

**Kupec, Kerri (OPA)**

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**From:** Kupec, Kerri (OPA)  
**Sent:** Tuesday, October 8, 2019 1:23 PM  
**To:** Rabbitt, Brian (OAG)  
**Subject:** Fwd: Question for story

Begin forwarded message:

**From:** "Chris Strohm (BLOOMBERG/ NEWSROOM:)" <[cstrohm1@bloomberg.net](mailto:cstrohm1@bloomberg.net)>  
**Date:** October 8, 2019 at 1:03:01 PM EDT  
**To:** (b)(6)  
**Subject:** Question for story  
**Reply-To:** Chris Strohm <[cstrohm1@bloomberg.net](mailto:cstrohm1@bloomberg.net)>

I'm doing a story contrasting Barr and Wray amid the current controversies. Barr is has been drawn into controversy, given recent news about what he's doing with regard to the spy review and because Trump volunteered him to work with the Ukranian president to investigate Biden. Wray has been largely silent and out of the spotlight.

I'm using your statements about the phone call and how Barr is helping Durham.

I just need to know if there's anything else you want to add. And in particular, are you still declining to comment on whether Barr will seek an ethics review about whether he has to recuse himself from the Ukranian controversy?

My deadline is 9pm tonight. Thanks.

**Kupec, Kerri (OPA)**

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**From:** Kupec, Kerri (OPA)  
**Sent:** Wednesday, October 2, 2019 2:08 PM  
**To:** Rabbitt, Brian (OAG); Levi, William (OAG)  
**Subject:** Fwd: Breaking News: The whistle-blower gave an early account of his Ukraine complaint to a House aide, who outlined it to the congressman now leading the inquiry.

Begin forwarded message:

**From:** "Gibson, Jake" <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>  
**Date:** October 2, 2019 at 2:04:01 PM EDT  
**To:** "'Kupec, Kerri (OPA)'" (b)(6)  
**Subject:** Fwd: Breaking News: The whistle-blower gave an early account of his Ukraine complaint to a House aide, who outlined it to the congressman now leading the inquiry.

Add [nytdirect@nytimes.com](mailto:nytdirect@nytimes.com) to your address book.

 The New York Times

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## Breaking News Alert

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October 02, 2019

[NYTimes.com](https://www.nytimes.com) »

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**BREAKING NEWS**

The whistle-blower gave an early account of his Ukraine complaint to a House aide, who outlined it to the congressman now leading the inquiry.

Wednesday, October 2, 2019 1:59 PM EST

The Democratic head of the House Intelligence Committee, Representative Adam B. Schiff of California, learned about the outlines of a C.I.A. officer's concerns that President Trump had abused his power days before the officer filed a whistle-blower complaint, according to a spokesman and current and former American officials.

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**Escalona, Prim F. (OLA)**

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**From:** Escalona, Prim F. (OLA)  
**Sent:** Saturday, September 28, 2019 9:54 AM  
**To:** (b)(6) - Lee Holmes and Richard DiZinno Congressional Emails  
**Cc:** Boyd, Stephen E. (OLA)  
**Subject:** Fwd: DOJ statements on Ukraine, referral

Lee and Rich-  
The AG wanted to make sure that the Chairman had all of DOJ/the AG's statements on the Ukraine matter. Please see below. If you can confirm receipt for me, that would be really great. Sorry to ping you on a weekend.

Thanks!  
Prim

Prim Escalona  
202.353.5566

Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** September 28, 2019 at 9:51:30 AM EDT  
**To:** "Escalona, Prim F. (OLA)" <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>  
**Subject:** DOJ statements on Ukraine, referral

**Statement on Ukraine**

The Attorney General was first notified of the President's conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in

connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

### **Statement on Referral**

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.

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**Rabbitt, Brian (OAG)**

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**From:** Rabbitt, Brian (OAG)  
**Sent:** Thursday, September 26, 2019 4:58 PM  
**To:** Kupec, Kerri (OPA) (b)(6)  
**Subject:** WaPo

<https://www.washingtonpost.com/politics/2019/09/26/william-barr-has-some-explaining-do/>

(b)(5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Brian C. Rabbitt  
Chief of Staff & Sr. Counselor to the Attorney General  
U.S. Department of Justice  
T: (202) 514-3893  
M: (b)(6)  
[Brian.Rabbitt@usdoj.gov](mailto:Brian.Rabbitt@usdoj.gov)

**Kupec, Kerri (OPA)**

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**From:** Kupec, Kerri (OPA)  
**Sent:** Thursday, September 26, 2019 11:22 AM  
**To:** Boyd, Stephen E. (OLA); O'Callaghan, Edward C. (ODAG)  
**Subject:** FW: Democrats discussing a subpoena for AG Bill Barr  
**Importance:** High

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**From:** Schwartz2, Brian (NBCUniversal) <Brian.Schwartz@nbcuni.com>  
**Sent:** Thursday, September 26, 2019 11:18 AM  
**To:** Kupec, Kerri (OPA) (b)(6)  
**Subject:** Democrats discussing a subpoena for AG Bill Barr  
**Importance:** High

Hey Kerri,

It's Brian Schwartz from CNBC. I've been told that Democrats on the Judiciary are discussing sending a subpoena for AG Bill Barr. It's unclear yet if it will be for him to testify or for documents from the DOJ. He is mentioned both in the whistle blower complaint and the phone call summary with the president of the Ukraine. This is part of their larger impeachment inquiry. Does the AG or DOJ want to respond or comment? Thank you.

Brian Schwartz  
CNBC

**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Wednesday, September 25, 2019 8:13 AM  
**To:** Hankey, Mary B. (OLA) (mhankey@jmd.usdoj.gov); Prim F. Escalona (OLA) (pfescalona@jmd.usdoj.gov); 'Lasseter, David F. (OLA) (dlasseter@jmd.usdoj.gov)'; Jessica E. Hart (OLA) (jehart@jmd.usdoj.gov)  
**Subject:** FW: Unclassified OLC opinion  
**Attachments:** 2019-09-24 - AAG Engel - Urgent Concern Determination by IC IG (slip op) - FINAL.pdf

OLC opinion attached – 10 AM release time. SB

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**From:** Engel, Steven A. (OLC) (b)(6)  
**Sent:** Tuesday, September 24, 2019 6:58 PM  
**To:** Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6); Kupec, Kerri (OPA) (b)(6)  
**Cc:** Gannon, Curtis E. (OLC) (b)(6)  
**Subject:** FW: Unclassified OLC opinion

Attached is the public version of the unclassified OLC opinion. We intend to put it on our website at 10 am tomorrow.

**Steven A. Engel**  
Assistant Attorney General  
Office of Legal Counsel  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Office: (b)(6)

**Lasseter, David F. (OLA)**

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**From:** Lasseter, David F. (OLA)  
**Sent:** Friday, September 20, 2019 1:59 PM  
**To:** Boyd, Stephen E. (OLA); Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Kupec, Kerri (OPA); Woltornist, Alexei (PAO); Weinsheimer, Bradley (ODAG)  
**Subject:** Fwd: Letter from Sen. Feinstein  
**Attachments:** 2019.09.20 DF to Barr re ICIG Whistleblower.pdf; ATT00001.htm

Fysa. Attached letter from Senator Feinstein asking AG to provide Congress information concerning IC whistleblower issue.

dfi

Begin forwarded message:

**From:** "Calce, Christina (Judiciary-Dem)" (b)(6)  
**Date:** September 20, 2019 at 11:15:22 EDT  
**To:** "Lasseter, David F. (OLA)" <[David.F.Lasseter@usdoj.gov](mailto:David.F.Lasseter@usdoj.gov)>  
**Cc:** "Somers, Zach (Judiciary-Rep)" (b)(6)  
**Subject:** Letter from Sen. Feinstein

David,

Attached is a letter from Senator Feinstein to Attorney General Barr. Please let us know if you have any questions.

Thank you,  
Christina

**Christina Calce**  
Counsel  
Senator Dianne Feinstein, Ranking Member  
U.S. Senate Committee on the Judiciary  
(202) 224-(b)(6)

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 20, 2019

The Honorable William P. Barr  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

Dear Attorney General Barr:

This letter requests that you ensure that the whistleblower report provided to Director of National Intelligence Maguire by Inspector General Atkinson is transmitted to the relevant Committees of Congress.

The Intelligence Community Whistleblower Protection Act provides that the Director of National Intelligence “shall transmit” to relevant committees any whistleblower report from the Inspector General involving “a serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity.” (50 U.S.C. § 3033(k)(5)(G)).

It has now been reported that the Department of Justice advised the Director of National Intelligence on whether to transmit the whistleblower report to Congress. Accordingly, please also provide any advice or guidance that was offered by the Justice Department to the DNI regarding the transmittal of this report.

Thank you for your prompt attention to my request.

Sincerely,



Dianne Feinstein  
United States Senator

cc: The Honorable Lindsey O. Graham  
Chairman, Senate Committee on Judiciary

**Kupec, Kerri (OPA)**

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**From:** Kupec, Kerri (OPA)  
**Sent:** Thursday, September 19, 2019 5:45 PM  
**To:** Rabbitt, Brian (OAG)  
**Subject:** FW: DOJ involvement in whistleblower case

The bubble increases

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**From:** Sadie Gurman <sadie.gurman@wsj.com>  
**Sent:** Thursday, September 19, 2019 5:41 PM  
**To:** Kupec, Kerri (OPA) (b)(6)  
**Subject:** Re: DOJ involvement in whistleblower case

We are hearing that the IC IG referred this to DOJ and FBI for investigation? Can I trouble you for some guidance on this...

Sadie Gurman  
Reporter  
The Wall Street Journal  
(b)(6)

On Sep 19, 2019, at 1:07 PM, Sadie Gurman <[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)> wrote:

Yes I did — was wondering if the AG was involved in the conversations about this, though I do understand the guidance came from OLC. Thank you for sending!!

Sadie Gurman  
Reporter  
The Wall Street Journal  
(b)(6)

On Sep 19, 2019, at 1:03 PM, Kupec, Kerri (OPA) (b)(6) wrote:

You need to read the letter I sent you

On Sep 19, 2019, at 12:09 PM, Gurman, Sadie <[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)> wrote:

Ah ok, so clearly the 1998 OLC guidance related to whistleblowers is something they relied on? Will look at that.

Sadie Gurman  
WASHINGTON BUREAU

O: (b)(6) | M: (b)(6)  
E: [sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com) | T: @sgurman  
A: 1025 Connecticut Ave. NW, Suite 800 | Washington, D.C. 20036

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On Thu, Sep 19, 2019 at 12:00 PM Kupec, Kerri (OPA)

(b)(6) wrote:

Sent you the letter that explains DOJ's advice (OLC)

On Sep 19, 2019, at 11:23 AM, Gurman, Sadie  
<[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)> wrote:

Hi, Kerri,

Hoping you can offer some direction on this. The Justice Department recently advised DNI that it did not have to transmit a IC whistleblower complaint to Congress.

What was DOJ's exact role in this situation?  
Who was involved here and what did they tell Mr. Maguire?  
What legal issues were considered?  
Did OLC issue a memo or guidance? Will you share it?

Appreciate your help on this.

Sadie Gurman  
WASHINGTON BUREAU

O: (b)(6) | M: (b)(6)  
E: [sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com) | T: @sgurman  
A: [1025 Connecticut Ave. NW, Suite 800 | Washington, D.C. 20036](#)

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**Kupec, Kerri (OPA)**

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**From:** Kupec, Kerri (OPA)  
**Sent:** Tuesday, September 17, 2019 3:36 PM  
**To:** Rabbitt, Brian (OAG)  
**Subject:** Your girl

*Carol D. Leonnig and Shane Harris contributed to this report.*

[https://beta.washingtonpost.com/national-security/trumps-acting-intelligence-chief-told-to-turn-over-whistleblower-complaint-or-face-public-questioning-by-congress/2019/09/16/2c691f26-d893-11e9-bfb1-849887369476\\_story.html](https://beta.washingtonpost.com/national-security/trumps-acting-intelligence-chief-told-to-turn-over-whistleblower-complaint-or-face-public-questioning-by-congress/2019/09/16/2c691f26-d893-11e9-bfb1-849887369476_story.html)

**Kerri Kupec**

Director

Office of Public Affairs

U.S. Department of Justice

(b)(6)



*Council of the*  
**INSPECTORS GENERAL**  
*on INTEGRITY and EFFICIENCY*

October 22, 2019

Honorable Steven A. Engel  
Assistant Attorney General  
Office of Legal Counsel  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Dear Assistant Attorney General Engel:

Thank you for your interest in the views of the Inspector General community on the concerns raised by the Inspector General of the Intelligence Community (ICIG) in response to the Office of Legal Counsel's (OLC) September 3, 2019 Memorandum for the Office of the Director of National Intelligence (ODNI). That memorandum effectively overruled the determination by the ICIG regarding an "urgent concern" complaint under the Intelligence Community Whistleblower Protection Act (ICWPA) that the ICIG concluded appeared credible and therefore needed to be transmitted to Congress. This letter from the Council of the Inspectors General on Integrity and Efficiency, on behalf of the undersigned federal Inspectors General (IG), expresses our support for the position advanced by the ICIG and our concern that the OLC opinion, if not withdrawn or modified, could seriously undermine the critical role whistleblowers play in coming forward to report waste, fraud, abuse, and misconduct across the federal government. Further, as addressed in detail below, OLC's interpretation regarding the ICWPA procedure in question, which mirrors the procedure that Congress included in Section 5(d) of the Inspector General Act of 1978 (IG Act), has the potential to undermine IG independence across the federal government.

As an initial matter, we find the arguments and concerns raised by the ICIG in his September 17, 2019 response to the OLC memorandum compelling. OLC concluded that the foreign election interference alleged by the whistleblower was not an "urgent concern" within the meaning of the ICWPA because it did not concern "the funding, administration, or operation of an intelligence activity" under the authority of the DNI. In his response, by describing and citing to the DNI's relevant legal authorities, the ICIG showed that the DNI has a broad legal mandate to address intelligence matters related to national security, as well as the specific responsibility to assess instances of possible foreign interference in United States elections and identify, to the maximum extent possible, the methods used and persons and foreign governments involved in the interference. These responsibilities support the ICIG's conclusion that the protection of federal elections from foreign interference is squarely within the DNI's "operations". The legal authorities cited in his letter also support the ICIG's determination that the whistleblower raised a claim of a serious or flagrant problem that relates to an intelligence activity within the DNI's jurisdiction. It surely cannot be the case that the DNI has responsibilities related to

foreign election interference but is prohibited from reviewing the cause of any such alleged interference.<sup>1</sup>

We further note that the DNI has jurisdiction over the handling of classified and other sensitive information. As a result, the whistleblower's allegation that certain officials may have misused an intelligence system also raises an additional claim of a serious or flagrant problem that relates to the operations of the DNI and therefore may properly be considered an urgent concern under the statute.<sup>2</sup>

The OLC memorandum also confuses whether the ICIG has jurisdiction to investigate alleged foreign interference with U.S. elections with the question of whether the DNI has the responsibility to address that issue. The ICIG determined that the whistleblower complaint relates to intelligence activities subject to the DNI's responsibility and authority, and the ICIG is responsible, under the ICWPA, for making an independent judgment as to what disclosures represent an "urgent concern" related to DNI's jurisdiction. The two cases cited in the OLC opinion, which narrowly question an IG's authority to conduct specific regulatory compliance investigations on behalf of its establishment agency, are distinguishable from the ICIG's ability to accept, review, and transmit whistleblower allegations related to DNI responsibilities.<sup>3</sup> They do not undermine the responsibility, under the ICWPA, for the DNI to transmit to Congress what the ICIG determined to be an urgent concern related to the DNI's jurisdiction.

We also share the ICIG's concern that the OLC opinion could seriously impair whistleblowing and deter individuals in the intelligence community and throughout the government from reporting government waste, fraud, abuse, and misconduct. Whistleblowers play an essential public service in coming forward with such information, and they should never suffer reprisal or

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<sup>1</sup> The fact that other parts of the government, such as the Federal Bureau of Investigation and the Department of Justice, also have responsibilities in this area does not divest the DNI of such duties as a matter of law or practice. The ICWPA does not require that the activity that is the subject of an urgent concern be exclusively within the purview of the DNI, but only that it is "relating" to such operations,

<sup>2</sup> The suggestion in the OLC memorandum that the jurisdiction of the DNI, or any federal agency head, is limited to the conduct of their own employees is not correct as a matter of law or practice. In this example, the misuse of federal intelligence systems within the oversight of the DNI, by whomever it may allegedly have been done, would relate to the administration or operation of an intelligence operation or activity within the responsibility of the DNI and, therefore, properly be the subject of an urgent concern.

