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This report reflects the evidence gathered thus far by the House Permanent Select Committee on Intelligence, in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, as part of the House of Representatives' impeachment inquiry into Donald J. Trump, the 45th President of the United States.

The report is the culmination of an investigation that began in September 2019 and intensified over the past three months as new revelations and evidence of the President's misconduct towards Ukraine emerged. The Committees pursued the truth vigorously, but fairly, ensuring the full participation of both parties throughout the probe.

Sustained by the tireless work of more than three dozen dedicated staff across the three Committees, we issued dozens of subpoenas for documents and testimony and took more than 100 hours of deposition testimony from 17 witnesses. To provide the American people the opportunity to learn and evaluate the facts themselves, the Intelligence Committee held seven public hearings with 12 witnesses—including three requested by the Republican Minority—that totaled more than 30 hours.

At the outset, I want to recognize my late friend and colleague Elijah E. Cummings, whose grace and commitment to justice served as our North Star throughout this investigation. I would also like to thank my colleagues Eliot L. Engel and Carolyn B. Maloney, chairs respectively of the Foreign Affairs and Oversight and Reform Committees, as well as the Members of those Committees, many of whom provided invaluable contributions. Members of the Intelligence Committee, as well, worked selflessly and collaboratively throughout this investigation. Finally, I am grateful to Speaker Nancy Pelosi for the trust she placed in our Committees to conduct this work and for her wise counsel throughout.

I also want to thank the dedicated professional staff of the Intelligence Committee, who worked ceaselessly and with remarkable poise and ability. My deepest gratitude goes to Daniel Goldman, Rheanne Wirkkala, Maher Bitar, Timothy Bergreen, Patrick Boland, Daniel Noble, Nicolas Mitchell, Sean Misko, Patrick Fallon, Diana Pilipenko, William Evans, Ariana Rowberry, Wells Bennett, and William Wu. Additional Intelligence Committee staff members also assured that the important oversight work of the Committee continued, even as we were required to take on the additional responsibility of conducting a key part of the House impeachment inquiry. Finally, I would like to thank the devoted and outstanding staff of the Committee on Oversight and Reform, including but not limited to Dave Rapallo, Susanne Sachsman Grooms, Peter Kenny, Krista Boyd, and Janet Kim, as well as Laura Carey from the Committee on Foreign Affairs.

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In his farewell address, President George Washington warned of a moment when "cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion."

The Framers of the Constitution well understood that an individual could one day occupy the Office of the President who would place his personal or political interests above those of the nation. Having just won hard-fought independence from a King with unbridled authority, they were attuned to the dangers of an executive who lacked fealty to the law and the Constitution.

In response, the Framers adopted a tool used by the British Parliament for several hundred years to constrain the Crown—the power of impeachment. Unlike in Britain, where impeachment was typically reserved for inferior officers but not the King himself, impeachment in our untested democracy was specifically intended to serve as the ultimate form of accountability for a duly-elected President. Rather than a mechanism to overturn an election, impeachment was explicitly contemplated as a remedy of last resort for a president who fails to faithfully execute his oath of office "to preserve, protect and defend the Constitution of the United States."

Accordingly, the Constitution confers the power to impeach the president on Congress, stating that the president shall be removed from office upon conviction for "Treason, Bribery, or other high Crimes and Misdemeanors." While the Constitutional standard for removal from office is justly a high one, it is nonetheless an essential check and balance on the authority of the occupant of the Office of the President, particularly when that occupant represents a continuing threat to our fundamental democratic norms, values, and laws.

Alexander Hamilton explained that impeachment was not designed to cover only criminal violations, but also crimes against the American people. “The subjects of its jurisdiction,” Hamilton wrote, “are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself.”

Similarly, future Associate Justice of the United States Supreme Court James Wilson, a delegate from Pennsylvania at the Constitutional Convention, distinguished impeachable offenses from those that reside “within the sphere of ordinary jurisprudence.” As he noted, “impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments.”

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As this report details, the impeachment inquiry has found that President Trump, personally and acting through agents within and outside of the U.S. government, solicited the interference of a foreign government, Ukraine, to benefit his reelection. In furtherance of this scheme, President Trump conditioned official acts on a public announcement by the new Ukrainian President, Volodymyr Zelensky, of politically-motivated investigations, including one into President Trump’s domestic political opponent. In pressuring President Zelensky to carry out his demand, President Trump withheld a White House meeting desperately sought by the Ukrainian President, and critical U.S. military assistance to fight Russian aggression in eastern Ukraine.

The President engaged in this course of conduct for the benefit of his own presidential reelection, to harm the election prospects of a political rival, and to influence our nation’s upcoming presidential election to his advantage. In doing so, the President placed his own personal and political interests above the national interests of the United States, sought to undermine the integrity of the U.S. presidential election process, and endangered U.S. national security.

At the center of this investigation is the memorandum prepared following President Trump’s July 25, 2019, phone call with Ukraine’s President, which the White House declassified and released under significant public pressure. The call record alone is stark evidence of misconduct; a demonstration of the President’s prioritization of his personal political benefit over the national interest. In response to President Zelensky’s appreciation for vital U.S. military assistance, which President Trump froze without explanation, President Trump asked for “a favor though”: two specific investigations designed to assist his reelection efforts.

Our investigation determined that this telephone call was neither the start nor the end of President Trump’s efforts to bend U.S. foreign policy for his personal gain. Rather, it was a dramatic crescendo within a months-long campaign driven by President Trump in which senior U.S. officials, including the Vice President, the Secretary of State, the Acting Chief of Staff, the Secretary of Energy, and others were either knowledgeable of or active participants in an effort to extract from a foreign nation the personal political benefits sought by the President.

The investigation revealed the nature and extent of the President’s misconduct, notwithstanding an unprecedented campaign of obstruction by the President and his Administration to prevent the Committees from obtaining documentary evidence and testimony. A dozen witnesses followed President Trump’s orders, defying voluntary requests and lawful subpoenas, and refusing to testify. The White House, Department of State, Department of Defense, Office of Management and Budget, and Department of Energy refused to produce a single document in response to our subpoenas.

Ultimately, this sweeping effort to stonewall the House of Representatives’ “sole Power of Impeachment” under the Constitution failed because witnesses courageously came forward and testified in response to lawful process. The report that follows was only possible because of their sense of duty and devotion to their country and its Constitution.

Nevertheless, there remain unanswered questions, and our investigation must continue, even as we transmit our report to the Judiciary Committee. Given the proximate threat of further presidential attempts to solicit foreign interference in our next election, we cannot wait to make a referral until our efforts to obtain additional testimony and documents wind their way through the courts. The evidence of the President’s misconduct is overwhelming, and so too is the evidence of his obstruction of Congress. Indeed, it would be hard to imagine a stronger or more complete case of obstruction than that demonstrated by the President since the inquiry began.

The damage the President has done to our relationship with a key strategic partner will be remedied over time, and Ukraine continues to enjoy strong bipartisan support in Congress. But the damage to our system of checks and balances, and to the balance of power within our three branches of government, will be long-lasting and potentially irrevocable if the President’s ability to stonewall Congress goes unchecked. Any future President will feel empowered to resist an investigation into their own wrongdoing, malfeasance, or corruption, and the result will be a nation at far greater risk of all three.

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The decision to move forward with an impeachment inquiry is not one we took lightly. Under the best of circumstances, impeachment is a wrenching process for the nation. I resisted calls to undertake an impeachment investigation for many months on that basis, notwithstanding the existence of presidential misconduct that I believed to be deeply unethical and damaging to our democracy. The alarming events and actions detailed in this report, however, left us with no choice but to proceed.

In making the decision to move forward, we were struck by the fact that the President's misconduct was not an isolated occurrence, nor was it the product of a naïve president. Instead, the efforts to involve Ukraine in our 2020 presidential election were undertaken by a President who himself was elected in 2016 with the benefit of an unprecedented and sweeping campaign of election interference undertaken by Russia in his favor, and which the President welcomed and utilized.

