



United States Department of State

Washington, D.C. 20520

July 14, 2020

Case No: F-2019-09097
FL-2020-00004

American Oversight
Daniel McGrath
1030 15th Street NW, B255
Washington, DC 20005

Dear Mr. McGrath:

This is in response to your requests under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, dated September 11, 2019. The Department has conducted a review in excess of the minimum required 300 pages across the requests pertaining to this litigation and identified 28 pages responsive to your request. After reviewing these documents, we have determined that 15 pages may be released in full and 13 pages may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each document. In some cases, two or more exemptions may apply to the same document. All non-exempt material that is reasonably segregable from exempt material has been released in the enclosed pages.

The processing of your request remains ongoing. If you have any questions, your attorney may contact Trial Attorney, Josh Abbuhl at (202) 616-8366 or at Joshua.Abbuhl@usdoj.gov. Please refer to civil action number 19-cv-3058, and FOIA case number F-2019-09097/[FL number] in all correspondence regarding this case.

Sincerely,

Susan C. Weetman
Deputy Director
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

Released in Part

From:	Kurt Volker (b)(6)
To:	Taylor, William B (Kyiv) (b)(6) Volker, Kurt D (b)(6) Croft, Catherine M (b)(6)
Subject:	Fwd: per request - quick points on giuliani story
Date:	Thu, 22 Aug 2019 22:45:10 +0300

Hi Bill -- just got a request for something on this from the Spokesperson -- here's my suggested points. - kurt

Amb. Kurt Volker

Executive Director

McCain Institute for International Leadership

Arizona State University

ASU Barrett & O'Connor Center

1800 I Street NW, Suite 600, Washington, DC 20006

(b)(6)

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----- Forwarded message -----

From: **Kurt Volker** (b)(6)

Date: Thu, Aug 22, 2019 at 10:40 PM

Subject: per request - quick points on giuliani story

To: (b)(6)

Cc: Volker, Kurt D (b)(6) Croft, Catherine M (b)(6)

Philip Reeker (b)(6)

(b)(5)

(b)(5)

Hope this does the trick - Kurt

Sender:	Kurt Volker (b)(6)
Recipient:	Taylor, William B (Kyiv) (b)(6) Volker, Kurt D (b)(6) Croft, Catherine M (b)(6)

Released in Part

From:	Kurt Volker (b)(6)
To:	Volker, Kurt D (b)(6)
Subject:	Fwd: Two Unofficial US Operatives Reporting To Trump 's Lawyer Privately Lobbied A Foreign Government In A Bid To Help The President Win In 2020
Date:	Sun, 1 Dec 2019 14:51:52 -0500

Amb. Kurt Volker

(b)(6)

----- Forwarded message -----

From: (b)(6)
Date: Sun, Jul 28, 2019 at 10:44 AM
Subject: Re: Two Unofficial US Operatives Reporting To Trump's Lawyer Privately Lobbied A Foreign Government In A Bid To Help The President Win In 2020
To: Kurt Volker (b)(6)
Cc: Taylor, William B (Kyiv) (b)(6)

(b)(5)

**Gordon D. Sondland**

Ambassador of the United States of America
United States Mission to the European Union
Rue Zinner 13
1000 Brussels, Belgium

(b)(6)

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On Jul 28, 2019, at 3:30 PM, Kurt Volker (b)(6) wrote:

(b)(5)

On Sun, Jul 28, 2019 at 5:17 AM Taylor, William B (Kyiv)

(b)(6) wrote:

(b)(5)

<https://www.buzzfeed.com/mikesallah/rudy-giuliani-ukraine-trump-parnas-fruman>

--

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Sender:	Kurt Volker	(b)(6)	
Recipient:	Volker, Kurt D	(b)(6)	

Released in Part

From:	Kurt Volker (b)(6)
To:	Virginia Pounds (b)(6)
CC:	Croft, Catherine M (b)(6) Volker, Kurt D (b)(6)
Subject:	Re: Call to the front office from House Foreign Affairs
Date:	Fri, 20 Sep 2019 14:45:44 -0400

Great - refer him to (b)(6)

(b)(6)

Catherine May have phone number as well.

- kv

On Fri, Sep 20, 2019 at 2:39 PM Virginia Pounds (b)(6) wrote:

Thanks, Kurt, and hello Catherine. Matt told me he was going to call back in an hour - if you could please provide me with an email address or phone number he can call, I will forward him on as you direct.

Best,

Virg

--

Virginia Pounds

Office Manager and HR Liaison

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1800 I Street NW, Suite 600, Washington, DC 20006

(b)(6)

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From: Kurt Volker (b)(6)
Date: Friday, September 20, 2019 at 2:25 PM
To: "Croft, Catherine M" (b)(6) Virginia Pounds
(b)(6) "Volker, Kurt D" (b)(6)
Subject: Re: Call to the front office from House Foreign Affairs

Exactly —

Copying Catherine Croft. Catherine - please get details from Virg and pass them to (b)(6) — cc: to me. Thanks - kv

On Fri, Sep 20, 2019 at 2:21 PM Virginia Pounds (b)(6) wrote:

Matt Finkel from the committee called and asked if he could get a statement from you regarding an introduction of Giuliani to Ukrainian government officials.

Is this something we can send to State Department?