<sup>3</sup> Courts have routinely denied challenges raised by regulated entities to OIG jurisdiction, including challenges relying on the notion that OIGs cannot be involved in a "routine agency investigation". *See, e.g. Univ. of Med. & Dentistry of New Jersey v. Corrigan*, 347 F.3d 57, 66 (3d Cir. 2003) ("[W]e see no basis for concluding that the inspector general's authority cannot overlap with that of the department. As the Court of Appeals for the Fifth Circuit stated, "Section 9(a)(2) prohibits the transfer of 'program operating responsibilities,' and not the duplication of functions or the copying of techniques." (internal citation omitted)); *Adair v. Rose Law Firm*, 867 F. Supp. 111, 1117 (D.D.C. 1994) ("*Burlington Northern* imposed limits on the authority of Inspectors General that do not appear on the face of the statute or in its legislative history."). The OLC opinion suggests a clear delineation, when none exists, between what an OIG may not investigate (a "routine agency investigation") and what it may ("an investigation relating to abuse and mismanagement in the administration" of the programs and operations of the agencies subject to OIG oversight).

even the threat of reprisal for doing so. For over 40 years, since enactment of the Inspector General Act in 1978, the IG community has relied on whistleblowers, and the information they provide, to conduct non-partisan, independent oversight of the federal government. Because the effectiveness of our oversight work depends on the willingness of government employees, contractors, and grantees to come forward to us with their concerns about waste, fraud, abuse, and misconduct within government, those individuals must be protected from reprisal. Indeed, just three months ago, in July 2019, the Council of the Inspectors General on Integrity and Efficiency released a [report](#) that highlights the many contributions whistleblowers have made to uncovering waste and abuse in federal agencies. We agree with Senator Charles Grassley, Chairman and co-founder of the U.S. Senate’s Whistleblower Caucus, who noted recently regarding this matter, that whistleblowers “ought to be heard out and protected” and “we should always work to respect whistleblowers’ requests for confidentiality.” Similarly, Senator Mark Warner, Vice Chairman of the Senate Select Committee on Intelligence, noted that intelligence community leaders have a responsibility to protect any “individual within the intelligence community who steps forward to lawfully report illegal or unethical behavior within the federal government.”

Given the nature of the information handled within the intelligence community, Congress passed the ICWPA to ensure that employees and contractors in that community have a safe, lawful channel to disclose classified information to Congress that evidences alleged wrongdoing without fear of reprisal. As Congress has done in every other whistleblower law passed since 1978, it entrusted IGs to play a central role in the evaluation of the information provided. Specifically, the ICWPA requires an IG to make within 14 days a factual determination as to whether an alleged urgent concern provided to the IG “appears credible.” If the IG determines that the allegation appears credible, which necessarily includes a determination by the IG that it involves an “urgent concern,” the IG is required to forward the allegation to the head of the agency and the agency head “shall” forward it to Congress within 7 days “with any comments.” The ICWPA’s use of the word “shall” makes it clear that the statute does not authorize the agency head, or any other party for that matter, to review or second-guess an IG’s good faith determination that a complaint meets the ICWPA’s statutory language. Indeed, an earlier Senate version of the ICWPA would have authorized Intelligence Community employees to report urgent concerns directly to Congressional committees of jurisdiction. However, in response to Executive Branch constitutional concerns, Congress ultimately created the current procedure by which IGs would be entrusted with the assessment of the urgent concern and would trigger production to Congress if the IG determined that the allegation “appears credible.”<sup>4</sup>

This ICWPA procedure, which Congress created in 1998, mirrors the procedure that Congress included in Section 5(d) of the IG Act. Under that provision, when an IG identifies “particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs

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<sup>4</sup> The additional Executive Branch role under the ICWPA was added to protect potentially highly classified information. For example, for highly classified intelligence information or activities, notification could be restricted to the chair and ranking members of the appropriate committees and chambers of Congress.

and operations” of the agency, the IG must notify the agency head in writing of such matters. Section 5(d) requires that the agency head, within 7 days of receipt of the letter, “shall” transmit the IG’s written concerns to Congress along with “any comments [the agency head] deems appropriate.” It would be wholly inconsistent with the IG Act, and undermine IG independence, if the agency head – instead of forwarding the IG’s concerns to Congress as the law requires – sought OLC’s advice so that OLC could consider, and then potentially second-guess, the IG’s determination (a) that the problem, abuse, or deficiency was a “serious” or “flagrant” one, or (b) that it related to the administration of agency programs and operations.

In this matter, OLC did not find that production to Congress was limited due to a valid constitutional concern. Rather, OLC substituted its judgment and reversed a determination the statute specifically entrusted to the ICIG because of its independence, objectivity, and expertise to credibly assess the information. In our view, the OLC’s opinion undermines the independence of the ICIG and wrongly interprets the respective roles and responsibilities of IGs and agency heads under the ICWPA. Further, the opinion potentially creates space for agency heads across government to make their own determinations related to IG jurisdiction or reporting. Such a result would be contrary to IG independence and congressional intent in requiring IGs to maintain independent legal counsel and may impede the ability of Congress and taxpayers to obtain the objective and independent oversight they rely on from IGs.

Perhaps most concerning to the IG community, we believe that the OLC opinion creates uncertainty for federal employees and contractors across government about the scope of whistleblower protections, thereby chilling whistleblower disclosures. As the ICIG noted in his letter to OLC, “because OLC’s opinion determined that the DNI is not required to transmit the complaint to the intelligence committees, a question has arisen about whether the Complainant has the statutory protections against a reprisal, or threat of reprisal, for submitting the disclosure pursuant to the ‘urgent concern’ process.” Given their importance to accountability in government, it is critical that the protection of whistleblowers from retaliation not be diminished by OLC’s narrow interpretation of the ICPWA.

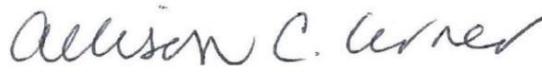
If intelligence community employees and contractors believe that independent IG determinations may be second guessed, effectively blocking the transmission of their concerns to Congress and raising questions about the protections afforded to them, they will lose confidence in this important reporting channel and their willingness to come forward with information will be chilled. More generally, this concern is not limited to the intelligence community but will have a chilling effect that extends to employees, contractors, and grantees in other parts of the government, who might not consider it worth the effort and potential impact on themselves to report suspected wrongdoing if they think that their efforts to disclose information will be for naught or, worse, that they risk adverse consequences for coming forward when they see something they think is wrong. That would be a grave loss for IG oversight and, as a result, for the American taxpayer.

For these reasons, we agree with the ICIG that the OLC opinion creates a chilling effect on effective oversight and is wrong as a matter of law and policy. We urge you to reconsider the conclusions of the OLC opinion and withdraw or modify it.

Sincerely,



Michael E. Horowitz  
Chairperson  
IG, U.S. Department of Justice



Allison C. Lerner  
Vice Chairperson  
IG, National Science Foundation

Additional Signatories:

The Honorable Ann Calvaresi-Barr, Inspector General, Agency for International Development

The Honorable Phyllis Fong, Inspector General, Department of Agriculture

Kevin Winters, Inspector General, Amtrak

Hubert Sparks, Inspector General, Appalachian Regional Commission

Christopher Failla, Inspector General, Architect of the Capitol

Michael A. Bolton, Inspector General, U.S. Capitol Police

Christine Ruppert, Acting Inspector General, Central Intelligence Agency

The Honorable Peggy Gustafson, Inspector General, Department of Commerce

Thomas Lehrich, Inspector General, Committee for Purchase from People who are Blind or Severely Disabled (Ability One)

A. Roy Lavik, Inspector General, Commodity Futures Trading Commission

Christopher W. Dentel, Inspector General, Consumer Product Safety Commission

Kimberly A. Howell, Inspector General, Corporation for Public Broadcasting

The Honorable Deborah Jeffrey, Inspector General, Corporation for National and Community Service

Glenn Fine, Principal Deputy Inspector General Performing the Duties of the Inspector General, Department of Defense

Kristi M. Waschull, Inspector General, Defense Intelligence Agency

Sandra D. Bruce, Deputy Inspector General Delegated the Duties of the Inspector General, Department of Education

Patricia Layfield, Inspector General, U.S. Election Assistance Commission

The Honorable Teri Donaldson, Inspector General, Department of Energy

Milton Mayo, Inspector General, Equal Employment Opportunity Commission

Jennifer Fain, Acting Inspector General, Export-Import Bank of the United States

Wendy Laguarda, Inspector General, Farm Credit Administration

The Honorable Jay Lerner, Inspector General, Federal Deposit Insurance Corporation

Christopher Skinner, Inspector General, Federal Election Commission

The Honorable Laura S. Wertheimer, Inspector General, Federal Housing Finance Agency

Dana Rooney, Inspector General, Federal Labor Relations Authority

Jon Hatfield, Inspector General, Federal Maritime Commission

Mark Bialek, Inspector General,  
Board of Governors of the Federal  
Reserve System/Consumer Financial  
Protection Bureau

Andrew Katsaros, Inspector General,  
Federal Trade Commission

The Honorable Carol F. Ochoa, Inspector  
General, General Services Administration

Adam Trzeciak, Inspector General, Government  
Accountability Office

Michael P. Leary, Inspector General,  
Government Publishing Office

Joanne Chiedi, Acting Inspector General,  
Department of Health and Human Services

The Honorable Joseph V. Cuffari, Inspector  
General, Department of Homeland  
Security

The Honorable Rae Oliver Davis,  
Inspector General, Department of Housing  
and Urban Development

The Honorable Mark L. Greenblatt, Inspector  
General, Department of Interior

Philip M. Heneghan, Inspector General,  
U.S. International Trade Commission

The Honorable Scott Dahl, Inspector  
General, Department of Labor

Kurt W. Hyde, Inspector General,  
Library of Congress

The Honorable Paul K. Martin, Inspector  
General, National Aeronautics and Space  
Administration

James Springs, Inspector General,  
National Archives and Records  
Administration

James Hagen, Inspector General,  
National Credit Union Administration

Ron Stith, Inspector General,  
National Endowment for the Arts

Laura Davis, Inspector General,  
National Endowment for the Humanities

Cardell Richardson, Inspector General,  
National Geospatial-Intelligence Agency

David Berry, Inspector General,  
National Labor Relations Board

The Honorable Susan S. Gibson, Inspector  
General, National Reconnaissance Office

The Honorable Robert P. Storch, Inspector  
General, National Security Agency

David C. Lee, Deputy Inspector General  
Delegated the Duties of the Inspector General,  
Nuclear Regulatory Commission

Norbert Vint, Acting Inspector General, Office of  
Personnel Management

Kathy A. Buller, Inspector General, Peace Corps

Robert Westbrook, Inspector General, Pension  
Benefit Guaranty Corporation

Jack Callender, Inspector General,  
Postal Regulatory Commission

Tammy Whitcomb, Inspector General,  
U.S. Postal Service

The Honorable Martin J. Dickman,  
Inspector General, Railroad Retirement  
Board

Carl Hoecker, Inspector General, Securities and  
Exchange Commission

The Honorable Hannibal "Mike" Ware, Inspector  
General, Small Business Administration

Cathy Helm, Inspector General,  
Smithsonian Institution

The Honorable Gail S. Ennis, Inspector General,  
Social Security Administration

John F. Sopko, Special Inspector General,  
Special Inspector General for Afghanistan  
Reconstruction

The Honorable Christy Romero, Special  
Inspector General, Special Inspector  
General for the Troubled Asset Relief  
Program

The Honorable Steve A. Linick, Inspector  
General, Department of State

Jill Matthews, Deputy Inspector General  
Performing the Duties of the Inspector  
General, Tennessee Valley Authority

The Honorable Calvin L. Scovel, III, Inspector  
General, Department of Transportation

Richard K. Delmar, Acting Inspector General,  
Department of Treasury

The Honorable Michael J. Missal, Inspector  
General, Department of Veterans Affairs

**Engel, Steven A. (OLC)**

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**From:** Engel, Steven A. (OLC)  
**Sent:** Saturday, September 28, 2019 12:18 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Cc:** Demers, John C. (NSD); Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** RE: Form

(b)(5)

-----Original Message-----

From: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>  
Sent: Saturday, September 28, 2019 9:30 AM  
To: Engel, Steven A. (OLC (b)(6))  
Cc: Demers, John C. (NSD (b)(6)); Rosen, Jeffrey A. (ODAG)  
(b)(6); Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov>  
Subject: Re: Form

(b)(5)

Edward C. O'Callaghan  
202-514-2105

> On Sep 28, 2019, at 8:25 AM, Engel, Steven A. (OLC) <saengel@jmd.usdoj.gov> wrote:

>

(b)(5)

>

> Sent from my iPhone

>

> On Sep 28, 2019, at 8:17 AM, Demers, John C. (NSD (b)(6)) wrote:

>

>

(b)(5)

>

> John

>

>> On Sep 27, 2019, at 11:06 PM, Rosen, Jeffrey A. (ODAG (b)(6)) wrote:

>>

> (b)(5)

>

>>

>>

**Rosen, Jeffrey A. (ODAG)**

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**From:** Rosen, Jeffrey A. (ODAG)  
**Sent:** Monday, November 4, 2019 8:09 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Subject:** 4346871.pdf  
**Attachments:** 4346871.pdf

United States Senate  
WASHINGTON, DC 20510

September 27, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable William Barr  
Attorney General  
Department of Justice

Dear Attorney General Barr:

We write to follow up on Senator Grassley's July 20, 2017 letter, which highlighted brazen efforts by the Democratic National Committee and Hillary Clinton campaign to use the government of Ukraine for the express purpose of finding negative information on then-candidate Trump in order to undermine his campaign.<sup>1</sup> That letter also highlighted news reports that, during the 2016 presidential election, "Ukrainian government officials tried to help Hillary Clinton and undermine Trump" and did so by "disseminat[ing] documents implicating a top Trump aide in corruption and suggest[ing] they were investigating the matter[.]"<sup>2</sup> Ukrainian officials also reportedly "helped Clinton's allies research damaging information on Trump and his advisers."<sup>3</sup>

At the center of this plan was Alexandra Chalupa, described by reports as a Ukrainian-American operative "who was consulting for the Democratic National Committee" and who reportedly met with Ukrainian officials during the presidential election for the express purpose of exposing alleged ties between then-candidate Donald Trump, Paul Manafort, and Russia.<sup>4</sup> *Politico* also reported on a *Financial Times* story that quoted a Ukrainian legislator, Serhiy Leschenko, as saying that Trump's candidacy caused "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election."<sup>5</sup>

The July 20, 2017 letter further noted that the Democratic National Committee encouraged Chalupa to work with Ukrainian embassy staff to "arrange an interview in which Poroshenko [the president of Ukraine] might discuss Manafort's ties to Yanukovich."<sup>6</sup> In March 2016, Chalupa met with Valeriy Chaly, Ukraine's ambassador to the U.S., and Oksana Shulyar, a top aid to the Ukrainian ambassador, to share her alleged concerns about Manafort. Reports state that the purpose of that initial meeting was to "organize a June reception at the embassy to promote Ukraine." However, another Ukrainian embassy official, Andrii Telizhenko, told

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<sup>1</sup> Letter from Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, to Hon. Rod J. Rosenstein, Attorney General, U.S. Department of Justice (July 20, 2017), *available at* <https://www.grassley.senate.gov/sites/default/files/constituents/2017-07%20%20CEG%20to%20DOJ%20%28Ukraine%20DNC%20FARA%29.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *POLITICO* (Jan. 11, 2017), <https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

*Politico* that Shulyar instructed him to assist Chalupa with research to connect Trump, Manafort, and the Russians. He reportedly said, “[t]hey were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa” and that “Oksana [Shulyar] was keeping it all quiet...the embassy worked very closely with” Chalupa.<sup>7</sup> In a May 2019 article, Telizhenko was quoted as saying,

[Chalupa] said the DNC wanted to collect evidence that Trump, his organization and Manafort were Russian assets, working to hurt the U.S. and working with [Russian President Vladimir] Putin against the U.S. interests. She indicated if we could find the evidence they would introduce it in Congress in September and try to build a case that Trump should be removed from the ballot, from the election.<sup>8</sup>

Reportedly, Telizhenko was instructed by the Ukrainian government to meet with an American journalist about Paul Manafort’s ties to Ukraine.<sup>9</sup> In addition, in May 2016, Chalupa emailed a DNC official stating that she met with 68 Ukrainian investigative journalists about Manafort and that there would be “[a] lot more coming down the pipe.”<sup>10</sup> Less than a month later, the “black ledger” identifying payments made to Manafort from Ukrainian politicians was announced in Ukraine.<sup>11</sup> And finally, Nellie Ohr, the wife of Justice Department official Bruce Ohr, stated during a congressional interview that Fusion GPS used Serhiy Leschenko, a Ukrainian politician that admitted Ukraine intervened in the 2016 election, as a source for derogatory material against then-candidate Trump.<sup>12</sup>

After two years, more than 2,800 subpoenas, approximately 500 search warrants and witness interviews, and \$30 million in taxpayer money, Robert Mueller reported that then-candidate Trump did not collude with the Russians or any other foreign government to interfere with the 2016 presidential election.<sup>13</sup> In contrast, however, the Clinton campaign and Democratic National Committee hired Fusion GPS to conduct opposition research against candidate Trump, which included, among other efforts, the hiring of former British Intelligence Officer Christopher Steele to compile the “Steele Dossier” that reportedly used Russian government sources for information. These facts continue to raise concerns about foreign assistance in the 2016 election that have not been thoroughly addressed.