Having witnessed the degree to which interference by a foreign power in 2016 harmed our democracy, President Trump cannot credibly claim ignorance to its pernicious effects. Even more pointedly, the President's July call with Ukrainian President Zelensky, in which he solicited an investigation to damage his most feared 2020 opponent, came the day after Special Counsel Robert Mueller testified to Congress about Russia's efforts to damage his 2016 opponent and his urgent warning of the dangers of further foreign interference in the next election. With this backdrop, the solicitation of new foreign intervention was the act of a president unbound, not one chastened by experience. It was the act of a president who viewed himself as unaccountable and determined to use his vast official powers to secure his reelection.

This repeated and pervasive threat to our democratic electoral process added urgency to our work. On October 3, 2019, even as our Committee was engaged in this inquiry, President Trump publicly declared anew that other countries should open investigations into his chief political rival, saying, "China should start an investigation into the Bidens," and that "President Zelensky, if it were me, I would recommend that they start an investigation into the Bidens." When a reporter asked the President what he hoped Ukraine's President would do following the July 25 call, President Trump, seeking to dispel any doubt as to his continuing intention, responded: "Well, I would think that, if they were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer."

By doubling down on his misconduct and declaring that his July 25 call with President Zelensky was "perfect," President Trump has shown a continued willingness to use the power of his office to seek foreign intervention in our next election. His Acting Chief of Staff, Mick Mulvaney, in the course of admitting that the President had linked security assistance to Ukraine to the announcement of one of his desired investigations, told the American people to "get over it." In these statements and actions, the President became the author of his own impeachment inquiry. The question presented by the set of facts enumerated in this report may be as simple as that posed by the President and his chief of staff's brazenness: is the remedy of impeachment warranted for a president who would use the power of his office to coerce foreign interference in a U.S. election, or is that now a mere perk of the office that Americans must simply "get over"?

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Those watching the impeachment hearings might have been struck by how little discrepancy there was between the witnesses called by the Majority and Minority. Indeed, most of the facts presented in the pages that follow are uncontested. The broad outlines as well as many of the details of the President's scheme have been presented by the witnesses with remarkable consistency. There will always be some variation in the testimony of multiple people witnessing the same events, but few of the differences here go to the heart of the matter. And so, it may have been all the more surprising to the public to see very disparate reactions to the testimony by the Members of Congress from each party.

If there was one ill the Founding Fathers feared as much as that of an unfit president, it may have been that of excessive factionalism. Although the Framers viewed parties as necessary, they also endeavored to structure the new government in such a way as to minimize the "violence of faction." As George Washington warned in his farewell address, "the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it."

Today, we may be witnessing a collision between the power of a remedy meant to curb presidential misconduct and the power of faction determined to defend against the use of that remedy on a president of the same party. But perhaps even more corrosive to our democratic system of governance, the President and his allies are making a comprehensive attack on the very idea of fact and truth. How can a democracy survive without acceptance of a common set of experiences?

America remains the beacon of democracy and opportunity for freedom-loving people around the world. From their homes and their jail cells, from their public squares and their refugee camps, from their waking hours until their last breath, individuals fighting human rights abuses, journalists uncovering and exposing corruption, persecuted minorities struggling to survive and preserve their faith, and countless others around the globe just hoping for a better life look to America. What we do will determine what they see, and whether America remains a nation committed to the rule of law.

As Benjamin Franklin departed the Constitutional Convention, he was asked, "what have we got? A Republic or a Monarchy?" He responded simply: "A Republic, if you can keep it."

**Adam B. Schiff**

Chairman, House Permanent Select Committee on Intelligence

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## I. The President Conditioned a White House Meeting and Military Aid to Ukraine on a Public Announcement of Investigations Beneficial to his Reelection Campaign

### *The President's Request for a Political Favor*

On the morning of July 25, 2019, President Donald Trump settled in to the White House Executive Residence to join a telephone call with President Volodymyr Zelensky of Ukraine. It had been more than three months since President Zelensky, a political neophyte, had been swept into office in a landslide victory on a platform of rooting out corruption and ending the war between his country and Russia. The day of his election, April 21, President Zelensky spoke briefly with President Trump, who had called to congratulate him and invite him to a visit at the White House. As of July 25, no White House meeting had materialized.

As is typical for telephone calls with other heads of state, staff members from the National Security Council (NSC) convened in the White House Situation Room to listen to the call and take notes, which would later be compiled into a memorandum that would constitute the U.S. government's official record of the call. NSC staff had prepared a standard package of talking points for the President based on official U.S. policy. The talking points included recommendations to encourage President Zelensky to continue to promote anti-corruption reforms in Ukraine, a pillar of American foreign policy in the country as far back as its independence in the 1990s when Ukraine first rid itself of Kremlin control.

This call would deviate significantly from that script. Shortly before he was patched through to President Zelensky, President Trump spoke with Gordon Sondland, who had donated \$1 million to President Trump's 2016 presidential inauguration and whom the President had appointed as the United States Ambassador to the European Union. Ambassador Sondland had helped lay the groundwork for a very different kind of call between the two Presidents.

Ambassador Sondland had relayed a message to President Zelensky six days earlier that "assurances to run a fully transparent investigation" and "turn over every stone" were necessary in his call with President Trump. Ambassador Sondland understood these phrases to refer to two investigations politically beneficial to the President's reelection campaign: one into former Vice President Joe Biden and a Ukrainian gas company called Burisma, on which his son sat on the board, and the other into a discredited conspiracy theory alleging that Ukraine, not Russia, interfered in the 2016 U.S. election. The allegations about Vice President Biden were without evidence, and the U.S. Intelligence Community had unanimously determined that Russia, not Ukraine, interfered in the 2016 election to help the candidacy of Donald Trump. Despite the falsehoods, Ambassador Sondland would make it clear to Ukrainian officials that

the public announcement of these investigations was a prerequisite for the coveted White House meeting with President Trump, an effort that would help the President's reelection campaign.

The White House meeting was not the only official act that President Trump conditioned on the announcement of these investigations. Several weeks before his phone call with President Zelensky, President Trump ordered a hold on nearly \$400 million of congressionally-appropriated security assistance to Ukraine that provided Kyiv essential support as it sought to repel Russian forces that were occupying Crimea and inflicting casualties in the eastern region of the country. The President's decision to freeze the aid, made without explanation, sent shock waves through the Department of Defense (DOD), the Department of State, and the NSC, which uniformly supported providing this assistance to our strategic partner. Although the suspension of aid had not been made public by the day of the call between the two Presidents, officials at the Ukrainian embassy in Washington had already asked American officials about the status of the vital military assistance.

At the outset of the conversation on July 25, President Zelensky thanked President Trump for the "great support in the area of defense" provided by the United States to date. He then indicated that Ukraine would soon be prepared to purchase additional Javelin anti-tank missiles from the United States as part of this defense cooperation. President Trump immediately responded with his own request: "I would like you to do us a favor though," which was "to find out what happened" with alleged Ukrainian interference in the 2016 election.

President Trump then asked President Zelensky "to look into" former Vice President Biden's role in encouraging Ukraine to remove a prosecutor widely viewed by the United States and numerous European partners to be corrupt. In so doing, President Trump gave currency to a baseless allegation that Vice President Biden wanted to remove the corrupt prosecutor because he was investigating Burisma, a company on whose board the Vice President's son sat at the time.

Over the course of the roughly thirty-minute call, President Trump repeated these false allegations and pressed the Ukrainian President to consult with his personal attorney, Rudy Giuliani, who had been publicly advocating for months for Ukraine to initiate these specific investigations. President Zelensky promised that he would "work on the investigation of the case." Later in the call, he thanked President Trump for his invitation to join him at the White House, following up immediately with a comment that, "[o]n the other hand," he would "ensure" that Ukraine pursued "the investigation" that President Trump had requested.

During the call, President Trump also disparaged Marie Yovanovitch, the former U.S. ambassador to Ukraine, who championed anti-corruption reforms in the country, and whom President Trump had unceremoniously removed months earlier following a smear campaign waged against her by Mr. Giuliani and others. President Trump claimed that she was "bad news" and was "going to go through some things." He praised the current prosecutor at the time, who was widely viewed as corrupt and who helped initiate the smear campaign against her, calling him "very good" and "very fair."

Hearing the call as it transpired, several White House staff members became alarmed. Far from giving the "full-throated endorsement of the Ukraine reform agenda" that had been hoped for, the President instead demanded a political investigation into an American—the presidential candidate he evidently feared most, Joe Biden.