Thanks,

Virg

--

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Sender:	Kurt Volker (b)(6)
Recipient:	Virginia Pounds (b)(6) Croft, Catherine M (b)(6) Volker, Kurt D (b)(6)

Released in Part

From:	"Kurt Volker" (b)(6)
To:	Croft, Catherine M (b)(6)
CC:	Volker, Kurt D (b)(6)
Subject:	Re: Ukraine social media update: Video from MP Leshchenko about legal case about U.S. elections interference
Date:	Tue, 16 Jul 2019 09:27:41 -0400

ugggh... that is not how it will play here... this will be taken as Ze team doing a cover-up...

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On Tue, Jul 16, 2019 at 9:24 AM Croft, Catherine M (b)(6) wrote:

Get [Outlook for iOS](#)

From: (b)(6)

Sent: Tuesday, July 16, 2019 9:03:20 AM

To: Taylor, William B (Kyiv); Kvien, Kristina A; Kyiv EXEC; (b)(6)

Kyiv POL Core; (b)(6)

(b)(6)

Cc: Kyiv IOs; EUR-Ukraine Desk-DL; Kent, George P; (b)(6)

Yovanovitch, Marie L (Kyiv)

Subject: Ukraine social media update: Video from MP Leshchenko about legal case about U.S. elections interference

A Ukraine social media update: MP Serhiy Leshchenko published a video on his Facebook page this afternoon about a decision by a court of appeals in Kyiv today regarding alleged Ukrainian interference in U.S. presidential elections.

Below is a rough summary (not a polished transcript) of what Leshchenko says in the video. The video is available at

<https://www.facebook.com/leshchenko.ukraine/videos/2830664120337571/>

Leshchenko is standing near the Court of Appeals in Kyiv to report that the court of appeals cancelled a decision, so he is not not an enemy of President Trump anymore.

Prosecutor General Lutsenko, who will be the former Prosecutor General soon, and his friend from NABU Borys Rozemblat lost in court. The court decision is simple: to cancel the decision of Kyiv District Court and to deny Rozemblat's appeal. Rozemblat and his buddy wanted to, through the court decision, establish the fact of interference in the U.S. elections. Lutsenko showed these documents to Giuliani, and then Giuliani said live on Fox News there is a person, Serhiy Leshchenko, who is already prosecuted in Ukraine for interference in the U.S. elections, for revealing information of Paul Manafort and black bookkeeping of the Party of Regions. That Leshchenko together with Sytnyk revealed information about Manafort, and then Manafort was fired as Trump's campaign chief. Today all this nonsense has been dismissed. The court of appeals cancelled the decision of Kyiv district court and denied Rozemblat's appeal. That means starting today, there are no decisions in Ukraine of the fact of interference or manipulation of Ukraine in U.S. elections, there is nothing. This cost Ukraine its reputation. Prosecutor General Lutsenko tried to keep his position, he wanted to sell himself as the best for Americans, Trump and Giuliani. He told them that there is a decision on interference and that is total nonsense.

I [Leshchenko] am waiting now for Lutsenko who tried to sell and develop this information-nonsense, to call Rudy Giuliani and informed him of the new news, that this story was nonsense. We used arguments: MP is not a government person; he cannot be a defendant. Lutsenko promised in May to question me, announcing suspicion, none of this happened. Mr. Lutsenko is a liar, a person who has no shame, whose place is on the defendant's bench. I wish Lutsenko a quick dismissal and I wish that politics will forget him, he should answer in court for his inaction and bad actions as Prosecutor. He betrayed millions of Ukrainians, who trusted him in his political career. I also wish for Rozemblat to answer for his corrupt actions, which are being investigated by NABU, I wish for him to lose the elections. I wish for Ukraine a good Prosecutor General with legal qualifications, who will be honest, working in interest of all the people and not only his relatives, who will not help Yanukovych's associates, and now Poroshenko's associates. I wish that this person will serve not Zelenskyy, but all Ukrainian people and will honestly do the job and bring work and cases to a conclusion.

Leshchenko is running in Podil region in Kyiv, journalists can come and ask for his comments; it's sad that journalists who were reporting on Lutsenko's comments did not come to the court today.

Official

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Sender:	"Kurt Volker" (b)(6)	
Recipient:	Croft, Catherine M (b)(6) Volker, Kurt D (b)(6)	

Released in Part

From:	Kurt Volker	(b)(6)
To:	Josh Rogin	(b)(6)
CC:	Volker, Kurt D	(b)(6)
Subject:	Re: You are in the news	
Date:	Sat, 21 Sep 2019 18:28:24 -0400	

Thanks — appreciate it!

On Sat, Sep 21, 2019 at 3:45 PM Josh Rogin (b)(6) wrote:
 I totally understand, Kurt. Let me know if you change your mind. Happy to help you out if I can.

Josh

On Sat, Sep 21, 2019 at 2:01 PM Kurt Volker (b)(6) wrote:
 Hi Josh -- you are absolutely right -- but i am not responding to any inquiries.
 Sorry!

Amb. Kurt Volker

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On Sat, Sep 21, 2019 at 12:03 PM Josh Rogin (b)(6) wrote:
 John Solomon blames you (without naming you) for getting Rudy and Zelensky's people together.

<https://thehill.com/opinion/white-house/462422-missing-piece-to-the-ukraine-puzzle-state-departments-overture-to-rudy>

Also Vogel in the Times talks about you (without naming you)

<https://www.nytimes.com/2019/09/20/us/politics/whistle-blower-trump-grudge.html?action=click&module=Top%20Stories&pgtype=Homepage>

Can you talk? I'm thinking there's another side to this story.

