volker with Ukrainians.

5 Q And do you recall what Reeker's reaction was
6 specifically?

7 A I do not recall precisely. I think they were all
8 concerned.

9 Q Did they commit to doing anything about this?

10 A Not that I recall.

11 Q Did they say that they were going to escalate the
12 issue?

13 A I do not recall.

14 Q You testified earlier this afternoon about a
15 conversation that you had with Charge Taylor about Zelenskyy
16 making some sort of TV interview or address, public address.

17 A I mentioned what Ambassador Sondland had told
18 Charge Taylor and that he conveyed to me, yes.

19 Q Okay. And when did Charge Taylor have that
20 conversation with you?

21 A I believe that's what I conveyed to you regarding
22 the conversation I had with Charge Taylor on the 9th of
23 September, referencing his conversation with Ambassador
24 Sondland that occurred on the 8th of September.

25 Q Did you have any further conversations with Charge

1 Taylor about this topic after September 11th, I guess it was?

2 A Yes.

3 Q And when was the next conversation?

4 A The next conversation would have happened at the
5 breakfast table Sunday morning, which I believe was September
6 15th.

7 Q And where were you at that time?

8 A I was his house guest in the ambassador's residence
9 in Kyiv.

10 Q Okay. Can you describe -- who else was at that --

11 A That was just Ambassador Taylor and me. He went
12 out for a run, and I went down to breakfast, and we met and
13 talked 7:30 in the morning more or less.

14 Q What did you talk about?

15 A We talked about the meeting that ambassador --
16 Charge Taylor and Special Representative Volker had had the
17 night before with Andriy Yermak, the close personal aide of
18 President Zelenskyy.

19 Q And what were you told?

20 A Well, that meeting was the one meeting on Kurt's
21 schedule in Ukraine that he felt uncomfortable with me
22 joining. He said that it was because of numbers. It was not
23 clear whether it would be just Yermak or whether he would
24 also bring a gentleman named Novokov (ph), whom I have not
25 met, and who is responsible for U.S. relations in the

1 Presidential office.

2 Kurt said he felt that having three Americans on one
3 Ukraine was too much, and he said if there were a second
4 Ukrainian I could come. I decided not to push it since we
5 were involved in another event, as well as anticipating that
6 there was going to be an awkward conversation, which there
7 was. And Charge Taylor provided me the details of that
8 conversation over breakfast.

9 Q Which were?

10 A Well, besides -- the main part of the conversation
11 was about negotiations with the Russians, and I won't mention
12 that and that's not germane.

13 But the more awkward part of the conversation came when
14 Special Representative Volker made the point that the
15 Ukrainians, who had opened their authorities under Zelenskyy,
16 had opened investigations of former President Poroshenko, he
17 didn't think that was appropriate.

18 And then Andriy Yermak said: What? You mean the type
19 of investigations you're pushing for us to do on Biden and
20 Clinton?

21 And at that point Kurt Volker did not respond.

22 Later on in the conversation, when it came to the
23 potential for Zelenskyy and President Trump to meet,
24 according to Charge Taylor, Special Representative Volker
25 said: And it's important that President Zelenskyy give the

1 messages that we discussed before.

2 And Charge Taylor told me that he then said: Don't do
3 that.

4 Q Who said don't do that?

5 A Charge Taylor.

6 Q So Taylor was concerned about the way in which this
7 conversation took place?

8 A My understanding is that he was concerned. And
9 when Kurt made a suggestion that Charge Taylor felt was
10 inappropriate he weighed in with his own personal opinion,
11 which that was not appropriate.

12 Q And Volker was directly linking the White House
13 meeting and the investigations that were being pushed by the
14 President. Is that correct?

15 A It was an elliptical readout that -- by the readout
16 that I heard from Charge Volker -- sorry, Charge Taylor --
17 that Kurt, Special Representative Volker, was referring to
18 prior conversations that he had with Yermak and prior advice,
19 meaning you should deliver the messages as we've discussed
20 before.

21 Q Do you know what those messages were?

22 A This goes back to the signaling for a public
23 appearance. The hoped-for interview with CNN with Zelenskyy
24 did not happen during the conference. Fareed Zakaria was one
25 of the hosts, but there was no special interview. So there

1 was discussion that President Zelenskyy would have an
2 interview with CNN the week of the U.N. General Assembly
3 leaders meetings, which was the week of September 23rd to
4 27th.