Lieutenant Colonel Alexander Vindman, an NSC staff member responsible for Ukraine policy who listened to the call, immediately reported his concerns to NSC lawyers. His supervisor, NSC Senior Director for Europe and Russia Timothy Morrison, also reported the call to the lawyers, worrying that the call would be "damaging" if leaked publicly. In response, the lawyers placed the memorandum summarizing the call onto a highly classified server, significantly limiting access to the materials.

The call record would not remain hidden forever. On September 25, 2019, facing immense public pressure to reveal the contents of the call and following the announcement the previous day of a formal impeachment inquiry in the House of Representatives into President Trump's actions toward Ukraine, the White House publicly released the memorandum of the July 25 call.

The record of the call would help explain for those involved in Ukraine policy in the U.S. government, the Congress, and the public why President Trump, his personal attorney, Mr. Giuliani, his hand-picked appointees in charge of Ukraine issues, and various senior Administration officials would go to great lengths to withhold a coveted White House meeting and critical military aid from Ukraine at a time when it served as a bulwark against Russian aggression in Europe.

The answer was as simple as it was inimical to our national security and election integrity: the President was withholding officials acts while soliciting something of value to his reelection campaign—an investigation into his political rival.

The story of that scheme follows.

## ***The President Removed Anti-Corruption Champion Ambassador Yovanovitch***

On April 24, 2019, President Donald Trump abruptly called back to Washington the United States Ambassador to Ukraine, Marie "Masha" Yovanovitch, after a ruthless smear campaign was waged against her. She was known throughout Ukraine and among her peers for aggressively advocating for anti-corruption reforms consistent with U.S. foreign policy and only recently had been asked to extend her stay in Ukraine. Her effectiveness in anti-corruption efforts earned her enemies in Kyiv and in Washington. As Deputy Assistant Secretary of State George Kent testified in praising Ambassador Yovanovitch: "You can't promote principled anticorruption action without pissing off corrupt people."

Beginning on March 20, *The Hill* newspaper published several op-eds attacking Ambassador Yovanovitch and former Vice President Joe Biden, relying on information from a Ukrainian prosecutor, Yuriy Lutsenko, who was widely viewed to be corrupt. Mr. Lutsenko had served as the chief prosecutor in Ukraine under the then-incumbent president who lost to Volodymyr Zelensky in April 2019. Although he would later recant many of his allegations, Mr. Lutsenko falsely accused Ambassador Yovanovitch of speaking negatively about President Trump and giving Mr. Lutsenko a “do-not-prosecute list.”

The attacks against Ambassador Yovanovitch were amplified by prominent, close allies of President Trump, including Mr. Giuliani and his associates, Sean Hannity, and Donald Trump Jr. President Trump tweeted the smears himself just a month before he recalled the Ambassador from Ukraine. In the face of attacks driven by Mr. Lutsenko and the President’s allies, Ambassador Yovanovitch and other senior State Department officials asked Secretary of State Mike Pompeo to issue a statement of support for her and for the U.S. Embassy in Ukraine. The Secretary declined, fearing that President Trump might publicly undermine those efforts, possibly through a tweet.

Following a ceremony in which she presented an award of courage to the family of a young female anti-corruption activist killed in Ukraine for her work, Ambassador Yovanovitch received an urgent call from the State Department regarding her “security,” and imploring her to take the first plane back to Washington. When she arrived, she was informed that she had done nothing wrong, but that the President had lost confidence in her. She was told to leave her post as soon as possible.

In her place, the President would designate three new agents to spearhead Ukraine policy, political appointees far more willing to engage in an improper “domestic political errand” than an ambassador known for her efforts to fight corruption.

## ***The President’s Hand-picked Agents Begin the Scheme***

Just three days before Ambassador Yovanovitch’s abrupt recall to Washington, President Trump had his first telephone call with President-elect Zelensky. During that conversation, President Trump congratulated the Ukrainian leader on his victory, complimented him on his country’s Miss Universe Pageant contestants, and invited him to visit the White House. A White House meeting would help demonstrate the United States’ strong support for Ukraine as it fought a hot war with Russia and attempted to negotiate an end to the conflict with Russian President Vladimir Putin, as well as to bolster President-elect Zelensky’s standing with his own people as he sought to deliver on his promised anti-corruption agenda. Although the White House’s public summary of the call included some discussion of a commitment to “root out corruption,” President Trump did not mention corruption at all.

Shortly after the conversation, President Trump asked Vice President Mike Pence to attend President Zelensky’s inauguration. Vice President Pence confirmed directly to President Zelensky his intention to attend during a phone conversation on April 23, and Vice President Pence’s staff and the U.S. Embassy in Kyiv began preparations for the trip.

At the same time, President Trump’s personal attorney, Mr. Giuliani, intensified his campaign to pressure Ukraine’s newly-elected President to initiate investigations into Joe Biden, who had officially entered the race for the Democratic nomination on April 25, and the baseless conspiracy theory about Ukrainian interference in the 2016 election. On May 9, the *New York Times* published an article in which Mr. Giuliani declared that he intended to travel to Ukraine on behalf of his client, President Trump, in order to meddle in an investigation. After public backlash, Mr. Giuliani canceled the trip, blaming “some bad people” around President Zelensky. Days later, President Trump rescinded the plans for Vice President Pence to attend President Zelensky’s inauguration, which had not yet been scheduled. The staff member planning the trip was not provided an explanation for the about-face, but staff in the U.S. Embassy in Kyiv were disappointed that President Zelensky would not receive a “high level” show of support from the United States.

In Vice President Pence’s stead, Secretary of Energy Rick Perry led the American delegation to the Ukrainian President’s inauguration. Ambassador Sondland, Special Representative for Ukraine Negotiations Ambassador Kurt Volker, and Lt. Col. Vindman also attended. In comments that would foreshadow troubling events to come, Lt. Col. Vindman warned President Zelensky to stay out of U.S. domestic politics to avoid jeopardizing the bipartisan support Ukraine enjoyed in Congress.

The delegation returned to the United States impressed with President Zelensky, especially his focus on anti-corruption reforms. Ambassador Sondland quickly organized a meeting with President Trump in the Oval Office on May 23, attended by most of the other members of the delegation. The three political appointees, who would describe themselves as the “Three Amigos,” relayed their positive impression of President Zelensky to President Trump and encouraged him to schedule the Oval Office meeting he promised in his April 21 phone call with the new leader.

President Trump reacted poorly to the suggestion, claiming that Ukraine “tried to take me down” in 2016. In order to schedule a White House visit for President Zelensky, President Trump told the delegation that they would have to “talk to Rudy.” Ambassador Sondland testified that he understood the President’s instruction to be a directive to work with Mr. Giuliani if they hoped to advance relations with Ukraine. President Trump directed the three senior U.S. government officials to assist Mr. Giuliani’s efforts, which, it would soon become clear, were exclusively for the benefit of the President’s reelection campaign.

As the Three Amigos were given responsibility over the U.S. government’s Ukraine portfolio, Bill Taylor, a former Ambassador to Ukraine, was considering whether to come out of retirement to accept a request to succeed Ambassador Yovanovitch in Kyiv. As of May 26, Ambassador Taylor was “still struggling with the decision,” and, in particular, whether anyone can “hope to succeed with the Giuliani-Biden issue swirling.” After receiving assurances from Secretary Pompeo that U.S. policy toward Ukraine would not change,

Ambassador Taylor accepted the position and arrived in Kyiv on June 17. Ambassador Taylor would quickly come to observe an “irregular channel” led by Mr. Giuliani that, over time, began to undermine the official channel of diplomatic relations with Ukraine. Mr. Giuliani would prove to be, as the President’s National Security Advisor Ambassador John Bolton would tell a colleague, a “hand grenade that was going to blow everyone up.”