Josh

Josh Rogin
Columnist - Washington Post
Political Analyst - CNN
(b)(6) - Mobile

This message and any related attachments are hereby designated as confidential communications between the sender and named recipient.

--

Josh Rogin
Columnist - Washington Post
Political Analyst - CNN
(b)(6) Mobile

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--

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Sender:	Kurt Volker	(b)(6)
Recipient:	Josh Rogin	(b)(6)
	Volker, Kurt D	(b)(6)

Released in Part

From:	"Kurt Volker" <(b)(6)>
To:	String, Marik A <(b)(6)> Volker, Kurt D <(b)(6)> Daum, Margaret E. <(b)(6)> Carrillo, Pablo <(b)(6)>
Subject:	Testimony for October 3
Date:	Wed, 2 Oct 2019 18:24:02 -0400

Hi Marik --

Here's the final version of testimony -- both a short form I'll read, and a long form with a lot of detail.

Many thanks!! - Kurt

Amb. Kurt Volker

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Sender:	"Kurt Volker" <(b)(6)>
Recipient:	String, Marik A <(b)(6)> Volker, Kurt D <(b)(6)> Daum, Margaret E. <(b)(6)> Carrillo, Pablo <(b)(6)>

Released in Full

Testimony before the House of Representatives Committee on Foreign Affairs,
Permanent Select Committee on Intelligence, and Committee on Oversight

Amb. Kurt Volker
Former U.S. Special Representative for Ukraine Negotiations

October 3, 2019

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

Allow me to begin by stressing that you and the American people can be reassured and proud that the Department of State and the Department of Defense, and the professionals working there—civil and foreign service and military—have conducted themselves with the highest degree of professionalism, integrity, and dedication to the national interest. That is a testament to the strength of our people, our institutions, and our country.

As a former member of the Senior Foreign Service, and in conducting my role as U.S. Special Representative for Ukraine Negotiations, I have similarly acted solely to advance U.S. national interests, which included supporting democracy and reform in Ukraine; helping Ukraine better defend itself and deter Russian aggression; and leading U.S. negotiating efforts to end the war and restore Ukraine's territorial integrity.

Throughout my career, whether as a career diplomat, U.S. Ambassador to NATO, or in my other capacities, I have tried to be courageous, energetic, clear-eyed and plain-spoken—always acting with integrity, to advance core American values and interests. My efforts as U.S. Special Representative for Ukraine Negotiations were no different.

In carrying out this role, I at some stage found myself faced with a choice: to be aware of a problem and to ignore it, or rather to accept that it was my responsibility to try to fix it.

I would not have been true to myself, my duties, or my commitment to the people of the United States or Ukraine, if I did not dive in and try to fix problems as best I could.

There are five key points I would like to stress in this testimony, and I would like to submit a longer version and timeline of events for the record. Let me be clear that I wish to be complete and open in my testimony in order to help get the facts out and the record straight.

First, my efforts were entirely focused on advancing U.S. foreign policy goals with respect to Ukraine. In this, we were quite successful. U.S. policy toward Ukraine for the past two years has been strong, consistent, and has enjoyed support across the Administration, bipartisan support in Congress, and support among our Allies and Ukraine. While I will not be there to lead these efforts any longer, I sincerely hope that we are able to keep this policy strong going forward.

You may recall that in the Spring of 2017, when then-Secretary of State Tillerson asked if I would take on these responsibilities, there were major, complicated questions swirling in public debate about the direction of U.S. policy toward Ukraine.

Would the Administration lift sanctions against Russia? Would it make some kind of “grand bargain” with Russia, in which it would trade recognition of Russia’s seizure of Ukrainian territory for some other deal in Syria or elsewhere? Would the Administration recognize Russia’s claimed annexation of Crimea? Will this just become another frozen conflict? There were also a vast number of vacancies in key diplomatic positions, so no one was really representing the United States in the negotiating process about ending the war in eastern Ukraine.

Caring deeply about supporting Ukraine; recognizing that it stands for all of us in building a democracy and pushing back Russian aggression on their soil; and seeking to make sure American policy is in the right place, I agreed to take on these responsibilities. Then-Secretary of State Tillerson and I agreed that our fundamental policy goals would be to restore the sovereignty and territorial integrity of Ukraine, and to assure the safety and security of all Ukrainian citizens, regardless of ethnicity, nationality or religion.

I did this on a voluntary basis, with no salary paid by the U.S. taxpayer, simply because I believed it was important to serve our country in this way. I believed I could steer U.S. policy in the right direction.

In two years, the track record speaks for itself.

- I was the Administration’s most outspoken figure highlighting Russia’s ongoing aggression against Ukraine, and Russia’s responsibility to end the war.
- We coordinated closely with our European Allies and Canada, to maintain a united front against Russian aggression, and for Ukraine’s democracy, reform, sovereignty, and territorial integrity. Ukraine policy is perhaps the one area where the U.S. and its European Allies are in lock-step.
- This coordination helped to strengthen U.S. sanctions against Russia, and to maintain EU sanctions as well.
- Along with others in the Administration, I strongly advocated for lifting the ban on the sale of lethal defensive arms to Ukraine, advocated for increasing U.S. security assistance to Ukraine, and urged other countries to follow the U.S. lead.
- I engaged with our Allies, with Ukraine, and with Russia in negotiations to implement the Minsk Agreements, holding a firm line on insisting on the withdrawal of Russian forces, dismantling of the so-called “People’s Republics,” and restoring Ukrainian sovereignty and territorial integrity.

