



Congress of the United States
House of Representatives
Washington, DC 20515

November 20, 2019

The Honorable Adam Schiff
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Schiff:

On September 24, 2019, Speaker Nancy Pelosi unilaterally announced that the House of Representatives would initiate an inquiry into impeaching President Donald J. Trump.¹ Although Speaker Pelosi promised that Democrats would “treat the President with fairness,”² you have repeatedly prevented Republicans from fully and fairly examining issues central to the Democrats’ “impeachment inquiry.” We therefore write to inform you that we intend to subpoena testimony and records in an attempt to inject some semblance of fairness and objectivity into your one-sided and partisan inquiry.

You have repeatedly rejected our request that the anonymous whistleblower testify during the “impeachment inquiry,” despite asserting in September that the whistleblower would provide “unfiltered testimony” “very soon.”³ Speaker Pelosi even promised that the whistleblower would “speak directly to the House and Senate Intelligence Committees *as required by law*.”⁴ However, following revelations that the whistleblower has a bias against President Donald Trump and the disclosure that you had received an early account of the whistleblower allegations,⁵ you reversed course to deny the whistleblower an opportunity to testify.⁶

The whistleblower’s testimony is necessary for a full and fair understanding of all relevant facts. The Inspector General of the Intelligence Community reported that the

¹ Speaker Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

² Speaker Nancy Pelosi, Transcript of Pelosi Weekly Press Conference Today (Oct. 2, 2019).

³ Josh Mitchell, *Whistleblower is expected to testify soon, House Intelligence Chairman Schiff says*, Wall St. J., Sept. 29, 2019.

⁴ Press Release, Speaker Nancy Pelosi, Dear Colleague to All Members on Whistleblower Complaint (Sept. 22, 2019), <https://www.speaker.gov/newsroom/92219> (emphasis added).

⁵ See, e.g., Arden Farhi & Kathryn Watson, *Whistleblower had “prior working relationship” with current 2020 Democrat, source says*, CBS News, Oct. 9, 2019; Julian E. Barnes et al., *Schiff got early account of accusations as whistleblower’s concerns grew*, N.Y. Times, Oct. 2, 2019.

⁶ See, e.g., Justin Wise, *Schiff denies GOP calls for Trump whistleblower to testify: ‘Redundant and unnecessary,’* The Hill, Nov. 10, 2019.

whistleblower had a political bias against President Trump and public reports suggest that the whistleblower worked closely with former Vice President Joe Biden.⁷ In addition, there are multiple discrepancies between the whistleblower's complaint—the piece of evidence central to the Democrats' inquiry—and the closed-door testimony of the witnesses. For these reasons, we must assess the whistleblower's credibility and the sources he or she utilized to develop the anonymous complaint.

You have repeatedly refused to allow Republicans to fully examine the actions of senior Ukrainian government officials in interfering in the 2016 election in opposition to then-candidate Trump. In August 2016, less than three months before the election, Valeriy Chaly, then-Ukrainian Ambassador to the United States, authored an op-ed in a U.S. newspaper criticizing candidate Trump.⁸ In addition, in January 2017, *Politico* reported about Ukrainian government's effort to "sabotage" the Trump campaign in 2016 by working closely with the media and a Democratic National Committee consultant named Alexandra Chalupa.⁹ The *Politico* article detailed how Chalupa "traded information and leads" with staff at the Ukrainian embassy and how the Ukrainian embassy "worked directly with reporters researching Trump, [Trump campaign manager Paul] Manafort, and Russia to point them in the right directions."¹⁰ Because witnesses testified that President Trump believed that Ukraine "tried to take [him] down" in 2016,¹¹ this information is directly relevant to the Democrats' "impeachment inquiry."

You have repeatedly refused to allow Republicans to fully examine the role of Vice President Biden's son, Hunter Biden, on the board of directors of Burisma Holdings, a corrupt Ukrainian company, during Vice President Biden's term in office. According to the *New York Times*, Hunter Biden was "part of a broad effort by Burisma to bring in well-connected Democrats during a period when the company was facing investigations backed not just by domestic Ukrainian forces but by officials in the Obama administration."¹² Reports suggest that Burisma paid Hunter Biden \$50,000 per month through a company called Rosemont Seneca Bohai LLC.¹³ Because witnesses explained that Hunter Biden's presence on Burisma's board raised concerns during the Obama Administration¹⁴ and President Trump briefly raised this issue during his phone call with President Zelensky, this information is directly relevant to the Democrats' "impeachment inquiry."

⁷ Arden Farhi & Kathryn Watson, *Whistleblower had "prior working relationship" with current 2020 Democrat, source says*, CBS News, Oct. 9, 2019; Memorandum Opinion for the General Counsel Office of the Director of National Intelligence, 43 Op. Off. Legal Counsel at *4 (2019) (slip opinion).

⁸ See Valeriy Chaly, *Ukraine's ambassador: Trump's comments send wrong message to world*, The Hill, Aug. 4, 2016.

⁹ Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, Politico, Jan. 11, 2017.

¹⁰ *Id.*

¹¹ Deposition of Ambassador Gordon D. Sondland, in Wash., D.C. at 75 (Oct. 17, 2019).

¹² Kenneth P. Vogel & Iuliia Mendel, *Biden faces conflicts of interest questions that are being promoted by Trump and allies*, N.Y. Times, May 1, 2019.

¹³ *Id.*; Polina Ivanova, *What Hunter Biden did on the board of Ukrainian energy company Burisma*, Reuters, Oct. 18, 2019.

¹⁴ Deposition of George Kent, in Wash., D.C., at 227 (Oct. 15, 2019); Deposition of Ambassador Marie L. Yovanovitch, in Wash., D.C., at 150-53 (Oct. 11, 2019).

The American people see through your sham “impeachment inquiry.” The American people understand how you have affirmatively prevented Republicans from examining serious issues directly relevant to the issues. Therefore, to provide some basic level of fairness and objectivity to your “impeachment inquiry,” we intend to subpoena the anonymous whistleblower and Hunter Biden for sworn testimony in closed-door depositions. We also intend to subpoena the following entities for records relevant to the Democrats’ “impeachment inquiry”:

1. The whistleblower for documents and communications relating to the drafting and filing of the complaint dated August 12, 2019, and the personal memorandum drafted on or around July 26, 2019.
2. Rosemont Seneca Bohai LLC and any subsidiaries or affiliates for records relating to Hunter Biden’s position on the Board of Directors of Burisma Holdings; and
3. The Democratic National Committee for communications with Ukrainian government officials and for records relating to Alexandra Chalupa.

We transmit this letter pursuant to section 2(4)(A) of H. Res. 660, and we look forward to your prompt concurrence.¹⁵ Your failure to concur with all of these subpoenas shall constitute evidence of your denial of fundamental fairness and due process.

Sincerely,



Devin Nunes
Ranking Member
Permanent Select Committee
on Intelligence



Jim Jordan
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Michael T. McCaul
Ranking Member
Committee on Foreign Affairs

The Honorable Carolyn B. Maloney
Acting Chairwoman
Committee on Oversight and Reform

The Honorable Eliot Engel
Chairman
Committee on Foreign Affairs

¹⁵ H. Res. 660, 116th Cong. (2019).