## **President Trump Froze Vital Military Assistance**

For fiscal year 2019, Congress appropriated and authorized \$391 million in security assistance to Ukraine: \$250 million in funds administered by DOD and \$141 million in funds administered by the State Department. On June 18, DOD issued a press release announcing its intention to provide \$250 million in taxpayer-funded security assistance to Ukraine following the certification that all legitimate conditions on the aid, including anti-corruption reforms, had been met. Shortly after this announcement, however, both the Office of Management and Budget (OMB) and DOD received inquiries from the President related to the funds. At that time, and throughout the next few months, support for Ukraine security assistance was overwhelming and unanimous among all of the relevant agencies and within Congress.

By July 3, OMB blocked a Congressional notification which would have cleared the way for the release of \$141 million in State Department security assistance funds. By July 12, President Trump had placed a hold on all military support funding for Ukraine. On July 18, OMB announced the hold to all of the relevant agencies and indicated that it was directed by the President. No other reason was provided.

During a series of policy meetings involving increasingly senior officials, the uniform and consistent position of all policymaking agencies supported the release of funding. Ukraine experts at DOD, the State Department, and the NSC argued that it was in the national security interest of the United States to continue to support Ukraine. As Mr. Morrison testified, “The United States aids Ukraine and her people so that they can fight Russia over there, and we don’t have to fight Russia here.”

Agency officials also expressed concerns about the legality of President Trump’s direction to withhold assistance to Ukraine that Congress had already appropriated for this express purpose. Two OMB career officials, including one of its legal counsels, would resign, in part, over concerns regarding the hold.

By July 25, the date of President Trump’s call with President Zelensky, DOD was also receiving inquiries from Ukrainian officials about the status of the security assistance. Nevertheless, President Trump continued to withhold the funding to Ukraine without explanation, against the interests of U.S. national security, and over the objections of these career experts.

## **The President Conditioned a White House Meeting on Investigations**

By the time Ukrainian officials were first learning about an issue with the anticipated military assistance, the President’s hand-picked representatives to Ukraine had already informed their Ukrainian counterparts that President Zelensky’s coveted White House meeting would only happen after Ukraine committed to pursuing the two political investigations that President Trump and Mr. Giuliani demanded.

Ambassador Sondland was unequivocal in describing this conditionality, testifying, “I know that members of this committee frequently frame these complicated issues in the form of a simple question: Was there a quid pro quo? As I testified previously with regard to the requested White House call and the White House meeting, the answer is yes.” Ambassadors Sondland and Volker worked to obtain the necessary assurance from President Zelensky that he would personally commit to initiate the investigations in order to secure both.

On July 2, in Toronto, Canada, Ambassador Volker conveyed the message directly to President Zelensky, specifically referencing the “Giuliani factor” in President Zelensky’s engagement with the United States. For his part, Mr. Giuliani made clear to Ambassadors Sondland and Volker, who were directly communicating with the Ukrainians, that a White House meeting would not occur until Ukraine announced its pursuit of the two political investigations. After observing Mr. Giuliani’s role in the ouster of a U.S. Ambassador and learning of his influence with the President, Ukrainian officials soon understood that “the key for many things is Rudi [sic].”

On July 10, Ambassador Bolton hosted a meeting in the White House with two senior Ukrainian officials, several American officials, including Ambassadors Sondland and Volker, Secretary Perry, Dr. Fiona Hill, Senior Director for Europe and Russia at the NSC, and Lt. Col. Vindman. As had become customary each time Ukrainian officials met with their American counterparts, the Ukrainians asked about the long-delayed White House meeting. Ambassador Bolton demurred, but Ambassador Sondland spoke up, revealing that he had worked out an arrangement with Acting Chief of Staff Mick Mulvaney to schedule the White House visit after Ukraine initiated the “investigations.” Ambassador Bolton “stiffened” and quickly ended the meeting.

Undaunted, Ambassador Sondland ushered many of the attendees to the Ward Room downstairs to continue their discussion. In the second meeting, Ambassador Sondland explained that he had an agreement with Mr. Mulvaney that the White House visit would come only after Ukraine announced the Burisma/Biden and 2016 Ukraine election interference investigations. At this second meeting, both Lt. Col. Vindman and Dr. Hill objected to intertwining a “domestic political errand” with official foreign policy, and they indicated that a White House meeting would have to go through proper channels.

Following these discussions, Dr. Hill reported back to Ambassador Bolton, who told her to “go and tell [the NSC Legal Advisor] that I am not part of whatever drug deal Sondland and Mulvaney are cooking up on this.” Both Dr. Hill and Lt. Col. Vindman separately reported the incident to the NSC Legal Advisor.

## *The President’s Agents Pursued a “Drug Deal”*

Over the next two weeks, Ambassadors Sondland and Volker worked closely with Mr. Giuliani and senior Ukrainian and American officials to arrange a telephone call between President Trump and President Zelensky and to ensure that the Ukrainian President explicitly promised to undertake the political investigations required by President Trump to schedule the White House meeting. As Ambassador Sondland would later testify: “Mr. Giuliani was expressing the desires of the President of the United States, and we knew these investigations were important to the President.”

On July 19, Ambassador Volker had breakfast with Mr. Giuliani and his associate, Lev Parnas, at the Trump Hotel in Washington, D.C. Mr. Parnas would subsequently be indicted for campaign finance violations as part of an investigation that remains ongoing. During the conversation, Ambassador Volker stressed his belief that the attacks being leveled publicly against Vice President Biden related to Ukraine were false and that the former Vice President was “a person of integrity.” He counseled Mr. Giuliani that the Ukrainian prosecutor pushing the false narrative, Mr. Lutsenko, was promoting “a self-serving narrative to preserve himself in power.” Mr. Giuliani agreed, but his promotion of Mr. Lutsenko’s false accusations for the benefit of President Trump did not cease. Ambassador Volker also offered to help arrange an in-person meeting between Mr. Giuliani and Andriy Yermak, one of President Zelensky’s most trusted advisors, which would later take place in Madrid, Spain in early August.

After the breakfast meeting at the Trump Hotel, Ambassador Volker reported back to Ambassadors Sondland and Taylor about his conversation with Mr. Giuliani, writing in a text message that, “Most imp[or]tant [sic] is for Zelensky to say that he will help investigation—and address any specific personnel issues—if there are any,” likely referencing President Zelensky’s decision to remove Mr. Lutsenko as prosecutor general, a decision with which Mr. Giuliani disagreed. The same day, Ambassador Sondland spoke with President Zelensky and recommended that the Ukrainian leader tell President Trump that he “will leave no stone unturned” regarding the political investigations during the upcoming presidential phone call.

Ambassador Sondland emailed several top Administration officials, including Secretary of State Pompeo, Acting Chief of Staff Mulvaney, and Secretary Perry, stating that President Zelensky confirmed that he would “assure” President Trump that “he intends to run a fully transparent investigation and will ‘turn over every stone.’” According to Ambassador Sondland, he was referring in the email to the Burisma/Biden and 2016 election interference investigations. Secretary Perry and Mr. Mulvaney responded affirmatively that the call would soon take place, and Ambassador Sondland testified later that “everyone was in the loop” on plans to condition the White House meeting on the announcement of political investigations beneficial to President Trump. The arrangement troubled the Ukrainian President, who “did not want to be used as a pawn in a U.S. reelection campaign.”

## *The President Pressed Zelensky to Do a Political Favor*

On the morning of July 25, Ambassador Volker sent a text message to President Zelensky’s top aide, Mr. Yermak, less than 30 minutes before the presidential call. He stated: “Heard from White House—assuming President Z convinces trump he will investigate / ‘get to the bottom of what happened’ in 2016, we will nail down date for visit to Washington. Good luck!” Shortly before the call, Ambassador Sondland spoke directly with President Trump.

President Zelensky followed this advice during his conversation with President Trump. President Zelensky assured that he would pursue the investigations that President Trump had discussed—into the Bidens and 2016 election interference—and, in turn, pressed for the White House meeting that remained outstanding.

The following day, Ambassadors Volker, Sondland, and Taylor met with President Zelensky in Kyiv. The Ukrainian President told them that President Trump had mentioned “sensitive issues” three times during the previous day’s phone call. Following the meeting with the Ukrainian leader, Ambassador Sondland had a private, one-on-one conversation with Mr. Yermak in which they discussed “the issue of investigations.” He then retired to lunch at an outdoor restaurant terrace with State Department aides where he called President Trump directly from his cellphone. The White House confirmed that the conversation lasted five minutes.