- In order to shine a spotlight on Russian aggression and to highlight the humanitarian plight suffered by the people in the Donbas as a result, I visited the war zone in Ukraine three times, with media in tow.
- Together with others in the Administration, we kept U.S. policy steady through Presidential and Parliamentary elections in Ukraine, and worked hard to strengthen the U.S.-Ukraine bilateral relationship under the new President and government, helping shepherd a peaceful transition of power in Ukraine.

In short, whereas two years ago, most observers would have said that time is on Russia's side, we have turned the tables, and time is now on Ukraine's side.

Second, in May of this year, I became concerned that a negative narrative about Ukraine, fueled by assertions made by Ukraine's departing Prosecutor General, was reaching the President of the United States, and impeding our ability to support the new Ukrainian government as robustly as I believed we should. After sharing my concerns with the Ukrainian leadership, an advisor to President Zelenskyy asked me to connect him to the President's personal lawyer, Mayor Rudy Giuliani. I did so. I did so solely because I understood that the new Ukrainian leadership wanted to convince those, like Mayor Giuliani, who believed such a negative narrative about Ukraine, that times have changed and that, under President Zelenskyy, Ukraine is worthy of U.S. support. I also made clear to the Ukrainians, on a number of occasions, that Mayor Giuliani is a private citizen and the President's personal lawyer, and that he does not represent the United States government.

Third, at no time was I aware of or took part in an effort to urge Ukraine to investigate former Vice President Biden. As you will see from the extensive text messages I am providing, which convey a sense of real-time dialogue with several different actors, Vice President Biden was never a topic of discussion.

Moreover, as I was aware of public accusations about the Vice President, several times I cautioned the Ukrainians to distinguish between highlighting their own efforts to fight corruption domestically, including investigating Ukrainian individuals (something we support as a matter of U.S. policy), and doing anything that could be seen as impacting U.S. elections (which is in neither the United States' nor Ukraine's own interests). To the best of my knowledge, no such actions by Ukraine were ever taken, at least in part, I believe, because of the advice I gave them.

Notably, I did not listen in on the July 25, 2019 phone call between President Trump and President Zelenskyy, and received only superficial readouts about that conversation afterwards. In addition, I was not aware that Vice President Biden's name was mentioned, or a request was made to investigate him, until the transcript of this call was released on September 25, 2019.

Fourth, while executing my duties, I kept my colleagues at the State Department and National Security Council informed, and also briefed Congress, about my actions. This included in-person meetings with senior U.S. officials at State, Defense, and the NSC, as well as staff

briefings on Capitol Hill, and public testimony in the Senate on June 18, 2019. I have an extensive record of public commentary about our Ukraine policy. I have no doubt that there is a substantial paper trail of State Department correspondence concerning my meetings with Ukrainians, Allies and so forth. As a matter of practice, I did not edit or “clear” on these messages, but told the reporting officers just to report as they normally would.

Fifth and finally, I strongly supported the provision of U.S. security assistance, including lethal defensive weapons, to Ukraine throughout my tenure. I became aware of a hold on Congressional Notifications about proceeding with that assistance on July 18, 2019, and immediately tried to weigh in to reverse that position. I was confident that this position would indeed be reversed in the end, because the provision of such assistance was uniformly supported at State, Defense, NSC, the House of Representatives, the Senate, and the expert community in Washington. As I was confident the position would not stand, I did not discuss the hold with my Ukrainian counterparts until the matter became public in late August. The position was indeed reversed, and assistance allowed to continue, within a few weeks after that.

I would now like to turn the matters of specific interest to this Committee.

Contacts with Mayor Giuliani

In the early months of 2019, I was aware of an emerging, negative narrative about Ukraine in the United States, fueled by accusations made by the then-Prosecutor General of Ukraine, Yuriy Lutsenko, that some Ukrainian citizens may have sought to influence the U.S. 2016 Presidential election, including by passing information they hoped would reach the Hillary Clinton campaign that was detrimental to the Donald Trump campaign.

There was a second narrative, also fueled by the then-Prosecutor General, that the company, Burisma, had sought to garner influence with then-Vice President Biden, by paying high fees to his son Hunter Biden.

Mr. Lutsenko made these allegations in conversations with U.S. media, which gave them wide circulation, particularly among conservative media viewers.

I was well aware of the situation in Ukraine, and had met Mr. Lutsenko once, during one of my visits to Ukraine in 2018. Ukraine has a well-deserved reputation for rampant corruption. Nonetheless, I believed that these accusations by Mr. Lutsenko were themselves self-serving, intended to make himself appear valuable to the United States, so that the United States might weigh in against his being removed from office by the new government.

In addition, I have known former Vice President Biden for 24 years, and the suggestion that he would be influenced in his duties as Vice President by money for his son simply has no credibility to me. I know him as a man of integrity and dedication to our country.

In May, 2019, I learned that former New York Mayor Rudy Giuliani planned to travel to Ukraine to look into these accusations. I reached out to brief him before his visit – specifically, to tell him that Lutsenko is not credible and will be replaced once a new government takes office, and that I had met with President-elect Zelenskyy when he was a candidate, had subsequently been in touch with his advisors, and was convinced that he was sincerely committed to reform and to fighting corruption in Ukraine.

We had a brief phone call, which ended as Mayor Giuliani needed to attend to another meeting or call. I texted afterward to offer to finish the conversation, but we did not speak again at that time.

