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5 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
6 joint with the
7 COMMITTEE ON OVERSIGHT AND REFORM
8 and the
9 COMMITTEE ON FOREIGN AFFAIRS,
10 U.S. HOUSE OF REPRESENTATIVES,
11 WASHINGTON, D.C.
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15 INTERVIEW OF: P. MICHAEL MCKINLEY
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19
20 Wednesday, October 16, 2019
21 Washington, D.C.
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24 The interview in the above matter was held in Room
25 HVC-304, Capitol Visitor Center, commencing at 10:07 a.m.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, Heck, Maloney, Demings, Krishnamoorthi, Nunes, Wenstrup, Stewart, Stefanik, and Ratcliffe.

Also Present: Representatives Wild, Lieu, Espaillat, Deutch, Raskin, Khanna, Wasserman-Schultz, Bera, Malinowski, Phillips, Rouda, Rooney, Bishop of Utah, Mullin, McCaul, Jordan, Meadows, Zeldin, Perry, Roy, Titus.

1 Appearances:

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4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

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6 [redacted]

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

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13 [redacted]

14 [redacted]

15 [redacted]

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17 [redacted]

18 [redacted]

19 [redacted]

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22 [redacted]

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1 For the COMMITTEE ON OVERSIGHT AND REFORM:

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3 [redacted]

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9 For the COMMITTEE ON FOREIGN AFFAIRS:

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11 [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

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17 For P. MICHAEL MCKINLEY:

18

19 JOHN D. CELLA

20 JOHN B. BELLINGER III

21 ARNOLD & PORTER KAYE SCHOLER, LLP

22 601 Massachusetts Ave, NW

23 Washington, D.C. 20001-3743

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1 THE CHAIRMAN: Alrighty, let's come to order.
2 And before we begin, I just want to -- excuse me,
3 members. Before I begin, I just want to confirm that all of
4 the members and staff in attendance are either members and
5 staff of the three committees -- the Oversight Committee, the
6 Intel Committee, or the Foreign Affairs Committee. Is anyone
7 present who is not a member or staff of those committees?
8 Okay. Seeing no hands.
9 Good morning, Ambassador McKinley, and welcome to the
10 House Permanent Select Committee on Intelligence, which,
11 along with the Foreign Affairs and Oversight Committees, is
12 conducting this investigation as part of the official
13 impeachment inquiry of the House of Representatives.
14 Today's voluntary transcribed interview is being
15 conducted as part of the impeachment inquiry. We thank you
16 for complying voluntarily with the committee's request on
17 short notice that you provide testimony relevant to the
18 inquiry in light of your resignation from the State
19 Department on Friday, October 11.
20 Ambassador McKinley has served our country as a
21 distinguished diplomat and four-time ambassador since 1982.
22 Most recently, prior to resigning, he served since
23 November 2018 in a unique role as senior advisor to the
24 Secretary of State, a position reflective of his seniority,
25 experience, and role as dean of the career Foreign Service.

1 Ambassador McKinley, we will ask you to introduce
2 yourself and your career experience more fully at the outset
3 of today's interview for the benefit of the record and all of
4 those present.
5 Given your unique position and vantage point, we look
6 forward to hearing your testimony today, including your
7 knowledge of the sudden removal of Ambassador to Ukraine
8 Yovanovitch; the treatment of Ambassador Yovanovitch, Deputy
9 Assistant Secretary of State George Kent, and potentially
10 others; and the Department's response to congressional
11 investigations, including the impeachment inquiry.
12 We will also seek your perspective on evidence that has
13 come to light in the course of the inquiry, including the
14 President's July 25, 2019, call with Ukrainian President
15 Zelensky, as well as the documentary record about efforts
16 before and after the call to get the Ukrainians to announce
17 publicly investigations into the two areas President Trump
18 asked Zelensky to pursue: the Bidens and the conspiracy
19 theory about Ukraine's purported interference in the 2016
20 election.
21 Finally, given your experience and to restate what I and
22 others have emphasized in other interviews, Congress will not
23 tolerate any reprisal, threat of reprisal, or attempt to
24 retaliate against any U.S. Government official for testifying
25 before Congress.

1 It is disturbing that the State Department, in
2 coordination with the White House, has sought to prohibit
3 Department employees and discourage former employees from
4 cooperating with the inquiry and has tried to limit what they
5 can say. This is unacceptable. Thankfully, consummate
6 professionals have demonstrated remarkable courage in coming
7 forward to testify and tell the truth.
8 Before I turn to committee counsel to begin the
9 interview, I invite the ranking member or, in his absence, a
10 minority member of the Foreign Affairs or Oversight
11 Committees to make any opening remarks.
12 MR. JORDAN: Thank you, Mr. Chairman.
13 Ambassador, thank you for appearing here today. Thank
14 you for your service to our country.
15 On September 24th, Speaker Pelosi unilaterally announced
16 that the House was beginning a so-called impeachment inquiry.
17 On October 2nd, Speaker Pelosi promised that this so-called
18 impeachment inquiry would treat the President with fairness.
19 However, Speaker Pelosi, Chairman Schiff, and the Democrats
20 are not living up to that basic promise. Instead, Democrats
21 are conducting a rushed, closed-door, and unprecedented
22 inquiry.
23 Democrats are ignoring 45 years of bipartisan procedures
24 designed to provide elements of fundamental fairness and due
25 process. In past impeachment inquiries, the majority and

1 minority had co-equal subpoena authority and the right to
2 require a committee vote on all subpoenas. The President's
3 counsel had the right to attend all depositions and hearings,
4 including those held in executive session. The President's
5 counsel had the right to cross-examine witnesses and the
6 right to propose witnesses. The President's counsel had the
7 right to present evidence, object to the admission of
8 evidence, and to review all evidence presented, both
9 favorable and unfavorable. Speaker Pelosi and Chairman
10 Schiff's so-called impeachment inquiry has none of these
11 guarantees of fundamental fairness and due process.
12 Most disappointing, Democrats are conducting this
13 impeachment inquiry behind closed doors. We are conducting
14 these deposition interviews in a SCIF, but Democrats are
15 clear: These are unclassified sessions. This seems to be
16 nothing more than hiding this work from the American people.
17 If Democrats intend to undo the will of the American people
18 just a year before the next election, they should at least do
19 so transparently and be willing to be accountable for their
20 actions.
21 With the chairman's indulgence, our counsel has a couple
22 of points we'd like to raise on procedure as well.
23 MR. CASTOR: Just, respectfully, we request copies of
24 the subpoenas, certificates of service. We don't know
25 whether these subpoenas have been authentically signed or

1 stamped. The House Clerk, House counsel requires that the
2 chairman sign these personally in ink, and the Clerk
3 requires -- at least when we were in the majority for years,
4 the Clerk requires that we comply with all the rules.
5 We request sufficient notice. We need to prepare our
6 members. And so, in the minority, we don't always have the
7 lead time that you do, and we don't know your queue. And so
8 we just ask for a little bit more notice for some of these
9 witnesses so we can prepare in a meaningful way and so we can
10 participate.
11 And, you know, the word "consultation" is different from
12 "notice." It's a different word; it has a different meaning
13 under House rules. And so, to the extent there is a 3-day
14 consultation requirement, we would just ask the majority to
15 honor that.
16 Thank you.
17 THE CHAIRMAN: I thank my colleagues. We can have the
18 opportunity to discuss these issues without taking up the
19 witness's time.
20 The record should reflect, however, that Republican
21 members and staff are present and able to ask all the
22 questions they want and have been for all of the prior
23 interviews, notwithstanding what the President and many of
24 his supporters have been representing publicly. And that
25 will be the case today as well.

1 And, with that, I recognize Mr. Goldman.

2 MR. MEADOWS: Mr. Chairman? Mr. Chairman, I have a

3 parliamentary inquiry.

4 Obviously, we've talked about confidentiality in here.

5 And my inquiry is, I am assuming that, based on the releases

6 that some of my Democrat colleagues were quoted in various

7 newspaper articles yesterday with specific facts that came

8 from the hearing yesterday, that those releases are not

9 deemed a breach of House rules. Is that correct?

10 THE CHAIRMAN: I would just say to my colleague, who has

11 been present for many of these interviews, as you know, I

12 have repeatedly admonished members not to discuss what takes

13 place during the depositions.

14 We have had a problem with members coming in in the

15 middle of depositions and leaving before they're concluded

16 who may not have been present for the advisories that they're

17 not to discuss what takes place. But members should not be

18 discussing what takes place during the depositions.

19 MR. MEADOWS: So is that a violation of the House rules?

20 THE CHAIRMAN: I --

21 MR. MEADOWS: I mean, I just need to be -- listen, if

22 we're going to play by the same set of rules, Mr. Chairman,

23 we need to know what is fair for everyone. And I think that

24 you will attest that there has not been a leak of information

25 from the Republican side that would be to our advantage

1 written in any of the periodicals.

2 THE CHAIRMAN: I could certainly never attest to that,

3 Mr. Meadows. And I think quite to the contrary, quite to the

4 contrary --

5 MR. MEADOWS: So is it a violation of House rules or

6 not, Mr. Chairman?

7 THE CHAIRMAN: Well, I will allow you to consult House

8 rules. But I will say once again --

9 MR. MEADOWS: Well, the House rules would say that,

10 indeed, you're the one that has to rule on that. And so I'm

11 asking you to rule on it.

12 THE CHAIRMAN: And I have stated, if you were here, I

13 think, yesterday as well, members should not be discussing

14 what takes place during the depositions.

15 And so that is my response to your parliamentary

16 inquiry, and I'm now recognizing Mr. Goldman.

17 MR. MCCAUL: Can I make an opening statement,

18 Mr. Chairman?

19 THE CHAIRMAN: We were going to limit it to one

20 opening --

21 MR. MCCAUL: And I'll keep it very short. I want to

22 echo Mr. Jordan's --

23 THE CHAIRMAN: Well, just -- I will allow it,

24 Mr. McCaul, but, in the future, one opening statement per

25 side.

1 MR. MCCAUL: Okay.

2 Well, I'd like to echo the same concerns about the --
3 and I'm disappointed that the Speaker didn't proceed with a
4 resolution so that this could be more transparent and open.
5 I, like my colleague here, share the concerns. We need
6 clarification on the rules that apply to confidentiality.
7 And, specifically, we've abided by these rules, as the
8 chairman has requested.

9 There's a tweet that came out yesterday from Jeremy Herb
10 that says: State Department Deputy Assistant Secretary
11 George Kent told lawmakers that he was told by his supervisor
12 to lay low after he raised complaints about Rudy Giuliani's
13 efforts in Ukraine undermining U.S. foreign policy, according
14 to Representative Gerry Connolly on House Oversight.

15 So do the rules apply or not? And what are the
16 sanctions to violation of the rules?

17 THE CHAIRMAN: I thank the gentleman for his opening
18 statement.

19 We're going to now move to the interview of the witness.

20 MR. MCCAUL: I guess that's a nonanswer.

21 THE CHAIRMAN: Well, you said you wanted to make an
22 opening statement, not frame a parliamentary inquiry.

23 MR. MCCAUL: I would like to know, from the chairman's
24 point of view, what the rules are.

25 THE CHAIRMAN: Mr. Chairman, as I just said to your

1 colleague, I have repeatedly -- now, you haven't been here
2 for all the interviews, but I have repeatedly admonished the
3 members not to discuss what takes place during the
4 depositions, and I will admonish them again today not to
5 discuss what takes place during the depositions.
6 I will say this, though, to my colleagues, on the point
7 of the investigation, which is a distinguishing factor which
8 my colleagues seem to be willfully ignoring. Unlike
9 Watergate and unlike the Clinton impeachment, there is no
10 special counsel who has investigated the President's
11 misconduct vis-a-vis Ukraine. We are, therefore, forced to
12 do it.
13 The special counsel in the Clinton impeachment inquiry
14 and the special counsel in the Watergate investigation did
15 not conduct their investigations in open session. Congress
16 did after it was handed to them. And, therefore, you cannot
17 properly analogize this to either one of those prior
18 impeachments.
19 Mr. Goldman, you are recognized.
20 MR. MEADOWS: Mr. Chairman, if you're going to make --
21 THE CHAIRMAN: There will be --
22 MR. MEADOWS: If you're going to make analogies to
23 precedent, let's go ahead and make sure for the record that
24 we're accurate with that reflection. I mean, when you start
25 talking about special prosecutors and what happened and

1 didn't happen, you, again, are willfully selecting facts and
2 omitting others. So if we want to have a debate and a
3 colloquy about what happened and what didn't happen --
4 THE CHAIRMAN: Mr. Meadows --
5 MR. MEADOWS: -- let's do that, Mr. Chairman.
6 THE CHAIRMAN: Mr. Meadows, I allowed two opening
7 statements on your side.
8 MR. MEADOWS: Well, but then you opined --
9 THE CHAIRMAN: I have allowed myself two opening
10 statements, and I'm now recognizing Mr. Goldman.
11 MR. GOLDMAN: Thank you, Mr. Chairman.
12 This is a voluntary transcribed interview of Ambassador
13 Michael McKinley, conducted by the House Permanent Select
14 Committee on Intelligence, pursuant to the impeachment
15 inquiry announced by the Speaker of the House on
16 September 24th.
17 Ambassador McKinley, could you please state your full
18 name and spell your last name for the record?
19 MR. MCKINLEY: Peter Michael McKinley. I go by Michael,
20 Mike. McKinley, M-c-K-i-n-l-e-y.
21 MR. GOLDMAN: Thank you.
22 Now, along with the other proceedings in furtherance of
23 the inquiry, this transcribed interview is part of a joint
24 investigation led by the Permanent Select Committee on
25 Intelligence, in coordination with the Committees on Foreign

1 Affairs and Oversight and Reform.

2 In the room today are majority staff and minority staff

3 from all three committees, as well as members from the

4 majority and minority from all three committees.

5 This is a staff-led interview, but members, of course,

6 may ask questions during their allotted time, as has been the

7 consistent format for the inquiry thus far.

8 My name is Daniel Goldman. I'm the director of

9 investigations for the HPSCI majority staff. And I want to

10 thank you very much for coming in today for this interview on

11 such short notice. We greatly appreciate that you are

12 willing to speak with us.

13 I will now let my counterparts from the minority

14 introduce themselves.

15 MR. CASTOR: Good morning, Ambassador. Thank you for

16 being here today. I appreciate your cooperation. My name is

17 Steve Castor, staffer with the Republican -- the Committee on

18 Oversight and Government Reform.

19 MS. CASULLI: Good morning, Ambassador. I'm Laura

20 Casulli, deputy general counsel for the HPSCI minority.

21 MR. KOREN: Professional staffer with House Oversight

22 Republicans.

23 THE CHAIRMAN: What's your name, sir?

24 MR. KOREN: Michael Koren.

25 MR. GOLDMAN: Now, this transcribed interview will be

1 conducted entirely at the unclassified level. However, the
2 transcribed interview is being conducted in HPSCI secure
3 spaces and in the presence of staff with appropriate security
4 clearances. We also understand that your attorneys have the
5 appropriate security clearance as well.
6 It is the committee's expectation that neither questions
7 asked of the witness nor answers by the witness or the
8 witness's counsel will require discussion of any information
9 that is currently or at any point could be properly
10 classified under Executive Order 13526.
11 Moreover, EO-13526 states that, quote, "in no case shall
12 information be classified, continue to be maintained as
13 classified, or fail to be declassified," unquote, for the
14 purpose of concealing any violations of law or preventing
15 embarrassment of any person or entity.
16 If any of our questions can only be answered with
17 classified information, please inform us of that, and we will
18 adjust accordingly.
19 Today's transcribed interview is not being taken in
20 executive session, but because of the sensitive and
21 confidential nature of some of the topics and materials that
22 will be discussed, access to the transcript of the
23 transcribed interview will be limited to the three committees
24 in attendance. You and your attorney will have an
25 opportunity to review the transcript as well.

1 Before we begin, I'd like to go over some of the ground
2 rules for this interview.
3 The way that this interview is conducted will proceed as
4 follows: The majority will be given 1 hour to ask questions;
5 then the minority will be given 1 hour to ask questions.
6 Thereafter, we will alternate back and forth between majority
7 and minority in 45-minute rounds until all questioning is
8 complete.
9 We will take periodic breaks, but if you need a break at
10 any time, please let us know.
11 You are permitted to have an attorney present during
12 this interview, and I see that you have brought two. At this
13 time, I would like to ask counsel to state their appearances
14 for the record.
15 MR. BELLINGER: My name is John Bellinger at Arnold &
16 Porter.
17 MR. CELLA: My name is John Cella, also at Arnold &
18 Porter.
19 MR. GOLDMAN: There is a stenographer taking down
20 everything that is said and every question that's asked and
21 every answer you give in order to make a written record for
22 this interview. For the record to be clear, please wait
23 until the questions are completed before you begin your
24 answer, and we will ask that all members and staff wait until
25 you finish your answers before asking another question.