At the outset of the call, President Trump asked Ambassador Sondland whether President Zelensky “was going to do the investigation” that President Trump had raised with President Zelensky the day before. Ambassador Sondland stated that President Zelensky was “going to do it” and “would do anything you ask him to.” According to David Holmes, the State Department aide sitting closest to Ambassador Sondland and who overheard the President’s voice on the phone, Ambassador Sondland and President Trump spoke only about the investigation in their discussion about Ukraine. The President made no mention of other major issues of importance in Ukraine, including President Zelensky’s aggressive anti-corruption reforms and the ongoing war it was fighting against Russian-led forces in eastern Ukraine.

After hanging up the phone, Ambassador Sondland explained to Mr. Holmes that President Trump “did not give a shit about Ukraine.” Rather, the President cared only about “big stuff” that benefitted him personally, like “the Biden investigation that Mr. Giuliani was pitching,” and that President Trump had pushed for in his July 25 call with the Ukrainian leader. Ambassador Sondland

did not recall referencing Biden specifically, but he did not dispute Mr. Holmes' recollection of the call with the President or Ambassador Sondland's subsequent discussion with Mr. Holmes.

## *The President's Representatives Ratcheted up Pressure on the Ukrainian President*

In the weeks following the July 25 call, the President's hand-picked representatives increased the President's pressure campaign on Ukrainian government officials—in person, over the phone, and by text message—to secure a public announcement of the investigations beneficial to President Trump's reelection campaign.

In discussions with Ukrainian officials, Ambassador Sondland understood that President Trump did not require that Ukraine *conduct* investigations as a prerequisite for the White House meeting so much as publicly *announce* the investigations—making clear that the goal was not the investigations, but the political benefit Trump would derive from their announcement and the cloud they might put over a political opponent.

On August 2, President Zelensky's advisor, Mr. Yermak, traveled to Madrid to meet Mr. Giuliani in person. There, they agreed that Ukraine would issue a public statement, and they discussed potential dates for a White House meeting. A few days later, Ambassador Volker told Mr. Giuliani that it "would be good" if Mr. Giuliani would report to "the boss," President Trump, about "the results" of his Madrid discussion so that President Trump would finally agree to a White House visit by President Zelensky.

On August 9, Ambassador Volker and Mr. Giuliani spoke twice by phone, and Ambassador Sondland spoke twice to the White House for a total of about 20 minutes. In a text message to Ambassador Volker later that day, Ambassador Sondland wrote, "I think potus [sic] really wants the deliverable," which Ambassador Sondland acknowledged was the public statement announcing the two political investigations sought by President Trump and Mr. Giuliani.

The following day, Ambassador Sondland briefed State Department Counselor Ulrich Brechbuhl, a top advisor to Secretary Pompeo, on these discussions about President Zelensky issuing a statement that would include an announcement of the two political investigations. Ambassador Sondland also emailed Secretary Pompeo directly, copying the State Department's executive secretary and Mr. Brechbuhl, to inform them about the agreement for President Zelensky to give the press conference. He expected to see a draft of the statement, which would be "delivered for our review in a day or two." Ambassador Sondland noted his hope that the draft statement would "make the boss happy enough to authorize an invitation."

On August 12, Mr. Yermak sent the proposed statement to Ambassador Volker, but it lacked specific references to the two investigations politically beneficial to President Trump's reelection campaign. The following morning, Ambassadors Sondland and Volker spoke with Mr. Giuliani, who made clear that if the statement "doesn't say Burisma and 2016, it's not credible." Ambassador Volker revised the statement following this direction to include those references and returned it to the Ukrainian President's aide.

Mr. Yermak balked at getting drawn into U.S. politics and asked Ambassador Volker whether the United States had inquired about investigations through any appropriate Department of Justice channels. The answer was no, and several witnesses testified that a request to a foreign country to investigate a U.S. citizen "for political reasons" goes "against everything" the United States sought to promote in eastern Europe, specifically the rule of law. Ambassador Volker eventually agreed with Mr. Yermak that the announcement of the Biden/Burisma and 2016 elections investigations would "look like it would play into our domestic politics," so the statement was temporarily "shelved."

Nevertheless, Ambassador Sondland, in accordance with President Trump's wishes, continued to pursue the statement into early September 2019.

## *Ukrainians Inquired about the President's Hold on Security Assistance*

Once President Trump placed security assistance on hold in July, "it was inevitable that it was eventually going to come out." On July 25, DOD officials learned that diplomats at the Ukrainian Embassy in Washington had made multiple overtures to DOD and the State Department "asking about security assistance." Separately, two different contacts at the Ukrainian Embassy approached Ambassador Volker's special advisor, Catherine Croft, to ask her in confidence about the hold. Ms. Croft was surprised at the effectiveness of their "diplomatic tradecraft," noting that they "found out very early on" that the United States was withholding critical military aid to Ukraine. By mid-August, before the freeze on aid became public, Lt. Col. Vindman had also received inquiries from an official at the Ukrainian Embassy.

The hold remained in place throughout August against the unanimous judgment of American officials focused on Ukraine policy. Without an explanation for the hold, which ran contrary to the recommendation of all relevant agencies, and with President Trump already conditioning a White House visit on the announcement of the political investigations, it became increasingly apparent to multiple witnesses that the military aid was also being withheld in exchange for the announcement of those. As both Ambassador Sondland and Mr. Holmes would later testify, it became as clear as "two plus two equals four."

On August 22, Ambassador Sondland emailed Secretary Pompeo again, recommending a plan for a potential meeting between President Trump and President Zelensky in Warsaw, Poland on September 1. Ambassador Sondland noted that President Zelensky

should “look him in the eye” and tell President Trump that once new prosecutorial officials were in place in Ukraine, “Zelensky should be able to move forward publicly and with confidence on those issues of importance to Potus and the U.S.” Ambassador Sondland testified that this was a reference to the political investigations that President Trump discussed on the July 25 call, that Secretary Pompeo had listened to. Ambassador Sondland hoped this would “break the logjam”—the hold on critical security assistance to Ukraine. Secretary Pompeo replied three minutes later: “Yes.”

## ***The President’s Security Assistance Hold Became Public***

On August 28, *Politico* published a story revealing President Trump’s weeks-long hold on U.S. military assistance to Ukraine. Senior Ukrainian officials expressed grave concern, deeply worried about the practical impact on their efforts to fight Russian aggression, but also about the public message it sent to the Russian government, which would almost certainly seek to exploit any real or perceived crack in U.S. resolve toward Ukraine.

On August 29, at the urging of National Security Advisor Bolton, Ambassador Taylor wrote a first-person cable to Secretary Pompeo. This was the only first-person cable the Ambassador had ever sent in his decades of government service. He explained the “folly” of withholding security assistance to Ukraine as it fought a hot war against Russia on its borders. He wrote that he “could not and would not defend such a policy.” Ambassador Taylor stated that Secretary Pompeo may have carried the cable with him to a meeting at the White House.

The same day that Ambassador Taylor sent his cable, President Trump cancelled his planned trip to Warsaw for a World War II commemoration event, where he was scheduled to meet with President Zelensky. Vice President Pence traveled in his place. Ambassador Sondland also traveled to Warsaw and, at a pre-briefing discussion with the Vice President before he met President Zelensky, Ambassador Sondland raised the issue of the hold on security assistance. He told Vice President Pence that he was concerned that the security assistance “had become tied to the issue of investigations” and that “everything is being held up until these statements get made.” Vice President Pence nodded in response, apparently expressing neither surprise nor dismay at the linkage between the two.

At the meeting, President Zelensky expressed concern that even an appearance of wavering support from the United States for Ukraine could embolden Russia. Vice President Pence reiterated U.S. support for Ukraine, but could not promise that the hold would be lifted. Vice President Pence said he would relay his support for lifting the hold to President Trump so a decision could be made on security assistance as soon as possible. Vice President Pence spoke with President Trump that evening, but the hold was not lifted.

Following this meeting, Ambassador Sondland pulled aside President Zelensky’s advisor, Mr. Yermak, to explain that the hold on security assistance was conditioned on the public announcement of the Burisma/Biden and the 2016 election interference investigations. After learning of the conversation, Ambassador Taylor texted Ambassador Sondland: “Are we now saying that security assistance and WH meeting are conditioned on investigations?”