I later read that he canceled his trip, and that he asserted that President-elect Zelenskyy was surrounded by “enemies of the United States” – something with which I fundamentally disagreed.

On May 21, I visited Ukraine as part of the U.S. Presidential Delegation to the Inauguration of the new President. Secretary of Energy Rick Perry led the delegation, and we were also joined by U.S. Ambassador to the European Union, Gordon Sondland, and U.S. Senator Ron Johnson.

I do not recall any of the Lutsenko accusations coming up in the course of our meetings with Ukrainian officials. Instead, we had a very productive meeting with President Zelenskyy about his commitment to reform. He announced early Parliamentary elections that same day. We came away convinced that he was sincere about massive reform in Ukraine, would face significant internal opposition, and that he deserved strong U.S. support. We decided to seek a meeting with President Trump upon our return to the United States to brief him on our impressions and recommendations following the visit.

We met as a group with President Trump on May 23. We stressed our finding that President Zelenskyy represented the best chance for getting Ukraine out of the mire of corruption it had been in for over 20 years. I argued that how the next 3-6 months played out would determine the future of Ukraine for the next 5 years. We urged him to invite President Zelenskyy to the White House.

The President was very skeptical. Given Ukraine’s history of corruption, that is understandable. He said that Ukraine was a corrupt country, full of “terrible people.” He said they “tried to take me down.” In the course of that conversation, he referenced conversations with Mayor Giuliani. It was clear to me that despite the positive news and recommendations being conveyed by this official delegation about the *new* President, President Trump had a deeply rooted negative view on Ukraine rooted in the past. He was clearly receiving other information from other sources, including Mayor Giuliani, that was more negative, causing him to retain this negative view.

Within a few days, President Trump indeed signed the congratulatory letter to President Zelenskyy, which included an invitation to the President to visit him at the White House.

In the weeks that followed, I and several others sought to nail down a specific date for that visit, without result. No reason was given, but I believed that the President's long-held negative view toward Ukraine was causing hesitation in actually scheduling the meeting.

Nonetheless, I continued to believe that once the two Presidents actually sat down together, President Trump would quickly conclude that President Zelenskyy is sincere in his commitment to reforming Ukraine, is a charismatic politician who enjoys the support of his people, and is worthy of U.S. support.

On July 2, I met with President Zelenskyy and his delegation in Toronto, Canada, as I was the senior U.S. Representative attending a conference about reform in Ukraine. At the end of that meeting, I had a private conversation with President Zelenskyy, in which I explained that I believed that Mayor Giuliani continues to have a negative view of Ukraine based on assertions of actions that happened in 2016, and that this viewpoint is likely making its way to the President. I made clear that Mayor Giuliani does not speak for the U.S. government, but is a private citizen and the President's personal attorney.

I stressed that those of us on the Presidential Delegation at his Inauguration understood that President Zelenskyy and his team had nothing to do with anything that happened in 2016, and that the best thing would be to have a bilateral meeting with President Trump. I said that as soon as that meeting would take place, I was confident that President Trump would be as impressed with President Zelenskyy as I and the others on our delegation had been, and that our bilateral relationship would flourish.

It was clear to me that we had a growing problem in the negative narrative about Ukraine, built on these earlier accusations by Mr. Lutsenko, that was impeding the development of our bilateral relationship and the strengthening of our support for Ukraine. I therefore faced a choice: do nothing, and allow this situation to fester; or try to fix it. I tried to fix it.

On July 10, 2019, I met a close aide to President Zelenskyy, Andrey Yermak, for coffee in Washington DC. We followed up the conversation about Mayor Giuliani, and he asked me to connect to him with Mayor Giuliani. I agreed to reach out to Mayor Giuliani and ask if he would agree to be connected.

I did so – on July 10 writing to Mayor Giuliani to seek to get together, and finally on July 19 meeting for breakfast for a longer discussion.

At that breakfast, Mr. Giuliani was accompanied by Ukrainian-American businessman Lev Parnas. We had a long conversation about Ukraine. To my surprise, Mr. Giuliani had already come to the conclusion on his own that Mr. Lutsenko was not credible and acting in a self-serving capacity. He mentioned both the accusations about Vice President Biden and about interference in the 2016 election, and stressed that all he wanted to see was for Ukraine to investigate what happened in the past and apply its own laws.

I stressed my view that the current President of Ukraine is sincerely committed to rooting out corruption and reforming Ukraine. It is the best chance Ukraine has had to move forward in a generation, and he deserves U.S. support.

Concerning the allegations, I stressed that no one in the new team governing Ukraine had anything to do with anything that may have happened in 2016 or before – they were making TV shows at the time. Mr. Lutsenko, however, would remain in place until a new government was seated in a month or more. It was important to reach out and provide strong U.S. support for President-elect Zelenskyy.

I also said at that July 19 meeting that it is not credible to me that former Vice President Biden would have been influenced in anyway by financial or personal motives in carrying out his duties as Vice President. A different issue is whether some individual Ukrainians may have attempted to influence the 2016 election or thought they could buy influence: that is at least plausible, given Ukraine's reputation for corruption. But the accusation that Vice President Biden acted inappropriately did not seem at all credible to me.

I followed up on the request from Andrey Yermak to be connected to Mayor Giuliani directly, and the Mayor said he would indeed like to connect. I stressed that I thought it was important that he get the facts straight from the new team, not from the outgoing Prosecutor General or others who have a different self-interest.