5 Q And the message that Mr. Volker wanted President
6 Zelenskyy to provide during the CNN interview was what?

7 A That Zelenskyy should message that -- his
8 willingness to open investigations in the two areas of
9 interest to the President and that had been pushed previously
10 by Rudy Giuliani.

11 MR. MITCHELL: I think my time is up at this point.

12 MR. GOLDMAN: Yield to the minority.

13 MR. CASTOR: We don't have any questions at this point.
14 We might subsequently.

15 MR. GOLDMAN: I think we're almost finished. So we'll
16 take it back for a few minutes.

17 MR. CASTOR: Thank you.

18 MR. GOLDMAN: And then give you an opportunity at the
19 end.

20 MR. CASTOR: Okay.

21 MR. GOLDMAN: Okay?

22 We are nearing the end. Just 1 second.

23 [Discussion off the record.]

24 BY MR. GOLDMAN:

25 Q A few wrap-up questions here.

1 That breakfast meeting that you had on September 15th
2 that we were just discussing, did you memorialize that as
3 well?

4 A I wrote that to note to file when I returned to the
5 U.S., yes.

6 Q When you get back to the U.S.?

7 A Subsequent to Ukraine, I went to Belarus, where I
8 was in Belarus for 2 days, including the three-quarter day
9 visit of Under Secretary Hale.

10 And then after that I went to Lithuania to outbrief our
11 Lithuanian allies about the advances in the U.S.-Belarus
12 relationship, because we -- Under Secretary Hale announced
13 that we were going to return an ambassador to Belarus, which
14 we have not had since 2008.

15 So I returned to the U.S. in the evening of the 19th of
16 September, I was in the office on Friday, the 20th, and then
17 took a train up first thing Monday morning to be in New York
18 for the U.N. General Assembly meetings.

19 Q Were there any conversations that week on the -- in
20 the U.N. General Assembly week -- that you were aware of or
21 were present for or that related to these investigations into
22 Biden in 2016 that we've been discussing?

23 A No.

24 Q You had neither had any nor heard of any?

25 A I was not involved in any meetings, no -- of that

1 nature, no. It was very much focused on the intense
2 engagement of many foreign leaders who were there at that
3 time.

4 Q Because you said that as of September 15th there
5 was still a hope, for example, that President Zelenskyy would
6 give an interview with CNN when he was in New York for the
7 General Assembly and specifically mention those
8 investigations, right?

9 A That was my understanding of what Ambassador Volker
10 and Ambassador Sondland were requesting of the Ukrainians,
11 yes.

12 Q But you don't know whether anything came of that?

13 A To the best of my knowledge, President Zelenskyy
14 did not give an interview to CNN while in New York with that
15 sort of messaging, no.

16 Q Did you have any meetings with any Ukrainians
17 officials during that September 11th to 15th timeframe
18 yourself where they expressed -- where they discussed these
19 investigations at all?

20 A The only meeting that I was a part of where this
21 came up obliquely was with the foreign minister, Vadym
22 Prystaiko. And that was a meeting with Kurt Volker, Charge
23 Taylor, and myself in which the foreign minister said: You
24 guys are sending us different messages in different channels.

25 Q And what did you understand that to mean?

1 A Well, in that meeting all three of us, Kurt Volker,
2 Charge Taylor, and I, all reiterated that it would not be
3 appropriate for the Ukrainians to engage in any activity that
4 could be construed as interfering in the U.S. election.

5 Q And so what was the conflicting message that they
6 were receiving?

7 A Well, I would suggest that what was said later on
8 that night, in the meeting I was not a part of, to Andriy
9 Yermak was the conflicting message. And as I recounted,
10 there were two messages, there was what Ambassador Volker
11 said and what Charge Taylor said, and those themselves were
12 conflicting messages.

13 Q Because -- just to be clear -- because Ambassador
14 Volker was saying not to investigate Poroshenko?

15 A No. Ambassador Volker suggested that Andriy Yermak
16 should ensure that the agreed-upon messaging was delivered by
17 President Zelenskyy. And Charge Taylor said: Don't do that.

