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November 19, 2019

U.S. Rep. Adam Schiff
Chairman
House Permanent Select Committee on Intelligence

U.S. Rep. Carolyn Maloney
Acting Chairman
House Committee on Oversight and Reform

Dear Chairman Schiff and Acting Chairman Maloney,

On November 18, House Intelligence Committee Ranking Member Devin Nunes and House Oversight Committee Ranking Member James Jordan wrote to my colleague, Senator Ron Johnson, requesting he provide information to the impeachment inquiry regarding conversations he had with President Donald J. Trump, Ukrainian President Volodymyr Zelensky, and other officials regarding the facts at the center of the inquiry. Later on November 18, Senator Johnson provided a detailed account of these interactions, as well as his opinion on the motivation of several actors who have provided testimony to the inquiry. Since I was also present for several of the most events detailed in Senator Johnson's letter, and since I have additional information and important context to share regarding these events, I am writing to the committee today to make sure that all relevant information regarding our meetings in Ukraine is on the record for the committee's review.

First, let me make clear at the outset that I believe Senator Johnson's account of meetings in Ukraine, in particular our meeting with President Zelensky, accurately represents the conversations we had in Kiev. While I do not share Senator Johnson's interpretation and analysis of the facts surrounding these conversations, this letter is not intended to contradict his description of what was said. Instead, my purpose is to relay to the inquiry committee additional facts surrounding our visit to Ukraine not included in Senator Johnson's letter, and additional context regarding our discussions and my decision to join Senator Johnson on the trip.

For the last six years, I have been intimately involved in the effort to construct and maintain bipartisan congressional support for Ukraine and their battle to repel the Russian invasion of Crimea and eastern Ukraine. In December 2013, at the height of that winter's protests against the corrupt, Russian-aligned Yanukovych administration and amidst concerns that Yanukovych planned to turn his security forces on the encamped demonstrators, I traveled to Kiev with Senator John McCain to express U.S. support for the right of the Ukrainian people to peacefully protest. I would make two more trips to Ukraine with Senator McCain over the next year, and Senator Johnson, who shared my desire to increase U.S. support for Ukraine, joined us on both. I also returned to Kiev a fourth time in the fall of 2017 to visit a U.S. funded and staffed effort to train Ukrainian troops at an army base in western Ukraine. Senator Johnson had intended to join

me in this trip, but events in Washington prevented him from making the trip. My trip to Ukraine in September of this year was my fifth trip to Ukraine, and my third with Senator Johnson.

During the past six years of dynamic political change in Ukraine, the U.S. has been lucky to have incredibly able representation in Kiev. Ambassador Geoffrey Pyatt had been confirmed only months before the 2013 protests began, and he ably helped guide Ukraine through its transition of power. Pyatt and the rest of President Obama's Ukraine team pushed Congress to approve record amounts of economic, security, and anti-corruption aid for Ukraine, and to the extent the Obama administration placed conditions on the receipt of that aid, it was to effectuate goals that advanced the national security interests of the United States that were shared by both Republicans and Democrats, and had nothing to do with President Obama's personal political priorities and grudges. When Pyatt's tenure ended, many congressional supporters of Ukraine were delighted that Marie Yovanovitch would be his replacement. A highly respected career public servant, Yovanovitch had previously served as the deputy in Kiev, so she had valuable experience in Ukraine, and had served twice before as ambassador in difficult posts (Armenia and Kyrgyzstan). During my 2017 trip to Ukraine, I spent enough time with Ambassador Yovanovitch to see her skill and toughness up close. In one meeting with a Ukrainian leader who was complaining about the state control of media, she boldly called him out for hypocrisy in light of his own family's ownership of several media outlets. Once Yovanovitch was recalled after a conspiracy of lies was launched against her by President Trump's allies, I was relieved to hear that another former ambassador to Ukraine, Bill Taylor, would be taking up the post until a permanent replacement could be named.