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<sup>7</sup> Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *POLITICO* (Jan. 11, 2017), <https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446>.

<sup>8</sup> John Solomon, *Ukrainian Embassy confirms DNC contractor solicited Trump dirt in 2016*, *The Hill* (May 2, 2019), <https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> John Solomon, *Ukrainian Embassy confirms DNC contractor solicited Trump dirt in 2016*, *The Hill* (May 2, 2019), <https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>; Jack Gillum et al., *Manafort firm received Ukraine ledger payout*, *AP* (Apr. 12, 2017), <https://www.apnews.com/20cfc75c82eb4a67b94e624e97207e23>.

<sup>12</sup> Transcript of Nellie Ohr Interview, Executive Session House Committee on the Judiciary joint with the Committee on Government Reform and Oversight (Oct. 19, 2018), <https://dougcollins.house.gov/sites/dougcollins.house.gov/files/10.19.18%20Nellie%20Ohr%20Interview.pdf>.

<sup>13</sup> See generally DEP’T OF JUSTICE, OFF. OF SPECIAL COUNSEL, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION (Mar. 2019), <https://www.justice.gov/storage/report.pdf>.

According to the Justice Department, U.S. Attorney John Durham is “exploring the extent to which...Ukraine, played a role in the counterintelligence investigation” during the 2016 election.<sup>14</sup> However, the Justice Department has yet to inform Congress and the public whether it has begun an investigation into links and coordination between the Ukrainian government and individuals associated with the campaign of Hillary Clinton or the Democratic National Committee. Ukrainian efforts, abetted by a U.S. political party, to interfere in the 2016 election should not be ignored. Such allegations of corruption deserve due scrutiny, and the American people have a right to know when foreign forces attempt to undermine our democratic processes. Accordingly, please provide an answer to two questions from the July 2017 letter related to the Democrats’ collusion with Ukrainian officials:

1. Are you investigating links and coordination between the Ukrainian government and individuals associated with the campaign of Hillary Clinton or the Democratic National Committee? If not, why not?
2. Why hasn’t the Justice Department required Alexandra Chalupa to register as a foreign agent under FARA?

In addition, information has surfaced that raises new questions. A recent report described a note purporting to memorialize a meeting in Kiev between the Ukrainian Acting Prosecutor General, Yuriy Sevruck, and Burisma’s American legal team.<sup>15</sup> Yuriy Sevruck was the temporary replacement for the Prosecutor General that Vice President Biden demanded be fired, Viktor Shokin. The note, reportedly written by Sevruck, states that “[t]he purpose of their visit was an apology for dissemination of false information by U.S. representatives and public figures on the activities of the Prosecutor General’s Office of Ukraine [Shokin] in regards to the investigation of criminal activities of Zlochevsky [Oligarch owner of Burisma Holdings].”<sup>16</sup>

The article also reports that Ukrainian prosecutors have unsuccessfully been trying to get information to Justice Department officials since the summer of 2018, possibly including “[h]undreds of pages of never-released memos and documents ... [that] conflict with Biden’s narrative”<sup>17</sup> that his actions in Ukraine had nothing to do with his son’s connections to Burisma. In light of this reporting, has the Justice Department obtained or been offered documents from Ukrainian officials related to these matters? If so, what were those documents?

We respectfully request that you respond to all of these questions no later than October 14, 2019.

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<sup>14</sup> Jeff Mordock, *John Durham investigating Ukraine in Trump-Russia origins probe*, The Washington Times (Sept. 25, 2019), <https://www.washingtontimes.com/news/2019/sep/25/john-durham-probing-ukraine-as-part-of-trump-russi/>

<sup>15</sup> John Solomon, *These once-secret memos cast doubt on Joe Biden’s Ukraine story*, The Hill (Sept. 26, 2019), <https://thehill.com/opinion/campaign/463307-solomon-these-once-secret-memos-cast-doubt-on-joe-bidens-ukraine-story>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the Office of Senate Security. Although the Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Thank you in advance for your prompt attention to these matters. Should you have any questions, please contact Joshua Flynn-Brown of Chairman's Grassley's staff at (202) 224-(b)(6) or Brian Downey or Scott Wittmann of Chairman Johnson's staff at (202) 224-(b)(6).

Sincerely,



Charles E. Grassley  
Chairman  
Senate Finance Committee



Ron Johnson  
Chairman  
Senate Homeland Security  
and Governmental Affairs

**Rabbitt, Brian (OAG)**

---

**From:** Rabbitt, Brian (OAG)  
**Sent:** Wednesday, October 23, 2019 8:01 PM  
**To:** Kupec, Kerri (OPA)  
**Subject:** Re: meeting between Toensing/DiGenova and AG Barr

Seth and Will also confirmed no involvement

Sent from my iPhone

On Oct 23, 2019, at 7:02 PM, brrabbitt@jmd.usdoj.gov wrote:

?Not that I am aware of.

Sent from my iPhone

On Oct 23, 2019, at 6:37 PM, Kupec, Kerri (OPA) (b)(6) wrote:

?  
I believe the answer to this is no.

**From:** Tessa Berenson <tessa.berenson@time.com>  
**Sent:** Wednesday, October 23, 2019 3:27 PM  
**To:** Kupec, Kerri (OPA) (b)(6)  
**Subject:** meeting between Toensing/DiGenova and AG Barr

Hi Kerri,

I saw the [Washington Post's reporting](#) that after they took on Firtash as a client, Joe DiGenova and Victoria Toensing had a face-to-face meeting with AG Barr to talk about Firtash's case.

One question for you: Did Rudy Giuliani play any role in setting up this meeting?

Thanks, let me know. Feel free to call if you'd like to discuss -- (b)(6)

Best,

Tessa

--  
Tessa Berenson  
White House Correspondent—TIME Magazine  
@tcberenson

**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Tuesday, October 22, 2019 4:11 PM  
**To:** Rabbitt, Brian (OAG); Kupec, Kerri (OPA); O'Callaghan, Edward C. (ODAG)  
**Subject:** FW: Bill Taylor's Written Statement

FYSA below. Note reference to a DOJ employee. SB

---

**From:** Greer, Megan L. (OLA) <mlgreer@jmd.usdoj.gov>  
**Sent:** Tuesday, October 22, 2019 4:06 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6); Lasseter, David F. (OLA)  
<dlasseter@jmd.usdoj.gov>  
**Subject:** Bill Taylor's Written Statement

Is available here: <https://games-cdn.washingtonpost.com/notes/prod/default/documents/542ee36f-eafc-4f2b-a075-b3b492d981a5/note/75965f57-6561-42f8-af40-a9e984a85660.pdf>

Note the one unnamed reference to a DAAG on page 9:

On August 16, I exchanged text messages with Ambassador Volker in which I learned that Mr. Yermak had asked that the United States submit an official request for an investigation into Burisma's alleged violations of Ukrainian law, if that is what the United States desired. A formal U.S. request to the Ukrainians to conduct an investigation based on violations of their own law struck me as improper, and I recommended to Ambassador Volker that we "stay clear." To find out the legal aspects of the question, however, I gave him the name of a Deputy Assistant Attorney General whom I thought would be the proper point of contact for seeking a U.S. referral for a foreign investigation.

**Megan L. Greer**  
Office of Legislative Affairs  
202.353.9085 office  
(b)(6) mobile

**O'Callaghan, Edward C. (ODAG)**

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**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Thursday, October 10, 2019 4:34 PM  
**To:** Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** Fwd: Letter to AAG Benczkowski  
**Attachments:** 2019.10.10 SJC to AAG Benczkowski.pdf; ATT00001.htm

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Lasseter, David F. (OLA)" <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**Date:** October 10, 2019 at 3:55:44 PM EDT  
**To:** "Boyd, Stephen E. (OLA)" (b)(6), "Escalona, Prim F. (OLA)" <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>, "Driscoll, Kevin (CRM)" (b)(6), "Benczkowski, Brian (CRM)" (b)(6), "Engel, Steven A. (OLC)" (b)(6), "O'Callaghan, Edward C. (ODAG)" (b)(6), "Kupec, Kerri (OPA)" <[kkupec@jmd.usdoj.gov](mailto:kkupec@jmd.usdoj.gov)>, "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Subject: FW: Letter to AAG Benczkowski**

FYSA attached from Senate Judiciary democrats.

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**From:** Zdeb, Sara (Judiciary-Dem) (b)(6)  
**Sent:** Thursday, October 10, 2019 3:02 PM  
**To:** Lasseter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**Cc:** Somers, Zach (Judiciary-Rep) (b)(6)  
**Subject:** Letter to AAG Benczkowski

David:

Please see attached for correspondence for Assistant Attorney General Benczkowski. If you could confirm receipt I'd be grateful.

Regards,

Sara

**Sara Zdeb**  
Senior Counsel  
U.S. Senate Committee on the Judiciary  
Ranking Member Dianne Feinstein

202-224-7703 (Main)

(b)(6) (Direct)

(b)(6)

**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Wednesday, October 2, 2019 11:39 AM  
**To:** Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Kupec, Kerri (OPA)  
**Subject:** Fwd: HOCR Draft Subpoena to WH  
**Attachments:** 2019-10-02.COR WH Subpoena Memo and Schedule.pdf; ATT00001.htm

Heads up re: info below.

Sent from my iPhone

Begin forwarded message:

**From:** "Greer, Megan L. (OLA)" <[mlgreer@jmd.usdoj.gov](mailto:mlgreer@jmd.usdoj.gov)>  
**Date:** October 2, 2019 at 11:26:25 AM EDT  
**To:** "Boyd, Stephen E. (OLA)" (b)(6), "Lasseter, David F. (OLA)" <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>, "Hankey, Mary Blanche (OLA)" <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)>  
**Subject:** HOCR Draft Subpoena to WH

Attached is the HOCR memo and draft WH subpoena, which the Committee intends to issue on Friday 10/4. The memo explains that the Committee will not hold a business meeting or mark-up in advance of issuing the subpoena.

Two of the subpoena's requests relate directly to the AG/Department:

**Request 3(b):** [Communications between or among any of the following referring or relating in any way to the July 25, 2019, telephone conversation] Current or former employees or officials of the Department of Justice, including but not limited to Attorney General William "Bill" Barr and Assistant Attorney General John Demers; and

**Request 8:** All meetings or communications between any current or former White House officials, employees, or detailees, including President Trump, and Attorney General William Barr or any other Department of Justice official or employee, relating to the investigations described in paragraph 7 [Efforts by any current or former member of the Trump Administration or Rudolph ("Rudy") W. Giuliani, Igor Fruman, Lev Parnas, Semyon ("Sam") Kislin, Joseph diGenova, Victoria Toensing, Vitaly Pruss or any of their associates, to induce, compel, petition, press, solicit, request, or suggest that current or former Ukrainian government officials, politicians, or other persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, investigate matters related to Burisma Holdings Ltd., Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, or any U.S. persons or entities].

**Megan L. Greer**  
Office of Legislative Affairs  
202.353.9085 office  
(b)(6) mobile

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<http://oversight.house.gov>

**MEMORANDUM**

**October 2, 2019**

**To: Members of the Committee on Oversight and Reform**

**Fr: Chairman Elijah E. Cummings**

**Re: Notice of Intent to Issue Subpoena**

Pursuant to the House of Representatives' impeachment inquiry, this memorandum provides Committee Members with notice of my intent to issue a subpoena to the White House.

This subpoena will be issued by the Committee on Oversight and Reform on Friday, October 4, 2019, under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

I do not take this step lightly. Over the past several weeks, the Committees tried several times to obtain voluntary compliance with our requests for documents, but the White House has refused to engage with or even respond to the Committees.

Only after overwhelming public pressure did the Trump Administration finally release the incriminating record of the President's July 25, 2019, call with the Ukrainian President and reverse its misguided decision to block the whistleblower complaint submitted to the Inspector General of the Intelligence Community from being transmitted to Congress as required by federal law.

The White House's flagrant disregard of multiple voluntary requests for documents combined with stark and urgent warnings from the Inspector General about the gravity of these allegations have left us with no choice but to issue this subpoena.

## I. BACKGROUND

On September 9, 2019, the Committee on Oversight and Reform, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs sent a letter to White House Counsel Pat Cipollone requesting that the White House produce documents relating to these matters by September 16, 2019.<sup>1</sup> This request, along with a separate joint request to Secretary of State Mike Pompeo, was based on a growing public record that staff began examining months earlier relating to efforts by the President and his agent, Rudy Giuliani, to press Ukraine to pursue politically-motivated investigations into the President's domestic political rival.

The White House did not produce any documents by the requested date, did not send any reply letter, and did not acknowledge receipt of the request.

On September 24, 2019, the Committees sent a follow-up letter warning that the Chairmen would be forced to consider compulsory process if the White House continued to ignore the request. The Chairmen noted: "If the recent reports are accurate, it means the President raised with a foreign leader pursuing investigations related to a political opponent in an upcoming U.S. election."<sup>2</sup>

The letter continued:

Our Committees have a constitutional duty to serve as an independent check on the Executive Branch and to determine the facts regarding the actions of the President. Any attempt by a President to use the office of the presidency of the United States for personal political gain rather than the national interest fundamentally undermines our sovereignty, democracy, and the Constitution.<sup>3</sup>

The Committees set a new deadline of September 26, 2019, for the White House to produce these documents.<sup>4</sup> Again, the White House failed to comply and did not acknowledge receipt of our follow-up letter.

## II. NEW EVIDENCE OF PRESIDENTIAL ABUSE OF POWER

Since the Committees sent these letters, new evidence has emerged regarding the actions of the President and his agents in these matters.

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<sup>1</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat Cipollone, White House Counsel (Sept. 9, 2019) (online at [https://intelligence.house.gov/uploadedfiles/ele\\_schiff\\_cummings\\_letter\\_to\\_cipollone\\_on\\_ukraine.pdf](https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_cipollone_on_ukraine.pdf)).

<sup>2</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat Cipollone, White House Counsel (Sept. 24, 2019) (online at [https://intelligence.house.gov/uploadedfiles/2019\\_09\\_24.eec\\_engel\\_schiff\\_to\\_cipollone\\_wh\\_re\\_potus\\_ukraine.pdf](https://intelligence.house.gov/uploadedfiles/2019_09_24.eec_engel_schiff_to_cipollone_wh_re_potus_ukraine.pdf)).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

In response to overwhelming congressional and public pressure, on September 25, 2019, the White House finally released a call summary of the July 25, 2019, telephone call, in which President Trump directly and repeatedly urged President Volodymyr Zelensky of Ukraine to investigate former Vice President Joseph Biden. According to the call summary, when the Ukrainian President raised his desire to obtain U.S.-manufactured Javelin missiles to counter Russian aggression, President Trump responded:

I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it... I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.<sup>5</sup>

The Ukrainian President replied: "I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you."<sup>6</sup>

President Trump then stated:

There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it.<sup>7</sup>

On September 26, 2019, the Intelligence Committee publicly released a whistleblower complaint that the Office of the Director of National Intelligence declassified and made available to the Intelligence Committee for the first time the evening before. The whistleblower complaint raises additional concerns about the White House's role in these matters, including restricting access to records of President Trump's call with President Zelensky. Specifically, the whistleblower alleges that White House lawyers "directed" officials to transfer the call records to a separate "codeword-level" computer system "of an especially sensitive nature."<sup>8</sup>

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<sup>5</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Aug. 12, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190812\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_whistleblower_complaint_unclass.pdf)).

One day later, the White House confirmed that White House attorneys had in fact directed that the July 25 call summary be placed onto a highly classified computer system.<sup>9</sup>

One former national security official who served in both Republican and Democratic Administrations stated: “In my almost six years on the NSC staff, I never personally saw or heard of the records of a presidential call being moved to the ‘code word’ system.” She added:

It is difficult to overstate just how abnormal and suspicious treating the call in that manner would be. It strongly suggests White House staff knew of serious wrongdoing by the President and attempted to bury it—a profound abuse of classified systems for political, and possibly criminal, purposes.<sup>10</sup>

More recently, press reports have indicated that additional documents relating to other Presidential calls and meetings also may have been restricted in similar ways.<sup>11</sup>

### **III. AUTHORITY FOR SUBPOENA AND URGENT CIRCUMSTANCES**

The Committees’ investigation may inform not only the House impeachment inquiry, but also Congress’ power of appropriations, multiple laws enacted by Congress, and legislative reforms that the House may consider.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of “the operation of Government activities at all levels, including the Executive Office of the President.” Finally, Rule X, clause 4 provides: “The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved.”