18 Q I see.

19 You made some reference to Yermak responding to
20 something that either Ambassador Volker or Charge Taylor said
21 about Poroshenko a few minutes ago.

22 A Yes.

23 Q Explain that conversation again. I didn't quite
24 catch the whole thing.

25 A So this was -- again, I did not go into detail

1 about the bulk of the conversation because that was about
2 negotiating tactics vis-à-vis the Russians.

3 As the conversation was moving away from that into a new
4 set of issues, according to Charge Taylor, based on his
5 notes, I didn't participate in the meeting, one of the issues
6 that Kurt wrote -- raised -- was the fact that there were a
7 series of investigations being opened by Ukrainian
8 authorities against former President Poroshenko. And Kurt
9 advised Yermak that was not a wise way forward for the
10 country.

11 Q And what did -- how did Yermak respond, according
12 to Charge Taylor?

13 A According to Charge Taylor, his response was: Oh,
14 you mean the types of investigations you're asking us to open
15 against Clinton and Biden?

16 Q And it would seem that as someone who was
17 responsible for anticorruption efforts that that's exactly
18 the message that you would be concerned about on this. Is
19 that accurate?

20 A As I've stated here previously, it's my belief that
21 it is inappropriate for us to ask another country to open up
22 an investigation against political opponents, whether it is
23 political opponents domestically in the U.S. context or, in
24 the case of countries like Ukraine or Georgia, opening up
25 selective prosecutions against perceived opponents of those

1 in power.

2 Q And did you think it was appropriate for Vice
3 President Biden to condition the release of the loan
4 guarantees on the firing of Prosecutor General Shokin?

5 A Prosecutor General Shokin was an impediment to the
6 reform of the prosecutorial system, and he had directly
7 undermined in repeated fashion U.S. efforts and U.S.
8 assistance programs.

9 And so, because we had a strategic interest in seeing
10 the Ukrainian prosecutor system reformed, and because we have
11 a fiduciary responsibility for U.S. taxpayer dollars, it was
12 the consensus view that Shokin needed to be removed so that
13 the stated goal of reform of the prosecutor general system
14 could move forward.

15 Q And so when you mentioned that that connection was
16 a quid pro quo, you're not saying that that was an improper
17 quid pro quo?

18 A I didn't say that it was a quid pro quo, but it is
19 the case that both the IMF and the U.S. Government do use
20 conditionality for assistance, whether it is macroeconomic
21 assistance provided by the IMF or, in the case of our
22 sovereign loan guarantees, we put conditionality that related
23 to management of the gas system, meeting macroeconomic
24 stability goals proposed by the IMF, social safety nets, and
25 issues related to anticorruption. And that involved the

1 National Anticorruption Prevention Council, the National
2 Anti-Corruption Bureau, as well as the prosecutor general's
3 office.

4 MR. GOLDMAN: Okay. Mr. Malinowski has a few questions.

5 MR. MALINOWSKI: Thank you.

6 MR. GOLDMAN: One thing.

7 And just to be clear, what Vice President Biden was
8 doing was very fundamentally different than any advocacy for
9 a politically oriented investigation. Is that your
10 assessment?

11 MR. KENT: The request for the dismissal of Shokin was
12 related directly to him, to his actions in the diamond
13 prosecutors case, in his undermining of our assistance to
14 Ukraine.

15 MR. GOLDMAN: And that's distinct from your concerns
16 that you've raised today about advocacy for an investigation
17 into Biden or the 2016 election?

18 MR. KENT: That's how I would look at the two issues, as
19 distinct, yes.

20 MR. MALINOWSKI: The distinction is between
21 conditionality to advance the national interest and
22 conditionality to advance a personal interest.

23 MR. KENT: One might say national interest versus
24 partisan interest, yes.

25 MR. MALINOWSKI: I just have a couple of other subjects

1 that I wanted to ask you about. And thank you so much for
2 your patience and precision today and for the integrity that
3 you have shown in every part of your career, Mr. Kent.