All of these public servants undoubtedly had moments when they disagreed with Administration policy. And it is right that the proper channel to contest policy is through internal mechanisms, and if you ultimately lose the argument, it is the duty of an Administration official to carry out the policy, unless the policy is illegal or unethical. That is why the most disturbing element of Senator Johnson's letter was his assertion that certain Administration staffers, most notably Lt. Col. Alexander Vindman, may be actively working to "sabotage" the President's foreign agenda, despite having no actual evidence of such sabotage. In all my years working on Ukraine policy, I have never witnessed any Administration officials actively working to undermine the policy of the President. In fact, the narrative that is becoming clear surrounding the efforts of President Trump to withhold aid from Ukraine in order to secure promises of election interference shows how many of the key players on Ukraine policy were, in fact, implementing Trump's unethical orders despite their grave reservations. I do not believe a "deep state" existed regarding Ukraine policy under Trump – I simply believe that ethical public officials saw corruption occurring and tried their best to manage and counteract it, and then, when questioned by Congress, tell the truth about what happened.

In early May of this year, I learned that Rudy Giuliani was running a shadow foreign policy operation in Ukraine, pushing the Ukrainian government to pursue political investigations of the Biden family that would benefit President Trump. To my knowledge, no career staff working on Ukraine policy supported these investigations. The insinuations of improper behavior underlying the requests were constructed by Giuliani and his associates, and Giuliani admitted publicly that

he was pushing Ukraine to pursue an investigation of Biden, President Trump's potential general election opponent in 2020, to benefit Trump personally, not to advance U.S. national security goals. This struck me as an extraordinary abuse of power by President Trump, who clearly had authorized Giuliani's actions, and my concern was raised even higher when I began to hear from people who had spoken to Zelensky that he was very confused by Giuliani's requests, and worried about the possible consequences of rebuffing Trump's demands. These reports were so alarming that I wrote to the Chairman of the Senate Foreign Relations Committee, Senator James Risch, requesting that our committee investigate these allegations and any impact they might have on U.S. policy toward Ukraine. I also spoke directly to both Senator Risch and Senator Johnson regarding my belief that the Senate needed to act to stop Giuliani's overtures. I never received an official response from Chairman Risch, but I continued to ask questions about Giuliani's involvement in Ukraine in meetings and committee hearings.

When President Zelensky was inaugurated on May 20, I was surprised that the United States sent a small, relatively mid-level delegation headed by U.S. Department of Energy Secretary Rick Perry. When Zelensky's predecessor was sworn in, Vice President Biden led the delegation, which included myself, Senator Johnson and Senator John McCain. We now know through testimony provided to your committee that Vice President Pence was prepared to lead the delegation, but Trump directed him not to go. However, as Senator Johnson said in his letter, the date of Zelensky's inaugural was set very last-minute. This could explain the small delegation, but I remember being concerned that the Administration did not assure that there would be bipartisan representation on the delegation.

Given the partisan nature of the delegation, and my continued concerns regarding Giuliani's pressure campaign, I began to believe that it would be important for me to travel back to Ukraine, to express to the new government the dangers of acceding to Giuliani's requests and getting Ukraine dragged into American domestic politics. I felt Ukraine's international credibility would be damaged if the new government was perceived to be acting as a political tool of the Trump reelection campaign. This was the context for my decision to join Senator Johnson on the trip this September.

On August 31, 2019, just days before Senator Johnson I were due to begin our trip to Ukraine, Kosovo, and Serbia (I also visited Germany, without Senator Johnson, during this same trip), I read a press report that the Administration was withholding $250 million in Department of Defense security assistance to Ukraine. We did not know at the time that the hold included assistance from the Department of State as well. The hold was baffling because there was no defensible public policy reason for the freeze in funding and because the Administration is not allowed to cancel congressionally authorized foreign aid without detailing to Congress the reasons for the decision. The aid was essential to Ukraine's defense against Russia's invasion, and a delay of even days or weeks could result in lives being lost. Further, the correlation between Zelensky's election and the funding hold made no policy sense. Zelensky had been elected based on his anti-corruption agenda. If America was concerned about corruption in Ukraine, why keep aid flowing to the Poroshenko government but then suddenly cut it off when the pro-reform candidate is elected? Given that the Administration articulated no policy reason

for the aid cutoff, I immediately began to worry that the aid was being withheld in order to secure Zelensky's cooperation with Giuliani's demands. The Ukrainian press was already reporting the two were possibly connected.

Though Senator Johnson was not alarmed like I was about Giuliani's efforts, he did not support the president's decision to stop security aid to Ukraine, and we believed it would be important for Zelensky and Ukrainian leaders to hear a message of bipartisan support for the resumption of aid. That was the foundation of the message we intended to deliver while in Kiev.