The Committee intends to issue a subpoena on Friday, October 4, 2019, consistent with the bipartisan agreement reached during the Committee’s organizational meeting on January 29, 2019. According to that agreement, a subpoena “should be used only when attempts to reach an accommodation with a witness have reached an impasse.” As described above, the White House has refused to even acknowledge the Committees’ requests.

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<sup>9</sup> *White House Classified Computer System is Used to Hold Transcripts of Sensitive Calls*, New York Times (Sept. 27, 2019) (online at [www.nytimes.com/2019/09/27/us/politics/nsc-ukraine-call.html](http://www.nytimes.com/2019/09/27/us/politics/nsc-ukraine-call.html)).

<sup>10</sup> *I Helped Classify Calls for Two Presidents. The White House Abuse of the System is Alarming*, Washington Post (Sept. 29, 2019) (online at [www.washingtonpost.com/outlook/2019/09/29/i-helped-classify-calls-two-presidents-white-house-abuse-system-is-alarming/](http://www.washingtonpost.com/outlook/2019/09/29/i-helped-classify-calls-two-presidents-white-house-abuse-system-is-alarming/)).

<sup>11</sup> *See, e.g., White House Restricted Access to Trump’s Calls with Putin and Saudi Crown Prince*, CNN (Sept. 28, 2019) (online at [www.cnn.com/2019/09/27/politics/white-house-restricted-trump-calls-putin-saudi/index.html](http://www.cnn.com/2019/09/27/politics/white-house-restricted-trump-calls-putin-saudi/index.html)); *Trump Pressed Australian Leader to Help Barr Investigate Mueller Inquiry’s Origins*, New York Times (Sept. 30, 2019) (online at [www.nytimes.com/2019/09/30/us/politics/trump-australia-barr-mueller.html](http://www.nytimes.com/2019/09/30/us/politics/trump-australia-barr-mueller.html)).

This is an urgent matter. The Inspector General of the Intelligence Community has determined that the core allegation under investigation raises a matter of “urgent concern,” is “credible,” and “relates to one of the most significant and important of the DNI’s responsibilities to the American people”: our free and fair elections.<sup>12</sup>

Due to the exigent nature of these matters, and since we are in recess for this two-week period, the calendar does not permit scheduling a business meeting to hold a vote on this subpoena without causing undue delay to the investigation. With respect to holding a Committee vote, our agreement states that “[t]here will be exceptions to this policy,” such as when “the calendar does not permit the Committee to schedule a markup.”

Although we will not hold a markup, I am attaching a copy of the subpoena schedule for your review, I am providing this memorandum to all Members with additional background, and I am seeking feedback through a poll of individual Member offices, which are requested to provide any information they would like to be considered on their positions with respect to this subpoena.

If you have any questions or would like more information, please contact Committee staff at (202) 225-5051.

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<sup>12</sup> Letter from Michael K. Atkinson, Inspector General of the Intelligence Community, to Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Ranking Member Devin Nunes, House Permanent Select Committee on Intelligence (Sept. 17, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190917\\_ic\\_ig\\_second\\_letter\\_to\\_hpsci\\_on\\_whistleblower.pdf](https://intelligence.house.gov/uploadedfiles/20190917_ic_ig_second_letter_to_hpsci_on_whistleblower.pdf)).

## SCHEDULE

In accordance with the attached Definitions and Instructions, you, John Michael “Mick” Mulvaney, in your capacity as Acting Chief of Staff to President Donald J. Trump, are hereby required to produce, for the time period from January 20, 2017, to the present, all documents and communications referring or relating to:

1. The potential or suggested investigations and legal cases referenced in the letter sent to White House Counsel Pat Cipollone on September 9, 2019, from Chairmen Eliot L. Engel, Adam B. Schiff, and Elijah E. Cummings (attached as Exhibit 1), including but not limited to those relating to Paul Manafort, Serhiy Leshchenko, the “Black Ledger,” Hunter Biden, and Burisma Holdings Ltd.;
2. President Trump’s April 21, 2019, and July 25, 2019, telephone conversations with Ukrainian President Volodymyr Zelensky, including but not limited to:
  - a. All recordings, transcripts, notes (including electronic and hand-written notes), summaries, and draft versions of the official “Memorandum of Telephone Conversation”;
  - b. All preparatory memoranda and materials; and
  - c. The identity of all individuals who listened to, participated in, assisted in preparation for, transcribed, took notes during, or received information about the April 21, 2019, and July 25, 2019, telephone conversations;
3. Communications between or among any of the following referring or relating in any way to the July 25, 2019, telephone conversation:
  - a. Current or former White House officials, employees, and detailees, including within the White House Counsel’s Office, the White House Situation Room, and the National Security Council (NSC), including but not limited to:
    - i. The Assistant to the President for National Security Affairs;
    - ii. The Deputy Assistant to the President for National Security Affairs;
    - iii. The Senior Director for European Affairs;
    - iv. All Directors within the Directorate or Directorates involved in European and Russian Affairs;
    - v. All Directors covering energy affairs;
    - vi. The Senior Director for the Directorate of International Economics;
    - vii. All White House Situation Room Duty Officers who staffed the call and produced the original draft “Memorandum of Telephone Conversation”;
    - viii. The Senior White House Situation Room Duty Officer during the telephone conversation;
    - ix. The NSC Legal Advisor;

- x. The NSC Executive Secretary and any other staff from NSC’s Executive Secretary office involved in preparing the “Memorandum of Telephone Conversation” and any preparatory materials for the President prior to the telephone conversation; and
  - xi. The Office of the Vice President, to include Vice President Michael R. Pence and Lieutenant General Keith Kellogg;
- b. Current or former employees or officials of the Department of Justice, including but not limited to Attorney General William “Bill” Barr and Assistant Attorney General John Demers;
  - c. Current or former employees or officials of the Department of State, including but not limited to Secretary Michael R. Pompeo, Counselor T. Ulrich Brechbuhl, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, Deputy Assistant Secretary George Kent, U.S. Embassy in Ukraine Charge d’Affaires William B. Taylor, U.S. Embassy in Ukraine Deputy Chief of Mission Kristina Kvien, and Ambassador to the European Union Gordon Sondland;
  - d. Current or former employees or officials of the Department of Energy, including but not limited to Secretary Rick Perry and Special Advisor Samuel Buchan;
  - e. Current or former employees or officials of the Office of the Director of National Intelligence (ODNI), including but not limited to Acting Director Joseph Maguire and ODNI’s Office of General Counsel;
  - f. Current or former employees or officials of the Central Intelligence Agency, including but not limited to General Counsel Courtney Simmons Elwood; and
  - g. Current or former employees or officials of the Department of Defense, including but not limited to Secretary of Defense Mark Esper and Undersecretary for Policy John C. Rood;
4. Any and all recordings, transcripts, notes (including electronic and hand-written notes), summaries, memoranda of conversation, readouts, or other documents memorializing communications between President Trump and the leader of any other foreign country that refer or relate to the subject matters of the July 25 telephone conversation between President Trump and President Zelensky, including but not limited to pursuing investigations of President Trump’s political rivals and Ukrainian foreign aid;
  5. The actual or potential suspension, withholding, delaying, freezing, or releasing of foreign assistance of any kind, including but not limited to security assistance, to Ukraine;
  6. Any of the following meetings or potential meetings:

- a. All telephone calls, meetings, visits, or other communication involving President Trump and President Zelensky, including but not limited to requests, suggestions, proposals, or other communications;
  - b. A meeting at the White House on or around May 23, 2019, involving President Trump, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, Energy Secretary Rick Perry, or Ambassador Gordon Sondland;
  - c. President Zelensky's inauguration on May 20, 2019, in Kiev, Ukraine, including but not limited to President Trump's decision not to attend and not to send Vice President Pence to lead the U.S. delegation and to instead send Energy Secretary Rick Perry;
  - d. A meeting on or about July 10, 2019, at the White House between Ukrainian officials Andriy Yermak and Oleksander Danylyuk and U.S. government officials, including Energy Secretary Perry, former National Security Advisor John Bolton, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, and Ambassador Gordon Sondland, including but not limited to the proposed or actual participation of President Trump and Vice President Pence in the meeting;
  - e. A potential meeting between President Trump and President Zelensky in Warsaw, Poland in or around September 2019, including but not limited to President Trump's decision to cancel his attendance;
  - f. All meetings and communications between U.S. officials, including but not limited to Vice President Pence, Energy Secretary Perry, and Senior Advisor Jared Kushner, and President Zelensky or other Ukrainian government officials in Warsaw, Poland in or around September 2019; and
  - g. All meetings between President Trump and President Zelensky during the United Nations General Assembly in or around September 2019, including but not limited to any discussion of their July 25, 2019, telephone conversation, as well as any preparatory memoranda and materials generated for the meeting; any notes, readouts, summaries of the same; and any follow-up directives and guidance issued to NSC staff, as well as relevant departments and agencies, either formally or informally;
7. Efforts by any current or former member of the Trump Administration or Rudolph ("Rudy") W. Giuliani, Igor Fruman, Lev Parnas, Semyon ("Sam") Kislin, Joseph diGenova, Victoria Toensing, Vitaly Pruss or any of their associates, to induce, compel, petition, press, solicit, request, or suggest that current or former Ukrainian government officials, politicians, or other persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, investigate matters related to Burisma Holdings Ltd., Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, or any U.S. persons or entities;

8. All meetings or communications between any current or former White House officials, employees, or detailees, including President Trump, and Attorney General William Barr or any other Department of Justice official or employee, relating to the investigations described in paragraph 7;
9. All meetings between or among current or former White House officials or employees, including President Trump, and Rudolph W. Giuliani, including but not limited to requests for meetings or telephone calls, scheduling items, calendar entries, White House visitor records, and email or text messages using personal or work-related devices;
10. Former U.S. Ambassador to Ukraine Marie “Masha” Yovanovitch, including but not limited to the decision to end her tour or recall her from the U.S. Embassy in Kiev;
11. With respect to the storage of documents regarding telephone conversations:
  - a. Documents sufficient to show the dates and times when any documents referring or relating to the April 21, 2019, or July 25, 2019, telephone conversations between President Trump and President Zelensky were moved or transferred from one electronic system or server into another electronic system or server, the names, descriptions, and levels of classification of each electronic system or server involved, and the identity of all individuals who were involved in the transfer of any such documents;
  - b. Efforts to restrict access to, or limit the distribution of, documents referring or relating to the April 21, 2019, and July 25, 2019, telephone conversations, including but not limited to the transfer to, or placement of documents on, an electronic system or server cleared to hold codeword-level classified information, or the request or direction to do so; and
  - c. All policies, procedures, practices, or guidance at or from the White House or NSC referring or relating to the aforementioned electronic system or server, including all policies, procedures, practices, or guidance referring or relating to the transfer or placement of transcripts, summaries, memos, and notes of the President’s meetings and phone calls with foreign leaders on such system or server;
12. Efforts by any current or former White House officials, employees, or detailees, including President Trump, to identify or retaliate against the whistleblower who filed the complaint with the Inspector General of the Intelligence Community that was released by the House Permanent Select Committee on Intelligence on September 26, 2019, or against any individual who provided information to, or raised concerns to, the whistleblower or the Inspector General, including but not limited to any documents or communications referring or relating to searching communications, telephone records, telephones, or any other information to identify any of these individuals; and

13. Efforts to conceal, destroy, or otherwise dispose of any documents, records, or communications referring or relating to any of the foregoing matters.

O'Callaghan, Edward C. (ODAG)

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**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Saturday, September 28, 2019 11:58 AM  
**To:** Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** Fwd: DRAFT Letter to HJC  
**Attachments:** Ltr to HJC re July 25 Matter [DRAFT].docx; ATT00001.htm

FYI attached draft letter under consideration and some proposed modified language from me. There may be a call on this later today/tomorrow.

Suggested modified language:

(b)(5)  
[Redacted text block]

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Date:** September 28, 2019 at 10:40:44 AM EDT  
**To:** "Boyd, Stephen E. (OLA)" (b)(6)  
**Cc:** "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>, "Engel, Steven A. (OLC)" (b)(6), "Kupec, Kerri (OPA)" (b)(6), "Gannon, Curtis E. (OLC)" (b)(6)  
**Subject:** DRAFT Letter to HJC

Attached is a draft letter to HJC providing (b)(5)  
[Redacted text block]

Brian C. Rabbitt  
Chief of Staff & Sr. Counselor to the Attorney General  
U.S. Department of Justice  
T: (202) 514-3893  
M: (b)(6)  
[Brian.Rabbitt@usdoj.gov](mailto:Brian.Rabbitt@usdoj.gov)

**Boyd, Stephen E. (OLA)**

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Saturday, September 28, 2019 11:23 AM  
**To:** Escalona, Prim F. (OLA)  
**Subject:** Re: DOJ statements on Ukraine, referral

Sorry you had to deal with this. Obviously, I have previously gotten them everything there is to send.

SB

On Sep 28, 2019, at 9:54 AM, Escalona, Prim F. (OLA) <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)> wrote:

Lee and Rich-

The AG wanted to make sure that the Chairman had all of DOJ/the AG's statements on the Ukraine matter. Please see below. If you can confirm receipt for me, that would be really great. Sorry to ping you on a weekend.

Thanks!  
Prim

Prim Escalona  
202.353.5566

Sent from my iPhone

Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** September 28, 2019 at 9:51:30 AM EDT  
**To:** "Escalona, Prim F. (OLA)" <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>  
**Subject:** DOJ statements on Ukraine, referral

**Statement on Ukraine**

The Attorney General was first notified of the President's conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

#### **Statement on Referral**

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.

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**Rabbitt, Brian (OAG)**

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**From:** Rabbitt, Brian (OAG)  
**Sent:** Saturday, September 28, 2019 10:44 AM  
**To:** Benczkowski, Brian (CRM) (b)(6)  
**Subject:** FW: DRAFT Letter to HJC  
**Attachments:** Ltr to HJC re July 25 Matter [DRAFT].docx

Brian – Please see the attached. (b)(5)

Let's discuss if you have thoughts. – BR

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**From:** Rabbitt, Brian (OAG)  
**Sent:** Saturday, September 28, 2019 10:41 AM  
**To:** Boyd, Stephen E. (OLA) (b)(6)  
**Cc:** O'Callaghan, Edward C. (ODAG) (ecocallaghan@jmd.usdoj.gov) <ecocallaghan@jmd.usdoj.gov>; Engel, Steven A. (OLC) (b)(6); Kupec, Kerri (OPA) (b)(6); Gannon, Curtis E. (OLC) (b)(6)  
**Subject:** DRAFT Letter to HJC

Attached is a draft letter to HJC providing (b)(5)

We may want to be in a position to send this as early as Monday morning.

Brian C. Rabbitt  
Chief of Staff & Sr. Counselor to the Attorney General  
U.S. Department of Justice  
T: (202) 514-3893  
M: (b)(6)  
[Brian.Rabbitt@usdoj.gov](mailto:Brian.Rabbitt@usdoj.gov)

**Rabbitt, Brian (OAG)**

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**From:** Rabbitt, Brian (OAG)  
**Sent:** Friday, September 27, 2019 9:12 PM  
**To:** Kupec, Kerri (OPA)  
**Subject:** Fwd: Draft Letter  
**Attachments:** DRAFT Letter.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Boyd, Stephen E. (OLA)" (b)(6)  
**Date:** September 27, 2019 at 9:09:28 PM EDT  
**To:** "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Subject:** Fwd: Draft Letter

Sent from my iPhone

Begin forwarded message:

**From:** "Greer, Megan L. (OLA)" <[mjgreer@jmd.usdoj.gov](mailto:mjgreer@jmd.usdoj.gov)>  
**Date:** September 27, 2019 at 4:18:01 PM EDT  
**To:** "Boyd, Stephen E. (OLA)" (b)(6), "Lasseter, David F. (OLA)" <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**Subject:** Draft Letter

Attached.

Best,  
Megan

**O'Callaghan, Edward C. (ODAG)**

---

**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Friday, September 27, 2019 5:25 PM  
**To:** Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** Fwd: Pompeo/State  
**Attachments:** 2019-09-27.EEC Engel Schiff to Pompeo- State re Document Subpoena.pdf; ATT00001.htm; 2019-09-27.EEC Engel Schiff to Pompeo- State re Depositions.pdf; ATT00002.htm

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Boyd, Stephen E. (OLA)" (b)(6)  
**To:** "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>, "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Subject:** **FW: Pompeo/State**

FYSA.

---

**From:** Greer, Megan L. (OLA) <[mlgreer@jmd.usdoj.gov](mailto:mlgreer@jmd.usdoj.gov)>  
**Sent:** Friday, September 27, 2019 4:28 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6); Lasseter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**Subject:** Pompeo/State

Attached are the letters regarding the new subpoena to Pompeo. They are seeking documents by 10/4 (next Friday) and 5 depositions of State Department employees starting 10/2 and concluding 10/10.