4 You mentioned at one point a conversation with Fiona
5 Hill in which she had relayed to you that the President had
6 had phone conversations with Viktor Orban, the Prime Minister
7 of Hungary, and Putin in which she told you that they had
8 both, I think you said, talked down Ukraine to the President.

9 Can you say a little bit more about that? What do you
10 recall of that?

11 MR. KENT: Well, to the best of my recollection, Fiona
12 gave me a readout of both conversations at the same time. It
13 was a phone call with President Putin on or about May 3rd.
14 It was a meeting at the White House, so it was an in-person
15 meeting on or about May 13th. The President's engagement of
16 Orban included a 1-hour one-on-one, and then subsequently the
17 Hungarian foreign minister, Szijjarto, and Ambassador Bolton
18 joined.

19 MR. MALINOWSKI: In your judgement, what motivation
20 would Orban and Putin have had to try to talk down Ukraine,
21 Zelenskyy, to President Trump?

22 MR. KENT: Well, Putin's motivation is very clear. He
23 denies the existence of Ukraine as a nation and a country, as
24 he told President Bush in Bucharest in 2008. He invaded and
25 occupied 7 percent of Ukraine's territory and he's led to the

1 death of 13,000 Ukrainians on Ukrainian territory since 2014
2 as a result of aggression. So that's his agenda, the agenda
3 of creating a greater Russia and ensuring that Ukraine does
4 not survive independently.

5 Viktor Orban's beef with Ukraine is derived in part to
6 his vision, in my opinion, of a greater Hungary. And there
7 are about 130,000 ethnic Hungarians who live in the trans-
8 Carpathian province of Ukraine.

9 And ahead of next year, which is the 100th anniversary
10 of the Treaty of Trianon, post-World War I, which resulted in
11 more ethnic Hungarians living outside Hungary than inside,
12 this issue of greater Hungary is at the top of Orban's
13 agenda.

14 And so he has picked this particular issue and, for
15 instance, blocked all meetings in NATO with Ukraine at the
16 ministerial level or above because of this particular issue.
17 So his animus towards Ukraine is well-known, documented, and
18 has lasted now 2 years.

19 MR. MALINOWSKI: So both of these leaders would have an
20 interest in the United States and the President of the United
21 States ending or diminishing our support for an independent
22 Ukraine?

23 MR. KENT: I would say that that's Putin's position. I
24 think Orban is just happy to jam Ukraine.

25 MR. MALINOWSKI: Okay. All right, okay.

1 And then finally on the broader corruption issue. You
2 know Ukraine extremely well. You were also responsible for
3 anticorruption efforts in EUR for some time.

4 Imagine that the President of the United States were to
5 call you in, President Trump, his predecessor, and that he
6 said: George, look, I really, really believe this is a
7 fundamental issue for the United States in Ukraine. The
8 corruption is the obstacle to the transformation to this
9 country that we seek. And I am prepared to use some leverage
10 to do something about corruption in Ukraine, maybe even hold
11 up a meeting, maybe even condition some assistance on the
12 Ukrainians really taking this seriously. George, what would
13 be the three or four or five top things we should be
14 demanding, we should be asking the Ukrainians to do if we
15 really wanted to get serious on this issue, what would be --
16 what would you say, what would be on your list?

17 MR. KENT: I think for Ukraine as well as other
18 countries that have never prosecuted any large-scale crook,
19 putting one of the big fish, so-called big fish in jail would
20 be a great start as a signal that there isn't impunity. And
21 that's, again, not unique to Ukraine. I think that's the
22 biggest one.

23 I think demonstrating that there's integrity in the
24 prosecutor general's office is absolutely critical,
25 particularly for post-Soviet countries. There were two

1 institutions that were the instruments of oppression in the
2 Soviet Union. It was the prosecutor's office and the KGB or
3 the secret police. And those two institutions in many of
4 these countries are fundamentally still not reformed 28 years
5 later.

6 So if you want to see the successful transformation of
7 any of the post-Soviet countries, reform of the security
8 service in Ukraine, that's known as the SBU (ph), and reform
9 of the prosecutor general's office are the fundamental keys
10 to transforming the country.