1 The stenographer cannot record nonverbal answers such as
2 "uh-huh" or shaking of the head, so it's important that you
3 answer each question with an audible verbal answer.
4 We ask that you give complete replies to questions based
5 on your best recollection. If a question is unclear or you
6 are uncertain in your response, please let us know. Also, if
7 you do not know the answer to a question or cannot remember,
8 simply say so.
9 We understand that you have received a letter from the
10 State Department outlining some general concerns about
11 privileges but that does not specifically invoke any
12 privilege. You may only refuse to answer a question to
13 preserve a privilege that is properly asserted and recognized
14 by the committee.
15 If you refuse to answer a question on the basis of
16 privilege, staff may either proceed with the interview or
17 seek a ruling from the chairman on the objection, in person
18 or otherwise, at a time of the majority staff's choosing. If
19 the chair overrules any such objection, you should answer the
20 question.
21 And, finally, you are reminded that it is unlawful to
22 deliberately provide false information to Members of Congress
23 or staff. It is imperative that you not only answer our
24 questions truthfully but that you give full and complete
25 answers to all questions asked of you. Omissions may also be

1 considered false statements.

2 As this interview is under oath, Ambassador McKinley,

3 would you please stand and raise your right hand to be sworn?

4 Do you swear or affirm that the testimony you are about

5 to give is the whole truth and nothing but the truth?

6 MR. MCKINLEY: Yes.

7 MR. GOLDMAN: Thank you.

8 And let the record reflect that the witness has been

9 sworn.

10 And, with that, Ambassador McKinley, I will offer you

11 the opportunity to make some opening remarks.

12 MR. MCKINLEY: Thank you for your invitation to appear

13 before you today. My understanding is that I could best be

14 of assistance by clarifying the circumstances of my

15 resignation. The following is an account of what led to my

16 decision to step down when I did.

17 I want to make clear from the start that Ukraine was not

18 among the issues I followed with Secretary Pompeo. I was not

19 aware at the time of the efforts of Ambassadors Volker and

20 Sondland to work with the President's personal attorney, Rudy

21 Giuliani, and I was not aware at the time of the President's

22 phone call with President Zelensky.

23 I do think I can shed some light on how events have

24 impacted State Department professionals and what motivated my

25 resignation.

1 The timing of my resignation was the result of two
2 overriding concerns: the failure, in my view, of the State
3 Department to offer support to Foreign Service employees
4 caught up in the impeachment inquiry; and, second, by what
5 appears to be the utilization of our ambassadors overseas to
6 advance domestic political objectives.
7 I have served my country loyally for almost four decades
8 in difficult environments. I've served as Ambassador to some
9 of our largest missions in the world, including Peru,
10 Colombia, Brazil, and Afghanistan. All my confirmations were
11 unanimous, and I was nominated by both Democratic and
12 Republican administrations.
13 I know there are difficult choices and compromises to be
14 made on many of the issues we work. I also know that, as a
15 Foreign Service officer, it is my duty to serve the incumbent
16 administration faithfully, consistent with my oath to the
17 Constitution. It was, therefore, also my duty to resign when
18 I felt I could no longer do so.
19 By way of background, when Secretary Pompeo first asked
20 me in May 2018 to return to the Department from my posting in
21 Brazil as Ambassador, the pitch was to help rebuild the
22 institution and restore State as the lead foreign affairs
23 agency for the United States Government.
24 Although I still had 18 months to run in Brazil, and
25 knowing full well the challenges of returning to a building

1 many saw as broken and demoralized, I decided I had an
2 obligation to the Foreign Service to accept.
3 Over the subsequent months, there were positive changes.
4 Personnel cuts to the Department workforce ended, and the
5 hiring freeze was lifted, to include for family members
6 overseas. The Secretary selected distinguished Foreign
7 Service officers to serve as the Under Secretary for
8 Political Affairs and the Director General of the Foreign
9 Service. While the other senior positions in the Department
10 continued to be overwhelmingly held by political appointees,
11 dozens of career Foreign Service officers were successfully
12 nominated for ambassadorships.
13 The recruitment of the next generation of Foreign
14 Service officers began again, and promotions returned to
15 normal levels. State once again played the lead role on
16 policy and in seeking negotiated solutions to long-running
17 conflicts and crises in different parts of the globe. There
18 was certainly room for further improvement, but the hollowing
19 out of the Department under Secretary Tillerson was reversed.
20 Morale never entirely recovered, however. In
21 August 2019, the State Department's inspector general
22 released a critical report about the leadership of the Bureau
23 of International Organizations. It became apparent, however,
24 that the Department would not be taking the key corrective
25 actions that many employees had anticipated.

1 It was in this environment that the whistleblower
2 account appeared in the press. I was disturbed by the
3 implication that foreign governments were being approached to
4 procure negative information on political opponents. I was
5 convinced that this would also have a serious impact on
6 Foreign Service morale and the integrity of our work
7 overseas.
8 The initial reports were followed on September 25 by the
9 release of the transcript of the President's telephone
10 conversation with President Zelensky, which included negative
11 comments on Ambassador Yovanovitch. The disparagement of a
12 career diplomat doing her job was unacceptable to me.
13 Inside the building, meanwhile, there was no discussion
14 whatsoever, at least in my presence, by senior State
15 Department leadership on what was developing. At this point
16 and over the coming days, I suggested to senior levels of the
17 Department that a statement of support for Ambassador
18 Yovanovitch's professionalism should be released. I received
19 a polite hearing from officials I spoke to but no substantive
20 response to the concern I was raising.
21 On Saturday, September 28, I sent an email to senior
22 officials proposing a strong and immediate statement of
23 support for Ambassador Yovanovitch's professionalism and
24 courage, particularly to send a message to Department
25 employees that leadership stood behind its employees in this

1 difficult moment. I was told that the decision was not to
2 issue a statement.
3 It was also that weekend of September 28-29 when I first
4 spoke with Ambassador Yovanovitch about the situation.
5 Ambassador Yovanovitch confirmed to me that she would welcome
6 more public support from the Department, that no one had
7 reached out to her from senior levels of the Department, and
8 that she had retained private counsel.
9 I spoke with EUR Deputy Assistant Secretary George Kent,
10 who had been deputy chief of mission in Ukraine under
11 Ambassador Yovanovitch and who stated he, too, would welcome
12 more Department support. He also noted that I was the first
13 senior Department official to reach out to him.
14 Realizing that there was no change in the handling of
15 the situation and that there was unlikely to be one, I
16 decided to step down. I informed the Secretary on
17 September 30 before he left for a trip to Italy and Greece,
18 suggesting mid-November as the departure date.
19 During the Secretary's absence, however, I continued to
20 raise my concerns with other senior Department officials. At
21 a meeting with the Deputy Secretary and under secretaries, I
22 mentioned the impact on Department morale of unfolding
23 events. I also had conversations with the Under Secretary
24 for Political Affairs, the counselor, and the Under Secretary
25 for Management. They listened, but, again, I do not remember

1 receiving a substantive response.

2 On Thursday, October 3rd, I met with EUR Deputy
3 Assistant Secretary Kent just after he had finished chairing
4 a bureau meeting on how to collect the data requested by
5 Congress. Kent noted his unhappiness with the tenor of the
6 meeting in which a Department lawyer attended. He later
7 wrote a memorandum to the file summarizing his experiences
8 that day and sent it to me.

9 I forwarded it to the Under Secretary for Political
10 Affairs, the Department's acting legal advisor, and the
11 Deputy Secretary. I noted the seriousness of what was
12 reported in the memorandum and raised the significant legal
13 costs being incurred by our Department colleagues through no
14 fault of their own. No one answered me.

15 Although my original intention had been to transition
16 quietly out of the Department by mid-November, by the week of
17 October 7th I no longer felt that I could be effective as the
18 liaison to the seventh floor of the Foreign Service. I
19 accelerated my departure, informing the Secretary that
20 October 11th would be my last day.

21 In closing, I would like to say that no one wants to end
22 a career on this note. I repeat: Since I began my career in
23 1982, I have served my country and every President loyally.
24 Under current circumstances, however, I could no longer look
25 the other way as colleagues are denied the professional

1 support and respect they deserve from us all.

2 Thank you.

3 [The statement of Mr. McKinley follows:]

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1 BY MR. GOLDMAN:

2 Q Thank you very much, Ambassador McKinley.

3 There are some that have called you the dean of the

4 Foreign Service, so I would like to just go through briefly

5 your career, distinguished career, with the State Department.

6 You mentioned you joined in 1982. What various posts

7 have you served in during that time?

8 A If I can summarize, I have served about 10 years of

9 my career in Washington, D.C., in the Department, and I've

10 served the rest of those years overseas.

11 Unusual for a Foreign Service officer career, I haven't

12 concentrated on one or two regions. I've spent a lot of time

13 in Latin America, I've spent a lot of time working on Africa,

14 I've spent a lot of time working in Europe, and I've spent

15 the time in Afghanistan and in the Department, and so perhaps

16 have had wider experience of policies and issues than I might

17 otherwise have had if I'd stayed in one bureau.

18 I have also worked on issues related to supporting

19 free-trade agreements across the years, particularly with

20 Colombia and Peru, supporting our companies overseas in

21 almost every posting I've been. I've worked on conflict

22 negotiations in Africa, in Latin America, and most recently

23 in Afghanistan, and placed a great deal of emphasis, as all

24 of us as diplomats should, on supporting the American people

25 overseas in the communities that live overseas in the

1 countries I've served, but also protecting their interests in
2 whatever way that presents itself overseas.
3 Q When were you in Afghanistan?
4 A I was there from 2013 to 2016, almost 3-1/2 years.
5 Q And as we understand it, you also served as the
6 deputy chief of mission and charge d'affaires at the
7 U.S. Mission to the European Union. Is that right?
8 A That is correct, between 2004 and 2007.
9 Q And at the time that -- is that the same office
10 that Ambassador Gordon Sondland now oversees?
11 A That's correct.
12 Q And then in November 2018 you were asked to come
13 back to Washington. And what role were you asked to serve?
14 A If I can make a correction, I was approached in May
15 of 2018 --
16 Q Thank you.
17 A -- and interviewed with the Secretary in May of
18 2018. And starting in June of 2018, I alternated between
19 Brazil and Washington on a roughly 65/35 percent basis, as I
20 did the full transition back to Washington in November of
21 2018.
22 The role I was asked to fill was reflective of the
23 moment the Department was living. Under Secretary Tillerson,
24 somewhere in the region of 20 percent of our senior Foreign
25 Service Officer Corps either left or was forced to leave the

1 State Department, and the building really did not have senior
2 positions filled. This has been well-publicized and
3 discussed over the months of Secretary Tillerson's tenure.
4 And Secretary Pompeo came in with a mission of staffing
5 up senior leadership in the Department as quickly as
6 possible. He wanted Foreign Service officers to be part of
7 that senior leadership. He reached out to me, he reached out
8 to others, to come back to the Department, work with him,
9 rebuild the building.
10 In my particular case, it was not a question of being
11 brought back to be chief of staff. He wanted me in the
12 capacity as an advisory role and, I believe, a connection to
13 the building. And it was made clear from the start that,
14 with my varied background, I could feel free to work on a
15 range of issues and provide advice.
16 I was not meant to be operational. I made clear to the
17 Secretary at the time that, as assistant secretaries were
18 confirmed and under secretaries were confirmed, the line of
19 implementing policy, developing policy came from other
20 offices. And so, at no stage during the time I was senior
21 advisor, did I envisage an operational role with him.
22 Q So, as the senior advisor, you were the link
23 between the seventh floor, which is common parlance for the
24 leadership floor, and the Foreign Service officers. Is that
25 right?

1 A It became an informal reality. Because, at the
2 time, as I said, there were few Foreign Service officers at
3 the senior levels of the Department. That began to change
4 over the months, but during that period I was indeed someone
5 that people in the Service, career people in the Service felt
6 they could come and talk to.
7 Q And over the course of your slightly less than a
8 year there, other than the issues that you raised as causing
9 concern and ultimately your resignation, how did your role
10 develop? Explain a little bit about what your day-to-day
11 activities were like.
12 A The day-to-day work I did was related to staying on
13 top of events. So I read voraciously to be able to see where
14 there might be an interest in input or different thoughts or
15 advice that I could provide the Secretary on what was
16 happening around the world.
17 I didn't have a formal structure to the day other than
18 attending the Secretary's morning meetings, which are held
19 almost every day in his office with different constellations
20 of senior officials. I did not participate in most of the
21 Secretary's meetings, for example, with foreign dignitaries.
22 That's just something I did not do.
23 But as the Secretary settled in and began defining
24 issues he was working on, one of the areas that became a
25 central focus of the work I did was with the special envoys

1 that were being appointed to work different conflicts or
2 crises in the world, including North Korea, Afghanistan. I
3 did not do work on Syria or Iran. But when a special envoy
4 was named for Venezuela, I worked on Venezuela as well and
5 felt I had some added value, given my history working on
6 negotiations and conflicts throughout my career.
7 I was also interested in seeing the Department regain
8 some of the focus on economic policy which it had lost under
9 Secretary Tillerson and trying to see areas where the
10 Department could again have a seat at the table
11 internationally, both in supporting our businesses overseas,
12 but as we grew concerned, for example, about China's growing
13 influence in different regions of the world, what would be
14 the proactive response to trying to develop a different
15 paradigm for engaging, for example, with Southeast Asia, with
16 Pacific Compact islands, dealing with offers that were being
17 made in different Latin American countries that faced
18 difficult financial circumstances and were being approached
19 by China.
20 I'm mentioning that at some length because it's actually
21 something I was interested in and took on and discussed and
22 worked with the Secretary.
23 But in the early months, I was also a person whom acting
24 assistant secretaries came to to get a sense of, should we be
25 presenting paperwork this way? How do we approach certain

1 policy issues for the Secretary? And the fact is, what was
2 happening was the Secretary was restoring process to the
3 building, and paperwork just began to flow the way I've
4 largely been familiar with throughout my career. But I
5 played that sort of informal counsel role.
6 And, finally, I supported him on his trips overseas,
7 again, in the capacity of staying abreast of breaking news in
8 different parts of the world, but also joining him in a
9 number of the meetings he might have in different locations.
10 Q And other than the Secretary, was there anyone else
11 in leadership that you had regular communication with on a
12 daily basis?
13 A I'd have to say the answer is probably no.
14 Q Now, you mentioned that you were particularly
15 involved with some of the special envoys. I'm sure you're
16 aware that Ukraine also has a special envoy, Kurt Volker.
17 Did you engage with Ambassador Volker in any way in his role
18 as the special envoy to address the eastern Crimea area of
19 Ukraine?
20 A Although Kurt Volker and I were colleagues when we
21 were in Brussels together in the 2000s -- he was at NATO, I
22 was at the European Union mission -- I never saw Kurt when I
23 returned to Washington.
24 Q Did you --
25 A I never spoke to Kurt. I never saw him. I may

1 have shaken his hand in the corridor a year and a half ago.
2 That is it.
3 Q Uh-huh. Was that your desire, or was that his?
4 A No, no. What I'm trying to suggest, again, is I
5 wasn't operational. As the Secretary put in place or
6 empowered -- what the Secretary also did was to empower
7 acting assistant secretaries.
8 So, whereas, under Tillerson, there were questions about
9 whether these individuals could actually take charge of their
10 bureaus and carry forward the business of State, under
11 Pompeo, while awaiting Senate confirmations of assistant
12 secretaries that were being nominated, full authority was
13 being given to front offices of bureaus to go ahead and do
14 the business of the diplomacy in the regions and issues they
15 were responsible for.
16 So I wasn't out there, you know, checking on bureaus,
17 seeing what they were doing. There was a natural empowerment
18 taking place over months.
19 On the European issues, I really didn't engage much on
20 many of them, but I certainly never engaged on Ukraine across
21 the timeframe I was there.
22 Q So you view it as a good thing that you didn't have
23 much engagement with Ambassador Volker?
24 A No. It certainly wasn't a conscious decision at
25 all. It just never came across my desk. I never ran into

1 him, and I wasn't working Ukraine.

2 The issues I gravitated to, as I mentioned, were more

3 focused on supporting the conflict negotiations that were

4 developing in different parts of the world and particularly

5 on national economic policy questions. And I also continued

6 to work on issues like trying to support the reforms that

7 were being put into place to strengthen the Foreign Service.

8 Q You said in your opening statement and you just

9 reiterated that you were not particularly involved or had

10 much visibility into matters relating to Ukraine in your role

11 as senior advisor.

12 At any point over the last year or so, did you know in

13 real-time, did you follow in real-time anything that was

14 going on, including, perhaps, with Ambassador Yovanovitch's

15 recall in April and May?

16 A I followed it in the sense that I was aware of what

17 was happening in different parts of the world. In any given

18 month, you could ask me, do you know what's happening

19 somewhere, and I would've read about it. Did I work on it?

20 Did I take any active stance on it? The short answer is no.

21 Q What do you remember knowing at the time about

22 Ambassador Yovanovitch's recall?

23 A Only what I saw in the media. I never spoke about

24 her recall with anyone in the Department.