Note that the subpoena was issued by House Foreign Affairs "after consultation with" HPSCI and HOGR. The letters also state that the three committees are "conducting this investigation in an expeditious, coordinated manner."

**Megan L. Greer**  
Office of Legislative Affairs  
202.353.9085 office  
(b)(6) mobile

**Congress of the United States**  
**Washington, DC 20515**

September 27, 2019

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Mr. Secretary:

Pursuant to the House of Representatives' impeachment inquiry, we write to inform you that depositions for each of the following State Department officials will be scheduled on the dates indicated below:

- October 2, 2019: Ambassador Marie "Masha" Yovanovitch
- October 3, 2019: Ambassador Kurt Volker
- October 7, 2019: Deputy Assistant Secretary George Kent
- October 8, 2019: Counselor T. Ulrich Brechbuhl
- October 10, 2019: Ambassador Gordon Sondland

These depositions will be conducted jointly by the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform. The deposition transcripts shall be part of the impeachment inquiry and shared among the Committees. The failure of any of these Department employees to appear for their scheduled depositions shall constitute evidence of obstruction of the House's impeachment inquiry.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression.

On September 13, the Committees wrote to request that you make State Department employees available for transcribed interviews.<sup>1</sup> We asked you to provide, by September 20, dates by which the employees would be made available for transcribed interviews.<sup>2</sup> You failed to comply with the Committees' request.

Your actions are all the more troubling given that since our September 13 request, it has become clear that multiple State Department officials have direct knowledge of the subject

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<sup>1</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform to Secretary Mike Pompeo, Department of State (Sept. 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-13.EEC%20ELE%20Schiff%20re%20Ukraine.pdf>).

<sup>2</sup> *Id.*

matters of the House's impeachment inquiry. On September 25, the White House released a summary of a July 25, 2019, telephone call during which President Trump directly and repeatedly urged President Volodymyr Zelensky of Ukraine to initiate an investigation into former Vice President Biden.<sup>3</sup> On September 25, the Office of the Director of National Intelligence declassified a whistleblower complaint, which indicates that indicates that T. Ulrich Brechbuhl, the Counselor of the Department, listened in on President Trump's July 25 call.<sup>4</sup> The Department has also acknowledged that Special Representative for Ukraine Kurt Volker played a direct role in arranging meetings between Rudy Giuliani, who has no official role in the U.S. government, and representatives of President Zelensky.<sup>5</sup> In addition, the whistleblower complaint indicates that "multiple U.S. officials" were "deeply concerned by what they viewed as Mr. Giuliani's circumvention of national security decisionmaking processes to engage with Ukrainian officials and relay messages back and forth between Kyiv and the President."<sup>6</sup> These officials reported that "State Department officials" had spoken with Mr. Giuliani "in an attempt to 'contain the damage' to U.S. national security," as well as to the new Ukrainian administration to help it "understand and respond to" Mr. Giuliani's backchanneling.<sup>7</sup>

Mr. Giuliani's recent public statements raise more troubling questions about State Department officials' possible involvement in the President's efforts to press Ukraine to interfere in the 2020 U.S. election. During a televised interview, Mr. Giuliani claimed that the State Department asked him to take on this mission and that he had proof of the Department's request. He stated: "I never talked to a Ukrainian official until the State Department called me and asked me to do it and then I reported every conversation back to them."<sup>8</sup> On September 26, Mr. Giuliani tweeted what appears to be a screenshot of a text message from Ambassador Kurt Volker dated July 19—six days before the President's July 25 call with the Ukrainian president—which stated: "Mr. Mayor—really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday."<sup>9</sup> That introduction appears to have led to precisely the meeting that Mr. Trump urged in the July 25 phone call: in early August, Mr. Yermak and Mr.

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<sup>3</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>4</sup> Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, Chairman, House Permanent Select Committee on Intelligence (Aug. 12, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190812\\_-\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf)).

<sup>5</sup> State Department Spokesperson Statement, Twitter (Aug. 22, 2019) (online at <https://twitter.com/kenvogel/status/1164666081501470727/photo/1>).

<sup>6</sup> Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, Chairman, House Permanent Select Committee on Intelligence (Aug. 12, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190812\\_-\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf)).

<sup>7</sup> *Id.*

<sup>8</sup> "Shut Up, Moron": Rudy Giuliani Lashes Out at Critics, Defends His Ukraine Involvement, Washington Post (Sept. 25, 2019) (online at [www.washingtonpost.com/nation/2019/09/25/giuliani-shut-up-moron-fox-news-ukraine/](http://www.washingtonpost.com/nation/2019/09/25/giuliani-shut-up-moron-fox-news-ukraine/)).

<sup>9</sup> Rudy Giuliani, Twitter (Sept. 26, 2019) (online at <https://twitter.com/RudyGiuliani/status/1177346278004539392>).

The Honorable Michael R. Pompeo  
Page 3

Giuliani met in Spain,<sup>10</sup> where Mr. Giuliani admits he pressured Mr. Yermak to pursue the investigations President Trump was seeking.<sup>11</sup>

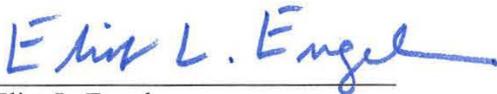
The Committees are conducting this investigation in an expeditious, coordinated manner. The Inspector General of the Intelligence Community has determined that the whistleblower complaint raises a matter of “urgent concern,” is “credible,” and “relates to one of the most significant and important of the DNI’s responsibilities to the American people”: our free and fair elections.<sup>12</sup>

Your refusal to provide the requested documents and interviews not only prevents our Committees from fully investigating these matters, but impedes Congress’ ability to fulfill its Constitutional responsibilities to protect our national security and the integrity of our democracy.

Enclosed is a copy of the House Deposition Rules for your information and to provide to the witnesses.

If you have any questions, please contact staff for the Committee on Foreign Affairs at (202) 225-5021.

Sincerely,



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Adam Schiff  
Chairman  
House Permanent Select Committee  
On Intelligence



Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform

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<sup>10</sup> *Giuliani Sits at the Center of the Ukraine Controversy*, Wall Street Journal (Sept. 26, 2019) (online at [www.wsj.com/articles/giuliani-sits-at-the-center-of-the-ukraine-controversy-11569546774](http://www.wsj.com/articles/giuliani-sits-at-the-center-of-the-ukraine-controversy-11569546774)).

<sup>11</sup> *Giuliani Renews Push for Ukraine to Investigate Trump’s Political Opponents*, New York Times (Aug. 21, 2019) (online at [www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html](http://www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html)).

<sup>12</sup> Letter from Michael K. Atkinson, Inspector General of the Intelligence Community, to Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Sept. 17, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190917\\_-\\_ic\\_ig\\_second\\_letter\\_to\\_hpsci\\_on\\_whistleblower.pdf](https://intelligence.house.gov/uploadedfiles/20190917_-_ic_ig_second_letter_to_hpsci_on_whistleblower.pdf)).

The Honorable Michael R. Pompeo  
Page 4

Enclosure

cc: The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

**Congress of the United States**  
**Washington, DC 20515**

September 27, 2019

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20230

Dear Mr. Secretary:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to produce the documents set forth in the accompanying schedule by October 4, 2019.

This subpoena is being issued by the Committee on Foreign Affairs after consultation with the Permanent Select Committee on Intelligence and the Committee on Oversight and Reform. The subpoenaed documents shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to comply with the subpoena shall constitute evidence of obstruction of the House's impeachment inquiry.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression.

On September 9, 2019, the Committees wrote to you requesting documents.<sup>1</sup> We asked you to produce these documents by September 16, 2019. You failed to comply with the Committees' request.

On September 23, 2019, the Committees sent a follow-up letter advising that we would consider compulsory process if you continued to stonewall our request.<sup>2</sup> We asked you to produce the requested documents by September 26. You again failed to comply.

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<sup>1</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mike Pompeo, Department of State (Sept. 9, 2019) (online at [https://foreignaffairs.house.gov/\\_cache/files/a/d/ad1e0561-2252-4f7c-97ad-f649db558c83/1F587BDDA9087BEDDEE8D45A8F92C370.test.ele-schiff-cummings-letter-to-sec-pompeo-on-ukraine-002-.pdf](https://foreignaffairs.house.gov/_cache/files/a/d/ad1e0561-2252-4f7c-97ad-f649db558c83/1F587BDDA9087BEDDEE8D45A8F92C370.test.ele-schiff-cummings-letter-to-sec-pompeo-on-ukraine-002-.pdf)).

<sup>2</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mike Pompeo, Department of State (Sept. 23, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-23.EEC%20Engel%20Schiff%20to%20Pompeo-State%20re%20Ukraine.pdf>).

Your actions are all the more troubling given that since our September 9 request, it has become clear that multiple State Department officials have direct knowledge of the subject matters of the House’s impeachment inquiry. On September 25, the White House released a summary of a July 25, 2019, telephone call during which President Trump directly and repeatedly urged President Volodymyr Zelensky of Ukraine to initiate an investigation into former Vice President Biden.<sup>3</sup> On September 25, the Office of the Director of National Intelligence declassified a whistleblower complaint, which indicates that T. Ulrich Brechbuhl, the Counselor of the Department, listened in on that call.<sup>4</sup> The Department has previously acknowledged that Special Representative for Ukraine Kurt Volker played a direct role in arranging meetings between Rudy Giuliani, who has no official role in the U.S. government, and representatives of President Zelensky.<sup>5</sup> In addition, the whistleblower complaint indicates that “multiple U.S. officials” were “deeply concerned by what they viewed as Mr. Giuliani’s circumvention of national security decisionmaking processes to engage with Ukrainian officials and relay messages back and forth between Kyiv and the President.”<sup>6</sup> These officials reported that “State Department officials” had spoken with Mr. Giuliani “in an attempt to ‘contain the damage’ to U.S. national security,” as well as to the new Ukrainian administration to help it “understand and respond to” Mr. Giuliani’s backchanneling.<sup>7</sup>

Mr. Giuliani’s recent public statements raise more troubling questions about State Department officials’ possible involvement in the President’s efforts to press Ukraine to interfere in the 2020 U.S. election. During a televised interview, Mr. Giuliani claimed that the State Department asked him to take on this mission and that he had proof of the Department’s request. He stated: “I never talked to a Ukrainian official until the State Department called me and asked me to do it and then I reported every conversation back to them.”<sup>8</sup> On September 26, Mr. Giuliani tweeted what appears to be a screenshot of a text message from Ambassador Volker dated July 19—six days before the President’s July 25 call with the Ukrainian president—which stated: “Mr. Mayor—really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday.”<sup>9</sup> That introduction appears to have led to precisely the meeting that Mr.

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<sup>3</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>4</sup> Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Aug. 12, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190812\\_-\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf)).

<sup>5</sup> State Department Spokesperson Statement, Twitter (Aug. 22, 2019) (online at <https://twitter.com/kenvogel/status/1164666081501470727/photo/1>).

<sup>6</sup> Letter to Chairman Richard Burr, Senate Select Committee on Intelligence, and Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Aug. 12, 2019), (online at [https://intelligence.house.gov/uploadedfiles/20190812\\_-\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf)).

<sup>7</sup> *Id.*

<sup>8</sup> “Shut Up, Moron”: Rudy Giuliani Lashes Out at Critics, Defends His Ukraine Involvement, Washington Post (Sept. 25, 2019) (online at [www.washingtonpost.com/nation/2019/09/25/giuliani-shut-up-moron-fox-news-ukraine/](http://www.washingtonpost.com/nation/2019/09/25/giuliani-shut-up-moron-fox-news-ukraine/)).

<sup>9</sup> Rudy Giuliani, Twitter (Sept. 26, 2019) (online at

The Honorable Michael R. Pompeo  
Page 3

Trump urged in the July 25 phone call: in early August, Mr. Yermak and Mr. Giuliani met in Spain,<sup>10</sup> where Mr. Giuliani admits he pressured Mr. Yermak to pursue the investigations President Trump was seeking.<sup>11</sup>

The Committees are conducting this investigation in an expeditious, coordinated manner. The Inspector General of the Intelligence Community has determined that the whistleblower complaint raises a matter of “urgent concern,” is “credible,” and “relates to one of the most significant and important of the DNI’s responsibilities to the American people”: our free and fair elections.<sup>12</sup>

Your continued refusal to provide the requested documents not only prevents our Committees from fully investigating these matters, but impairs Congress’ ability to fulfill its Constitutional responsibilities to protect our national security and the integrity of our democracy.

If you have any questions, please contact staff for the Committee on Foreign Affairs at (202) 225-5021.

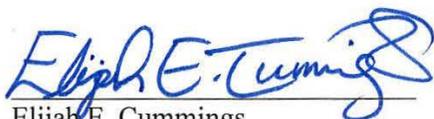
Sincerely,



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Adam Schiff  
Chairman  
House Permanent Select Committee  
On Intelligence



Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform

<https://twitter.com/RudyGiuliani/status/1177346278004539392>).

<sup>10</sup> *Giuliani Sits at the Center of the Ukraine Controversy*, Wall Street Journal (Sept. 26, 2019) (online at [www.wsj.com/articles/giuliani-sits-at-the-center-of-the-ukraine-controversy-11569546774](http://www.wsj.com/articles/giuliani-sits-at-the-center-of-the-ukraine-controversy-11569546774)).

<sup>11</sup> *Giuliani Renews Push for Ukraine to Investigate Trump’s Political Opponents*, New York Times (Aug. 21, 2019) (online at [www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html](http://www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html)).

<sup>12</sup> Letter from Michael K. Atkinson, Inspector General of the Intelligence Community, to Chairman Adam Schiff, House Permanent Select Committee on Intelligence (Sept. 17, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190917\\_-\\_ic\\_ig\\_second\\_letter\\_to\\_hpsci\\_on\\_whistleblower.pdf](https://intelligence.house.gov/uploadedfiles/20190917_-_ic_ig_second_letter_to_hpsci_on_whistleblower.pdf)).

The Honorable Michael R. Pompeo  
Page 4

Enclosure

cc: The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Friday, September 27, 2019 4:58 PM  
**To:** Engel, Steven A. (OLC)  
**Subject:** FW: Pompeo/State  
**Attachments:** 2019-09-27.EEC Engel Schiff to Pompeo- State re Document Subpoena.pdf; 2019-09-27.EEC Engel Schiff to Pompeo- State re Depositions.pdf

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Friday, September 27, 2019 4:52 PM  
**To:** Brian Rabbitt (brrabbitt@jmd.usdoj.gov) <brrabbitt@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>  
**Subject:** FW: Pompeo/State

FYSA.

---

**From:** Greer, Megan L. (OLA) <mlgreer@jmd.usdoj.gov>  
**Sent:** Friday, September 27, 2019 4:28 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>  
**Subject:** Pompeo/State

Attached are the letters regarding the new subpoena to Pompeo. They are seeking documents by 10/4 (next Friday) and 5 depositions of State Department employees starting 10/2 and concluding 10/10.

Note that the subpoena was issued by House Foreign Affairs "after consultation with" HPSCI and HOCR. The letters also state that the three committees are "conducting this investigation in an expeditious, coordinated manner."

**Megan L. Greer**  
Office of Legislative Affairs  
202.353.9085 office  
(b)(6) mobile

## **O'Callaghan, Edward C. (ODAG)**

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**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Thursday, September 26, 2019 9:15 AM  
**To:** Philbin, Patrick F. EOP/WHO; Purpura, Michael M. EOP/WHO  
**Subject:** DOJ Statements

### **Statement on Ukraine**

The Attorney General was first notified of the President's conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

### **Statement on Referral**

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.

## O'Callaghan, Edward C. (ODAG)

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**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Thursday, September 26, 2019 9:06 AM  
**To:** Rabbitt, Brian (OAG); Kupec, Kerri (OPA); Boyd, Stephen E. (OLA); Engel, Steven A. (OLC)  
**Subject:** RE: Final statements

Is the below final statements that were released?

Edward C. O'Callaghan  
202-514-2105

---

**From:** Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>  
**Sent:** Wednesday, September 25, 2019 7:25 AM  
**To:** Kupec, Kerri (OPA) (b)(6); Boyd, Stephen E. (OLA) (b)(6);  
O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Engel, Steven A. (OLC)  
(b)(6) >  
**Subject:** RE: Final statements

See edits below. Bottom line: (b)(5). Also fixing the "Ukranian" misspelling in the referral statement.

### Ukraine Statement

The Attorney General was first notified of the President's conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

### Referral Statement

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this

legal conclusion, and the Department has concluded the matter.