11 MR. MALINOWSKI: And some of these might require
12 legislative changes, legal reforms?

13 MR. KENT: Yes.

14 MR. MALINOWSKI: More than just go after this person or
15 that person?

16 MR. KENT: Yes.

17 MR. MALINOWSKI: To your knowledge, then -- well, let me
18 ask you, if that is going to be your policy, if you're going
19 to condition something that a country wants in exchange for
20 that country doing something that we want in our national
21 interest, it's logical that we would then tell that country,
22 here are the things that we want you to do if you want to get
23 your meeting, if you want to get your aid, or whatever it is
24 worth conditioning, correct?

25 MR. KENT: Correct.

1 MR. MALINOWSKI: Okay. To your knowledge, did any of
2 the so-called "three amigos," if we can call them that, ever
3 in their engagements with the Ukrainian authorities,
4 especially in conversations around getting this meeting with
5 the President or perhaps getting the aid restored, ever urge
6 the Ukrainians to pursue those deeper anticorruption
7 measures, reforms that you just referred to?

8 MR. KENT: What I referred to is strategic and
9 institutional, and what they were working on was tactical.
10 And that was what it would take to send a message to send a
11 meeting.

12 MR. MALINOWSKI: And it wasn't reform the security
13 services, it was not reform the prosecutor's office, it was
14 one investigation -- well, two investigations, 2016 and the
15 Biden --

16 MR. KENT: Signal of intent to open an investigation.

17 MR. MALINOWSKI: Which is not anticorruption.

18 MR. KENT: In and of it itself is not anticorruption,
19 no.

20 MR. MALINOWSKI: It is basically selective prosecution
21 or investigation.

22 MR. KENT: That was the phrase I used, yes.

23 MR. MALINOWSKI: And you've worked in and around a lot
24 of dictatorships in your life, Uzbekistan, Thailand now, you
25 know, not Ukraine, but certainly a country struggling to

1 build democracy. Is it not a very common feature of
2 authoritarian or semi-authoritarian regimes that they
3 selectively prosecute people for corruption for political
4 purposes?

5 MR. KENT: Unfortunately that is the case, yes.

6 MR. MALINOWSKI: The people who you know in Ukraine who
7 are dedicated to fighting corruption, the activists, the
8 reformers, and who saw the United States of America as a
9 champion of their cause, do they see the United States of
10 America as a champion of their cause today?

11 MR. KENT: I still believe they count on the U.S. as
12 their best hope to get through very difficult times, yes.

13 MR. MALINOWSKI: Thank you.

14 MR. GOLDMAN: Before I go to Chairman Engel, I just have
15 two quick questions for you.

16 BY MR. GOLDMAN:

17 Q Are you familiar with someone by the name of Sam
18 Kislin or Semeon (ph) Kislin?

19 A I am familiar with the name only recently and only
20 based on what I've read.

21 Q You have no individual or other than press reports
22 you're not aware of this individual?

23 A Correct.

24 Q And you, much earlier today, I think you were
25 describing what may have been a conversation that you had

1 with former Ambassador Yovanovitch about the July 25th call.

2 A Right.

3 Q And I think you said that you may have discussed
4 some aspects of it and that you don't recall what her
5 response was. Is that accurate?

6 A To the best of my recollection. And if there is
7 other information that people want to provide context to try
8 to trigger additional information, I'm open to that.

9 Q So you -- it appears to us at least as if, A, you
10 took a lot of notes about these events, and, B, you may have
11 reviewed them prior to coming here today to testify. Is
12 that --

13 A That's accurate. I would not have -- no, I did not
14 review them before coming to testify. In order for the
15 Department to respond to the subpoena for document
16 collections I went through my notebooks to find any notes
17 from meetings that would be responsive to those -- that
18 document request. That's why I reviewed them, as
19 information.

20 Q Did you have any notes from your discussion with
21 Ambassador Yovanovitch about the July 25th call?

22 A I did not and would not because that would have
23 happened informally, not in the office.

24 Q So if she has a different recollection as to what
25 you guys discussed, do you think that that --

1 A That's possible. She could have been much more
2 specific about a conversation we had and the issues we've
3 been discussing. My timeline starts several years earlier
4 than hers. So I do not rule that out.