25 I did run into her sometime after she returned to

1 offer -- you know, we ran into each other, and we spoke about
2 her transition. I offered her moral support. And that's
3 where it stayed until the developments over the last few
4 weeks.
5 Q Back in the spring, did you know why she was being
6 recalled?
7 A Only from media accounts. So I can sit here and
8 speculate, but it would be speculation. I saw nothing in
9 writing. I heard nothing. I heard no Department official
10 speaking about the reasons for her recall.
11 Q During the beginning part of this year, in the
12 January-through-March/April timeframe, were you following
13 news accounts and the media about nongovernment actors and
14 interests in Ukraine?
15 A I certainly saw that being reported, yes.
16 Q And in particular, Rudy Giuliani?
17 A At the time, I -- you know, if you're going to take
18 me back 6 months ago, I can't remember exactly who I was
19 focusing on. But if his name was in the media at the time,
20 of course I focused -- of course I noticed it.
21 Q Without necessarily placing a time on it, were you
22 aware of --
23 A Yes.
24 Q -- Rudy Giuliani's efforts?
25 A I was reading -- absolutely. I was reading the

1 media, and it was very evident.

2 Q Did you have any discussions with anyone at the

3 State Department about Mr. Giuliani's --

4 A I don't think --

5 Q -- public pronouncements?

6 A I don't think his name ever crossed my lips. And

7 no one spoke to me about Rudy Giuliani.

8 Q So when did you become aware of the reason for

9 Ambassador Yovanovitch's recall?

10 A The details of it, I became aware as the

11 information began to flow after the whistleblower account,

12 and it became very evident just how much was political in her

13 removal.

14 Q Were you aware of any documents that were submitted

15 to the State Department's Inspector General's Office in or

16 about May of this year related to --

17 A No, I was not. And the first time I was aware that

18 these documents had surfaced was when Inspector General

19 Linick approached the committees with a package of documents.

20 Q And have you reviewed those documents?

21 A No, not at all.

22 Q So what did you -- describe the circumstances

23 around your coming to understand why Ambassador Yovanovitch

24 was recalled.

25 A Well, it was a question of putting the pieces

1 together.

2 So after the whistleblower account came out and I

3 started reading in much greater depth what was happening in

4 the media, it became evident to me that Masha had been caught

5 up in something that had nothing to do with the way she

6 performed her duties in Kyiv.

7 When the transcript of the call was released -- I'm just

8 going to state it clearly -- as a Foreign Service officer, to

9 see the impugning of somebody I know to be a serious,

10 committed colleague in the manner that it was done raised

11 alarm bells for me. It absolutely did.

12 And that's when I became, I think -- with the chronology

13 I've tried to give you. And I've done the chronology mostly

14 from recollection. I, frankly, became very concerned that we

15 had to do something for her. That's when I took it on.

16 Masha had not reached out to me, for example, in the

17 preceding weeks or even months. So this was very much a

18 reaction to what was being revealed in the media.

19 Q Former Ambassador Yovanovitch actually has been

20 with the Foreign Service almost as long as you had.

21 A Yeah. Yeah.

22 Q Did you come across her in your career?

23 A Yes, I did, but we were not close friends. And I

24 think we interceded most when we were both in Europe in the

25 2000s. But, you know, I didn't go back and look up what her

1 career track was, but I was certainly aware of her for a long
2 time.
3 Q And what was her reputation as a foreign
4 professional?
5 A Her reputation was as an excellent, serious,
6 committed, up-and-coming back in the earlier years before any
7 of us had ambassadorial or DCM positions. I certainly
8 remember her being one of those people who seemed to be
9 destined for greater things.
10 Q And you said that the call record raised alarm
11 bells for you. What do you mean by that?
12 A Simply the reference to the Ambassador in a
13 disparaging form in the call transcript. It's as simple as
14 that.
15 When you're working overseas, every President has the
16 right to remove an ambassador they don't have confidence in.
17 And this is standard, and it's part of Department practice
18 ever since I've come in. So, whatever the rationale,
19 Presidents have the right to remove ambassadors and select
20 other envoys for the post in question.
21 It was the issue of suggesting that she wasn't -- I
22 don't have the transcript in front of me. All of you know
23 what's in the transcript, so I'm not even going to try to
24 paraphrase it. I mean, what is it? One sentence? Two
25 sentences?

1 But the fact of the matter is, as a Foreign Service
2 officer who's worked in difficult situations, worked in
3 difficult environments, where we have to deal with ugly
4 people on the ground and where you're dealing with
5 challenges, where you're dealing with threats that can become
6 personal, when you're dealing with conflicts, when you're
7 dealing with issues related to the security and welfare of
8 Americans or the people who work for you in a mission, the
9 one thing you don't want to have is questions being raised
10 about how you're doing your job with the foreign government
11 in question from your own government.
12 Q Right. And just so the record is clear, we will
13 get into the call transcript, but I believe what you're
14 referring to is the statement by President Trump in the
15 July 25th call record where he says, quote, "The former
16 Ambassador from the United States, the woman, was bad news.
17 And the people she was dealing with in the Ukraine were bad
18 news. So I just want to let you know that."
19 And then, later on, the President says, "Well, she's
20 going to go through some things.
21 What did you understand him to mean when you read,
22 "She's going to go through some things"?
23 A I didn't try to read into it or understand it. The
24 words themselves spoke for themselves.
25 And my reaction was, well, there's a simple solution for

1 this. We think she's a strong, professional career diplomat
2 who's still on the rolls, who's still a full-time Department
3 employee. It shouldn't be difficult to put out a short
4 statement that's not political, stating clearly that we
5 respect the professionalism, the tenure of Ambassador
6 Yovanovitch in the Ukraine. Thank you.
7 That's pretty much as straightforward and simple a
8 statement as I was proposing.
9 Q Did you view that comment as a threat to Ambassador
10 Yovanovitch?
11 A I'm not going to interpret it. What I want to say
12 is that a statement like that to a foreign government
13 official creates difficulties for the Ambassador on the
14 ground.
15 Q And how would a statement like this affect the
16 morale of the career Foreign Service workers in the State
17 Department?
18 A At this point, I'm going to give you my opinion
19 based, obviously, on my experience and on speaking to people
20 across the evolution of developments in the last several
21 weeks.
22 It had a very significant effect on morale. And the
23 silence from the Department was viewed as puzzling and
24 baffling.
25 Q Approximately how many Foreign Service officers did

1 you speak to about this transcript?

2 A I don't know. I spoke to 8, 10, a dozen.

3 You know, I need to make clear, I also saw the

4 sensitivity of my position. And so, when you take a look at

5 my decision to resign, I wasn't sitting there broadcasting it

6 throughout the building. The fact is -- and I wasn't

7 broadcasting the specific steps that I was proposing for

8 support for her. Because, at the end of the day, what I

9 wanted to see was a statement to come out. Moreover, I

10 wasn't interested, because of all the positive work that has

11 been done in the building, to see morale in the building sort

12 of conflicted, decline, be confused about what was going on.

13 So I wasn't sitting there going down the corridor, what do

14 you think, what do you think about what has happened?

15 I did speak to, you know, a couple of acting deputy

16 assistant secretaries. It was that sort of informal corridor

17 conversation, but I asked them, did they think this was

18 having an impact on the building.

19 I did not go out and sort of broadcast, you know, "Let's

20 go out and support Ambassador Yovanovitch." That's not the

21 way I work. That's not the way I was going to work for

22 Secretary Pompeo, who I agreed to work with and serve. And I

23 was looking for a solution, I thought, that could meet what

24 was required without getting into the broader politics of the

25 unfolding investigation.

1 Q From those conversations and those questions that
2 you asked, what sense did you get about the impact on morale?
3 A My sense was that the impact was significant, in
4 that people were expecting some kind of statement of support
5 for Yovanovitch.
6 I was not -- I repeat: It would've been unprofessional
7 of me to go out there and start digging, "What do you mean?
8 And what are you hearing?" I never go -- for example,
9 there's these chat rooms or, you know, Foreign Service people
10 or others, you know, people talk, people write, everything.
11 I never go on them. I never read them. No one brings them
12 to my attention. I went on instinct also on this. But I
13 think it's very clear that this was an issue that needed to
14 be addressed.
15 Q So let's talk about that proposed statement. Who
16 did you speak to first about the possibility of making a
17 statement?
18 A I spoke to the Secretary first. And I did so in
19 the manner I normally do. I'll sort of raise an issue, and
20 he'll decide whether he wants to react or not. So he
21 listened. There was no pushback, no comment. It was just an
22 acknowledgement that I was raising it.
23 Q Approximately how long do you think this
24 conversation was, the first conversation with the Secretary?
25 A Three minutes. It was very short. The way I

1 worked with the Secretary, I tended to be very crisp. He
2 works very hard. He works on multiple issues. And I'm very
3 concise when I'm presenting things.
4 Q What did you say to him?
5 A I said: We've seen the situation that's developing
6 outside. Wouldn't it be good to put out a statement on
7 Yovanovitch? Since my impression is the Department, you
8 know, at least tried to keep her in Ukraine. I had gotten
9 that from the newspapers.
10 Q What was his response?
11 A He listened. That was it. Sort of, "Thank you."
12 That was the limit of the conversation.
13 Q Did you get the sense that he agreed that the
14 Department was supportive or --
15 A I did not. I did not.
16 Q Sorry, one --
17 A Apologies.
18 Q Did you get the sense that he agreed with your
19 assessment that the Department had supported Ambassador
20 Yovanovitch?
21 A I did not get a sense one way or the other. I
22 really did not.
23 Q Okay. And do you remember approximately what date
24 this conversation was?
25 A It was towards the end of UNGA week -- sorry -- the

1 U.N. General Assembly week in New York.

2 Q So the transcript was publicized --

3 A It came out on the 25th --

4 Q Right.

5 A -- which was while we were in New York, I guess.

6 Q Okay. And so --

7 A And that's what I was reacting to, on a personal

8 level.

9 Q And so do you recall whether it was -- that was a

10 Wednesday. Do you recall whether it was the Thursday or the

11 Friday that you had this conversation with the Secretary?

12 A It was probably Thursday.

13 Q Okay.

14 After this conversation with the Secretary, what did you

15 do next, in terms of advocating for --

16 THE CHAIRMAN: If I could just interject with a couple

17 questions.

18 MR. MCKINLEY: Sure.

19 THE CHAIRMAN: At the time you spoke with Secretary

20 Pompeo, were you aware that Secretary Pompeo had been on the

21 call?

22 MR. MCKINLEY: No. Not at all.

23 THE CHAIRMAN: And when you raised this issue with him,

24 did he give any indication that, in fact, he was on the call?

25 MR. MCKINLEY: No.

1 THE CHAIRMAN: And, if you could, as best you can, tell
2 us exactly what you relayed to him. And did he say anything
3 at all in response or --
4 MR. MCKINLEY: No, he did not on -- I was raising issues
5 related to, why can't we go out with a statement? This seems
6 like an easy issue to address. My impression that
7 Yovanovitch had received a level of support, because she did
8 come back to the Department. And my understanding was that
9 she was also extended or people were looking to extend her at
10 one point. By the way, I didn't know any of that until very
11 recently, but it was just my impression. And so I put it in
12 those terms.
13 I wasn't, frankly -- and, again, I'm going to be very
14 direct on this. I'm a career Foreign Service officer. This
15 has been, as many administrations have been -- there's many
16 moments that are highly political that spill over into, you
17 know, sort of, State Department corridor gossip or
18 discussions. The one thing I knew above anything when I
19 accepted this job was I wasn't going to sit and become part
20 of the political environment.
21 So I didn't sit and have discussions with Secretary
22 Pompeo about what was happening with White House politics,
23 you know, White House approaches. And I certainly was not
24 going to make a comment, one way or the other, about things
25 the President did. That's simply not the way I was working.

1 It was, I wanted to focus and did focus on issues that
2 needed to be addressed in the foreign policy arena or in the
3 building. But I did not initiate conversations with him nor
4 did he volunteer to me political comments on ongoing
5 situations at any point in the time I worked with him.
6 THE CHAIRMAN: Ambassador, I understand, but I just want
7 to get as clear a record as we can on what you said to the
8 Secretary and what he said in response.
9 MR. MCKINLEY: Yeah. In response --
10 THE CHAIRMAN: Can you go back and, as best you can,
11 tell us exactly what you told the Secretary?
12 MR. MCKINLEY: I said, are you aware of -- I'm sure
13 you're following what is happening. Wouldn't it be good if
14 we put out a statement on Ambassador Yovanovitch?
15 THE CHAIRMAN: When you said, I'm sure you're aware of
16 what's happening --
17 MR. MCKINLEY: That's right. Of course he said, yeah.
18 You know, it's that kind of exchange. I mean, to formalize
19 it as something more --
20 THE CHAIRMAN: No, no. I'm just -- I'm not trying to
21 formalize it. I'm just trying to get exactly what was said
22 during the meeting. So you asked him if he was aware of the
23 situation, and he indicated that he was.
24 MR. MCKINLEY: Yeah, that he was following it.
25 THE CHAIRMAN: That he was following it.

1 MR. MCKINLEY: Okay? And I said, well, in this context,
2 wouldn't it be a good thing if, you know, we say something
3 quickly about, you know, Yovanovitch, given what was said
4 about her in the transcript?
5 And I don't know whether he said he'd think about it. I
6 don't even think I even got that level of response. It was a
7 passing conversation.
8 And I repeat, whether you think this is appropriate or
9 not, but across the time I've worked on the seventh floor in
10 this latest iteration, I made a very conscious decision not
11 to talk about anything that was political.
12 THE CHAIRMAN: No, I understand. But I just want to
13 make sure we understand the full contours of the
14 conversation.
15 So you asked him if he was aware of what was going on
16 with Ambassador Yovanovitch. He said that he was aware,
17 indicated he was aware.
18 You said, wouldn't it be nice if the State Department
19 issued a statement of support. Did you relate anything else
20 to him in the context of "wouldn't it be nice" --
21 MR. MCKINLEY: No. No.
22 THE CHAIRMAN: -- about the attacks on her or the impact
23 on morale in the Department of the attacks on her. Did you
24 relate anything along those lines?
25 MR. MCKINLEY: I don't believe I did it at that stage.

1 THE CHAIRMAN: Did you have a subsequent conversation
2 with him about that?
3 MR. MCKINLEY: Not that week. So that would've been
4 whatever, the 26th, 27th. And as I said in my statement, by
5 the 28th, there were numerous media articles appearing about
6 Yovanovitch, and, frankly, I did grow concerned that we
7 needed to say something forceful on her behalf. Because I
8 worried that there would be a mischaracterization of what she
9 had done, and we needed to be forceful, supporting her
10 professionalism.
11 THE CHAIRMAN: So --
12 MR. MCKINLEY: And that is why, that weekend, I raised
13 the issue again, but not with the Secretary.
14 THE CHAIRMAN: Okay. How many conversations did you
15 have with the Secretary about this matter?
16 MR. MCKINLEY: Three probably. And the subsequent ones
17 were in the context of -- because, if I can remind, I
18 presented my resignation on Monday, September 30th. So it
19 wasn't very long after the initial conversation.
20 And in presenting my resignation, I made clear that I
21 was looking to leave the Department, I wasn't looking to
22 create any news story out of it, but that he should be aware
23 that, of course, part of the reason, people were very aware
24 that I was concerned about what I saw as the lack of public
25 support for Department employees.

1 The --

2 THE CHAIRMAN: And what was the Secretary's response

3 when you said that?

4 MR. MCKINLEY: On that subject, he did not respond at

5 all, again.

6 What I -- if -- I know this is difficult to fathom or

7 believe. Across the 8 or 9 days, whatever period it was,

8 that I was seeking to raise this, nobody ever really said

9 anything to me. It was, like, receive mode. And I just

10 continued to raise the question in different ways, and I

11 still would not receive a reaction.

12 I think once or twice -- somebody once said, "But we are

13 protecting the staff. We're providing legal guidelines,

14 which allows them the time to prepare their testimony,

15 collect documents. We're looking at how to work with the

16 congressional requests." And it would be left at that. But

17 the central question I was raising about say something

18 publicly just was not addressed.