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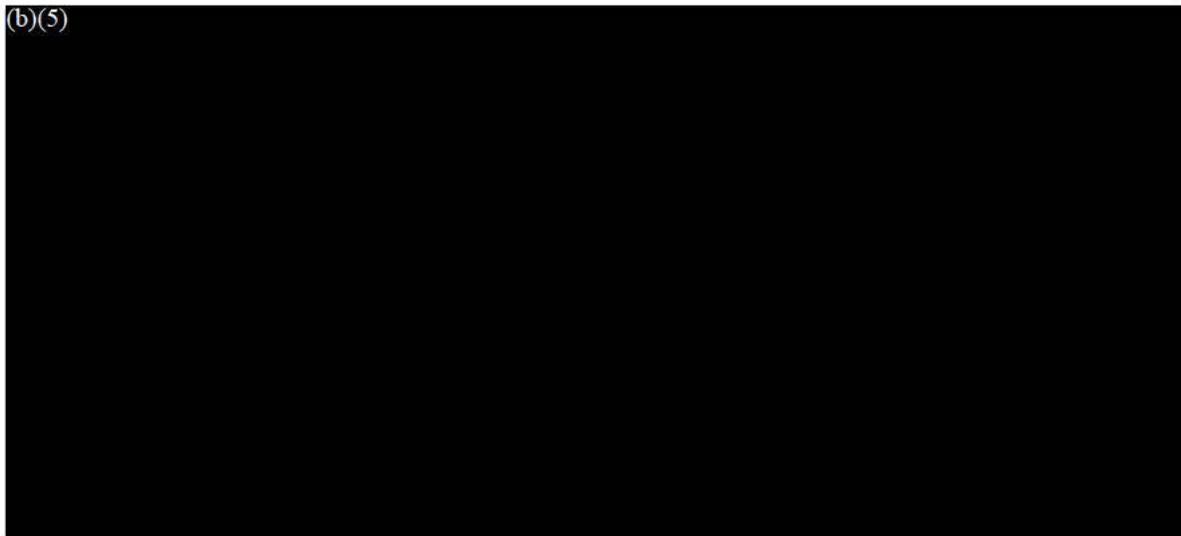
**From:** Kupec, Kerri (OPA) (b)(6)  
**Sent:** Tuesday, September 24, 2019 10:43 PM  
**To:** Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>; Boyd, Stephen E. (OLA) (b)(6);  
O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>; Engel, Steven A. (OLC)  
(b)(6)  
**Subject:** Final statements

Deliberative / Pre-Decisional

(Sending one more time in case an edit was not incorporated)

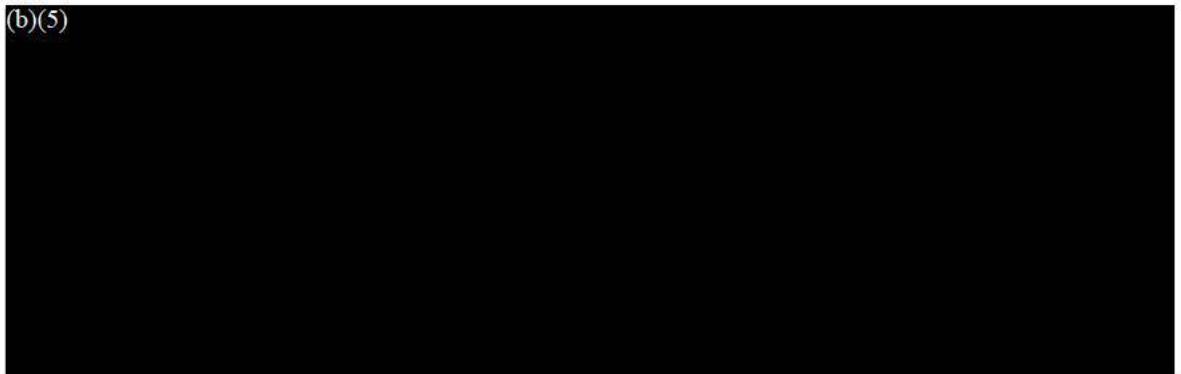
#### **Ukraine Statement**

(b)(5)



#### **Referral Statement**

(b)(5)



**O'Callaghan, Edward C. (ODAG)**

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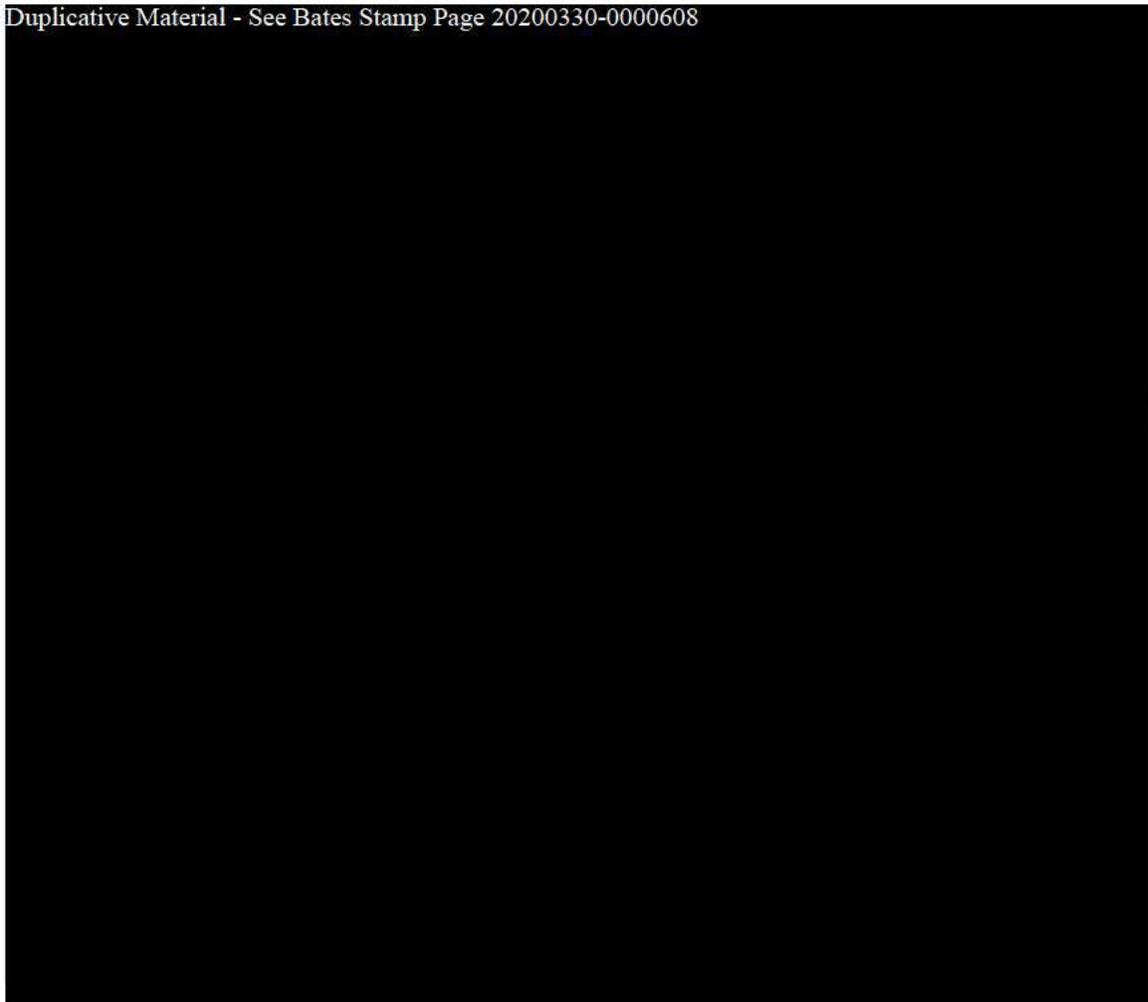
**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Wednesday, September 25, 2019 8:05 AM  
**To:** Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** Fwd: Final statements

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Date:** September 25, 2019 at 7:24:44 AM EDT  
**To:** "Kupec, Kerri (OPA)" (b)(6), "Boyd, Stephen E. (OLA)"  
(b)(6), "O'Callaghan, Edward C. (ODAG)"  
<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>, "Engel, Steven A. (OLC)" (b)(6)  
**Subject: RE: Final statements**

Duplicative Material - See Bates Stamp Page 20200330-0000608



**Engel, Steven A. (OLC)**

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**From:** Engel, Steven A. (OLC)  
**Sent:** Wednesday, September 25, 2019 8:08 AM  
**To:** Rabbitt, Brian (OAG); Kupec, Kerri (OPA); Boyd, Stephen E. (OLA); O'Callaghan, Edward C. (ODAG)  
**Subject:** RE: Final statements

Looks good to me. Confirming that these are the final ones provided to the reporters?

---

**From:** Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>  
**Sent:** Wednesday, September 25, 2019 7:25 AM  
**To:** Kupec, Kerri (OPA) (b)(6); Boyd, Stephen E. (OLA) (b)(6);  
O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Engel, Steven A. (OLC)  
(b)(6)  
**Subject:** RE: Final statements

Duplicative Material - See Bates Stamp Page 20200330-0000608



**Rabbitt, Brian (OAG)**

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**From:** Rabbitt, Brian (OAG)  
**Sent:** Wednesday, September 25, 2019 6:37 AM  
**To:** Kupec, Kerri (OPA)  
**Cc:** Boyd, Stephen E. (OLA); O'Callaghan, Edward C. (ODAG); Engel, Steven A. (OLC)  
**Subject:** Re: Final statements

Misspelled "Ukranian" in referral statement:

"The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law"

Sent from my iPhone

> On Sep 24, 2019, at 10:43 PM, Kupec, Kerri (OPA) (b)(6) wrote:

>

> The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law,

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.

Sent from my iPhone

**Boyd, Stephen E. (OLA)**

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Wednesday, September 25, 2019 10:15 AM  
**To:** Susan Collins - Personal  
**Subject:** Re: Transcript

Senator -

Please see below. I hope this is helpful.

Stephen

The following was released by Kerri Kupec, spokesperson for the Department of Justice:

**Ukraine Statement**

The Attorney General was first notified of the President’s conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

**Referral Statement**

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General’s letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department’s Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.

Sent from my iPhone

On Sep 25, 2019, at 10:10 AM, Susan Collins - Personal (b)(6) wrote:

Thanks. The AG said that he had a detailed response, which he responds to the transcript that he would send,

Susan collins

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**From:** Boyd, Stephen E. (OLA) (b)(6)  
**Sent:** Wednesday, September 25, 2019 9:59 AM  
**To:** Senator Collins (b)(6)  
**Subject:** Fwd: Transcript

Senator:

The AG asked that I send the attached document to you.

Please let me know if you have any questions.

SB

Sent from my iPhone

Begin forwarded message:

**From:** "Boyd, Stephen E. (OLA)" (b)(6)  
**Date:** September 25, 2019 at 8:12:16 AM EDT  
**To:** "Lasseter, David F. (OLA) ([dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov))" <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>, "Prim F. Escalona (OLA) ([pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov))" <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>, "Hankey, Mary B. (OLA) ([mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov))" <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)>, "Jessica E. Hart (OLA) ([jehart@jmd.usdoj.gov](mailto:jehart@jmd.usdoj.gov))" <[jehart@jmd.usdoj.gov](mailto:jehart@jmd.usdoj.gov)>  
**Subject:** Transcript

Close hold until approx. 10 AM release time from the WH. SB

**Stephen E. Boyd**  
Assistant Attorney General  
U.S. Department of Justice  
Washington, D.C.

(b)(6)

**O'Callaghan, Edward C. (ODAG)**

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**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Tuesday, September 24, 2019 4:31 PM  
**To:** Engel, Steven A. (OLC); Kupec, Kerri (OPA); Rabbitt, Brian (OAG); Boyd, Stephen E. (OLA)  
**Cc:** Gannon, Curtis E. (OLC)  
**Subject:** RE: Statements (tomorrow)

Agree with this clarification. (b)(5) ?

Edward C. O'Callaghan  
202-514-2105

---

**From:** Engel, Steven A. (OLC) (b)(6)  
**Sent:** Tuesday, September 24, 2019 4:23 PM  
**To:** Kupec, Kerri (OPA) (b)(6); O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6)  
**Cc:** Gannon, Curtis E. (OLC) (b)(6)  
**Subject:** RE: Statements (tomorrow)

Attached is the unclassified record of the call and the unclassified OLC opinion.

In the statement below, we should change (b)(5)

(b)(5)

(b)(5)

(b)(5)

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**From:** Kupec, Kerri (OPA) (b)(6)  
**Sent:** Tuesday, September 24, 2019 3:32 PM  
**To:** O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Engel, Steven A. (OLC) (b)(6); Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6)  
**Subject:** Statements (tomorrow)

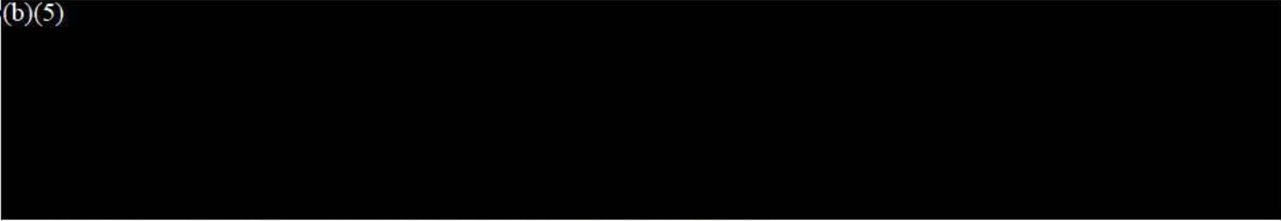
Deliberative / Pre-Decisional

**Ukraine Statement**

(b)(5)

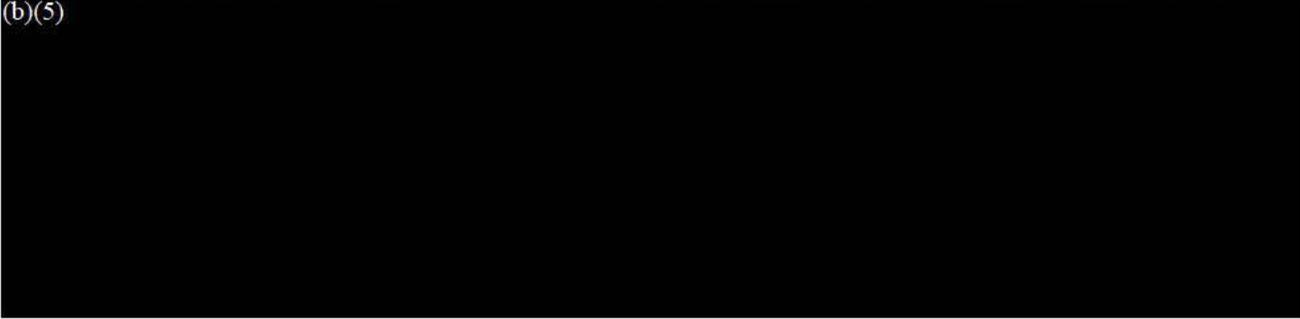
(b)(5)

(b)(5)

A large black rectangular redaction box covering the top portion of the page.

Referral Statement

(b)(5)

A large black rectangular redaction box covering the middle portion of the page.

**Kerri Kupec**

Director

Office of Public Affairs

U.S. Department of Justice

(b)(6)

A black rectangular redaction box covering the bottom portion of the contact information.