5 MR. GOLDMAN: Okay.

6 Chairman Engel, would you like to?

7 MR. ENGEL: Yeah. Well, I guess in closing I want you
8 to know I stumbled in here before they told me Clark Kent was
9 here. So I thought he was you.

10 But, anyway, thank you so much for your testimony. And
11 thank you for what you -- not only for what you're doing now,
12 but for what you've done through the years.

13 It's really so critical that we learn the facts and your
14 detailed, very careful testimony today, it's just so
15 important, so important for our country, so important. And
16 it should also not be used by the administration or the
17 Department of State to retaliate against you or anybody else.

18 I have been very much chagrined over the fact of the way
19 employees at the Department of State have been treated for
20 the past couple of years. Morale is down. It's just
21 unconscionable. And I think it takes people like you who
22 have not only had commendable records through the years, but
23 who have the guts to come in and speak from the heart. It
24 really helps all of us moving forward.

25 And of course we will move forward. We have to move

1 forward. And what you're doing, sir, is a tremendous
2 accomplishment and tremendously important for the State
3 Department and for the country as a whole.

4 I know that Chairman Schiff already explained on the
5 record earlier today why any retaliation against you or
6 anybody else would be unlawful and just wrong. Your service
7 to our country for nearly three decades is commendable and I
8 hope it continues without harassment or undue interference
9 from the Department you have honorably served.

10 So let me just again thank you as the chairman of the
11 House Foreign Affairs Committee, thank you personally, and
12 let you know that I and the Foreign Affairs Committee will
13 hold the Department accountable to treat employees properly
14 and with the respect you deserve.

15 Thank you.

16 MR. KENT: Thank you, Mr. Chairman.

17 MR. GOLDMAN: All right. I believe that's it from the
18 majority, we used 20 minutes in this record. So I yield to
19 the minority if you would like any further questions.

20 MR. ZELDIN: I know we stepped out. Did we have -- did
21 our side have a round while we were out voting or was that
22 the majority the whole time?

23 For the record, one thing of concern is Chairman Schiff
24 appropriately earlier made a disclaimer to all Members and
25 all staff that we are in a deposition, that deposition rules

1 apply, and that there should not be any leaks. This is
2 something that the minority side takes extremely seriously,
3 and it has been disappointing that during the brief time that
4 we stepped out to go vote that we are reading on Twitter
5 substance from today's deposition being cited by name to
6 Chairman Schiff and to Gerry Connolly.

7 It's really important that if the deposition rules
8 apply, where Members are not allowed to talk about the
9 substance of what is discussed today, that that is applied
10 equally to both the majority and minority, and I want to
11 state that for the record.

12 We are also still waiting a ruling we started two
13 depositions ago with a request -- actually it was the second
14 deposition -- a request as to what rule is governing this
15 entire process. We still have not received an answer as to
16 what House rule governs any of this process.

17 The start of the last deposition we had a phone call
18 with the House parliamentarian which started with a question
19 of what House rule is governing any of this entire process.
20 We are reiterating that we still have not received an answer.
21 The minority whip, Steve Scalise, just made that request on
22 the House floor and was not provided an answer.

23 And we would be very interested in knowing, and if that
24 answer can't be provided now, at the start of tomorrow
25 morning's deposition, what House rule is governing this

1 entire process for this impeachment inquiry.

2 MR. BITAR: For the record, your interest is noted.

3 MR. JORDAN: Mr. Secretary, let me just go back. So on
4 the July 25th call between President Trump and President
5 Zelenskyy, just to walk through it again, you were not on
6 that call.

7 MR. KENT: Correct.

8 MR. JORDAN: Lieutenant Colonel Vindman was.

9 MR. KENT: Yes.

10 MR. JORDAN: And at some point subsequent to that call
11 you were on a call with the lieutenant colonel or you had
12 some kind of meeting with him?

13 MR. KENT: It was a call and he gave me a very limited
14 readout, correct.

15 MR. JORDAN: Okay. And on that limited readout on that
16 call with the lieutenant colonel did he tell you not to talk
17 about what you discuss with anyone else?

18 MR. KENT: I don't recall how he characterized it. It's
19 just that he said that the information obviously was of very
20 sensitive nature and that's why he could not give me the
21 normal readout of the full content that he normally did.