19 And on the legal support --

20 THE CHAIRMAN: Ambassador, if I could, because --

21 MR. MCKINLEY: Yeah. I'm sorry.

22 THE CHAIRMAN: I'm going to turn it back to my colleague

23 to go through the timeline in more detail, but I just want to

24 make sure that we're clear on your conversation with the

25 Secretary.

1 In the first conversation you had with the Secretary,
2 you essentially got no response to the request for a
3 statement. Is that accurate?
4 MR. MCKINLEY: That's accurate.
5 THE CHAIRMAN: And in the final conversation with the
6 Secretary where you raised the matter again, you again got no
7 specific response to that issue when you raised it with the
8 Secretary. Is that correct?
9 MR. MCKINLEY: That is correct, yeah.
10 THE CHAIRMAN: And was there a third conversation?
11 MR. MCKINLEY: Yeah. So I presented my resignation on
12 September 30th. I spoke with the Secretary again when he
13 called from Europe to discuss my resignation. And I think at
14 that point I said, well, you know, we really -- I was pretty
15 direct. I said, you know, this situation isn't acceptable.
16 We need to -- you know, I've already made my recommendation,
17 but I do -- I am resigning.
18 And that was the conversation. Again, I didn't get a
19 reaction on that point.
20 THE CHAIRMAN: Okay. I yield back to Mr. Goldman.
21 BY MR. GOLDMAN:
22 Q So you initially submitted your resignation on the
23 30th, which was 5 days after the call was released.
24 A That's correct.
25 Q Okay. And this initial conversation with Secretary

1 Pompeo was either on the 26th or 27th.

2 A Yeah. Probably on the 26th.

3 Q After this initial conversation with Secretary

4 Pompeo, what did you do next in your efforts to procure a

5 statement?

6 A So a number of articles began to appear on

7 Ambassador Yovanovitch. I, frankly, grew concerned that,

8 depending on circumstances, this kind of attention could

9 attract negative commentary from people who were perhaps

10 inclined to view her in a negative light.

11 And so it was, I do remember very clearly, a Saturday,

12 and I just sat down and sent an email to four people, "We

13 really need to do this."

14 Q Before we get to that email, did you indicate to

15 Secretary Pompeo what the proposed substance of a statement

16 might be?

17 A No.

18 Q Just a statement of support?

19 A Yeah, I -- no.

20 Q Okay. And did you learn from the media that

21 Ambassador Yovanovitch had been offered an extension, or did

22 you learn from the Department?

23 A No, I learned it from the media. I did not know

24 about it at all.

25 Q Who did you --

1 A She didn't tell me.

2 Q When you saw her in the halls back in --

3 A No. Well, when I saw her -- whenever she got back.

4 I don't know whether we ran into each other in June or July.

5 But, no, no, we didn't discuss that, not to my recollection.

6 Q Focusing on this email on September 28th, who did

7 you write it to?

8 A I wrote it to the Under Secretary for Political

9 Affairs, David --

10 Q David Hale?

11 A -- Hale. I wrote it to Carol Perez, the Director

12 General of the Foreign Service. I wrote it to Morgan

13 Ortagus, the Department spokesperson, and Lisa Kenna, the

14 Executive Secretary.

15 I'm trying to think. Oh, Phil, the acting -- the senior

16 bureau official, the Acting Assistant Secretary for Europe,

17 Phil Reeker.

18 Q I'm sure you realize by now that we have received

19 no documents from the State Department, so --

20 A Right.

21 Q -- we don't have this email.

22 A But I'm telling you the date that I sent it. I

23 don't have Department documents.

24 Q No, we understand that.

25 A Yeah.

1 Q And we'll get to that in a minute. But, because we
2 don't have it, I need to ask you to summarize what you said
3 in it.
4 A Yeah. So I wrote it deliberately, decided it was
5 time to start creating a paper trail of my concern, and kept
6 it short. It was, sort of, I think we need to issue an
7 immediate statement of support for Masha's professionalism
8 and courage -- because, frankly, I believe a lot of courage
9 has been involved in dealing with the situation she has
10 faced -- and send a message to the Foreign Service that we
11 respect professionalism.
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1 [11:11 a.m.]

2 MR. MCKINLEY: And so I knew that putting it on paper

3 was enough. I didn't have to go into, you know, a

4 10-paragraph sort of justification. Everybody knew what I

5 was talking about. And I believe I tried to talk to a couple

6 of them on the telephone as well to reinforce the point.

7 BY MR. GOLDMAN:

8 Q So we'll get to that in a second.

9 Did you receive -- do you recall anything else about

10 what you said in the email?

11 A No it was really short.

12 Q Did you receive any response from --

13 A I did. At that point I did. I received support

14 from -- in writing -- I think Carol and Phil Reeker

15 supported. And I think others were supportive of it as well.

16 And so the idea was presented to the Secretary.

17 Q Let's wait. Let's just go through this step by

18 step if we could.

19 A Sure.

20 Q So you received an email in support from Ambassador

21 Perez in support of the idea?

22 A Yeah, absolutely, and Reeker as well.

23 Q Do you recall what Ambassador Perez said?

24 A It was like, okay, yes, I agree. I mean, it was

25 that kind of -- conversational.

1 Q Understood. I just want to make sure we cover
2 everything.
3 A Absolutely.
4 Q And what was the response from Acting Assistant
5 Secretary Reeker?
6 A The same. Maybe there were three more words, but
7 the same.
8 Q And you said you also received additional support.
9 From whom did you receive additional support?
10 A Well, additional support, you know, Lisa Kenna
11 agreed, I think Morgan Ortagus agreed.
12 Q So everyone that you wrote to on that -- what about
13 David Hale?
14 A I did not get an answer from David Hale.
15 Q Okay. You didn't get anything from David Hale. So
16 four of the five responded in support of your idea?
17 A Positive terms.
18 Q All right.
19 Who did you reach out to on the phone from that group of
20 five?
21 A From that, I think it was only Carol and Phil.
22 That's what I remember.
23 Q Okay.
24 A Again, it's going to be difficult for everyone to
25 accept this, I wasn't taking notes the whole time I was going

1 through this. I was not envisioning sitting in this
2 committee. I was not sort of compiling a record. I was
3 trying to address a situation and I was also making a
4 decision to leave.
5 Q Now, were you aware at this time that Ambassador
6 Volker had resigned on that Friday, the 27th?
7 A If I was, it never crossed my mind. Was I
8 following the news? Yes, I was. Do I remember that? It
9 didn't matter to me.
10 You know, I wasn't focused on Volker. Volker left the
11 Department over 10 years ago. And, you know, as is his
12 right, he had become political in what he did. So, you know,
13 I didn't sit there and think: Oh, Kurt's another Foreign
14 Service officer. I didn't think of him in those terms at
15 all.
16 Q All right. Let's go back to this email. Do you
17 recall anything about the conversation that you had with
18 Ambassador Perez following this email?
19 A No. I just said this is really bad. You know,
20 it's the kind of conversation where you're just mutually
21 reinforcing. So you're sitting there -- not sitting there,
22 you're on the phone, you know. Reeker and Perez absolutely
23 agree, we've got to say something, we've got to do something,
24 this is -- this is going to impact the building. That's the
25 approach. And we have to support Ambassador Yovanovitch.

1 Q Did you speak with any of the others on the phone,
2 Lisa Kenna or Morgan Ortagus?
3 A I may have spoken to -- I spoke to Lisa and I
4 eventually spoke with Morgan.
5 Q All that weekend of the 28th?
6 A No, that day.
7 Q On the 28th?
8 A Yeah.
9 Q What did Lisa Kenna say to you?
10 A Just supportive, that's it. You know, it was not
11 any -- any -- she really wasn't in the line of authority to
12 get something done. I was just letting her know that I was
13 sending this.
14 Q And, Ambassador McKinley, I don't mean for these
15 questions to come up loaded. We're just trying to understand
16 --
17 A No, no --
18 Q -- as many of the facts as we can here.
19 A Well, yeah. Certainly. Sorry.
20 Q If we had the documents and the emails it would be
21 a lot easier for us.
22 A Yeah. Yeah. But, anyway, so I sent an email. I
23 got a one-word answer or a five-word answer. And then I get
24 on the phone and say: This is really important. Yeah, it
25 is, we need to do something.

1 Q And other than David Hale there was unanimous
2 agreement?
3 A Yes.
4 Q You said that you also spoke with Ambassador
5 Yovanovitch that weekend. Do you remember when?
6 A I don't know if it was on Saturday or Sunday, but I
7 spoke to her. I wasn't going to bother her. But the answer
8 came back that it was probably better not to issue a
9 statement because it would draw further attention to
10 Yovanovitch and wouldn't it be better to try to let this die
11 down. So that was the response I got.
12 Q And so it was after you received a response that
13 you reached out to Ambassador Yovanovitch?
14 A That's correct.
15 Q So let's go back then and figure out.
16 So we understand that you had emailed five people. Four
17 responded positively. You spoke to all four and they all
18 responded positively about a statement.
19 A Yeah.
20 Q What happened next?
21 A Probably a couple hours later Morgan reached out to
22 me by phone and told me that the Secretary had decided that
23 it was better not to release a statement at this time and
24 that it would be in part to protect Ambassador Yovanovitch
25 not draw undue attention to her. I dropped it.

1 Q So do you know who was involved in this
2 conversation with the Secretary on that Saturday, September
3 28th?
4 A No, I don't know who was in the room with him. The
5 press people are -- it's Morgan Ortagus and I think [redacted]
6 [redacted].
7 Q Do you know if the counselor Ulrich Brechbuhl was
8 involved in any of these discussions?
9 A No. I didn't even -- no.
10 Q And you didn't include him?
11 A No.
12 Q Why not?
13 A I was going -- my appeal at that point, frankly,
14 was to mostly career people and to the spokesperson who would
15 have to, you know, sort of issue a statement, get approval
16 for it. That was my rationale at that point. It wasn't
17 because I was thinking: Oh, they are going to say this,
18 that, or the other. I was just trying to bureaucratically
19 create a group of support for an idea to move forward.
20 Q Had you spoken to Ms. Ortagus before she reported
21 back to you about the Secretary's wishes?
22 A No.
23 Q So you just received an email for her in support?
24 A Yeah, I received an email. And then -- and then --
25 and then -- and then a request to speak by telephone.

1 Q So what did she said to you, in as much detail as
2 you can recall, about what Secretary Pompeo said about the
3 prospect of a statement?
4 A It was simply the Secretary thinks that a statement
5 would draw undue attention to Ambassador Yovanovitch right
6 now -- unwanted attention -- and it would be better to let
7 this die down.
8 I didn't have a long conversation. I didn't talk --
9 Q Did you respond to her?
10 A I just said -- at that point, I just accepted it as
11 given. And that's when I got off the phone and reached out
12 to Yovanovitch.
13 Q What did you say to Ambassador Yovanovitch?
14 A I said, I'm under the -- I've been told that
15 perhaps a statement is not something you would welcome. What
16 is your view on that? And --
17 Q Wait. I'm sorry. So Ms. Ortagus told you that the
18 Secretary was --
19 A Pardon?
20 Q Sorry. Just to be clear. Ms. Ortagus told you
21 that Secretary was concerned --
22 A Not --
23 Q Just 1 minute.
24 A I'm sorry.
25 Q Was concerned that Ambassador Yovanovitch would not

1 want a statement in support? Where did you get that idea
2 that you understood --
3 A Probably from the conversation with Morgan. But --
4 you know, I can't remember exactly how I phrased it. Yeah, I
5 think I did have the impression from Morgan, but I -- I
6 repeat, I'm not sitting there taking notes, so I'm giving you
7 a recollection. All I know is my direct question to
8 Ambassador Yovanovitch was, you know, you would be -- would
9 you or wouldn't you be interested in a statement of support?
10 Q And just to be clear, we're just asking for your
11 best recollection.
12 A Yeah, no, because that's what it's going to be,
13 I'll tell you.
14 Q And we understand that when you were having these
15 conversations you were not expecting to have to recall word
16 for word transcriptions of them.
17 What was Ambassador Yovanovitch's response when you
18 asked her that question?
19 A She -- she's -- well, you've had her here, so you
20 know she's very careful in the way she speaks and presents.
21 And she said: Yes, I would welcome it. And it was pretty
22 much that. But also I asked whether others in the building
23 had reached out to her in the preceding days or weeks, and
24 the answer was no.
25 And I said: What are you doing? And I remember her

1 talking about private counsel. I never thought I'd have
2 private counsel. And so I didn't follow up, ask questions
3 about it, think about it.
4 Q Understood.
5 Did she indicate to you how she reacted to reading the
6 transcript?
7 A No. Oh, there's one thing that I'd also learned
8 over the years. I'm not sure, what stage did you send out
9 the request for information -- sorry, the request for
10 depositions? Do you remember the date?
11 Q I think it was the 27th, so it would have been on
12 the Friday?
13 A Okay. So I would have been aware of that. And I
14 want to underscore, and we can get into it later, I never
15 asked Yovanovitch or Kent what they were going to say,
16 because I realized I shouldn't be talking to them since they
17 were embarking on a legal process. What I focused on in my
18 conversations with them was, you know, what's the system
19 doing for you?
20 Q What else do you remember from that conversation?
21 A Not much. It wasn't a long conversation.
22 Q Did she indicate whether she had spoken to any
23 other career Foreign Service officers and had any sense of
24 the morale with the Department?
25 A No. No. I mean, I was focused on her.

1 Q What did you do after you got off the phone with
2 her in connection with this matter?
3 A I believe, and that's the term I'm using, I don't
4 know whether I reached out to George Kent that evening or
5 Sunday, but I reached out to George Kent. I think I probably
6 got a hold of him on the Sunday. But I don't remember
7 exactly.
8 Q Did you report back to Ms. Ortagus that Ambassador
9 Yovanovitch --
10 A No, I did not.
11 Q -- would welcome a statement?
12 A No, I did not. Sorry. No, I did not.
13 Q Why not?
14 A To me, the writing was beginning to be on the wall.
15 And also was regrouping. And, frankly, it was that weekend
16 that I made the decision to inform the Secretary on the
17 Monday that I was leaving. So I was focused on that, too.
18 Q Were you aware that the committees issued a
19 subpoena to the State Department on that Friday, the 27th, by
20 the --
21 A I may -- I may have been, but it's not something
22 that I was sitting there thinking about at all. It wasn't --
23 you know, was I watching the news every night, reading media
24 reports? I was, but not with any design.
25 Q So you recall speaking to George Kent on the 29th,

1 you believe?

2 A 28th or 29th. I can't remember exactly.

3 Q But before the Monday?

4 A Yes.

5 Q Over the weekend?

6 A Yes.

7 Q So tell us about that. Why did you reach out to

8 him?

9 A I reached out to him because I think by then -- oh,

10 thanks to the requests for depositions, I realized other

11 Department people were being roped in. Call me naive, but I

12 did not know.

13 And then the list of people you were asking to interview

14 came out in some way, and George was on the list. And so I

15 reached out to George.

16 And the conversation was extremely short, because we

17 don't know each other. We hadn't met until a few days later.

18 And so he wasn't going to open up to somebody he didn't know

19 necessarily.

20 And I just said: Has anybody reached out to you? Would

21 you welcome an expression of support? And that was pretty

22 much the extent of the conversation.

23 Q And was that the purpose of reaching out to him?

24 A Yes.

25 Q Just to express some support?

1 A Absolutely.

2 Q What did he say in response to your question as to

3 whether anyone had reached out to him?

4 A No.

5 Q Did he give you any opinion about how he felt about

6 that?

7 A There may have been a throwaway comment, but, no,

8 we did not have a -- you know, we did not have a detailed

9 conversation about it, no. I mean, it was so obvious that no

10 one reaching out to him was unusual.

11 Q You thought that was unusual?

12 A I thought that was unusual, absolutely.

13 Q What did you think should have occurred?

14 A I think --

15 Q One second, sorry. Just so the record is clear,

16 it's easier to --

17 A I apologize.

18 Q No, that's fine.

19 What did you think should have -- what did you think the

20 State Department should have done with regard to Ambassador

21 Yovanovitch and George Kent?

22 A I believe when -- you see, it's very easy with

23 hindsight. So since I didn't pay attention, didn't focus on

24 it particularly when events were developing in the late

25 spring into early summer, I don't want to engage in hindsight

1 gaming of this. I don't know what was done. And I have not
2 asked specifically about what was done.
3 So -- and I don't want to -- clearly someone thought
4 highly of her if she was being asked to extend only a month
5 or two before she wasn't.
6 So I'm not going to do the hindsight game.
7 What I do believe is that as this developed over this
8 very short period, the appropriate thing would have been for
9 senior management to reach out. Whether it was the legal
10 advisor, the under secretary for management, the under
11 secretary who was responsible for Europe, there should have
12 been at least let us know if there is or we can't help you
13 because, whatever. Some sort of conversation.
14 So, you know, I was flying solo, I didn't know what the
15 rules of engagement were. But I did know that, as a Foreign
16 Service officer, I would be feeling pretty alone at this
17 point. And so I reached out.
18 I was surprised when I found out that I was the first
19 senior person they had been in touch with.
20 Q Did you discuss with anyone else in leadership that
21 weekend any -- about this matter?
22 A No.
23 Q And then September 30th you gave in your -- you
24 gave your resignation notice.
25 A That's correct.