**Rabbitt, Brian (OAG)**

---

**From:** Rabbitt, Brian (OAG)  
**Sent:** Tuesday, September 24, 2019 4:05 PM  
**To:** Watson, Theresa (OAG)  
**Subject:** Fwd: Statements (tomorrow)

Sent from my iPhone

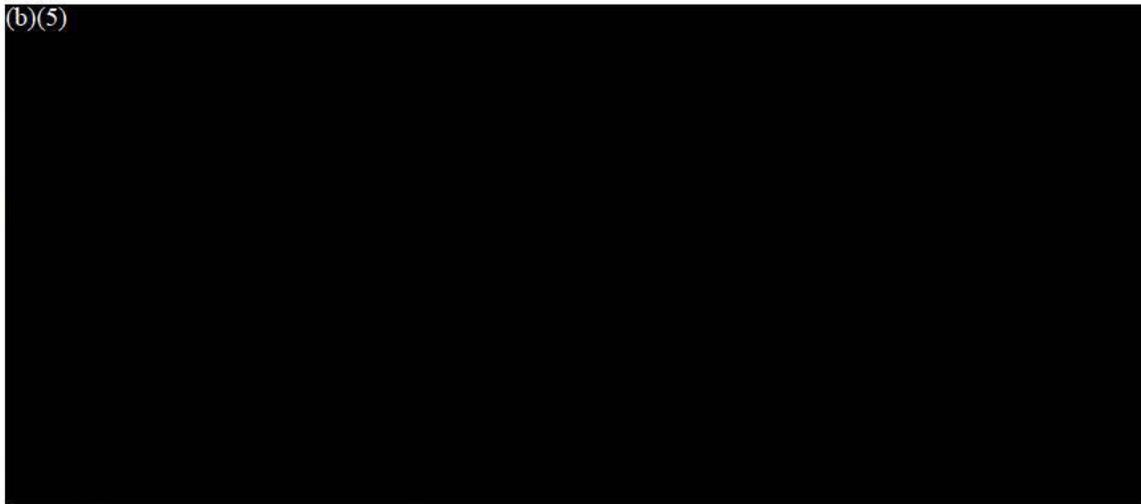
Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** September 24, 2019 at 3:31:40 PM EDT  
**To:** "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>, "Engel, Steven A. (OLC)" (b)(6) "Rabbitt, Brian (OAG)" <[brabbitt@jmd.usdoj.gov](mailto:brabbitt@jmd.usdoj.gov)>, "Boyd, Stephen E. (OLA)" (b)(6)  
**Subject:** **Statements (tomorrow)**

Deliberative / Pre-Decisional

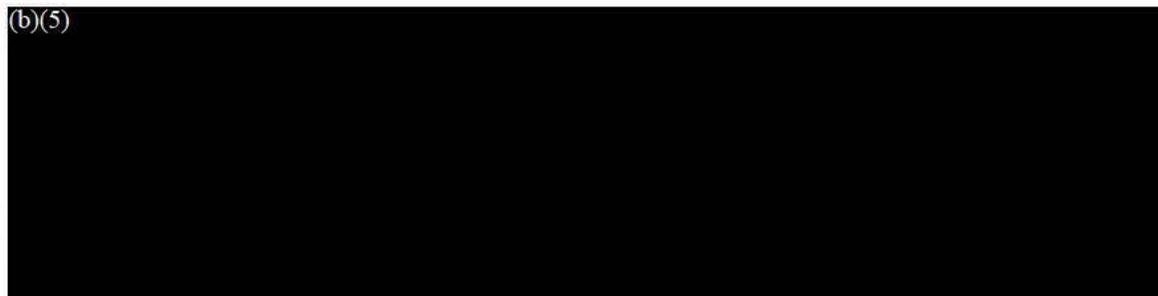
**Ukraine Statement**

(b)(5)

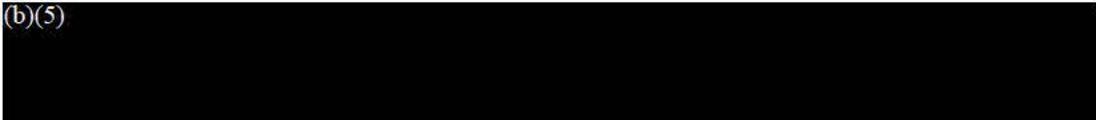


**Referral Statement**

(b)(5)



(b)(5)



**Kerri Kupec**

Director

Office of Public Affairs

U.S. Department of Justice

(b)(6)


**Rabbitt, Brian (OAG)**

---

**From:** Rabbitt, Brian (OAG)  
**Sent:** Tuesday, September 24, 2019 1:30 PM  
**To:** Kupec, Kerri (OPA)  
**Subject:** Fwd: Statement  
**Attachments:** Deliberative and Pre Statement.docx; ATT00001.htm

Revised (b)(5) :

(b)(5)

Sent from my iPad

Begin forwarded message:

**From:** "Watson, Theresa (OAG)" <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Date:** September 24, 2019 at 11:03:21 AM EDT  
**To:** "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Subject:** **FW: Statement**

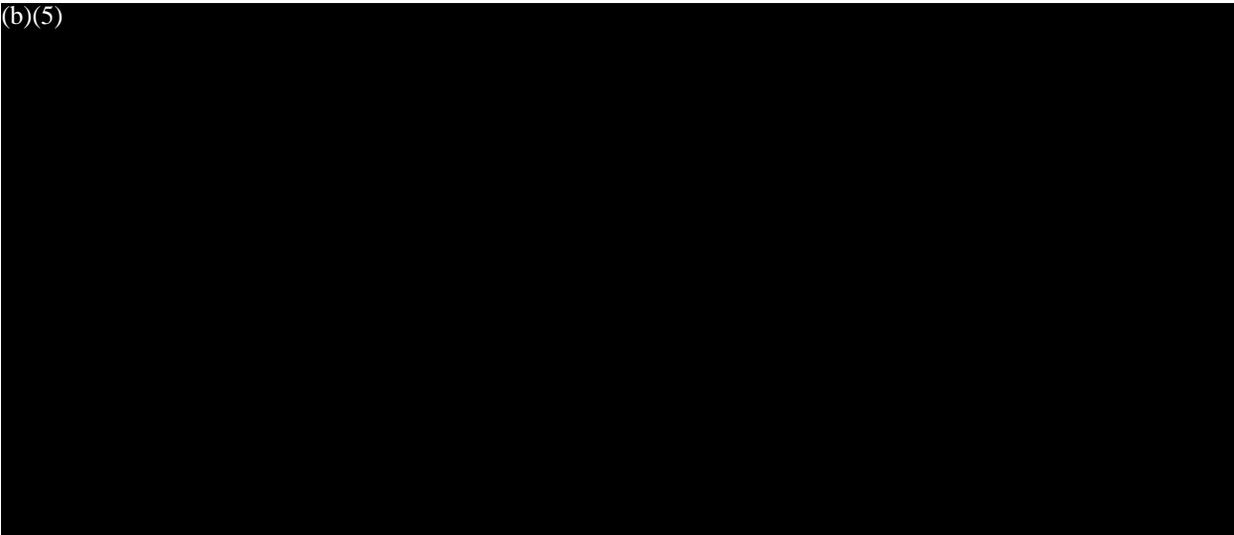
---

**From:** Watson, Theresa (OAG)  
**Sent:** Tuesday, September 24, 2019 11:03 AM  
**To:** Kupec, Kerri (OPA) (b)(6)  
**Subject:** Statement

*Deliberative and Pre-Decisional*

**On-the-Record Statement – Ukraine**

(b)(5)



**Attributable to Kerri Kupec**

**Rabbitt, Brian (OAG)**

---

**From:** Rabbitt, Brian (OAG)  
**Sent:** Tuesday, September 24, 2019 9:24 AM  
**To:** Watson, Theresa (OAG)  
**Subject:** Fwd: FYI - Final Statement (Ukraine)

Please print

Sent from my iPhone

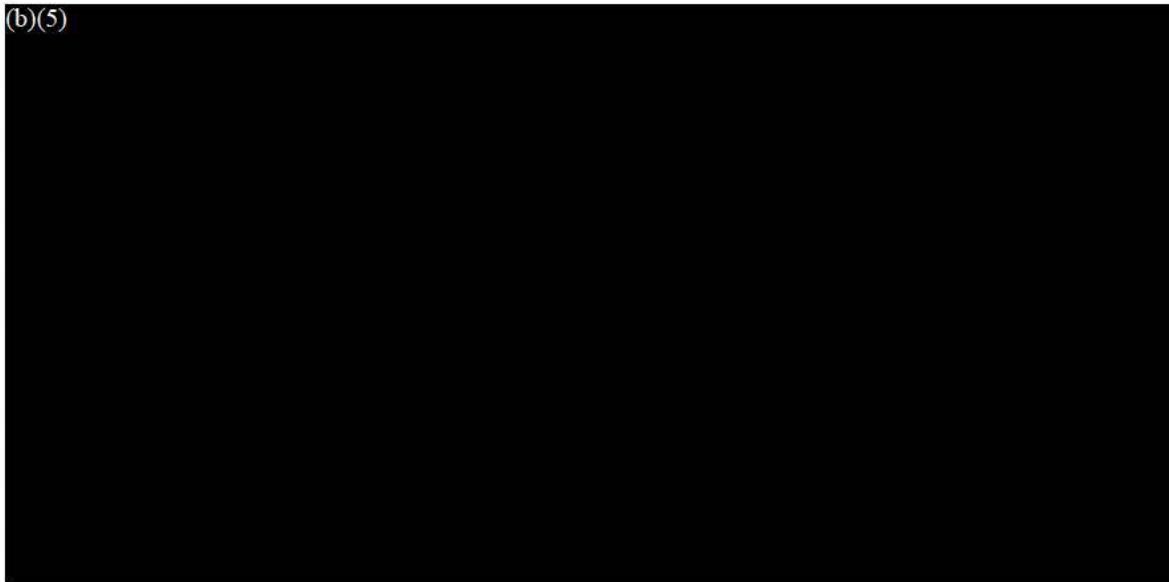
Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** September 23, 2019 at 9:36:24 AM EDT  
**To:** "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Subject:** FYI - Final Statement (Ukraine)

*Deliberative and Pre-Decisional*

**On-the-Record Statement – Ukraine**

(b)(5)



**Kerri Kupec**  
Director  
Office of Public Affairs  
U.S. Department of Justice

(b)(6)



**Watson, Theresa (OAG)**

---

**From:** Watson, Theresa (OAG)  
**Sent:** Thursday, August 22, 2019 6:34 PM  
**To:** Rabbitt, Brian (OAG)  
**Subject:** RE: Phone Message

He was scheduled for Aug. 9, but we canceled. He called today and I left message with him that I would call him back. The AG wants someone else to meet with him, let me know who and I will setup.  
Theresa

---

**From:** Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Sent:** Thursday, August 22, 2019 6:27 PM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** Re: Phone Message

Did we ever reschedule this?

Sent from my iPhone

On Aug 5, 2019, at 2:58 PM, Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)> wrote:

Me

Sent from my iPhone

On Aug 5, 2019, at 2:56 PM, Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)> wrote:

The AG wants staff to sit in on this meeting when I schedule it, who do you recommend?

---

**From:** Williams, Toni (OAG) <[towilliams@jmd.usdoj.gov](mailto:towilliams@jmd.usdoj.gov)>  
**Sent:** Wednesday, July 31, 2019 11:00 AM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** Phone Message

Joseph DiGenova called (b)(6) for you. He said he spoke with the AG last night in London. The AG told him to give you a call. The AG invited him to come to the office during the week of August 5. He and Victoria Toensing would like to get on the AG's schedule.

*Toni Williams  
Office of the Attorney General  
U.S. Department of Justice  
Washington, DC 20530*

**Williams, Toni (OAG)**

---

**From:** Williams, Toni (OAG)  
**Sent:** Thursday, August 1, 2019 3:14 PM  
**To:** Watson, Theresa (OAG)  
**Subject:** RE: Phone Message - Joseph DiGenova

I told him you will give him a call back.  
He said ok.

*Toni Williams  
Office of the Attorney General  
U.S. Department of Justice  
Washington, DC 20530*

---

**From:** Williams, Toni (OAG)  
**Sent:** Wednesday, July 31, 2019 11:00 AM  
**To:** Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>  
**Subject:** Phone Message

Joseph DiGenova called (b)(6) for you. He said he spoke with the AG last night in London. The AG told him to give you a call.  
The AG invited him to come to the office during the week of August 5. He and Victoria Toensing would like to get on the AG's schedule.

*Toni Williams  
Office of the Attorney General  
U.S. Department of Justice  
Washington, DC 20530*

**Watson, Theresa (OAG)**

---

**From:** Watson, Theresa (OAG)  
**Sent:** Wednesday, July 31, 2019 11:37 AM  
**To:** Williams, Toni (OAG)  
**Subject:** Re: Phone Message

Okay

On Jul 31, 2019, at 11:00 AM, Williams, Toni (OAG) <[towilliams@jmd.usdoj.gov](mailto:towilliams@jmd.usdoj.gov)> wrote:

Joseph DiGenova called (b)(6) for you. He said he spoke with the AG last night in London. The AG told him to give you a call. The AG invited him to come to the office during the week of August 5. He and Victoria Toensing would like to get on the AG's schedule.

*Toni Williams  
Office of the Attorney General  
U.S. Department of Justice  
Washington, DC 20530*

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Friday, April 26, 2019 1:41 PM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Cc:** Boyd, Stephen E. (OLA); Kupec, Kerri (OPA)  
**Subject:** Re: Hannity Statement

Statements on cable TV and twitter are not presidential orders.

On Apr 26, 2019, at 1:37 PM, O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)> wrote:

Apparently this exchange happened last night. I haven't heard anything about it yet, but one of the litigants in a FOIA case did.

HANNITY: Mr. President, I'm going to -- I have to ask you about the New Green Deal, Biden and the media. But one last, last question. Will you declassify the FISA applications, Gang of Eight material, those 302s, or, you know, what we call on this program the "bucket of five"?

TRUMP: Yes. Everything is going to be declassified and more, much more than what you just mentioned. It will all be declassified. I'm glad I waited because I thought that maybe they would object struck if I did it early and I think I was right.

So I'm glad I waited. And now, the attorney general can take a look, a very strong look at whatever it is. But it will be declassified and more than what you just mentioned.

**Edward C. O'Callaghan**  
Principal Associate Deputy Attorney General  
United States Department of Justice  
(o) 202-514-2105  
(c) (b)(6)

Joe diGenova

---

**From:** Joe diGenova  
**Sent:** Monday, October 7, 2019 10:27 AM  
**To:** Theresa Watson  
**Subject:** Re: Follow Up Material to Seth DuCharme

Thanks very much. Really appreciate it. J. diGenova

On Mon, Oct 7, 2019, 10:21 AM Watson, Theresa (OAG) <[Theresa.Watson3@usdoj.gov](mailto:Theresa.Watson3@usdoj.gov)> wrote:

Hello: See below.

([Seth.DuCharme2@usdoj.gov](mailto:Seth.DuCharme2@usdoj.gov))

**From:** Joe diGenova <[jd@digenovatoensing.com](mailto:jd@digenovatoensing.com)>  
**Sent:** Monday, October 7, 2019 10:13 AM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** Follow Up Material to Seth DuCharme

Ms. Watson: I want to send follow up materials to Seth Ducharme related to our August 26th meeting with the Attorney General but I don't have his email address. Could you please forward it to me? Thank you very much. Joseph diGenova

**Engel, Steven A. (OLC)**

---

**From:** Engel, Steven A. (OLC)  
**Sent:** Tuesday, September 24, 2019 4:43 PM  
**To:** Rabbitt, Brian (OAG)  
**Cc:** Kupec, Kerri (OPA); O'Callaghan, Edward C. (ODAG); Boyd, Stephen E. (OLA)  
**Subject:** Re: Statements (tomorrow)

Looks good.

Note: It is Ukrainian, not Ukranian.

Sent from my iPhone

On Sep 24, 2019, at 4:35 PM, Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)> wrote:

Duplicative Material - See 4-29 Release Bates Stamp Page 20200330-0000730



**Watson, Theresa (OAG)**

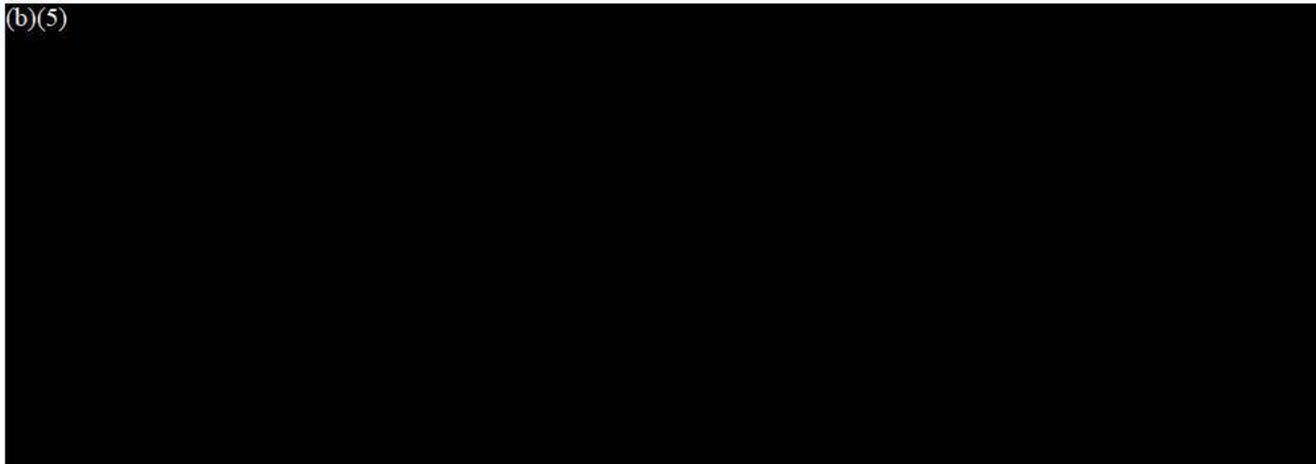
---

**From:** Watson, Theresa (OAG)  
**Sent:** Tuesday, September 24, 2019 4:33 PM  
**To:** Rabbitt, Brian (OAG)  
**Subject:** RE: Statements (tomorrow)

Deliberative / Pre-Decisional

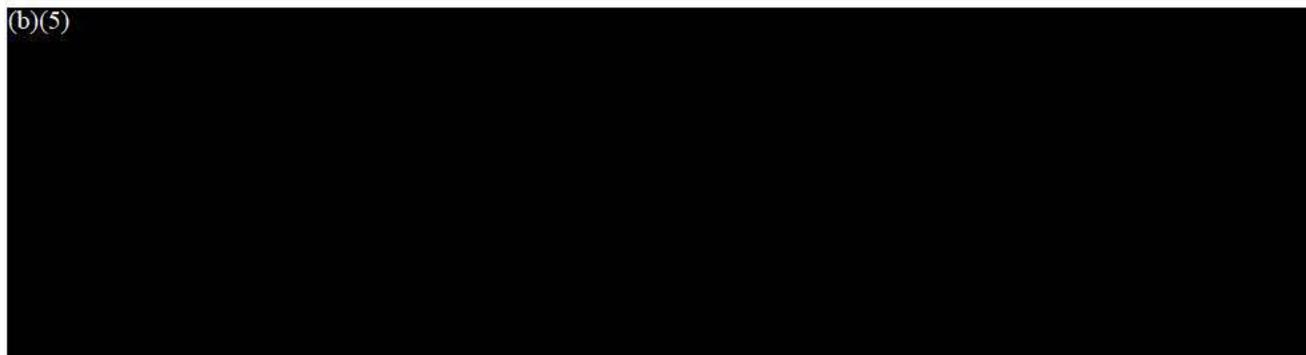
**Ukraine Statement**

(b)(5)



**Referral Statement**

(b)(5)



**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Monday, September 23, 2019 5:03 PM  
**To:** AG Barr (OAG)  
**Subject:** Communication Themes - Fall 2019  
**Attachments:** Fall 2019 - Communication Themes.docx

See attached.