The two then spoke by phone. Ambassador Sondland explained that he had previously made a “mistake” in telling Ukrainian officials that only the White House meeting was conditioned on a public announcement of the political investigations beneficial to President Trump. He clarified that “everything”—the White House meeting and hundreds of millions of dollars of security assistance to Ukraine—was now conditioned on the announcement. President Trump wanted President Zelensky in a “public box,” which Ambassador Taylor understood to mean that President Trump required that President Zelensky make a public announcement about the investigations and that a private commitment would not do.

On September 7, President Trump and Ambassador Sondland spoke. Ambassador Sondland stated to his colleagues that the President said, “there was no quid pro quo,” but that President Zelensky would be required to announce the investigations in order for the hold on security assistance to be lifted, “and he should want to do it.” Ambassador Sondland passed on a similar message directly to President Zelensky and Mr. Yermak that, “although this was not a quid pro quo, if President Zelensky did not clear things up in public, we would be at a stalemate,” referring to the hold on security assistance. Arrangements were made for the Ukrainian President to make a public statement during an interview on CNN.

After speaking with Ambassador Sondland, Ambassador Taylor texted Ambassadors Sondland and Volker: “As I said on the phone, I think it’s crazy to withhold security assistance for help with a political campaign.” Notwithstanding his long-held understanding that the White House meeting was conditioned on the public announcement of two political investigations desired by President Trump—and not broader anti-corruption concerns—Ambassador Sondland responded hours later:

***Bill, I believe you are incorrect about President Trump’s intentions. The President has been crystal clear: no quid pro quo’s of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Kenna or [Secretary Pompeo] a call to discuss with them directly. Thanks.***

Ambassador Sondland’s subsequent testimony revealed this text to be a false exculpatory—an untruthful statement that can later be used to conceal incriminating information. In his public testimony, Ambassador Sondland testified that the President’s direction to

withhold a presidential telephone call and a White House meeting for President Zelensky were both quid pro quos designed to pressure Ukraine to announce the investigations. He also testified that he developed a clear understanding that the military aid was also conditioned on the investigations, that it was as simple as 2+2=4. Sondland confirmed that his clear understanding was unchanged after speaking with President Trump, which he then communicated to the Ukrainians—President Zelensky had to publicly announce the two investigations if he wanted to get the meeting or the military aid.

In Ambassador Sondland's testimony, he was not clear on whether he had one conversation with the President in which the subject of a quid pro quo came up, or two, or on precisely which date the conversation took place during the period of September 6 through 9. In one version of the conversation which Ambassador Sondland suggested may have taken place on September 9, he claimed that the President answered an open question about what he wanted from Ukraine with an immediate denial—"no quid pro quo." In another, he admitted that the President told him that President Zelensky should go to a microphone and announce the investigations, and that he should want to do so—effectively confirming a quid pro quo.

Both Ambassador Taylor and Mr. Morrison, relying on their contemporaneous notes, testified that the call between Ambassador Sondland and President Trump occurred on September 7, which is further confirmed by Ambassador Sondland's own text message on September 8 in which he wrote that he had "multiple convos" with President Zelensky and President Trump. A call on September 9, which would have occurred in the middle of the night, is at odds with the weight of the evidence and not backed up by any records the White House was willing to provide Ambassador Sondland. Regardless of the date, Ambassador Sondland did not contest telling both Mr. Morrison and Ambassador Taylor of a conversation he had with the President in which the President reaffirmed Ambassador Sondland's understanding of the quid pro quo for the military aid.

As Ambassador Sondland acknowledged bluntly in his conversation with Mr. Holmes, President Trump's sole interest with respect to Ukraine was the "big stuff" that benefited him personally, such as the investigations into former Vice President Biden, and not President Zelensky's promises of transparency and reform.

## ***The President's Scheme Unraveled***

By early September, President Zelensky was ready to make a public announcement of the two investigations to secure a White House meeting and the military assistance his country desperately needed. He proceeded to book an interview on CNN during which he could make such an announcement, but other events soon intervened.

On September 9, the House Permanent Select Committee on Intelligence, the Committees on Oversight and Reform, and the Committee on Foreign Affairs announced an investigation into the scheme by President Trump and his personal attorney, Mr. Giuliani "to improperly pressure the Ukrainian government to assist the President's bid for reelection." The Committees sent document production and preservation requests to the White House and the State Department related to the investigation. NSC staff members believed this investigation might have had "the effect of releasing the hold" on Ukraine military assistance because it would have been "potentially politically challenging" to "justify that hold."

Later that day, the Inspector General of the Intelligence Community (ICIG) sent a letter to Chairman Schiff and Ranking Member Nunes notifying the Committee that a whistleblower had filed a complaint on August 12 that the ICIG had determined to be both an "urgent concern" and "credible." Nevertheless, the Acting Director of National Intelligence (DNI) took the unprecedented step of withholding the complaint from the Congressional Intelligence Committees, in coordination with the White House and the Department of Justice.

The White House had been aware of the whistleblower complaint for several weeks, and press reports indicate that the President was briefed on it in late August. The ICIG's notification to Congress of the complaint's existence, and the announcement of a separate investigation into the same subject matter, telegraphed to the White House that attempts to condition the security assistance on the announcement of the political investigations beneficial to President Trump—and efforts to cover up that misconduct—would not last.

On September 11, in the face of growing public and Congressional scrutiny, President Trump lifted the hold on security assistance to Ukraine. As with the implementation of the hold, no clear reason was given. By the time the President ordered the release of security assistance to Ukraine, DOD was unable to spend approximately 14 percent of the funds appropriated by Congress for Fiscal Year 2019. Congress had to pass a new law to extend the funding in order to ensure the full amount could be used by Ukraine to defend itself.

Even after the hold was lifted, President Zelensky still intended to sit for an interview with CNN in order to announce the investigations—indeed, he still wanted the White House meeting. At the urging of Ambassador Taylor, President Zelensky cancelled the CNN interview on September 18 or 19. The White House meeting, however, still has not occurred.

## ***The President's Chief of Staff Confirmed Aid was Conditioned on Investigations***

The conditioning of military aid to Ukraine on the investigations sought by the President was as clear to Ambassador Sondland as "two plus two equals four." In fact, the President's own Acting Chief of Staff, someone who meets with him daily, admitted that he

had discussed security assistance with the President and that his decision to withhold it was directly tied to his desire to get Ukraine to conduct a political investigation.

On October 17, at a press briefing in the White House, Acting Chief of Staff Mick Mulvaney confirmed that President Trump withheld the essential military aid for Ukraine as leverage to pressure Ukraine to investigate the conspiracy theory that Ukraine had interfered in the 2016 U.S. election. As Dr. Hill made clear in her testimony, this false narrative has been promoted by President Putin to deflect away from Russia's systemic interference in our election and to drive a wedge between the United States and a key partner.

According to Mr. Mulvaney, President Trump "[a]bsolutely" mentioned "corruption related to the DNC server" in connection with the security assistance during his July 25 call. Mr. Mulvaney also stated that the server was part of "why we held up the money." After a reporter attempted to clarify this explicit acknowledgement of a quid pro quo, Mr. Mulvaney replied: "We do that all the time with foreign policy." He added, "I have news for everybody: get over it. There is going to be political influence in foreign policy."

Ambassador Taylor testified that in his decades of military and diplomatic service, he had never seen another example of foreign aid conditioned on the personal or political interests of the President. Rather, "we condition assistance on issues that will improve our foreign policy, serve our foreign policy, ensure that taxpayers' money is well-spent," not specific investigations designed to benefit the political interests of the President of the United States.

In contrast, President Trump does not appear to believe there is any such limitation on his power to use White House meetings, military aid or other official acts to procure foreign help in his reelection. When asked by a reporter on October 3 what he had hoped President Zelensky would do following their July 25 call, President Trump responded: "Well, I would think that, if they were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer."