1 Q Is that right?
2 A Yeah.
3 Q Describe how you did that.
4 A I think it was less than a 5-minute conversation.
5 I saw the Secretary. At the time, I wasn't prepared to go
6 into any great details. I said: It's time to move on, look
7 at a next phase of my life, I don't believe this will have
8 any major impact, but you are aware that -- people are aware
9 that I've been concerned about what is the lack of support
10 for Department officials.
11 And I gave the mid-November sort of exit date, thinking,
12 you know, transition out, do my paperwork in a reasonable
13 timeframe, and so on.
14 Q Was this meeting in person on Monday?
15 A Yes, it was.
16 Q And did you bring up the statement again?
17 A No. I said: As you're aware, I have been -- I've
18 also been concerned about these -- this issue.
19 Q Did he respond in any way --
20 A No.
21 Q -- to that comment?
22 A No.
23 Q How did he respond to your resignation?
24 A I mean, there -- it was disappointment that I was
25 resigning. So, you know, I can't -- on the resignation

1 discussions it's typical of discussions that anybody has when
2 they've worked with somebody. And I went in and made my
3 point. It was obviously a surprise. And as I said, it was a
4 very short conversation.
5 Q Did you make it clear that part of the reason you
6 were resigning was your concerns over --
7 A At that point --
8 Q Sorry, 1 second. Over this Ukraine matter?
9 A No. As I mentioned, I made the conscious decision
10 to go in and to just say: Time for me to go, time for me to
11 look at something else to do with my life. As you're aware.
12 I have expressed my views on the lack of support for Foreign
13 Service officers in this situation. That may be part of the
14 story at some point. And, you know, we'd figure out how we'd
15 announce my -- you know, do the usual little Department
16 two-liner "thank you for your service" and out the door.
17 Q And he didn't address your concerns at all or this
18 issue with Ambassador Yovanovitch --
19 A No.
20 Q -- in any substantive way?
21 A No.
22 MR. GOLDMAN: I believe our time is up, so yield to the
23 minority.
24 THE CHAIRMAN: Ambassador, do you need a break?
25 MR. MCKINLEY: No, I'm fine. Thanks.

1 BY MR. CASTOR:

2 Q Ambassador, thank you again for your service.
3 We're honored to be here with you today. By my calculation,
4 37 years with the State Department. That is truly an
5 extraordinary career. We appreciate your willingness to
6 participate in the oversight process. This may come as a
7 surprise to you, but not always are administration officials
8 willing to participate eagerly in the congressional oversight
9 process. So you are --

10 A I assumed I was going to be up here one way or the
11 other.

12 Q You indicated in your opening statement that you
13 were encouraged when Secretary Pompeo took over the State
14 Department. Could you just walk us through that a little
15 bit, your thinking, and how you were encouraged by some of
16 the decisions he made in the wake of Secretary Tillerson's
17 exit?

18 A I'm happy to, but please stop me when I get too
19 much into the weeds.

20 What happened in the year of Secretary -- or 15 months
21 of Secretary Tillerson's tenure was an extraordinary
22 hollowing out of the building. Not only did we lose 20
23 percent of our senior leadership, not only did he freeze
24 hiring, he announced an intention to reach an 8 percent cut
25 in staffing levels.

1 He froze what we call employee family member hiring
2 overseas, which affects about 2,000-plus jobs. These are
3 jobs that are filled by family members, usually spouses or
4 partners, in embassies oversees that otherwise you would be
5 hiring locally for, and which sometimes even involved
6 sensitive positions with at least low level clearance
7 requirements, and had a devastating impact on morale in
8 embassies around the world, as families had to begin -- in
9 the modern world many couples both look to have some kind of
10 career moving forward.
11 It's not just a question of money. It's a question of
12 life goals and fulfillment. And that one was -- I was
13 sitting as ambassador in Brazil and we were looking at
14 filling, I can't remember the exact number, but it was dozens
15 of positions, and all of a sudden we didn't have authority to
16 move ahead.
17 And you add all the positions around the world that were
18 being frozen, we were running in into the hundreds of jobs
19 that were disappearing that had become a central part of how
20 we staff, work our embassies, but also how we support the
21 modern American family oversees in deployment.
22 Promotions were cut by 40 to 50 percent. This was
23 devastating to mid-level officers. Mid-level officers,
24 because of a hiring surge in the 2000s, already had a very
25 slow promotion track. By cutting back the number of

1 available slots for promotion, you were essentially
2 condemning a generation of next leadership Foreign Service to
3 toiling at a certain level when they would obviously have
4 reached the point where they were ready to work in positions
5 of greater responsibility.
6 If I remember correctly, only 1 out of 9 Under Secretary
7 positions were filled in that 15 months in a confirmed
8 position. Out of 23 equivalent -- assistant secretary
9 equivalent positions, I think we were at 3. And so senior
10 leadership in the building was nonexistent.
11 I worked in the Latin America Bureau, but the
12 experiences was mirrored in other bureaus, in which no one
13 felt any authority to move paperwork forward or initiatives
14 and were constantly rethinking, looking over their shoulder,
15 how to work and what to do.
16 I could go on, but I think you get the picture.
17 And so when I came in -- sorry, not the when I came
18 in -- let me make this clear, when Secretary Pompeo came in,
19 he came in with a completely different optic and it was let's
20 make the Department work. And many of the initiatives I
21 enumerated in my statement were products of the work he did.
22 I never had anything to do with that. It just began to work
23 with the people he was working with. And he does deserve
24 credit for rebuilding the institution, processes, creating
25 opportunities, and, frankly, ambitions for the Foreign

1 Service.

2 And so that was the environment I came into. It wasn't

3 immediate. I still felt in the first 3 to 4 months: Are we

4 going to get there or aren't we? But by the fall, by late

5 2018, it was beginning to have a really positive impact.

6 Q And the job that he asked you to do, what were the

7 duties?

8 A There weren't any specific duties. When I

9 interviewed with him, I said: What is it you expect me to

10 do? Because there wasn't going to be a chief of staff

11 position. And traditionally the advisor kind of position is

12 the counselor position in the Department, so I was wondering,

13 well, there's a counselor, and once you start filling the

14 positions, what am I really there to do?

15 And he made clear that I would have the freedom to raise

16 issues with him directly, anything I saw that should be

17 focused on or that was of concern, and to follow what was

18 happening in the world.

19 And what became the pattern of work was I did exactly

20 that and where I thought I had added value with an opinion

21 and or working with bureaus or working with special envoys I

22 participated.

23 I, a couple of times, was asked by bureaus to help out.

24 I remember during the DRC Congo electoral transition I ended

25 up representing the Africa Bureau at the deputies meeting at

1 the White House. I was asked by WHA to go talk to the
2 Ortegas in Nicaragua to see if we could restart a national
3 dialogue.
4 But those were few and far. I was approached by the
5 bureau that supports educational exchanges around the world
6 to make a case for funding, greater funding for the
7 initiatives they were proposing. But I really didn't become
8 operational very often.
9 Q And you mentioned that you in part became a liaison
10 for the career Foreign Service?
11 A Yeah. I mean, it's a grand term. I don't want to
12 make this sound like it was formal. People came and talked
13 to me.
14 If I can just go back to my career. I have been in
15 front offices since 1994. 1994 was my first deputy chief of
16 mission job in Maputo, Mozambique. And so I have been in
17 front offices continuously probably longer -- I don't know
18 anybody who's been as long as that. And you meet a lot of
19 people. And you meet a lot of people throughout the career.
20 And so I knew a lot of people, and people would come talk to
21 me, of all ranks.
22 Q And the Secretary of State travels more than any
23 other U.S. official. How did you, during the rollout of your
24 new job, influence the Secretary and influence his inner
25 circle? Which may just be Mr. Brechbuhl. But how did you go

1 about bringing yourself into their sphere of influence?
2 A On the travel schedules and decisions on where to
3 go? The bureaus.
4 Q Just in the management. I mean, you --
5 A No, on the management, zero.
6 Q Okay.
7 A I was invited to join most of the trips. I didn't
8 go on all of them, but I think maybe 65, 70 percent. But I
9 never got into the management, the scheduling, who was being
10 met, preparation of paperwork. I went on as staff support,
11 if you will, on keeping abreast of events.
12 And then, depending on the places we were, if I had
13 added value on the issues that were being worked, you know, I
14 might be in a meeting and you're sitting around talking, what
15 did you think of that, what did you think of this, and give a
16 view.
17 Q You mentioned that you weren't going to be the
18 chief of staff, but you were brought in to be a senior voice
19 within hopefully the inner circle of the Secretary?
20 A On the seventh floor, yes. And I repeat, at the
21 beginning I think I was -- in the early -- in the early
22 stages I was, I think, the only person in that capacity from
23 the Foreign Service. That changed.
24 Q Right. And part of your duties were to help the
25 Secretary and Mr. Brechbuhl understand the viewpoints of the

1 career Foreign Service officers?

2 A If I can suggest --

3 Q If concerns were --

4 A -- I never had the formalization of duties. But,

5 yes, I thought it was what I should do, is as they worked on

6 different issues.

7 I want to emphasize, they were very proactive in pushing

8 for many of the measures that I've outlined.

9 Q And with a Cabinet secretary that didn't travel as

10 much as the Secretary of State, if you were there engaging

11 with the Secretary on a daily basis, you'd be able to develop

12 a rapport, an ability to influence the decisions of the day,

13 but not as much with the Secretary of State given his travel

14 schedule. Is that fair to say?

15 A I don't like the word, you know, influencing in one

16 way or the other.

17 Q Help inform --

18 A You know, help inform the decisions is a much

19 better way to describe it. So, you know, depending on the

20 issues, where I thought I had something of value to offer I'd

21 speak up.

22 Q And did you have success in imparting your

23 knowledge and the information you were receiving from the

24 building to the Secretary and Mr. Brechbuhl?

25 A I absolutely believe I did. But I want to repeat,

1 you know, a lot of what I did was, you know, focus, say, as
2 we're getting ready to build up towards the beginning of
3 negotiations on Afghanistan, having spent 3-1/2 years there,
4 having spent a lot of my career on conflict negotiations, I'd
5 sit in meetings with Ambassador Khalilzad (ph) or with the
6 Secretary, what are we going to do, how are we going to game
7 this, that sort of thing.
8 So there was that part of my work, which took up a lot
9 of the time. I didn't spend my day worrying about the
10 building every day. And especially once all these changes
11 were carried out, it seemed to me the institution was moving
12 ahead.
13 I'd also like to underscore the work that was done by
14 the Secretary, by Mr. Brechbuhl, by others, to push Foreign
15 Service officers for ambassadorship positions overseas. They
16 absolutely were engaged on a direct and personal level in
17 making things happen and go forward for the Foreign Service.
18 So my appearance here today isn't to sit and slam the
19 Secretary. That's not what I'm here for. I've talked about
20 a specific instance which led me to a conclusion.
21 Q To the contrary, you've been very complimentary of
22 the Secretary. I think we can note that for the record.
23 Did you have regular telephone conversations with Mr.
24 Brechbuhl?
25 A No. But he's a person who I spoke to on a regular

1 basis. He's very approachable. So we worked a lot on a
2 couple of issues together. But we're on the same corridor,
3 so you run across each other, you say hi, you have a corridor
4 conversation on whatever the issue is of the day. But we
5 didn't have weekly formal -- I didn't have weekly formal
6 meetings with anyone.
7 Q Okay. When you decided to formalize your concerns
8 in the email you mentioned that you transmitted to Under
9 Secretary Hale, Director General Perez, Lisa Kenna, Phil
10 Reeker, you mentioned that you kept it to the career senior
11 people and you didn't loop in Mr. Brechbuhl. And I just
12 wonder what your -- like why you decided not to --
13 A I wanted to take the temperature with people who I
14 knew.
15 Q Right.
16 A Who I knew well from previous years. These aren't
17 people I had just met. In the case of Reeker, in the case of
18 Carol Perez, David Hale, we knew each other.
19 Q And so I think you said four of the five seemed to
20 be in agreement with you --
21 A Yeah. And perhaps David Hale was as well. I'm
22 just -- what I said was I didn't get a response one way or
23 the other.
24 Q Right. And so was there ever a discussion among
25 that group --

1 A No.
2 Q -- of trying to --
3 A No.
4 Q -- bring this issue to Mr. Brechbuhl's attention
5 that maybe the Secretary needed to think this through from a
6 number of different vantage points?
7 A Not certainly in that group. I don't know if it
8 happened separately. I simply have no idea.
9 Q So the communication back was right now, at this
10 time, it was not a good idea, the Secretary thought it wasn't
11 a good idea?
12 A That's what I was told. I'm not going to put
13 words -- this was not communicated to me by the Secretary.
14 Q And who --
15 A It was communicated by spokesperson Ortagus.
16 Q Okay. And did you have any additional
17 conversations with that group to maybe overturn or revisit
18 the decision?
19 A No.
20 Q Okay. And in hindsight, do you which you did?
21 A [Nonverbal response.]
22 Q I mean, if the communications officer, the press
23 person essentially for lack of a better term, comes back and
24 says, no, we're not ready to do the statement, the Secretary
25 is not interested in that, did you have any discussions

1 with --

2 A That's an excellent question. But, again, no, I

3 didn't do it.

4 Q Okay.

5 A And if I can suggest that everybody was working in

6 their own, I won't say silos, on their issues, and I did feel

7 I was trying to drive this more than others.

8 Q Right. And did you get any feedback from Perez,

9 Kenna, Reeker, other than what you've described so far?

10 A Not really.

11 Q Okay. And did you have any phone conversations

12 with them, any of the other folks?

13 A No, not that weekend. No, not at all.

14 Q Into the next week, did you?

15 A The next week -- and I'm now beginning to get

16 confused, so bear with me.

17 Q Oh, okay.

18 A But the next week would have been the week of

19 September 30th. Yeah, that week, I remember -- that week was

20 the week that I presented my resignation. And at that point

21 I did -- by that point I did let the under secretary -- I let

22 everybody know -- not everybody -- I let the counselor,

23 Brechbuhl, know, the under secretary for management, Bulatao,

24 know that I was resigning, I let David Hale know.

25 And I believe on all three occasions, because the

1 question inevitably was why, and I said, you know, that I, as
2 I said in my opening statement, I was looking to resign at a
3 slightly later date, but the situation, the lack of support,
4 that I really believed the statement should go out, that it
5 still wasn't too late to put a statement out, that this was
6 critical for the Foreign Service, this was having an impact
7 on morale.
8 So I talked to each of them individually during that
9 week. And I also remember just in a general staff meeting of
10 under secretaries when the issue didn't come up at all I
11 said: And by the way, there's a lot of news out there and
12 this is having a really negative impact inside the building.
13 And the response was essentially we do have a large
14 mission to continue working on in supporting American
15 diplomacy overseas, which is a legitimate point, but it
16 didn't answer the question of why don't we also do something
17 to signal that we're supporting our people.
18 Q Did any of the folks that you signaled your intent
19 to resign, did any of the folks express alarm, dismay?
20 A Everybody expressed regret. Nobody asked me to
21 stay. And at the time, I was expecting some form of
22 traditional State Department, a little message, thank you for
23 your service, out the door. But that -- but there were
24 questions about why was I leaving.
25 Q One of the things that's puzzling, I think, is

1 you've spent your almost 40 years working complex, worthwhile
2 issues, many of which certainly in your ambassador posts take
3 time to work, correct? And this sort of seems like came
4 together so quickly.
5 A If didn't come together so quickly. And I --
6 Q I mean, it was 8 days, right?
7 A That's right. And I'm going to be very direct
8 here.
9 Q Yeah.
10 A It wasn't just the situation inside the building
11 and the lack of a statement of support.
12 Q Right.
13 A I read the news. I read what is happening. I
14 think I tried to say clearly in my statement that -- I think
15 I used the words "deeply disturbed" or "disturbed" by the
16 implication that foreign governments were being approached to
17 procure negative information on political opponents.
18 Well, actually that was another issue of concern to me
19 and one that threw into question exactly what you're saying.
20 I have spent 37 years being a diplomat. Being a diplomat for
21 the United States means supporting millions of Americans
22 overseas. It means supporting our companies to create jobs
23 at home. It means resolving conflicts that impact the United
24 States. It means keeping the homeland safe. It means
25 working with our military, the agency, all of our civilian

1 agencies on projecting our interests and influence overseas.
2 It means projecting American values.
3 In Afghanistan I worked with three four-star generals,
4 with General Dunford, General Campbell, General Nicholson.
5 I've worked in conflict areas the world over. And by
6 diplomats doing what they do overseas, they help keep this
7 country secure and prosperous and also offer us the
8 possibility of being linked to the outside world.
9 In terms of supporting our values, we're also the front
10 line in promoting issues of human rights, democracy, and
11 cooperation internationally.
12 In this context, frankly, to see the emerging
13 information on the engagement of our missions to procure
14 negative political information for domestic purposes,
15 combined with the failure I saw in the building to provide
16 support for our professional cadre in a particularly trying
17 time, I think the combination was a pretty good reason to
18 decide enough, that I had -- I had no longer a useful role to
19 play.
20 Q Is it possible that the Secretary and his people
21 hadn't fully come to grips with how they were going to
22 respond to this inquiry?
23 A It is entirely possible. Since I never had a
24 conversation with any of them about the Ukraine it would be
25 silly of me to try to speculate what the reasons for their

1 approach was. All I knew was, in terms of the building, that
2 this approach was not producing -- was having a negative
3 impact.
4 Q The issue of impeaching the President has been at
5 the forefront of political dialogue since the moment the
6 President took office, correct?
7 A I'm not going to make -- I'm not going to make
8 comments on the political situation.
9 If I can underscore, throughout my career, and I came in
10 in 1982 under President Ronald Reagan, there have been
11 controversial moments right the way through that. There have
12 been controversial domestic political moments. There have
13 been moments when American citizens, Foreign Service
14 officers, anyone sits there and questions what's happening,
15 what's the impact of this or that development.
16 In my experience in the Foreign Service, and I don't
17 need to go back 37 years, I don't remember occasions when in
18 the workplace, certainly since I've been a front office
19 person since 1994, I don't remember people raising politics,
20 questioning who was President.
21 What everyone focused on, where they sat was supporting
22 the agenda of the administration. And if we look at the role
23 the State Department has played over the last 3 years in
24 supporting the President's agenda, I think we have a pretty
25 strong record of positive engagement supporting the agenda.