22 MR. JORDAN: And the call you had with Lieutenant
23 Colonel Vindman, was that the 26th, the 27th? What day with
24 a that?

25 MR. KENT: It was a subsequent day. I do not -- I

1 cannot say for certain which day he called. Normally I kept
2 my notes in a notebook. On this particular occasion I
3 grabbed a piece of paper and started writing. So it was not
4 in a sequential notebook day by day.

5 MR. JORDAN: Was it within a week or was it in August?

6 MR. KENT: It was within a week, to the best of my
7 recollection.

8 MR. JORDAN: So most likely some time in July?

9 MR. KENT: If the call happened -- the earliest it could
10 have been was the 26th. To the best of my recollection,
11 there were several days. So my guess is the 27th. There's a
12 weekend in there somewhere. I'm not sure which the weekend
13 was. So I would say the last week of July would be the best
14 I could bound it.

15 MR. JORDAN: And then you discussed what Lieutenant
16 Colonel Vindman told you with whom?

17 MR. JORDAN: I cannot recall the exact content,
18 particularly since I didn't get as much content as I just got
19 a tonal poem. So I can't recall directly.

20 MR. JORDAN: Did the lieutenant colonel tell you, look,
21 I'm sharing this with you but no one else, or did you get the
22 impression that he had shared this information with other
23 people maybe in the State Department or other people in our
24 government or anyone else?

25 MR. JORDAN: I am not aware of who else he might have

1 given a readout to. In the general course of readouts of
2 that nature, I would be the natural person for him to give a
3 readout at the State Department.

4 MR. JORDAN: Is the fact that he -- okay. So normally
5 you would get a readout. So was this the normal process that
6 Lieutenant Colonel Vindman would let you know about this call
7 or was this somehow different?

8 MR. KENT: It was the normal process. He had given me a
9 similar readout for the April 21st call. What was different
10 was that -- his concern that he did not feel at liberty to
11 share all the substantive details of the call. That was what
12 was different. But the readout, that he was giving me a
13 readout, was the normal procedure.

14 MR. JORDAN: And why wouldn't he share everything with
15 you if it's the normal process that you get briefed, you get
16 a readout of calls between the President of the United States
17 and foreign heads of state in your area, your area of the
18 world that you're responsible for and that you deal with?
19 And on the April call he gave you a full readout. Is that
20 right?

21 MR. KENT: Correct, although it was a short,
22 nonsubstantive conversation.

23 MR. JORDAN: Okay. Well, were there other occasion
24 where Lieutenant Colonel Vindman gave you a readout from
25 calls between President Trump and foreign heads of state?

1 MR. KENT: To the best of my knowledge, these were the
2 only two calls between President Trump and a head of
3 government of the six countries for which I have
4 responsibility.

5 MR. JORDAN: Got it. Got it. So you have these two.
6 And you got a full readout from the April 21st call or April
7 call, but you didn't --

8 MR. KENT: In July, correct.

9 MR. JORDAN: And did you find that unusual?

10 MR. KENT: He made clear his extreme discomfort that
11 there was discussions in the call that were -- what he
12 described at the beginning was the majority of the call was
13 very sensitive and he would not be giving me a full readout.

14 MR. JORDAN: And, well, I guess I'm trying to figure out
15 if he's supposed to give you a readout, why didn't he give
16 you the full readout?

17 MR. KENT: Again, all I can describe is his discomfort
18 in sharing what he shared without -- with his disclaimer
19 right up front that he was not going to give me the full
20 normal readout.

21 MR. JORDAN: Okay. Thank you.

22 MR. ZELDIN: In an earlier round we were discussing
23 individual cases where the United States Government had
24 spoken with the Ukrainian Government with regards to cases
25 under the jurisdiction of Ukraine. You cited one case

1 specifically as possibly the highest profile case that you
2 were tracking.

3 MR. KENT: After --

4 MR. ZELDIN: Or one of highest profile cases?

5 MR. KENT: For that period of time, the second half the
6 2018, yes.

7 MR. ZELDIN: Were any of these conversations with the
8 Ukraine Government about corruption cases that we felt
9 Ukraine shouldn't prosecute?