The day we arrived in Ukraine, Senator Johnson and I had dinner with Ambassador William Taylor. At dinner, I raised with Taylor the news reports of Giuliani's shadow foreign policy operation in Ukraine, and I asked him the impact it was having on U.S.-Ukraine policy and his work at the embassy. "It's a problem," he told me. He went on to explain that Giuliani's requests were not made on behalf of the Embassy, and Zelensky and his team were confused by the conflicting policy being articulated to them by different representatives of the U.S. government. Taylor informed us that Zelensky had deputized an aide, Andriy Yermak, to "deal with the Giuliani channel." Taylor was clearly dismayed by Giuliani's efforts, and gave the impression that he had little input into this back channel of communications to Zelesnky. I did not specifically ask Taylor if any conditions were being placed on the resumption of aid, largely because I was relying on Senator Johnson's representations regarding the reasons provided to him by President Trump in their phone call regarding the issue, and Taylor did not voluntarily inform me of the conversations that he was having with, and the concerns he had raised to, U.S. ambassador to the European Union, Gordon Sondland, Special Envoy Kurt Volker, and others.

It was also during this dinner that Taylor informed us that the Trump administration was holding up both the Pentagon and State Department aid, a fact that had not been previously disclosed in the press and of which Congress had not been notified. Given that there were often several conversations happening at the dinner table, I do not recall if Senator Johnson was part of any of these specific discussions with Taylor.

The next day, I pulled Taylor aside to tell him that I planned to raise the Giuliani issue with Zelensky, and advise the new president to stay clear of internal U.S. politics. Taylor's response was to encourage me to raise this issue with Zelensky, noting that no official U.S. delegation had raised the concern with the president directly. He said that he would be very interested to hear Zelensky's response.

As Senator Johnson accurately described, the next day President Zelensky opened our meeting by turning straight to the issue that was at the top of all our minds: the military aid. Zelensky is a friendly and charismatic leader, but once this discussion began, he became gravely serious. Suddenly, I felt the enormous burden this suspension of aid was putting on the new leader of an extraordinarily fragile democracy.

Senator Johnson and I assured Zelensky that Congress wanted to continue this funding, and would press Trump to release it immediately. As a member of the Appropriations Committee, I raised the possibility that Congress might provide additional funding for Ukraine in legislation

for the next fiscal year if necessary. We went on to discuss the challenges they face from Russia, President Zelensky's commitment to fighting corruption, negotiations with the IMF on economic assistance to Ukraine, and the Nord Stream 2 gas pipeline that Russia is building to bypass Ukraine and further isolate them from Europe. I shared an update from my discussions with German officials earlier in the trip and assured him that Congress was strongly opposed to the pipeline.

Finally, I broached the topic of the pressure on Zelensky from Rudy Giuliani and the president's other emissaries to launch investigations into Trump's political rivals—namely the Bidens. I explained that I heard reports that Zelensky was being asked to become an actor in U.S. domestic politics. I urged him to ignore requests from Trump's personal political representatives and to conduct relations with the United States through official channels like the U.S. embassy and congressional delegations. I told him that the bipartisan support for Ukraine was their greatest strength, and that it would be bad for the U.S.-Ukraine relationship if he was perceived to be taking sides in a U.S. election. President Zelensky said he understood, and represented to us that he had no desire to interfere in a U.S. election.

In his letter, Senator Johnson indicates that he believes it was significant that Zelensky did not raise concerns, in the face of my warning, regarding the pressure he was getting from the Administration to conduct investigations that would be politically advantageous to President Trump. While I do not dispute any of Senator Johnson's factual representations regarding our meeting, I came to a very different conclusion regarding the way that Zelensky reacted to my comments. The predicate of my statement to Zelensky was that President Trump was pressuring Zelensky to do something improper – interfere in U.S. domestic politics. Because I had no hard evidence at the time that the suspension of aid was being used as leverage to secure these investigations, I did not raise the prospect of a quid pro quo in my comments and thus I did not ask Zelensky to respond to this allegation.

I interpreted Zelensky's answer to my question as a concession of the premise of my question – that he was receiving improper overtures from Giuliani to interfere in the 2020 election. He did not contradict the facts I laid out in my question, and instead simply relayed his desire to say clear of becoming enmeshed in American politics. To me, this was confirmation that Zelensky was indeed feeling the pressure I described.