1 So we're not sitting around talking about impeachment,
2 impeachment inquiries. In fact, when I was raising these
3 issues, you think I was just saying, "Oh, yeah, and the
4 President's going to be impeached or they're talking about"
5 -- no one was doing that sort of thing.
6 Q No, I understand. It took the White House a little
7 bit of time to develop their position. They wrote to the
8 Hill on October 8th, I think, which was after you had
9 already -- those 8 or 9 days had already elapsed. And I'm
10 just wondering whether the Secretary was hamstrung by
11 decisionmaking that was out of his control?
12 A And it could well be. I can't comment on that
13 since I didn't speak with him about it and he didn't speak
14 about it with me.
15 I also mentioned in my statement, I tried to put what
16 was happening in the context of what happened in the Bureau
17 of International Organizations. You may recall that that
18 investigation was sparked by complaints, allegations of
19 politicization, improper personnel practices, whatever.
20 There's a big title on the report produced by the inspector
21 general.
22 When that report came out, and the expectation was that
23 there'd be change in the leadership of the International
24 Organization Bureau, it was as simple as that. When it
25 didn't happen, it certainly had a knock on effect on the

1 Bureau.

2 You don't have to take my word for it because somebody
3 sat there and leaked a townhall that the deputy secretary and
4 the under secretary -- doing the right thing, by the way, and
5 being open and honest -- it was still leaked. But they also
6 made clear that it would be difficult to move ahead with
7 certain changes that had been expected; for example, the
8 removal of the assistant secretary in charge.

9 So when you look at the timeframe I'm talking about, I'm
10 not working from sort of, you know, I woke up one morning and
11 gee, you know, no statement for Masha Yovanovitch, I wonder
12 what's happening?

13 I've been following the IO saga since I came into the
14 Department in the summer -- since I began to work with the
15 Secretary in the summer of 2018. I also came into the
16 Department with the cumulative impact of watching what
17 Secretary Tillerson did to the building. You do reach a
18 point, and I'm 65 years old, where maybe, just maybe I should
19 consider doing something else.

20 So you combine everything, but it wasn't -- it really
21 shouldn't be cast in I woke up one day. I was concerned
22 about the building. I was concerned about how they handled
23 the IO investigation. I raised my concern about the impact
24 of the IO report and the failure to follow through with more
25 obvious courses of action.

1 And so I was already developing the sense of, well, I
2 guess I'm not really effective anymore inside the building in
3 one of the two key jobs I think I have here, so perhaps maybe
4 it's time to move on.
5 Q Right. One of the interesting and complicated
6 issues facing interbranch conflict, whether it relates to --
7 in the context of a congressional investigation, is that, you
8 know, every matter presents different facts. Every single
9 oversight initiative develops its own rules of engagement,
10 rules of the road, and there's reasons for that. The courts
11 require accommodations, accommodations process requires
12 understanding each side's interests, whether it be protecting
13 deliberative materials or the like.
14 And so consequently, at the outset of any congressional
15 investigative matter, there is a period of -- paralysis might
16 be a good word to describe it, where each side is trying to
17 figure out how they are going to get to what they need to do
18 their job.
19 And this matter is different from Benghazi and I'm sure
20 it's different from Iran-Contra and some of the other high
21 profile, important congressional inquiries. Some of the
22 embassy bombings had some extraordinary back and forth. And
23 eventually a, you know, back and forth does settle in. I
24 mean, when the Congress sends a subpoena, you know, it's not
25 an "easy" button, the documents don't just magically appear.

1 And they don't appear in -- even if the State Department
2 wanted to turn over all the documents, it's not as simple as
3 collecting them, photocopying them, and turning them over.
4 They have to review the documents, they have to understand
5 what positions they're going to take.
6 And so consequently, I mean, is it fair to say in your
7 experience that it just takes a little bit of time for these
8 conflicts to settle into a point where each side can begin to
9 work with each other?
10 A You've raised a number of issues here, and perhaps
11 if I can answer it coming at it with a slightly different
12 optic.
13 You suggest that every engagement has different rules of
14 the road. Well, let's expand that and suggest that everybody
15 who's involved in an issue has a different level of
16 experience with what is happening and has a different view on
17 what is happening. And then some people have more facts or
18 different facts about what is happening.
19 If I can come back to why I did what I did, which is why
20 I'm here, I may not know everything that was being thought
21 through on the seventh floor. It's absolutely obvious I did
22 not. But what I do know is that good commanders support
23 their troops in moments of crisis.
24 And the cumulative impact of what I'd seen in the
25 building, notwithstanding everything else that is happening

1 in with this inquiry, seemed to dictate what was a very
2 simple course of action: Say something.
3 As for the issue you raise about settling into in effect
4 a battle rhythm and figuring out, especially over a long-term
5 sort of set of engagement, whether it's on the foreign policy
6 issue, to answer your question, or whether it's with the work
7 of the committee at this moment, you're absolutely right, of
8 course it takes time.
9 Q Do you feel like you would have been able to
10 influence things if you stayed a little longer?
11 A No. That's why -- if I can sort of be clear on
12 this, it's not that I got a reaction or a particularly
13 negative reaction. I didn't get a reaction.
14 And so to me it was very clear that I really didn't have
15 a role to play on this. But that's fine. I don't run the
16 Department. I don't make the decisions on how policy should
17 be handled. And but --
18 Q But your viewpoint is so valuable?
19 A Well, I don't make the decisions on how issues
20 should be handled. But I felt that on the central question
21 on which I've built much of my career, which is supporting
22 our people in the Department, if I wasn't able to make any
23 sort of impact in arguing for something I saw that is
24 extremely straightforward and rather limited, then perhaps
25 there were questions about whether I could continue to

1 influence things, and so I decided to separate.
2 Q You mentioned Phil Reeker was in agreement with
3 you. He wanted to do a statement like you suggested, right?
4 A Yes.
5 Q And Carol Perez?
6 A Yes.
7 Q And Lisa Kenna?
8 A Yeah, but she doesn't get involved in policy.
9 Q I'm just talking about --
10 A Yeah, yeah. But, yeah, I mean you talk to people.
11 I mean, yeah.
12 Q But you sent your email to these folks, you talked
13 to them.
14 A That's right.
15 Q And this is the beginning of a consensus-building
16 exercise of taking everyone's temperature, these senior
17 people, that collectively if you -- you would hope you'd have
18 an ability to combine yourselves to maybe talk to Mr.
19 Brechbuhl and maybe reverse the decision. And I'm just
20 wondering, it just sort of seems lining a disconnect that you
21 sent this --
22 A Well, it's since I did speak with Mr. Brechbuhl and
23 I did speak to Mr. Bulatao on the following day.
24 I don't quite see the disconnect. Did I gather a group
25 together?

1 Let me say another thing. My experience in bureaucracy
2 is that people don't tend to speak out on certain issues or
3 don't raise their heads on certain issues. And so if it was
4 clear that there was a decision to see how things developed,
5 to use the approach you're suggesting, see how things settle
6 into place, perhaps their view was, well, you know, let's see
7 how far Mike gets.
8 And I've been in the bureaucracy long enough to know
9 that you don't put guns to people's heads to try to generate
10 support for an initiative. So that was that.
11 Now, what you're suggesting, why would I not say it's
12 not the sensible approach, of course it is.
13 Q I'm not -- let me just be -- I'm not suggesting you
14 should do one thing or the other. You've been with the State
15 Department for 37 years, you've served our country, you can
16 do whatever you want to do. So whatever course, you know,
17 you took I'm not questioning that. I'm just trying to ask
18 you some questions to see --
19 A Sure.
20 Q -- about your thought process, because it seems
21 like you could have been an influential voice to help the
22 State Department move through this challenging time.
23 You said rather clearly the President can remove an
24 ambassador at any time for any reason or no reason. When
25 Ambassador Yovanovitch was recalled, did you -- I forget if

1 you mentioned it, but did you like reach out to her or have
2 any communications with her when she was recalled in April or
3 May when you first learned about --
4 A No, I did not.
5 Q Did any other State Department Foreign Service
6 officers come to you? I mean, you had sort of -- you were in
7 a role that sounds like a bit of an ombudsman. Is that a
8 fair characterization?
9 A I don't know. No, I don't -- you know, if I
10 remember anything, maybe somebody would mention in passing,
11 terrible what happened to Masha, it would be that level of
12 conversation. Nobody came to me formally on this question.
13 Q Okay.
14 A No.
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1 [12:10 p.m.]

2 BY MR. CASTOR:

3 Q Was your concern primarily then when you saw the

4 call transcript and you saw the --

5 A That's correct. Yeah. You know, because if you

6 take a look at the history of the State Department, you know,

7 across time, people do get removed for different reasons.

8 And what you do want to ensure is that, you know, their

9 careers aren't ended by a decision like that, that there is a

10 soft landing or some support.

11 And so it seemed, when I ran into Masha, that she was

12 getting on with her life. So I did not engage on that at the

13 time, no, I did not. May I should have, but I didn't. I

14 can't go back and rewrite that chapter.

15 Q The fact that she was recalled, had that issue

16 begun to pass, or was it still a bubbling --

17 A No. I mean, I don't remember it being raised with

18 me one way or the other.

19 Q When did you first learn about the call? Was it

20 when the transcript was made public?

21 A That's correct.

22 Q So --

23 A Well, you know, whenever -- I think, you know, if

24 we go back and look in the newspapers, everything that came

25 out from the whistleblower account onwards. Oh, but when did

1 I learn about the reference to Ambassador Yovanovitch?
2 Q Right.
3 A Through the call -- through the --
4 Q -- seen the transcript in the news?
5 A -- release of the transcript, yeah, that's correct.
6 Q And was there any -- before the transcript was
7 released, was there any State Department meeting where you
8 discussed this is a big news story --
9 A No, not at all.
10 Q So you probably read it the same time we did?
11 A Absolutely. And maybe not even then because we
12 were at the U.N., and there were lots of meetings taking
13 place and work throughout the day.
14 Q And I think you've told us about all your
15 communications with Ambassador Yovanovitch, and then I
16 understand you also spoke with Deputy Assistant Secretary
17 Kent?
18 A Yes.
19 Q And could you relate to us what he told you and you
20 told him?
21 A On October 3rd, you know, I decided it was time to
22 meet the person I'd talked to on the phone. I think I'd
23 try -- anyways, so, you know, because I remember I did the
24 phone call the previous weekend.
25 So I went down to his office and sat with him, and what

1 he told me was that he had been in the starting throes of
2 pulling together documentation, whatever. I didn't pay
3 attention exactly, you know, data, documentation, whatever
4 that had come with a congressional request for documents.
5 And he told me there were 10 or 15 people in the room
6 and that among those who participated was a lawyer from the
7 legal office. I don't have the memo because I don't -- but I
8 can tell you, he sent it to me that night, okay. But in the
9 memo -- forget the memo. I mean, he told it to me and then
10 he wrote it up.
11 And if I remember correctly, he challenged the deadline
12 they were working against, why weren't they given the request
13 for documents on a timely basis and why were they having to
14 pull together whatever they were pulling together days after
15 the congressional request had come in.
16 He also raised what he saw -- there was a response,
17 which I never read, from State Department to Congress on
18 parameters for the whatever you were going to do. And he
19 also raised that there were inaccuracies in there, in
20 particular about protecting or providing legal support or
21 services.
22 And you're going to have to bear with me. I'm trying to
23 remember the chronology on this. I think we also discussed,
24 you know, the lack of financial support for paying for
25 private counsel, which appalled me. It absolutely appalled

1 me.

2 And he made a passing reference to, you know, we'll see

3 what happens, you know, when we -- when, you know -- I think

4 he basically said he would have to wait for a subpoena from

5 the committee before he could appear but that he had been

6 engaged in trying to support Ambassador Yovanovitch earlier

7 in the year.

8 He also mentioned that he thought that the lawyer was

9 trying to shut him up, and so I didn't tell him to write it

10 up. He wrote it up as a memorandum to the files, and he sent

11 it to me. That was that Thursday night. And I felt

12 absolutely obliged to send it to other people on the 7th

13 floor. I thought it was a serious memorandum. I thought it

14 indicated a lack of support that was broader than simply a

15 question of statements.

16 What was going to happen to other State Department

17 people who might be drawn into the inquiry? It seemed that

18 it was urgent to address the allegations that there was

19 bullying tactics, et cetera. So I passed the memo on, and I

20 didn't get any answer from anybody.

21 Q Is the letter that Deputy Assistant Secretary Kent

22 was referring to, was that a letter that the Secretary had

23 sent?

24 A It was a memo.

25 Q It was a memo?

1 A Yeah. Yeah. You know, it's simply, you know, you
2 write up: This happened. This happened. This happened.
3 This happened.
4 And it was a memorandum to the files. You just have a
5 record.
6 Q Right. But he -- you related to us that he was
7 concerned about inaccuracies that the --
8 A That's correct.
9 Q -- Department had. And was that a letter that the
10 Secretary had sent?
11 A Yeah. I think it's what was sent up here -- I'm
12 sorry. I don't have the timeline on that, but I think,
13 didn't you say --
14 Q The Secretary had sent a letter.
15 A Had sent a letter to you. Was it the Secretary
16 sent a letter --
17 Q Yeah.
18 A -- on conditions and expressing his concern --
19 Q Right.
20 A -- over how individuals were being bullied and
21 subpoenaed --
22 Q Correct.
23 A -- and all this? Right?
24 Q Uh-huh.
25 A Okay. So I believe what Kent was referring to was

1 that letter.

2 Q Okay. And did he --

3 A I never read that letter.

4 Q Other than identifying the fact that he believed

5 there were inaccuracies, did he tell you what they were?

6 A Not in any detail, no. And, frankly, to me, the

7 mere fact that somebody feels strongly enough about what

8 they've heard and what they're sensing about what they're

9 saying to somebody who's working on the impeachment inquiry

10 that they need to write it down and have a record of what was

11 said was significant enough. And he definitely characterized

12 it as bullying tactics.

13 Q So I think you said that was October -- nobody's

14 holding you to these dates.

15 A Yeah. No, October 3rd I actually remember. The

16 days I remember is when I actually put something on paper,

17 which --

18 Q Thursday, the 3rd?

19 A Thursday, the 3rd, it was sent to me. I think my

20 email -- I don't believe I sent it that -- I don't think I

21 even saw that night. I think I -- I don't remember when I

22 saw it. I sent it on Friday, October 4.

23 Q Okay. So just unpacking the timeline, the call

24 transcript is put out, I think, Wednesday, September 25th.

25 The committees evinced an interest in taking depositions on

1 Friday, September 27. Presumably, Deputy Assistant Secretary
2 Kent developed his concerns on, you know, Monday, Tuesday, or
3 Wednesday of that week.
4 A What he was reacting to was the meeting he had that
5 day but also how he felt he had been treated by the
6 Department up to that point.
7 Q Right. And do you remember, was he disappointed or
8 mistreated because he was unable to provide documents or
9 testimony or --
10 A No. No. I don't remember at all. To me, the key
11 issue at that point was he felt that he was being bullied.
12 To me, you know, I took the headline --
13 Q Right.
14 A -- because if we can go back to why I did what I
15 did, I didn't need to sit there and, you know, memorize the
16 details for a simple reason, because once I heard it, once I
17 read the memorandum -- by the way, having it in writing in
18 the system it was already a record which should cause concern
19 to the legal adviser's office and to management in the
20 building. And so, for me, that was enough. This is
21 happening. You know, the issues I've been trying to raise
22 about impact on the Department are real. We need to do
23 something.
24 Q Okay. But, as you sit here today, you don't
25 remember whether he was disaffected by not being able to

1 produce documents or --
2 A No. No, I don't even believe -- oh, disaffected?
3 No, sorry, but that's not the word.
4 Q Angry?
5 A No. On the documents, sorry, it was whatever they
6 were being asked to do, all right, that they weren't going to
7 have enough time to do whatever it is they were being asked
8 to do. That's what he was angry about, okay, concerned
9 about.
10 Q Okay. But they had tried to set up a tight
11 timeline?
12 A Oh, I don't know.
13 Q Okay. I'm just trying to understand --
14 A Yeah. No, I understand the questions, and I wish I
15 had better answers. I wish -- but I don't because I don't
16 remember the details on that. What I do remember is what he
17 saw as accusatory behavior from the L lawyer in question, and
18 he put it on paper. That is an usual thing to do.
19 Q Right. So writing a memo to file about an
20 interaction like that, is there relative --
21 A He didn't just talk about the interaction. He
22 talked about the letter, the content of the letter, and then
23 the interaction, yeah. There was a lot on the interaction.
24 Q So that would be an extremely rare occurrence --
25 A Yes, absolutely.