That day, July 19, I connected the two of them by text message, and facilitated a phone conversation which took place on July 22. During that conversation, they agreed to meet in Madrid in early August, 2019.

In a few follow up messages, Mr. Yermak was concerned that he had not heard back from Mayor Giuliani about scheduling the meeting in Madrid, so I stepped in again to put them back in touch so the meeting would be scheduled. It took place on August 2, 2019.

After they met, both Mayor Giuliani and Mr. Yermak called me to give me their impressions. Both were positive. Neither said anything about Vice President Biden. Mayor Giuliani said that he had stressed the importance of Ukraine conducting investigations into what happened in the past, and Mr. Yermak stressed that he told Mayor Giuliani it is the government's program to root out corruption and implement reforms, and they would be conducting investigations as part of this process anyway.

Later, possibly on August 7, Mayor Giuliani called both me and Amb. Gordon Sondland to provide a more detailed readout. We expressed our hope that Mayor Giuliani would convey to the President his positive impression of the new leadership in Ukraine, and reassure the President that the advice he was getting from us – to schedule the White House visit of President Zelenskyy – was the right thing to do.

Mayor Giuliani then said he believed the Ukrainian President needed to make a statement about fighting corruption, and that he had discussed this with Mr. Yermak. I said that I did not think this would be a problem, since that is the government's position anyway.

I followed up with Mr. Yermak, and he said that they would indeed be prepared to make a statement. He said it would reference Burisma and 2016, in a wider context of rooting out corruption anyway. There was no mention of Vice President Biden. Rather, in referencing Burisma, it was clear he was only talking about whether any Ukrainians had acted inappropriately.

On August 16, Mr. Yermak shared a draft with me, which I thought looked perfectly reasonable. It did not mention Burisma or 2016 elections, but was generic. I conveyed this draft to Amb. Sondland, who agreed it was an excellent statement. We had a further conversation with Mayor Giuliani, who said that in his view, the statement should include specific reference to "Burisma" and "2016." Again, there was no mention of Vice President Biden in these conversations.

Amb. Sondland and I discussed these points, and I edited the draft statement by Mr. Yermak to include these points to see how it looked. I then discussed further with Mr. Yermak. He said that for a number of reasons – including the fact that Mr. Lutsenko was still officially the Prosecutor General -- they do not want to mention Burisma and 2016. I agreed – and further said that I believe it is essential that Ukraine do nothing that could be seen as interfering in 2020 elections. It is bad enough that accusations have been made about 2016 – it is essential that Ukraine not be involved in anything relating to 2020. He agreed and the idea of putting out a statement was shelved. The point about Ukraine avoiding anything that could play into U.S. elections in 2020 is a message that I know our Chargé in Ukraine, Amb. Bill Taylor, reinforced in other meetings.

During this time, I informed Secretary of State Pompeo, Counselor Brechbuhl, National Security Advisor Bolton, NSC staff, and Chargé Amb. Bill Taylor on various occasions that I was engaged in these conversations, and was seeking to steer them in a way to reinforce an accurate picture of the Ukrainian leadership's commitment to reform and fighting corruption..

According to my records, the last contact I had with Mr. Giuliani about any of these things at that time was August 13. The next contact between us was his attempt to call me, after the current news cycle broke, on September 21. I did not return the call right away. I consulted with the Counselor of the State Department, Ulrich Brechbuhl, on September 22. Mr. Giuliani sent a number of text messages to me on September 23.

I spoke with Secretary of State Pompeo on September 23. Secretary Pompeo said that he had been called by Mayor Giuliani, who asked that the State Department confirm that it had arranged the meeting between himself and Mr. Yermak. I told the Secretary that the State Department Spokesperson had already confirmed this, in a statement given to the press on

August 22. Secretary Pompeo asked me to call Mr. Giuliani back, tell him this, and share a copy of that statement. I did so.

U.S. Security Assistance

As is well documented, I had long supported lifting the ban on lethal defensive assistance to Ukraine, advocated for the supply of javelin anti-tank systems, advocated for an increase in U.S. assistance, and urged other nations to provide more assistance as well.

The issue of a hold placed on security assistance to Ukraine also came up during this same time I was connecting Mr. Yermak and Mayor Giuliani. I did not perceive these issues to be linked in any way.

On July 18, I was informed that at an interagency (sub-PCC) meeting, OMB had said that there was a hold being placed on Congressional Notifications about security assistance to Ukraine. No reason was given.

A higher level interagency meeting (PCC) was then scheduled to take place to discuss the issue on July 23. I met in advance with the individual who would represent the State Department at that meeting, Assistant Secretary of State for Pol-Mil Affairs, R. Clarke Cooper. I stressed how important it was to keep the security assistance moving – for Ukraine's self-defense, deterrence of further Russian aggression, as a symbol of our bilateral support for Ukraine, and as part of having a strong position going into any negotiations with Russia. He fully agreed and intended to represent that position at the PCC meeting. I also had separate conversations with the Pentagon and NSC staff to reiterate the same position.

I was told later that there was no outcome from the PCC meeting. That said, I was not overly concerned about the development because I believed the decision would ultimately be reversed. Everything from the force of law to the unanimous position of the House, Senate, Pentagon, State Department, and NSC staff argued for going forward, and I knew it would just be a matter of time.