## II. The President Obstructed the Impeachment Inquiry by Instructing Witnesses and Agencies to Ignore Subpoenas for Documents and Testimony

### *An Unprecedented Effort to Obstruct an Impeachment Inquiry*

Donald Trump is the first President in the history of the United States to seek to completely obstruct an impeachment inquiry undertaken by the House of Representatives under Article I of the Constitution, which vests the House with the "sole Power of Impeachment." He has publicly and repeatedly rejected the authority of Congress to conduct oversight of his actions and has directly challenged the authority of the House to conduct an impeachment inquiry into his actions regarding Ukraine.

President Trump ordered federal agencies and officials to disregard all voluntary requests for documents and defy all duly authorized subpoenas for records. He also directed all federal officials in the Executive Branch not to testify—even when compelled.

No other President has flouted the Constitution and power of Congress to conduct oversight to this extent. No President has claimed for himself the right to deny the House's authority to conduct an impeachment proceeding, control the scope of a power exclusively vested in the House, and forbid any and all cooperation from the Executive Branch. Even President Richard Nixon—who obstructed Congress by refusing to turn over key evidence—accepted the authority of Congress to conduct an impeachment inquiry and permitted his aides and advisors to produce documents and testify to Congressional committees.

Despite President Trump's unprecedented and categorical commands, the House gathered overwhelming evidence of his misconduct from courageous individuals who were willing to follow the law, comply with duly authorized subpoenas, and tell the truth. In response, the President engaged in a brazen effort to publicly attack and intimidate these witnesses.

If left unanswered, President Trump's ongoing effort to thwart Congress' impeachment power risks doing grave harm to the institution of Congress, the balance of power between our branches of government, and the Constitutional order that the President and every Member of Congress have sworn to protect and defend.

### *Constitutional Authority for Congressional Oversight and Impeachment*

The House's Constitutional and legal authority to conduct an impeachment inquiry is clear, as is the duty of the President to cooperate with the House's exercise of this authority.

Article I of the U.S. Constitution gives the House of Representatives the "sole Power of Impeachment." The Framers intended the impeachment power to be an essential check on a President who might engage in corruption or abuse of power. Congress is empowered to conduct oversight and investigations to carry out its authorities under Article I. Because the impeachment power is a

core component of the nation's Constitutional system of checks and balances, Congress' investigative authority is at its zenith during an impeachment inquiry.

The Supreme Court has made clear that Congress' authority to investigate includes the authority to compel the production of information by issuing subpoenas, a power the House has delegated to its committees pursuant to its Constitutional authority to "determine the Rules of its Proceedings."

Congress has also enacted statutes to support its power to investigate and oversee the Executive Branch. These laws impose criminal and other penalties on those who fail to comply with inquiries from Congress or block others from doing so, and they reflect the broader Constitutional requirement to cooperate with Congressional investigations.

Unlike President Trump, past Presidents who were the subject of impeachment inquiries—including Presidents Andrew Johnson, Richard Nixon, and Bill Clinton—recognized and, to varying degrees, complied with information requests and subpoenas.

President Nixon, for example, agreed to let his staff testify voluntarily in the Senate Watergate investigation, stating: "All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions." President Nixon also produced documents in response to the House's subpoenas as part of its impeachment inquiry, including more than 30 transcripts of White House recordings and notes from meetings with the President. When President Nixon withheld tape recordings and produced heavily edited and inaccurate records, the House Judiciary Committee approved an article of impeachment for obstruction.

### **The President's Categorical Refusal to Comply**

Even before the House of Representatives launched its investigation regarding Ukraine, President Trump rejected the authority of Congress to investigate his actions, proclaiming, "We're fighting all the subpoenas," and "I have an Article II, where I have the right to do whatever I want as president."

When the Intelligence, Oversight and Reform, and Foreign Affairs Committees began reviewing the President's actions as part of the House's impeachment inquiry, the President repeatedly challenged the legitimacy of the investigation in word and deed. His rhetorical attacks appeared intended not only to dispute reports of his misconduct, but to persuade the American people that the House lacks authority to investigate the President.

On September 26, President Trump argued that Congress should not be "allowed" to impeach him under the Constitution and that there "should be a way of stopping it—maybe legally, through the courts." A common theme of his defiance has been his claims that Congress is acting in an unprecedented way and using unprecedented rules. However, the House has been following the same investigative rules that Republicans championed when they were in control.

On October 8, White House Counsel Pat Cipollone sent a letter to House Speaker Nancy Pelosi and the Chairmen of the investigating Committees confirming that President Trump directed his entire Administration not to cooperate with the House's impeachment inquiry. Mr. Cipollone wrote: "President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances."

Mr. Cipollone's letter advanced remarkably politicized arguments and legal theories unsupported by the Constitution, judicial precedent, and more than 200 years of history. If allowed to stand, the President's defiance, as justified by Mr. Cipollone, would represent an existential threat to the nation's Constitutional system of checks and balances, separation of powers, and rule of law.

### **The President's Refusal to Produce Any and All Subpoenaed Documents**

Following President Trump's categorical order, not a single document has been produced by the White House, the Office of the Vice President, the Office of Management and Budget, the Department of State, the Department of Defense, or the Department of Energy in response to 71 specific, individualized requests or demands for records in their possession, custody, or control. These subpoenas remain in full force and effect. These agencies and offices also blocked many current and former officials from producing records directly to the Committees.

Certain witnesses defied the President's sweeping, categorical, and baseless order and identified the substance of key documents. For example, Ambassador Gordon Sondland attached ten exhibits to his written hearing testimony reflecting reproductions of certain communications with high-level Administration officials, including Acting White House Chief of Staff Mick Mulvaney, former National Security Advisor John Bolton, Secretary of State Mike Pompeo, and Secretary of Energy Rick Perry. Other witnesses identified numerous additional documents that the President and various agencies are withholding that are directly relevant to the impeachment inquiry.

Like the White House, the Department of State refused to produce a single document in response to its subpoena, even though there is no legal basis for the Department's actions. In fact, on November 22, the Department was forced to produce 99 pages of emails, letters, notes, timelines, and news articles to a non-partisan, nonprofit ethics watchdog organization pursuant to a court order in a

lawsuit filed under the Freedom of Information Act (FOIA). Although limited in scope, this production affirms that the Department is withholding responsive documents from Congress without any valid legal basis.

## ***The President's Refusal to Allow Top Aides to Testify***

No other President in history has issued an order categorically directing the entire Executive Branch not to testify before Congress, including in the context of an impeachment inquiry. President Trump issued just such an order.

As reflected in Mr. Cipollone's letter, President Trump directed government witnesses to violate their legal obligations and defy House subpoenas—regardless of their offices or positions. President Trump even extended his order to former officials no longer employed by the federal government. This Administration-wide effort to prevent all witnesses from providing testimony was coordinated and comprehensive.

At President Trump's direction, twelve current or former Administration officials refused to testify as part of the House's impeachment inquiry, ten of whom did so in defiance of duly authorized subpoenas:

- Mick Mulvaney, Acting White House Chief of Staff
- Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff
- Ambassador John Bolton, Former National Security Advisor
- John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor, National Security Council
- Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor, National Security Council
- Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council
- Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council
- Russell T. Vought, Acting Director, Office of Management and Budget
- Michael Duffey, Associate Director for National Security Programs, Office of Management and Budget
- Brian McCormack, Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget
- T. Ulrich Brechbuhl, Counselor, Department of State
- Secretary Rick Perry, Department of Energy

These witnesses were warned that their refusal to testify "shall constitute evidence that may be used against you in a contempt proceeding" and "may be used as an adverse inference against you and the President."

## ***The President's Unsuccessful Attempts to Block Other Key Witnesses***

Despite President Trump's orders that no Executive Branch employees should cooperate with the House's impeachment inquiry, multiple key officials complied with duly authorized subpoenas and provided critical testimony at depositions and public hearings. These officials not only served their nation honorably, but they fulfilled their oath to support and defend the Constitution of the United States.

In addition to the President's broad orders seeking to prohibit all Executive Branch employees from testifying, many of these witnesses were personally directed by senior political appointees not to cooperate with the House's impeachment inquiry. These directives frequently cited or enclosed copies of Mr. Cipollone's October 8 letter conveying the President's order not to comply.