1 Q -- for someone to create a memo --
2 A Absolutely.
3 Q -- to the file about something of that sort?
4 A Yes.
5 Q And so the fact that he did that caused you to take
6 it very seriously?
7 A That's correct.
8 Q And when you pass that information on, do you
9 remember who you passed it to?
10 A Yes. I passed it on to the Under Secretary For
11 Political Affairs and to the legal advisor. That was my
12 first step. And then I decided to add the Deputy Secretary.
13 And no one, I mean, literally, not one word was said to me
14 about it.
15 Q Okay. So you passed it on Thursday, the 3rd, or
16 Friday, the 4th?
17 A I think it was Friday, the 4th. I'm pretty sure it
18 was Friday, the 4th.
19 Q Okay. And so nobody from the legal adviser's
20 office called you?
21 A Nobody contacted me. I called the acting legal
22 advisor on Thursday to -- or did I call him on -- I can't. I
23 apologize. Wait a minute. No. I tried all day Friday to
24 reach -- to get a minute with the acting legal advisor. And
25 so I did let him know this was coming. I thought it was

1 courtesy.
2 Q Okay. And did you relate your concerns to the
3 other group of officials that you had been --
4 A I put it in writing.
5 Q But did you talk to Phil Reeker, Lisa Kenna?
6 A No. By that stage -- sorry, by that stage, I'd
7 already decided, well, this is the way it is. Whatever is
8 going to happen is going to happen, but I'm not going to be
9 in the building much longer. So I'm passing on the concern
10 for general review.
11 Q We just have a couple of minutes left.
12 A Please.
13 Q Before our round is out, I like to pivot to our
14 members to see if they have anything they want to ask you.
15 That's what we've been doing in these.
16 A Yeah. Sure. Sorry.
17 MR. JORDAN: What exactly did you put in writing?
18 MR. MCKINLEY: So get the memo to the files, right, the
19 memo to the files that was sent to me. And so, on top of it,
20 I said, I'm forwarding the following report, which is of
21 concern on a number of levels. It includes allegations of
22 intimidation and bullying and questions accuracy -- I don't
23 know whether I used the word -- and raises questions about
24 whether there are lies in statements, you know. And then I
25 said: And this is why we really need to do something

1 forcefully for our colleagues in the Foreign Service.
2 And I also mentioned, frankly, the legal fees concern
3 that I had.
4 MR. JORDAN: Yeah. Because you were going to have to
5 hire outside counsel, and you would not be able --
6 MR. MCKINLEY: Oh, yeah, well, that's a nice question,
7 but, no, absolutely not. Until I received -- when was it got
8 the note from Mr. Noble? It was Saturday, midday, afternoon,
9 I hadn't talked to any lawyer. You can check with anybody
10 who knows me.
11 MR. JORDAN: I'm not --
12 MR. MCKINLEY: I had to be talked into approaching a
13 lawyer. I didn't want to deal with legal. My approach to
14 coming to this was -- I saw the request. I answered it
15 before I even talked to any legal counsel. And my approach
16 was, why should I need legal counsel to come here and talk
17 about this? But that's not the way Washington works,
18 apparently.
19 MR. JORDAN: No, I understand that.
20 In your opening statement, Ambassador, just so I know --
21 MR. MCKINLEY: Sure.
22 MR. JORDAN: -- third paragraph, you talk about the
23 State Department Foreign Service employees caught up in the
24 inquiry on Ukraine. And so it's plural, and I just -- and
25 we've talked about Ms. Ambassador Yovanovitch. You've talked

1 about Secretary Kent. Is there a bigger list there? Is
2 that --
3 MR. MCKINLEY: Apparently, there is. Sorry. Apologies.
4 MR. JORDAN: I just want to know who you're talking
5 about when you say "employees."
6 MR. MCKINLEY: Well, I understand Bill Taylor is coming
7 back, our Charge in Ukraine. And, you know, by the way, to
8 show you that I wasn't sitting there trying to look at every
9 document that was coming out, I hadn't looked at what was
10 sent over by the committee, that George Kent referenced, and
11 he showed me the communication from the committee, and I just
12 glanced at it and I saw Taylor's name on it and the
13 suggestion that there might be others. And so that's why I
14 put that there. Sorry.
15 MR. JORDAN: Okay. So your concern with State
16 Department employees is that the employees refers to folks
17 that have been subpoenaed by --
18 MR. MCKINLEY: That's correct, sir.
19 MR. JORDAN: -- and asked to come testify? Okay. I
20 just want to be clear.
21 MR. ZELDIN: Ambassador McKinley, earlier on, I believe
22 you were testifying with regards to a hollowing out of the
23 State Department under Secretary Tillerson. Is it
24 accurate -- did you use the term "forced to leave" or "forced
25 out" in describing that hollowing out? I just want to

1 understand your earlier testimony.

2 MR. MCKINLEY: Yeah, I did. And my understanding is

3 there were people -- do I know firsthand that people were --

4 sort of said, "Your services are no longer needed here"? I

5 probably don't. But, you know, I heard, you know, stories of

6 people sort of being told, "Your services are not needed,"

7 particularly at the more senior levels. So that's what that

8 was a reference to.

9 If you want me to take the word back and say everybody

10 resigned on principle -- sorry. Actually, I don't take it

11 back. I remember when I first started using the term, when

12 they cut the promotion rates 40 to 50 percent for senior

13 ranks. Yep, that's a way to get people to leave. And it's

14 just using the system by changing the rules of engagement,

15 and there's nothing illegal about it, but you can certainly

16 bring numbers down very quickly.

17 MR. ZELDIN: But you don't have any firsthand knowledge

18 of any individual members of the State Department being

19 forced out?

20 MR. MCKINLEY: You know, I could go and dig, but right

21 now, given that we're talking about a process that took place

22 some time ago, no, I don't, and I'm not going to try to gild

23 that.

24 MR. ZELDIN: Thank you. I believe we're out of time.

25 THE CHAIRMAN: Why don't we take a half-hour lunch break

1 and resume at 1 o'clock?

2 MR. MCKINLEY: Sure.

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1 [1:10 p.m.]

2 THE CHAIRMAN: Let's go back on the record.

3 Mr. Ambassador, I want to briefly follow up on some of
4 the questions that my colleagues on the minority asked, and
5 then I'll hand it back to Mr. Goldman to continue through the
6 timeline.

7 You made reference to an inspector general report whose
8 recommendations were not followed. Can you tell us a little
9 bit about what that inspector general investigation was
10 about, what the inspector general found, and what their
11 recommendations were?

12 MR MCKINLEY: Going back to the, I think, summer of 2018
13 there were allegations that individuals, particularly from in
14 front office of the International Organizations Bureau, were
15 being targeted on political grounds by the Assistant
16 Secretary, if not the Assistant Secretary, one of his key
17 assistants, somebody -- if I remember correctly, her name is
18 Mari Stuhl (ph).

19 And at the time, that was when I was coming into the
20 building, and at least two of the three Deputy Assistant
21 Secretaries I spoke with and raised the issue. But it was an
22 issue which was already well known inside the building, and
23 there was a decision to refer the matter to the inspector
24 general.

25 My impression across the many months that followed was

1 whatever had happened before in the Bureau and perhaps
2 throughout the building, we're still waiting for the second
3 iteration of the inspector general's report on the similar
4 subject, that concerns about politicization pretty much
5 disappeared and with the focus on returning to systems and
6 professionalism in the management of the building. That was
7 my impression. That's what I'm suggesting to you.
8 When the report came out, I will be frank, I just
9 glanced at the headlines, but the assumption was that the
10 Assistant Secretary would be asked to step down.
11 THE CHAIRMAN: And I'm sorry, who was that assistant
12 secretary?
13 MR MCKINLEY: Moley, Kevin Moley. And when that didn't
14 happen there was a significant reaction among people in the
15 building. I repeat, it's not me saying so. This came across
16 in the townhall, which Under Secretary Hale and Deputy
17 Secretary Sullivan held with an International Organization
18 staff.
19 Marie Stuhl, I think, was long gone from the building at
20 that point, but the expectation was to be able to have a
21 completely clean sheet going forward, that it would be
22 helpful for the Assistant Secretary to move on. And when
23 that didn't happen, this reaction set in.
24 I'm going to say again: I worked on many different
25 issues. I took the headline of the report, which is that

1 there were indeed improper personnel practices and targeting
2 of individuals, and I didn't sit and look at and basically
3 organize offices differently or meetings differently, that
4 sort of thing, you know, I didn't get into that level of
5 detail. Sorry I didn't.
6 THE CHAIRMAN: When you say that individuals were
7 targeted improperly or politically, what do you mean by that?
8 MR MCKINLEY: Well, that's what the report's entitled.
9 So what I was aware of when I first came into the building
10 and started speaking to my colleagues at the time, back in
11 the June/July timeframe of 2018, and I spoke to colleagues in
12 the International Organization Bureau, they felt that tabs
13 were being kept on them in terms of whether they were loyal,
14 whatever that means, to the administration or not.
15 I can't get more specific than that because the
16 specifics might be related to individual policies and
17 questions of how policies were being pursued, but that was
18 certainly the very strong impression I think of all -- of
19 three of the Deputy Assistant Secretaries, career Deputy
20 Assistant Secretaries who were in position at the time.
21 And that was the documented both in the media before the
22 report came out. When the initial report started coming out
23 on this was sometime last year, and it was documented in the
24 report. Now, but I -- so I'm sorry, again --
25 THE CHAIRMAN: Yeah.

1 MR MCKINLEY: -- I can't give you the specifics.
2 THE CHAIRMAN: That's fine. I just want to understand
3 what you knew of this report and the recommendations.
4 MR MCKINLEY: Could I underscore that when the issue
5 came to light last summer, one of the -- at least two of the
6 individuals, one of them stayed on in the front office. So I
7 want to underscore that under Secretary Pompeo, there wasn't
8 an effort to remove anybody that was involved in raising the
9 concerns and were supported for ambassadorships and so on.
10 So I want to make a clean break, if you will. What I
11 can't make a clean break on is that the expectation, however
12 long the inspection would take, was that there would be a
13 conclusion that would lead to a decision to retire the
14 Assistant Secretary. That didn't happen, and that certainly
15 made people, again, think, what's going on?
16 THE CHAIRMAN: So, when the Assistant Secretary running
17 that bureau, that Office of International Organizations,
18 wasn't removed notwithstanding the inspector general's
19 findings of politicization or targeting of individuals in a
20 political way, was it your sense that this was having an
21 adverse impact on morale in the Department?
22 MR MCKINLEY: Absolutely. And it wasn't only my sense;
23 it was certainly a sense shared by the director general and
24 the Under Secretary For Political Affairs.
25 THE CHAIRMAN: Now, you raised at least a couple issues,

1 it sounds like, with the 7th floor you've talked about today.
2 One of them was obviously your concern about a statement
3 supporting this career public servant, Ambassador
4 Yovanovitch. And I think you said that the response
5 essentially you got from the Secretary himself was silence.
6 Is that fair to say?
7 MR MCKINLEY: It is. I did not get anything that would
8 approach a substantive response from anyone.
9 THE CHAIRMAN: And, likewise, when you raised with the
10 7th floor the seriousness of what Ambassador Kent or
11 Secretary Kent put in a memo complaining about, among other
12 things, false statements by the State Department in response
13 to Congress, that was also met with silence, wasn't it?
14 MR MCKINLEY: That characterization is to the best of my
15 recollection. We'd have to look at the memo again, but it is
16 to the best of my recollection, and, yes, it was met with
17 silence.
18 THE CHAIRMAN: And silence is a kind of response in and
19 of itself, isn't it, when you raise a serious issue and
20 there's no action taken and you're not given an adequate
21 explanation for why no action was taken?
22 MR MCKINLEY: Yes, it is. And if you'll allow me, I
23 don't want to leave the impression here that the decision to
24 resign was a sudden one based on 72 or 96 hours or, you know,
25 I don't get a response, and, therefore, I decide to take off

1 without allowing the time for resolution. The reason I
2 mentioned the IG report was this was definitely something
3 that was already hanging over the Department in that period.
4 But, second, I don't need weeks to recognize what the
5 impact of having the President of our country state certain
6 things about one of the career officers to know what the
7 impact of that can be on the service without some kind of
8 correction or reaffirmation from the leadership of the
9 Department.
10 THE CHAIRMAN: I want to ask you more about that, but
11 before I do, I want to ask you a little bit more about the
12 discussion with Secretary Kent. And, you know, you're
13 hamstrung and we're hamstrung because the State Department
14 has refused to give us the memo that he wrote. Otherwise, we
15 would show it to you and ask you about it.
16 But let me ask you about this because you mentioned that
17 he was concerned about bullying. One of the representations
18 apparently made in that letter from the State Department was
19 that State Department witnesses like Mr. Kent or perhaps
20 yourself or others were being bullied, not by the State
21 Department but by Congress. But what Mr. Kent was raising
22 with you was his concern that he was being bullied by the
23 State Department. Is that correct?
24 MR MCKINLEY: That's correct.
25 THE CHAIRMAN: And he felt that what the State

1 Department had represented to Congress included something
2 that he thought was a lie.
3 MR MCKINLEY: "Inaccurate" is the term I'll use because,
4 again, without looking back at the memo word for word, I do
5 want to be, on a subject like that, as accurate as possible.
6 He did question the way it was being presented, absolutely.
7 THE CHAIRMAN: And I think you said he conveyed to you
8 that he thought that the State Department lawyer, perhaps
9 among others, was trying to shut him up. Is that right?
10 MR MCKINLEY: He did, and he focused specifically on the
11 lawyer.
12 THE CHAIRMAN: Just a couple of questions about your
13 resignation, and I don't think anyone here is under the
14 impression that this was a hasty decision that you made but a
15 principled decision. And I think at the outset of your
16 testimony, you said that this was not how you expected or had
17 hoped to end a decades-long career in the Foreign Service.
18 Is that right?
19 MR MCKINLEY: That's accurate.
20 THE CHAIRMAN: And I think you've articulated a couple
21 of reasons, but I want to make sure that I understand them,
22 for why you made this decision after 30 or 40 years. And is
23 it fair to say a significant part of the reason you made that
24 decision was the failure of the State Department to back a
25 dedicated public servant, Ambassador Yovanovitch, when she

1 was being unfairly maligned?

2 MR MCKINLEY: That is correct.

3 THE CHAIRMAN: I think you've also said that part of the

4 reason why you decided to resign was that you couldn't be

5 blind to what was happening, and what was happening was

6 efforts to use the State Department to dig up dirt on a

7 political opponent. Is that fair as well?

8 MR MCKINLEY: That is fair. And if I can underscore, in

9 37 years in the Foreign Service and different parts of the

10 globe and working on many controversial issues, working

11 10 years back in Washington, I had never seen that.

12 THE CHAIRMAN: And I think you've just said also that

13 you didn't consider these two acts or motivations in

14 isolation but rather in the context of a department that also

15 wasn't adequately responding to politicization within one of

16 its bureaus?

17 MR MCKINLEY: I would like to recast that because I do

18 believe the Secretary substantially changed the environment

19 inside the building. Following the start of the inspector

20 general's investigations, as far as I can tell, because once

21 these investigations start, you're not talked to again and

22 you shouldn't be. It's a very separate, independent

23 institution within the building.