July 25 Phone Call

I departed for a long-planned trip to Ukraine on July 23. I had avoided going to Ukraine during the course of the Parliamentary election campaign, just as I had during the Presidential run-off, to avoid any possible perception of U.S. intervention in the Ukrainian elections. The Parliamentary election took place on July 21, so I felt I could visit afterwards, congratulate the President, and visit the conflict zone in Eastern Ukraine, something I did each year. I particularly wanted to support President Zelenskyy's decision to pull back Ukrainian forces at Stanitsia Luhanska and to urge Russian forces to do the same.

During this time, I had also been urging that the President make a congratulatory phone call after the Parliamentary election – especially since we still did not have a date for a White House visit. A congratulatory call would keep the relationship warm.

On July 24, I had meetings in Vienna at the OSCE, and then continued on to Kyiv, arriving just after midnight. Even though I had been pressing for a Presidential congratulatory phone call, I still did not know whether or when such a call was to be scheduled until I was already en route to Kyiv.

We had meetings all day in Kyiv on July 25, including lunch with Mr. Yermak, and then met with President Zelenskyy on July 26. U.S. Chargé Amb. Taylor and I then visited the conflict zone later that same day. We spoke to the press in Stanitsia Luhanska on July 26, and I gave a press conference in Kyiv on July 27.

The Presidential phone call took place on July 25, the day before I met with President Zelenskyy, along with Amb. Sondland and Amb. Taylor.

I was not on the July 25 phone call. I received a general readout via our Chargé and my own State Dept. staffer, as well as from Mr. Yermak. All said it was a good, congratulatory call, that they discussed the importance of fighting corruption and promoting reform in Ukraine, and that President Trump reiterated his invitation to President Zelenskyy to visit the White House. I was not made aware of any reference to Vice President Biden or his son, which I only learned about when the transcript of the call was released on September 25, 2019.

No mention of security assistance was made in the readouts either, and I said so in my press remarks on July 27, 2019, in Kyiv.

Ambassador Yovanovitch

I have known Ambassador Yovanovitch since we served together in London in 1988. Throughout our careers, we have worked together at various times. When I was serving as the Principal Deputy Assistant Secretary of State for European Affairs, I recommended her strongly to serve as U.S. Ambassador to Armenia, which she did quite capably.

I have always known her to be professional, capable, dedicated to the national interest, and of the highest integrity.

Avoiding Conflicts of Interest

Before accepting the position as U.S. Special Representative for Ukraine Negotiations, I worked carefully with Department of State lawyers to identify and prevent any possible conflicts of interest.

Given my commitment to building the McCain Institute at Arizona State University, as well as a number of other personal considerations, I did not want to accept a full-time, paid position in the Department of State. Rather, I preferred to work on a part-time, voluntary, and non-compensated basis, which allowed me to continue with my other duties.

I therefore set out a detailed set of ethics undertakings with the Department, and recused myself from any Ukraine-related activities elsewhere – particularly at BGR Group, where I serve as a senior international advisor to the firm. Per prior agreement when I joined Arizona State University, I do not do any client-specific work for the firm, nor do I engage in any representational activities. Upon becoming U.S. Special Representative for Ukraine Negotiations, I immediately notified the firm that I was recusing myself from all Ukraine-related activity. All of these documents are available to the Committee.

Released in Full

Testimony before the House of Representatives Committee on Foreign Affairs,
Permanent Select Committee on Intelligence, and Committee on Oversight

Amb. Kurt Volker
Former U.S. Special Representative for Ukraine Negotiations

October 3, 2019

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

Allow me to begin by stressing that you and the American people can be reassured and proud that the Department of State and the Department of Defense, and the professionals working there—civil and foreign service and military—have conducted themselves with the highest degree of professionalism, integrity, and dedication to the national interest. That is a testament to the strength of our people, our institutions, and our country.

As a former member of the Senior Foreign Service, and in conducting my role as U.S. Special Representative for Ukraine Negotiations, I have similarly acted solely to advance U.S. national interests, which included supporting democracy and reform in Ukraine; helping Ukraine better defend itself and deter Russian aggression; and leading U.S. negotiating efforts to end the war and restore Ukraine's territorial integrity.

Throughout my career, whether as a career diplomat, U.S. Ambassador to NATO, or in my other capacities, I have tried to be courageous, energetic, clear-eyed and plain-spoken—always acting with integrity, to advance core American values and interests. My efforts as U.S. Special Representative for Ukraine Negotiations were no different.

In carrying out this role, I at some stage found myself faced with a choice: to be aware of a problem and to ignore it, or rather to accept that it was my responsibility to try to fix it.

I would not have been true to myself, my duties, or my commitment to the people of the United States or Ukraine, if I did not dive in and try to fix problems as best I could.

There are five key points I would like to stress in this testimony, and I would like to submit a longer version and timeline of events for the record. Let me be clear that I wish to be complete and open in my testimony in order to help get the facts out and the record straight.

First, my efforts were entirely focused on advancing U.S. foreign policy goals with respect to Ukraine. In this, we were quite successful. U.S. policy toward Ukraine for the past two years has been strong, consistent, and has enjoyed support across the Administration, bipartisan support in Congress, and support among our Allies and Ukraine. While I will not be there to lead these efforts any longer, I sincerely hope that we are able to keep this policy strong going forward.

You may recall that in the Spring of 2017, when then-Secretary of State Tillerson asked if I would take on these responsibilities, there were major, complicated questions swirling in public debate about the direction of U.S. policy toward Ukraine.