We now know that Zelensky was indeed reluctant to agree to the investigations President Trump's emissaries were asking him to publicly announce. Outreach had been going on for at least six months, and he had resisted until that point. But we also know that the pressure was relentless, and it had been made clear to Zelensky by several top level representatives of President Trump that Zelensky needed to make a public statement regarding his intent to conduct investigations into the Bidens and the 2016 election in order to get the aid resumed and a meeting with Trump confirmed.

Now having knowledge of this extraordinary pressure campaign, there are two details of the meeting that stand out to me in retrospect.

First was the clear importance that Zelensky placed on securing a meeting with Trump. He believed that the lack of this meeting was a signal to the Russians of a breach in the once unbreakable alliance between Ukraine and the United States. Knowing that the Trump meeting was being made conditional on Zelensky's agreement to Giuliani's demands, I can understand why Zelensky was ready to relent.

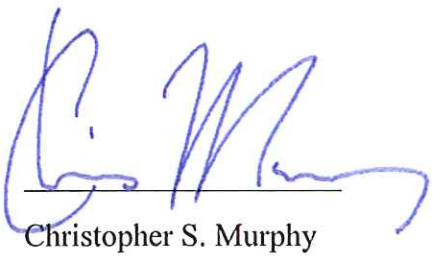
Second was Johnson's confirmation that "corruption" was a clear concern of President Trump. Senator Johnson was simply relaying what the president had told him during their conversations regarding Trump's priorities in Ukraine, and Johnson made it clear to Zelensky that he personally opposed the suspension of security aid. But it's clear that in other conversations through the Giuliani back channel, "corruption" had become synonymous with two specific investigations that would personally benefit the president, and indeed, as we learned later, these were the only two "corruption" matters that Trump raised directly with Zelensky on their July 25 phone call.

The funding was eventually released, two days after the whistleblower complaint was delivered to the House Intelligence Committee and simultaneous to a likely vote in the Appropriations Committee to constrain the president's discretion regrading security aid to Ukraine in the upcoming fiscal year. Defenders of the president claim that because the aid-for-interference exchange was not officially consummated, it absolves the president of responsibility or consequence. As a student of U.S./Ukraine/Russia interplay, I cannot disagree more. The suspension of aid, right at the moment that the new president of Ukraine needed a clear sign of U.S. support for his anti-corruption agenda and his effort to strike a preliminary peace deal with Russia, weakened Zelensky badly. The deal that Zelensky eventually announced with Russia regarding the future of the occupied territory in eastern Ukraine likely could have been better for Ukraine if Russia hadn't been under the impression America was abandoning Ukraine. And the suspension of security aid, at a time when Ukrainian soldiers were dying along the front with Russia, compromised Ukraine's defense. The public pullback of U.S. support to Ukraine, even if it was temporary, had enormous consequence for Ukraine. And the subsequent disclosure that the American president's interest in Ukraine wasn't tied to protecting that nation's sovereignty, but instead aligned with enlisting Ukraine in the president's reelection effort, was a signal to Russia that America's support for Ukraine was now not connected solely to protecting Ukraine against Russia's aggression. This was, and still remains, a gift to the Kremlin and a sign of enormous American weakness.

It is an extraordinary measure to impeach a president and only extraordinary abuses of power should merit the commencement of such proceedings. And given that I was present during some of the events that are central to your inquiry, and since Senator Johnson decided to present you with his interpretation of those events, I feel it is my duty to provide you with additional details regarding those events, and my perspective on what can be learned from them.

In my view, the one offense that cannot be tolerated from an American president is the use of the massive power entrusted to him to advance his personal political or financial interests. The sacred covenant that a president makes with the people he govern is to use the levers of influence entrusted to them for the good of the country, not for his personal gain. President Trump preyed

on a vulnerable foreign nation, dependent on the U.S. for its very survival, and used taxpayer money as leverage to get that nation to work for the personal political benefit of the president. This cannot be allowed in a democracy, and I am glad that this inquiry has been convened. I hope the information included in this letter aids the committee in your deliberation regarding what consequences are appropriate for this abuse of power.



Christopher S. Murphy

U.S. Senator