For example, the State Department, relying on President Trump's order, attempted to block Ambassador Marie Yovanovitch from testifying, but she fulfilled her legal obligations by appearing at a deposition on October 11 and a hearing on November 15. More than a dozen current and former officials followed her courageous example by testifying at depositions and public hearings over the course of the last two months. The testimony from these witnesses produced overwhelming and clear evidence of President Trump's misconduct, which is described in detail in the first section of this report.

## ***The President's Intimidation of Witnesses***

President Trump publicly attacked and intimidated witnesses who came forward to comply with duly authorized subpoenas and testify about his misconduct, raising grave concerns about potential violations of criminal laws intended to protect witnesses appearing before Congressional proceedings. For example, the President attacked:

- Ambassador Marie Yovanovitch, who served the United States honorably for decades as a U.S. diplomat and anti-corruption advocate in posts around the world under six different Presidents;
- Ambassador Bill Taylor, who graduated at the top of his class at West Point, served as an infantry commander in Vietnam, and earned a Bronze Star and an Air Medal with a V device for valor;
- Lieutenant Colonel Alexander Vindman, an active-duty Army officer for more than 20 years who earned a Purple Heart for wounds he sustained in an improvised explosive device attack in Iraq, as well as the Combat Infantryman Badge; and
- Jennifer Williams, who is Vice President Mike Pence's top advisor on Europe and Russia and has a distinguished record of public service under the Bush, Obama, and Trump Administrations.

The President engaged in this effort to intimidate these public servants to prevent them from cooperating with Congress' impeachment inquiry. He issued threats, openly discussed possible retaliation, made insinuations about their character and patriotism, and subjected them to mockery and derision—when they deserved the opposite. The President's attacks were broadcast to millions of Americans—including witnesses' families, friends, and coworkers.

It is a federal crime to intimidate or seek to intimidate any witness appearing before Congress. This prohibition applies to anyone who knowingly "uses intimidation, threatens, or corruptly persuades" another person in order to "influence, delay, or prevent the testimony of any person in an official proceeding." Violations of this law can carry a criminal sentence of up to 20 years in prison.

In addition to his relentless attacks on witnesses who testified in connection with the House's impeachment inquiry, the President also repeatedly threatened and attacked a member of the Intelligence Community who filed an anonymous whistleblower complaint raising an "urgent concern" that "appeared credible" regarding the President's conduct. The whistleblower filed the complaint confidentially with the Inspector General of the Intelligence Community, as authorized by the relevant whistleblower law. Federal law prohibits the Inspector General from revealing the whistleblower's identity. Federal law also protects the whistleblower from retaliation.

In more than 100 public statements about the whistleblower over a period of just two months, the President publicly questioned the whistleblower's motives, disputed the accuracy of the whistleblower's account, and encouraged others to reveal the whistleblower's identity. Most chillingly, the President issued a threat against the whistleblower and those who provided information to the whistleblower regarding the President's misconduct, suggesting that they could face the death penalty for treason.

The President's campaign of intimidation risks discouraging witnesses from coming forward voluntarily, complying with mandatory subpoenas for documents and testimony, and disclosing potentially incriminating evidence in this inquiry and future Congressional investigations.

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## KEY FINDINGS OF FACT

Based on witness testimony and evidence collected during the impeachment inquiry, the Intelligence Committee has found that:

- I. Donald J. Trump, the 45th President of the United States—acting personally and through his agents within and outside of the U.S. government—solicited the interference of a foreign government, Ukraine, in the 2020 U.S. presidential election. The President engaged in this course of conduct for the benefit of his reelection, to harm the election prospects of a political opponent, and to influence our nation's upcoming presidential election to his advantage. In so doing, the President placed his personal political interests above the national interests of the United States, sought to undermine the integrity of the U.S. presidential election process, and endangered U.S. national security.
- II. In furtherance of this scheme, President Trump—directly and acting through his agents within and outside the U.S. government—sought to pressure and induce Ukraine's newly-elected president, Volodymyr Zelensky, to publicly announce unfounded investigations that would benefit President Trump's personal political interests and reelection effort. To advance his personal political objectives, President Trump encouraged the President of Ukraine to work with his personal attorney, Rudy Giuliani.
- III. As part of this scheme, President Trump, acting in his official capacity and using his position of public trust, personally and directly requested from the President of Ukraine that the government of Ukraine publicly announce investigations into (1) the President's political opponent, former Vice President Joseph R. Biden, Jr. and his son, Hunter Biden, and (2) a baseless theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 U.S. election. These investigations were intended to harm a potential political opponent of President Trump and benefit the President's domestic political standing.
- IV. President Trump ordered the suspension of \$391 million in vital military assistance urgently needed by Ukraine, a strategic partner, to resist Russian aggression. Because the aid was appropriated by Congress, on a bipartisan basis, and signed into law by the President, its expenditure was required by law. Acting directly and through his subordinates within the U.S. government, the President withheld from Ukraine this military assistance without any legitimate foreign policy, national security, or anti-corruption justification. The President did so despite the longstanding bipartisan support of Congress, uniform support across federal departments and agencies for the provision to Ukraine of the military assistance, and his obligations under the Impoundment Control Act.
- V. President Trump used the power of the Office of the President and exercised his authority over the Executive Branch, including

his control of the instruments of the federal government, to apply increasing pressure on the President of Ukraine and the Ukrainian government to announce the politically-motivated investigations desired by President Trump. Specifically, to advance and promote his scheme, the President withheld official acts of value to Ukraine and conditioned their fulfillment on actions by Ukraine that would benefit his personal political interests:

A. President Trump—acting through agents within and outside the U.S. government—conditioned a head of state meeting at the White House, which the President of Ukraine desperately sought to demonstrate continued United States support for Ukraine in the face of Russian aggression, on Ukraine publicly announcing the investigations that President Trump believed would aid his reelection campaign.

B. To increase leverage over the President of Ukraine, President Trump, acting through his agents and subordinates, conditioned release of the vital military assistance he had suspended to Ukraine on the President of Ukraine's public announcement of the investigations that President Trump sought.

C. President Trump's closest subordinates and advisors within the Executive Branch, including Acting Chief of Staff Mick Mulvaney, Secretary of State Mike Pompeo, Secretary of Energy J. Richard Perry, and other senior White House and Executive Branch officials had knowledge of, in some cases facilitated and furthered the President's scheme, and withheld information about the scheme from the Congress and the American public.

VI. In directing and orchestrating this scheme to advance his personal political interests, President Trump did not implement, promote, or advance U.S. anti-corruption policies. In fact, the President sought to pressure and induce the government of Ukraine to announce politically-motivated investigations lacking legitimate predication that the U.S. government otherwise discourages and opposes as a matter of policy in that country and around the world. In so doing, the President undermined U.S. policy supporting anti-corruption reform and the rule of law in Ukraine, and undermined U.S. national security.

VII. By withholding vital military assistance and diplomatic support from a strategic foreign partner government engaged in an ongoing military conflict illegally instigated by Russia, President Trump compromised national security to advance his personal political interests.

VIII. Faced with the revelation of his actions, President Trump publicly and repeatedly persisted in urging foreign governments, including Ukraine and China, to investigate his political opponent. This continued solicitation of foreign interference in a U.S. election presents a clear and present danger that the President will continue to use the power of his office for his personal political gain.

IX. Using the power of the Office of the President, and exercising his authority over the Executive Branch, President Trump ordered and implemented a campaign to conceal his conduct from the public and frustrate and obstruct the House of Representatives' impeachment inquiry by:

A. refusing to produce to the impeachment inquiry's investigating Committees information and records in the possession of the White House, in defiance of a lawful subpoena;

B. directing Executive Branch agencies to defy lawful subpoenas and withhold the production of all documents and records from the investigating Committees;

C. directing current and former Executive Branch officials not to cooperate with the Committees, including in defiance of lawful subpoenas for testimony; and

D. intimidating, threatening, and tampering with prospective and actual witnesses in the impeachment inquiry in an effort to prevent, delay, or influence the testimony of those witnesses.

In so doing, and despite the fact that the Constitution vests in the House of Representatives the "sole Power of Impeachment," the President sought to arrogate to himself the right to determine the propriety, scope, and nature of an impeachment inquiry into his own misconduct, and the right to deny any and all information to the Congress in the conduct of its constitutional responsibilities.

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