Would the Administration lift sanctions against Russia? Would it make some kind of “grand bargain” with Russia, in which it would trade recognition of Russia’s seizure of Ukrainian territory for some other deal in Syria or elsewhere? Would the Administration recognize Russia’s claimed annexation of Crimea? Will this just become another frozen conflict? There were also a vast number of vacancies in key diplomatic positions, so no one was really representing the United States in the negotiating process about ending the war in eastern Ukraine.

Caring deeply about supporting Ukraine; recognizing that it stands for all of us in building a democracy and pushing back Russian aggression on their soil; and seeking to make sure American policy is in the right place, I agreed to take on these responsibilities. Then-Secretary of State Tillerson and I agreed that our fundamental policy goals would be to restore the sovereignty and territorial integrity of Ukraine, and to assure the safety and security of all Ukrainian citizens, regardless of ethnicity, nationality or religion.

I did this on a voluntary basis, with no salary paid by the U.S. taxpayer, simply because I believed it was important to serve our country in this way. I believed I could steer U.S. policy in the right direction.

In two years, the track record speaks for itself.

- I was the Administration’s most outspoken figure highlighting Russia’s ongoing aggression against Ukraine, and Russia’s responsibility to end the war.
- We coordinated closely with our European Allies and Canada, to maintain a united front against Russian aggression, and for Ukraine’s democracy, reform, sovereignty, and territorial integrity. Ukraine policy is perhaps the one area where the U.S. and its European Allies are in lock-step.
- This coordination helped to strengthen U.S. sanctions against Russia, and to maintain EU sanctions as well.
- Along with others in the Administration, I strongly advocated for lifting the ban on the sale of lethal defensive arms to Ukraine, advocated for increasing U.S. security assistance to Ukraine, and urged other countries to follow the U.S. lead.
- I engaged with our Allies, with Ukraine, and with Russia in negotiations to implement the Minsk Agreements, holding a firm line on insisting on the withdrawal of Russian forces, dismantling of the so-called “People’s Republics,” and restoring Ukrainian sovereignty and territorial integrity.
- In order to shine a spotlight on Russian aggression and to highlight the humanitarian plight suffered by the people in the Donbas as a result, I visited the war zone in Ukraine three times, with media in tow.

- Together with others in the Administration, we kept U.S. policy steady through Presidential and Parliamentary elections in Ukraine, and worked hard to strengthen the U.S.-Ukraine bilateral relationship under the new President and government, helping shepherd a peaceful transition of power in Ukraine.

In short, whereas two years ago, most observers would have said that time is on Russia's side, we have turned the tables, and time is now on Ukraine's side.

Second, in May of this year, I became concerned that a negative narrative about Ukraine, fueled by assertions made by Ukraine's departing Prosecutor General, was reaching the President of the United States, and impeding our ability to support the new Ukrainian government as robustly as I believed we should. After sharing my concerns with the Ukrainian leadership, an advisor to President Zelenskyy asked me to connect him to the President's personal lawyer, Mayor Rudy Giuliani. I did so. I did so solely because I understood that the new Ukrainian leadership wanted to convince those, like Mayor Giuliani, who believed such a negative narrative about Ukraine, that times have changed and that, under President Zelenskyy, Ukraine is worthy of U.S. support. I also made clear to the Ukrainians, on a number of occasions, that Mayor Giuliani is a private citizen and the President's personal lawyer, and that he does not represent the United States government.

Third, at no time was I aware of or took part in an effort to urge Ukraine to investigate former Vice President Biden. As you will see from the extensive text messages I am providing, which convey a sense of real-time dialogue with several different actors, Vice President Biden was never a topic of discussion.

Moreover, as I was aware of public accusations about the Vice President, several times I cautioned the Ukrainians to distinguish between highlighting their own efforts to fight corruption domestically, including investigating Ukrainian individuals (something we support as a matter of U.S. policy), and doing anything that could be seen as impacting U.S. elections (which is in neither the United States' nor Ukraine's own interests). To the best of my knowledge, no such actions by Ukraine were ever taken, at least in part, I believe, because of the advice I gave them.

Notably, I did not listen in on the July 25, 2019 phone call between President Trump and President Zelenskyy, and received only superficial readouts about that conversation afterwards. In addition, I was not aware that Vice President Biden's name was mentioned, or a request was made to investigate him, until the transcript of this call was released on September 25, 2019.

Fourth, while executing my duties, I kept my colleagues at the State Department and National Security Council informed, and also briefed Congress, about my actions. This included in-person meetings with senior U.S. officials at State, Defense, and the NSC, as well as staff briefings on Capitol Hill, and public testimony in the Senate on June 18, 2019. I have an extensive record of public commentary about our Ukraine policy. I have no doubt that there is a substantial paper trail of State Department correspondence concerning my meetings with

Ukrainians, Allies and so forth. As a matter of practice, I did not edit or “clear” on these messages, but told the reporting officers just to report as they normally would.

Fifth and finally, I strongly supported the provision of U.S. security assistance, including lethal defensive weapons, to Ukraine throughout my tenure. I became aware of a hold on Congressional Notifications about proceeding with that assistance on July 18, 2019, and immediately tried to weigh in to reverse that position. I was confident that this position would indeed be reversed in the end, because the provision of such assistance was uniformly supported at State, Defense, NSC, the House of Representatives, the Senate, and the expert community in Washington. As I was confident the position would not stand, I did not discuss the hold with my Ukrainian counterparts until the matter became public in late August. The position was indeed reversed, and assistance allowed to continue, within a few weeks after that.

Thank you for the opportunity to provide this testimony, and I look forward to answering your questions.