10 MR. KENT: I'm not aware of us ever telling Ukraine not
11 to prosecute a corrupt individual or a person believed to
12 have engaged in corruption, no.

13 MR. ZELDIN: Is it true that Ukraine prosecuted cases
14 that were classified as a corruption case but were
15 inappropriately classified as such?

16 MR. KENT: I will give you a specific example. The
17 National Agency to Prevent Corruption was set up to review
18 the asset declarations of the initially top 1,000 and then
19 they expanded to even more Ukrainian officials.

20 In the first year of their operations they went after
21 two individuals. One, the reformist head of customs who paid
22 herself an \$18 bonus on Women's Day when all the women in her
23 office got it. And they also had launched an investigation
24 of Serhiy Leschenko, the aforementioned member of parliament
25 and former investigative journalist, who purchased an

1 apartment. And those were the only two investigations that
2 they did, and they were both reformers who were also critics
3 of people who were not engaged in reform.

4 And there were dozens of billionaire oligarchs and other
5 individuals, and there were no investigations of people whose
6 reputations were that they had engaged in corruption for
7 years.

8 MR. ZELDIN: So that I understand your testimony
9 correctly, you cited two cases where two individuals were
10 accused of corruption but shouldn't have been.

11 MR. KENT: As far as I recall, those are the only two
12 individuals or officials of Ukraine that the National Agency
13 to Prevent Corruption went after based on the asset
14 declarations of high ranking officials and members of
15 parliament.

16 MR. ZELDIN: And to be clear, you just used the word
17 Ukrainian officials. Is there a different answer with
18 regards to Ukrainian citizens or when you said officials did
19 you mean Ukrainians at large?

20 MR. KENT: I was just trying to give a very specific
21 example for a new institution that we initially helped stand
22 up to help contain corruption based on asset declarations.
23 And instead of using the asset declaration system to identify
24 those who may have used public office to enrich themselves
25 they went after two reformists who were noted critics of the

1 lack of reform in certain parts of the Ukrainian Government.

2 MR. ZELDIN: And what was the timeframe for this answer?

3 MR. KENT: I believe the NAPC, as it was known, was
4 stood up in 2015, and so this would have been 2015, 2016.

5 MR. ZELDIN: I understand that in a recent round you
6 were answering questions based off of information that you
7 obtained from others related to aid from the United States to
8 Ukraine and the allegation of a quid pro quo. Do you have
9 any firsthand knowledge of United States aid to Ukraine ever
10 being connected to the opening of a new investigation?

11 MR. KENT: I do not have direct knowledge, no.

12 MR. ZELDIN: Thank you. That's it.

13 MR. GOLDMAN: Is that it? All right.

14 Two more things, 2 minutes.

15 BY MR. GOLDMAN:

16 Q I just wanted to touch upon your -- some of the
17 documents that you have been discussing today.

18 Do you have an understanding as to whether there may be
19 emails or other documents in the custody of the State
20 Department that reflect expressions of concern about some of
21 the topics that we discussed today, separate and apart from
22 your memos to file or other emails that you have referenced?

23 A I would have imagined that there are quite a number
24 of emails, yes.

25 Q You discussed having two specific conversations

1 with Fiona Hill, one in May and one you remember less of in
2 July. And obviously you had other conversations with
3 Lieutenant Colonel Vindman and Tim Morrison.

4 Were you ever aware of whether there was a separate
5 either individual or individuals at the National Security
6 Council who were providing information to the President on
7 the Ukraine matter outside of ordinary channels?

8 A I did not hear about it and have no information
9 about that, no.

10 Q Are you familiar with someone by the name of Kash
11 Patel?

12 A I am not aware that I've ever met anybody by that
13 name, no.

14 Q Have you ever heard that name?

15 A I think Patel is a fairly common South Asian last
16 name.

17 Q How about Kash?

18 A I -- less common. I do not -- I cannot imagine --
19 or I can not recall any time where I was either in the
20 presence of or heard a reference to Kash Patel.

21 MR. GOLDMAN: Okay. Thank you.

22 I think we are done. And thank you very much, Mr. Kent,
23 for a long day. Really appreciate it.

24 And we're adjourned.

25 [Whereupon, at 7:42 p.m., the interview was concluded.]