**Kerri Kupec**  
Director  
Office of Public Affairs  
U.S. Department of Justice  
(b)(6)

**DuCharme, Seth (OAG)**

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Monday, September 23, 2019 3:21 PM  
**To:** Benczkowski, Brian (CRM)  
**Subject:** Firtash

I just head from Joe DeG - they are heading out to Austria this week to meet with their client. He asked me if we need any additional info from him at this time. I said no I think we're good and we are doing due diligence on the case and we'd reach out if we had any additional questions.

Sent from my iPhone

**Engel, Steven A. (OLC)**

---

**From:** Engel, Steven A. (OLC)  
**Sent:** Friday, September 20, 2019 11:31 PM  
**To:** Benczkowski, Brian (CRM)  
**Cc:** O'Callaghan, Edward C. (ODAG); Rabbitt, Brian (OAG); Kupec, Kerri (OPA); Boyd, Stephen E. (OLA)  
**Subject:** Re: Possible on the record statement - whistleblower

(b)(5)  
[Redacted]

Sent from my iPad

On Sep 20, 2019, at 10:02 PM, Benczkowski, Brian (CRM) (b)(6) wrote:

(b)(5)  
[Redacted]

On Sep 20, 2019, at 8:51 PM, Engel, Steven A. (OLC) (b)(6) wrote:

(b)(5)  
[Redacted]

On Sep 20, 2019, at 6:57 PM, Benczkowski, Brian (CRM)

(b)(6) wrote:

My concern about (b)(5)  
[Redacted]

[Redacted]

[Redacted]

Sent from my iPhone

On Sep 20, 2019, at 6:23 PM, Engel, Steven A. (OLC)

(b)(6) wrote:

Per Bencz's wisdom about (b)(5)

How about the following:

(b)(5)

---

**From:** O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>

**Sent:** Friday, September 20, 2019 6:12 PM

**To:** Benczkowski, Brian (CRM) (b)(6)

**Cc:** Engel, Steven A. (OLC) (b)(6); Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>; Kupec, Kerri (OPA)

(b)(6); Boyd, Stephen E. (OLA)

(b)(6)

**Subject:** Re: Possible on the record statement - whistleblower

Thanks. I think (b)(5)

Edward C. O'Callaghan

202-514-2105

On Sep 20, 2019, at 5:49 PM, Benczkowski, Brian (CRM)

(b)(6) wrote:

CRM is comfortable with (b)(5)

---

**From:** Engel, Steven A. (OLC)

**Sent:** Friday, September 20, 2019 5:23 PM

**To:** Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>;

Kupec, Kerri (OPA) (b)(6)

**Cc:** O'Callaghan, Edward C. (ODAG)

<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>; Boyd, Stephen E. (OLA)

(b)(6); Benczkowski, Brian (CRM)

(b)(6)

**Subject:** RE: Possible on the record statement -

whistleblower

(b)(5) [redacted] ?

**From:** Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>  
**Sent:** Friday, September 20, 2019 5:21 PM  
**To:** Kupec, Kerri (OPA) (b)(6) [redacted]  
**Cc:** O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>; Engel, Steven A. (OLC) (b)(6) [redacted] Boyd, Stephen E. (OLA) (b)(6) [redacted]; Benczkowski, Brian (CRM) (b)(6) [redacted]  
**Subject:** Re: Possible on the record statement - whistleblower

I think (b)(5) [redacted]  
[redacted]  
[redacted]

Sent from my iPhone

On Sep 20, 2019, at 5:17 PM, Kupec, Kerri (OPA) (b)(6) [redacted] wrote:

(b)(5) [redacted]

**From:** O'Callaghan, Edward C. (ODAG) <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>  
**Sent:** Friday, September 20, 2019 4:46 PM  
**To:** Engel, Steven A. (OLC) (b)(6) [redacted]  
**Cc:** Boyd, Stephen E. (OLA) (b)(6) [redacted]; Kupec, Kerri (OPA) (b)(6) [redacted]; Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>; Benczkowski, Brian (CRM) (b)(6) [redacted]  
**Subject:** Re: Possible on the record statement - whistleblower

Added Bencz to make sure he's comfortable with process language.  
Suggested (b)(5) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

\*\*\*\*

(b)(5)  
[Redacted]

Edward C. O'Callaghan  
202-514-2105

On Sep 20, 2019, at 4:37 PM, Engel, Steven  
A. (OLC) (b)(6) wrote:

A few revisions from Kerri and  
me.

Statement #1: [Redacted]  
(b)(5)  
[Redacted]

---

**From:** Boyd, Stephen E. (OLA)  
(b)(6)  
**Sent:** Friday, September 20,  
2019 3:09 PM  
**To:** Kupec, Kerri (OPA)  
(b)(6)  
**Cc:** Engel, Steven A. (OLC)  
(b)(6);  
O'Callaghan, Edward C.  
(ODAG)  
<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)  
>  
**Subject:** Re: Possible on the  
record statement -  
whistleblower

Not much to add on my end.

(b)(6)

Sent from my iPhone

On Sep 20, 2019, at 3:06 PM,  
Kupec, Kerri (OPA)

(b)(6)  
wrote:

Welcome thoughts

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Friday, September 20, 2019 3:06 PM  
**To:** Engel, Steven A. (OLC)  
(b)(6);  
O'Callaghan, Edward C.  
(ODAG)  
<[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>;  
Boyd, Stephen E. (OLA)  
(b)(6)  
**Subject:** Possible on the  
record statement -  
whistleblower

Statement #1: (b)(5)  
[Redacted]

**Kerri Kupec**  
Director  
Office of Public Affairs  
U.S. Department of  
Justice  
(b)(6)  
[Redacted]

**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Friday, September 20, 2019 7:14 PM  
**To:** Benczkowski, Brian (CRM)  
**Cc:** Engel, Steven A. (OLC); O'Callaghan, Edward C. (ODAG); Rabbitt, Brian (OAG); Boyd, Stephen E. (OLA)  
**Subject:** Re: Possible on the record statement - whistleblower

(b)(5) [Redacted]

On Sep 20, 2019, at 7:10 PM, Benczkowski, Brian (CRM) (b)(6) [Redacted] wrote:

(b)(5) [Redacted]

Sent from my iPhone

On Sep 20, 2019, at 7:09 PM, Kupec, Kerri (OPA) (b)(6) [Redacted] wrote:

How about (b)(5) [Redacted]

[Redacted]

On Sep 20, 2019, at 6:57 PM, Benczkowski, Brian (CRM) (b)(6) [Redacted] wrote:

Duplicative Material - See Bates Stamp Page 20200505-0000233  
[Redacted]

**Levi, William (OAG)**

---

**From:** Levi, William (OAG)  
**Sent:** Tuesday, September 3, 2019 9:23 AM  
**To:** Cronan, John (CRM)  
**Subject:** RE: Prep for Giuliani/Gowdy Meeting

Yes all the same; I just talked to Bencz. You guys host from 11 to 12. We will roll through at 11:45.

See you down there at 11:45.

---

**From:** Cronan, John (CRM) (b)(6)  
**Sent:** Tuesday, September 3, 2019 8:54 AM  
**To:** Levi, William (OAG) <[wlevi@jmd.usdoj.gov](mailto:wlevi@jmd.usdoj.gov)>  
**Subject:** Re: Prep for Giuliani/Gowdy Meeting

Sounds good. The 11 a.m. meeting itself also was just pulled down, in addition to the prep. The attorneys are still coming by at 11, as far as you know?

On Sep 3, 2019, at 8:33 AM, Levi, William (OAG) <[wlevi@jmd.usdoj.gov](mailto:wlevi@jmd.usdoj.gov)> wrote:

I'm actually going to pull this down. Sorry for the scramble.

---

**From:** Cronan, John (CRM) (b)(6)  
**Sent:** Tuesday, September 3, 2019 8:14 AM  
**To:** Levi, William (OAG) <[wlevi@jmd.usdoj.gov](mailto:wlevi@jmd.usdoj.gov)>  
**Subject:** Re: Prep for Giuliani/Gowdy Meeting

Thanks. Also, so I can prepare folks, (b)(5)

On Sep 3, 2019, at 6:25 AM, Levi, William (OAG) <[wlevi@jmd.usdoj.gov](mailto:wlevi@jmd.usdoj.gov)> wrote:

Yes, absolutely. Thanks. Adding Errical to implement.

On Sep 3, 2019, at 5:40 AM, Cronan, John (CRM) (b)(6) wrote:

Will,

I just got an invite for a prep at 10:30 in OAG. (b)(5)

[Redacted]

John

John P. Cronan

Principal Deputy Assistant Attorney General  
Criminal Division  
U.S. Department of Justice  
Desk: (b)(6)  
Cell: (b)(6)

**Levi, William (OAG)**

---

**From:** Levi, William (OAG)  
**Sent:** Tuesday, September 3, 2019 8:36 AM  
**To:** Cronan, John (CRM)  
**Subject:** RE: Prep for Giuliani/Gowdy Meeting

We will see you guys down in your conference room at 11:45 for a quick AG drop by and handshake. Good? It will be brief and you guys can resume after if needed.

---

**From:** Cronan, John (CRM) (b)(6)  
**Sent:** Tuesday, September 3, 2019 8:14 AM  
**To:** Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
**Subject:** Re: Prep for Giuliani/Gowdy Meeting

Duplicative Material - See Bates Stamp Page 20200505-0000262



**Bryant, Errical (OAG)**

---

**From:** Bryant, Errical (OAG)  
**Sent:** Tuesday, September 3, 2019 6:46 AM  
**To:** Cronan, John (CRM); Levi, William (OAG)  
**Subject:** RE: Prep for Giuliani/Gowdy Meeting

Thanks added

E

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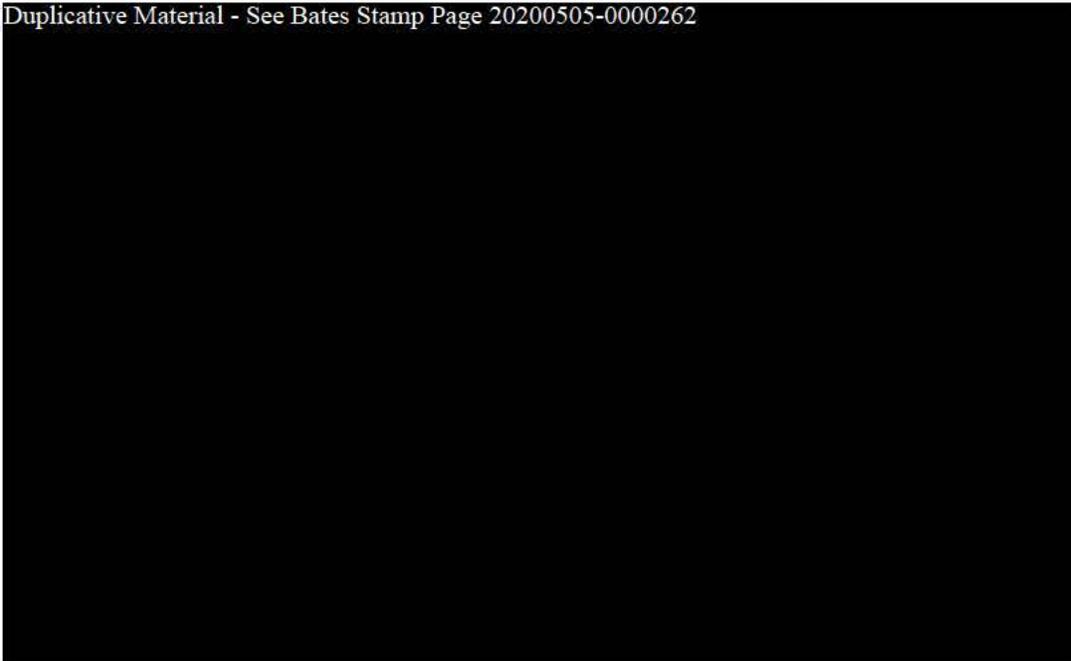
**From:** Cronan, John (CRM) (b)(6)  
**Sent:** Tuesday, September 3, 2019 6:33 AM  
**To:** Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
**Cc:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** Re: Prep for Giuliani/Gowdy Meeting

Thanks. It would be Dan Kahn and Matt Miner.

John P. Cronan  
Principal Deputy Assistant Attorney General  
Criminal Division  
U.S. Department of Justice  
Desk: (b)(6)  
Cell: (b)(6)

On Sep 3, 2019, at 6:25 AM, Levi, William (OAG) <[wlevi@jmd.usdoj.gov](mailto:wlevi@jmd.usdoj.gov)> wrote:

Duplicative Material - See Bates Stamp Page 20200505-0000262



**Watson, Theresa (OAG)**

---

**From:** Watson, Theresa (OAG)  
**Sent:** Thursday, August 22, 2019 4:42 PM  
**To:** Gramley, Shannon (OAG)  
**Subject:** RE: Call for you

Thanks

---

**From:** Gramley, Shannon (OAG) <sgramley@jmd.usdoj.gov>  
**Sent:** Thursday, August 22, 2019 4:41 PM  
**To:** Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>  
**Subject:** Call for you

Joseph Digenova is trying to get in touch. Give him a call at (b)(6)

## Bryant, Errical (OAG)

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**From:** Bryant, Errical (OAG)  
**Sent:** Thursday, August 22, 2019 10:44 AM  
**To:** Levi, William (OAG)  
**Subject:** RE: sept 3

We will need to circle back on the location in CRM. We need to make sure the OAG escort takes them there and not the AG's conference room. No rush.

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**From:** Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
**Sent:** Thursday, August 22, 2019 10:02 AM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** sept 3

Errical – for the Rudy/Gowdy meeting, please communicate to them that they will meet first with the head of the criminal division and his team to discuss the case, and that the AG will then join for a quick chat at the end. Same time 11-12 for them, but they should be prepared to stay a little longer since the AG will be joining at the end.

From our end, we can plan to have AG drop by second floor around noon or a little before for a drop in. Call with any questions.

William R. Levi  
Counselor to the Attorney General  
Office of the Attorney General  
U.S. Department of Justice  
T: (202) 616-7740  
M: (b)(6)  
[William.Levi@usdoj.gov](mailto:William.Levi@usdoj.gov)

**Bryant, Errical (OAG)**

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**From:** Bryant, Errical (OAG)  
**Sent:** Thursday, August 22, 2019 10:39 AM  
**To:** Levi, William (OAG)  
**Subject:** RE: sept 3

Will do.

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**From:** Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
**Sent:** Thursday, August 22, 2019 10:02 AM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** sept 3

Duplicative Material - See Bates Stamp Page 20200505-0000460



Joe diGenova

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**From:** Joe diGenova  
**Sent:** Monday, October 7, 2019 10:27 AM  
**To:** Watson, Theresa (OAG)  
**Subject:** Re: Follow Up Material to Seth DuCharme

Thanks very much. Really appreciate it. J. diGenova

On Mon, Oct 7, 2019, 10:21 AM Watson, Theresa (OAG) <[Theresa.Watson3@usdoj.gov](mailto:Theresa.Watson3@usdoj.gov)> wrote:

Hello: See below.

([Seth.DuCharme2@usdoj.gov](mailto:Seth.DuCharme2@usdoj.gov))

**From:** Joe diGenova <[jd@digenovatoensing.com](mailto:jd@digenovatoensing.com)>  
**Sent:** Monday, October 7, 2019 10:13 AM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** Follow Up Material to Seth DuCharme

Ms. Watson: I want to send follow up materials to Seth Ducharme related to our August 26th meeting with the Attorney General but I don't have his email address. Could you please forward it to me? Thank you very much. Joseph diGenova