24 But what was clear to me across the months was that the

25 Bureau began to return to functionality without complaints

1 coming back up to me directly or indirectly about
2 politicization, that the individuals who are -- I believe
3 were interviewed for and referenced in the report, did not
4 suffer consequences and, in fact, were supported in either
5 staying in position or moving onto positions of greater
6 responsibility.
7 So I do want to make very clear, in my timeframe with
8 the Secretary in the building, I have not seen politicization
9 of the building per se. What I was trying to reference in my
10 statement -- and we do have to speak about special envoys and
11 an ambassador in the field, and I'm referring to Ambassadors
12 Volker and Sondland, as part of the State Department.
13 And it's certainly nothing I knew about before the
14 revelations began, but once they did, it was extremely clear
15 to everyone -- I don't think it's in dispute on any side of
16 the debate -- that they were State Department officials being
17 used in a way that certainly didn't fit into any past example
18 we can think of.
19 THE CHAIRMAN: Because they're being used to dig up
20 political dirt on an opponent?
21 MR MCKINLEY: That's correct.
22 THE CHAIRMAN: And just to summarize then, is it fair to
23 say that, but for those actions, the use of State Department
24 personnel to dig up dirt on an opponent and the failure to
25 come to the defense of a dedicated public servant, but for

1 those two factors, you would have been very happy to continue
2 your career --
3 MR. MCKINLEY: I would have considered -- no, I wouldn't
4 have considered. I was planning to stay until the end of the
5 year. I was planning to retire before the end of the year,
6 absolutely. I thought that I did need to start thinking
7 about other parts of my life. But, no, I had no intention of
8 resigning when I resigned, no.
9 THE CHAIRMAN: Thank you.
10 Mr. Goldman.
11 BY MR. GOLDMAN:
12 Q Thank you, Mr. Chairman.
13 Just so we all understand the sort of framework, I just
14 want to go back to kind of the sequence of events. I won't
15 reiterate some of the things you covered, including
16 Mr. Kent -- your meeting with Mr. Kent and the meeting on
17 October 3rd.
18 But where we left off last round was your meeting with
19 Secretary Pompeo on September 30th when you notified him of
20 your intent to resign. And I believe, correct me if I'm
21 wrong, that you testified that he gave no meaningful or
22 substantive response to your concerns about the support for
23 Ambassador Yovanovitch or Mr. Kent. Is that right?
24 A That's correct. But I don't remember using names.
25 Specifically, it was support for our career professionals. I

1 made a generic point.
2 Q Understood.
3 Did you meet with anyone else or speak to anyone else
4 that day about this issue on September 30th? Do you recall?
5 A No. On the resignation I only told two people
6 because I had to begin, you know, sort of looking at
7 processing paperwork. So I spoke to the director general,
8 and I spoke to the executive secretary, who I worked with and
9 saw every day.
10 Q Lisa Kenna?
11 A Yeah. But I did not tell other people at that
12 point. When I realized -- I don't have to realize. It's
13 like any bureaucracy. Once the paperwork begins to flow,
14 people begin to talk. And certainly by the end of the week,
15 that's when I made the decision to talk to the counselor of
16 the Department, Mr. Brechbuhl, and the Under Secretary For
17 Management and let them know as well, and the Under Secretary
18 For Political Affairs.
19 Q Okay. Did you explain to Lisa Kenna or Director
20 General Perez why you were resigning?
21 A Yeah. I made the point that I didn't feel I could
22 continue and be effective, no. I made the point, yes.
23 Q The same point about the statement?
24 A The same point, yeah.
25 Q And what was their response?

1 A Well, they didn't want to see me leave. But, I
2 mean, these conversations were no longer -- I was just
3 talking with colleagues. The decision is made. I'm not
4 sitting there re-debating, you know, can we do this, can we
5 do that.
6 It was pretty clear to me that -- and they certainly
7 weren't going to be the decisionmakers if I did continue to
8 pursue it, which I did in the conversations with Brechbuhl,
9 Bulatao, and Hale. But I pursued it in short conversations.
10 I mean, you know, you can read when you're not going to
11 get a response. And you can sit there and grandstand, or you
12 can sort of accept the decision is made, and it's now
13 beyond -- my concerns have been listened to, and I need to
14 move on, make my own decisions.
15 Q You described bringing up the idea of the
16 concerns -- bringing up the concerns about support and the
17 idea of a statement at an Under Secretary's meeting. Is
18 that --
19 A Yeah. But I did it in exactly the way I told you,
20 a throwaway sentence and on -- you know, look at what's
21 happening out there. It's having a dramatic impact on the
22 morale of the building. That was the extent of my statement.
23 And the Deputy Secretary sort of underscored the importance
24 of continuing to have people focus on the mission of State,
25 that that continued regardless of what was happening. That

1 was the end of the conversation.
2 Q Do you --
3 A I mean, it's a legitimate thing for the Deputy
4 Secretary of State to say. I'm not questioning that.
5 Q Just so we get the timeline, do you remember when
6 that meeting was?
7 A I don't know if it was -- I think it was
8 October 1st, or was it September 30th. I don't remember.
9 It's one of those 2 days.
10 Q Okay. And before you met with Mr. Kent on the 3rd,
11 did you have any additional conversations where you advocated
12 for a statement of support or something similar?
13 A No. No. So, you know, I was trying to recollect
14 last night, you know, how many times did I raise it? And
15 when I say "raised," I wasn't sitting there, you know, sort
16 of coming in with a sledgehammer to, you know, belabor the
17 point. I was raising it just consistently. But that
18 October 3rd is also the day I believe I spoke with Brechbuhl
19 and Bulatao as well as Kent. That's my recollection.
20 Q And did you speak with Brechbuhl and Bulatao
21 together or separately?
22 A Separately. And it was first in the context of
23 "I'm resigning, by the way," and then, you know, they
24 questioned why. And then I went over what I believed needed
25 to happen. And, you know, I think -- I don't know which one

1 or maybe both suggested that the steps that were being taken
2 were the appropriate ones for providing support given an
3 evolving situation, whatever -- nothing specific but not
4 addressing the immediate concern, which I felt very strongly,
5 which was needing to message the Department as a whole and
6 the individuals in question.
7 They weren't hostile discussions. They were perfectly
8 friendly, in the sense that there was no berating me for my
9 decision to step down, just questions about it. So that's
10 the context those took place in.
11 Q Do you remember if those meetings were before or
12 after you met with Mr. Kent?
13 A I'm pretty convinced -- I'm sorry.
14 Q Don't apologize. To the best of your recollection.
15 A To the best of my recollection, they were before.
16 Q Okay. And are what was Mr. Brechbuhl's response to
17 you reiterating your concerns?
18 A He just listened carefully. That's all.
19 Q Did he empathize at all or sympathize?
20 A No, there were no expressions one way or the
21 another. Like I said, I can't remember who said, you know:
22 We're trying to, you know, make sure people have time to do
23 things, this, that.
24 But I'm not going to put -- since I can't remember who
25 said it to me, somebody said it to me in the context of those

1 two conversations. And so -- but, you know, again, nobody
2 was being belligerent with me about it.
3 Q Understood.
4 Were there any specifics as to what those other
5 procedures were that they were referencing?
6 A No. I mean, I think it was just a variation on the
7 theme: Give people time to get organized and prepare for the
8 testimonies to come, et cetera.
9 It was pretty much what's already been said publicly, I
10 think.
11 Q Did you know about the subpoena for documents
12 before you met with Mr. Kent on the 3rd?
13 A Before lunch break, I think I tried to answer that
14 I knew from the news about the subpoenas, right. And I'm
15 sure I assumed that it included requests for documents as
16 well as for depositions. I had not seen it. And so George
17 had a copy of the -- I guess it's the subpoena. I didn't
18 even sit there and look. He just showed me.
19 Q Right.
20 A You know, and that's where I saw the additional
21 names that you were intending to call.
22 Q And were you aware that the committees had sent a
23 letter to the Department on September 9th just requesting --
24 A No, not at all.
25 Q -- documents?

1 A Not at all.
2 Q So you said that --
3 A In fact, I just learned that now, so, okay.
4 Q You said that you sent your memo -- or, sorry, you
5 sent Mr. Kent's memo to Mr. Hale, the legal advisor, Mark
6 String, and Deputy Secretary Sullivan, right? Did you do
7 that all at once or --
8 A No. I sent to Hale and String first, and then
9 thought about it and figured the Deputy Secretary should have
10 it too.
11 Q And just so we are clear, none of the three
12 actually responded to your email?
13 A They didn't respond to the email. They didn't talk
14 to me about it. They didn't telephone.
15 Q Okay. And you said that, on the 4th, you were
16 trying to get a minute of time with Mr. String. Is that
17 right?
18 A Only to tell him that I would be sending that.
19 Sorry. So I sent -- I forwarded the document, but I didn't
20 forward it until I had a chance to tell the legal advisor I
21 was sending it because I thought that was courtesy.
22 Q Were you able to get in touch with him?
23 A Yes, eventually. I think that day I was able to
24 reach him late, late in the afternoon. By the way, he wasn't
25 avoiding me; we were missing each other on calls and so on.

1 Q Okay. And what did he say when you indicated you
2 were sending this?
3 A Just that he would have preferred to have it in
4 hard copy, and I said I preferred to send it electronically.
5 Q Why did you prefer to send it electronically?
6 A Because I wanted a record.
7 Q And did you get the sense that he didn't want a
8 record?
9 A No. I'm not going to characterize because I don't
10 know, and so -- but I certainly felt it was important to have
11 this on record.
12 Q Did you expect a followup to referring this memo to
13 these individuals?
14 A No, I did not.
15 Q Why not?
16 A Because my assumption -- and, yes, it's a
17 concentrated period of time, but when people are not really
18 willing to talk to you about an issue you're raising, people
19 are not really willing to respond as you explain the reasons
20 for your resignation.
21 And I had good personal -- good professional
22 relationships, I think, with all of these individuals. So I
23 am not here to, you know, question whether there's second
24 layers of how they dealt with me. So I interpreted the lack
25 of a response as a response, that this wasn't something they

1 were going to engage on me with.
2 Q And did you have any further conversations on
3 Friday, October 4th, before the weekend that you can recall
4 on this topic?
5 A No.
6 Q All right. Just so we understand clearly, from the
7 time that -- or from September 26th or 27th, when you fist
8 had the conversation with Secretary Pompeo, until
9 October 4th, you made your feelings known about your desire
10 for a statement to support Ambassador Yovanovitch because of
11 your concerns about morale to Secretary Pompeo, Deputy
12 Secretary Sullivan, Counselor Brechbuhl, Executive Secretary
13 Kenna, Under Secretary for Management Bulatao, the
14 communications director Ortega, Director General Perez, and
15 Under Secretary Hale, correct?
16 A [Nonverbal response.]
17 Q And at no point did you receive a -- sorry. Can
18 you say -- you nodded.
19 A I said that's -- the list is correct, but the -- I
20 certainly -- Carol -- I think I already said earlier that a
21 number of people were absolutely supportive of doing a
22 statement.
23 Q Fair enough.
24 A And doing a statement. I mean, you know, we're
25 focused on statement. I was looking at expressions of

1 support. It can take many forms. It can take townhalls. It
2 can take just a message inside the building. It doesn't have
3 to be a press release. It's just a signal that the building
4 has the back of its employees.
5 Q Would an internal email from the Secretary have
6 been meaningful to you?
7 A Yes.
8 Q And even that wasn't done?
9 A No.
10 Q Did you have any additional conversations over that
11 weekend of October 5th or 6th with anyone?
12 A I had one phone call, October 6th, Sunday evening
13 with the Under Secretary For Management, who said, you know,
14 did I, you know, want to perhaps put on paper some ideas of
15 how this might be approached in terms of messaging, and that
16 he was prepared to perhaps raise this with the Secretary.
17 I decided not to put it on paper because I thought it
18 was an unusual request, and I just discussed it with him the
19 following morning, October 7th, in the same terms, a message
20 which says, you know, got your back, you know.
21 I may have mentioned at that point, and our policy on
22 Ukraine is well known. We support, you know -- you know, I
23 think the Department, Secretary Pompeo has been very
24 forthright over the time he has been there in supporting
25 Ukraine against Russia, you know, just simple things, a

1 couple of things like that. So that was it. It was another
2 2-minute conversation. And that was probably --
3 Q Just before we move on, you mentioned a few --
4 there were a few other things as well that you might have --
5 A No. Well, to me, I would have thought it important
6 to cooperate with a congressional inquiry, but anyways -- but
7 that's simply -- that's a personal view, and, obviously, the
8 Department has a legal position on this.
9 So it would have been the support for the troops, you
10 know, perhaps looking at, you know, yeah, we're doing the
11 right thing on policy, and we will work methodically on
12 responding to Congress within, you know, the rule of law. It
13 was generic, I mean, taking as long as I'm saying it now. It
14 wasn't something I was sitting there: And this is why and
15 this is why and this is why.
16 It was simply, you know, a quick, short list of
17 suggestions. That was it.
18 Q Why did you not want to put that in writing on the
19 evening of the 6th?
20 A Well, I'd spent a week with people not answering
21 me, and so I've been a bureaucrat long enough. That's a
22 message, and I'm not going to be the one initiating again a
23 trail. For what purpose?
24 Q Were you --
25 A And I had already explained to people I was

1 resigning. You know, I think it was, perhaps, you know, just
2 a legitimate outreach, but that's the way I handled it.
3 Q Were you frustrated at the lack of response?
4 A I don't have emotions like that anymore. It was a
5 reality and --
6 Q You've been in a bureaucracy too long.
7 A And so the fact of the matter is -- I'll repeat
8 what I said earlier -- I don't get to decide, make the final
9 decisions. I can present a point of view. It can be
10 accepted or not accepted, but I think I can read when it's
11 not accepted.
12 And then I, in this case, for some of the reasons we've
13 already discussed, I felt that it required a more forceful
14 reaction. And if I can also repeat, I do feel that inside
15 the building there was an expectation of, sorry, not a -- a
16 dismay that there was no reaction from anybody in the career
17 Foreign Service at senior ranks to do something more public
18 in support of our colleagues.
19 Q Did you feel that an email would be futile?
20 A I didn't think about it. I just decided: Not
21 tonight, and I'll talk about it in the morning.
22 Q You mentioned one thing about the rule of law and
23 complying with the subpoena in your conversation with
24 Mr. Bulatao on Monday. Was --
25 A But it was a throwaway, you know. It's, yeah,

1 shouldn't we respond, you know. I can't build this up into
2 something it isn't, you know. It's a throwaway thought, that
3 sort of, doesn't it make sense to just sort of work through
4 the issues and see how we can move forward in response to
5 Congress. That's it.
6 Q Understood.
7 A Yeah.
8 Q It's just the first time you had mentioned --
9 A Yeah, okay.
10 Q -- raising --
11 A And, frankly, I'm just remembering that right now,
12 but that did happen.
13 Q And that was my next question, is, was that the
14 first time that you had raised --
15 A The congressional thing, that directly, yeah.
16 Q And do you know what prompted you to raise that
17 matter?
18 A Just 37 years of being in the government and
19 realizing this isn't going away. That's it.
20 Q And had you come to understand that the State
21 Department had not complied with the subpoena --
22 A No, I didn't --
23 Q Sorry. Just one second. Can I finish?
24 A Oh, sorry. Sorry.
25 Q Just so the record is clear. Had you come to

1 understand that the State Department had not complied with
2 the subpoena deadline of October 4th?
3 A No, I didn't know that.
4 Q Okay. Did you --
5 A I didn't focus on it. To say I didn't know, I
6 don't know. It just wasn't the top of my mind, no.
7 Q But were you aware that the Department --
8 A -- I knew there was a deadline because that was
9 part of the conversation with George Kent about the short
10 timeframe he had to pull together whatever it was. And so I
11 assumed there was a deadline. Did I know by October 7th that
12 the Department had not responded to the subpoena, no, I
13 wasn't focused on that at all.
14 Q Did you know that the Department was either
15 resisting the subpoena or intended not to comply?
16 A No, I did not know, and nobody ever said anything
17 of the sort to me.
18 Q Okay. You had said in your opening statement that,
19 I believe it was on October 7th that you decided to expedite
20 your departure. Is that right?
21 A Yes.
22 Q And what happened on that day, or what prompted
23 that decision?
24 A It was over the weekend I just decided that the
25 lack of interaction or response to me demonstrated that this

1 was up, that I didn't have anymore a meaningful role to play
2 even in the timeframe I had posited from our retirement up
3 to, you know, sometime in November. And so I just wanted
4 out, if I can be frank.
5 Q So it was within a week that you ultimately decided
6 that your original plan was not going to work?
7 A Well, that I didn't want to continue working in
8 this environment, that's correct.
9 Q Okay. Were there anymore discussions that week
10 before you left about with -- well, did you have anymore
11 conversations with Secretary Pompeo?
12 A Just regarding the resignation and, you know,
13 the -- and I've raised again but, again, you know, I don't
14 want to dress it up. So I said, "You know that one of the
15 reasons was" -- it was that kind of conversation, but nothing
16 substantive on that score.
17 Q And how did he respond?
18 A Again, nothing. There was no substantive response
19 at any point to the issues I raised.
20 Q Did you find that surprising and remarkable?
21 A Yes, which is one of the reasons I decided it's
22 time to move on. But I know I'm belaboring the point. I've
23 been in 37 years, as I keep getting reminded. I know that
24 I'm supposed to follow -- you know, that, in the State
25 Department, we do have a fairly open system about people

1 pushing back, not facing retribution, having the discussion,
2 but then decisions get made. This decision was made. It
3 happened to be -- or it seemed -- let me rephrase that --
4 seemed to me to be made.
5 I take your point about perhaps there has been
6 discussions about an evolving response. If so, I wasn't part
7 of it.
8 But it seemed to me a decision had been made. And
9 because of the other reasons I've outlined, which is my
10 concern about the silence impact on the building and the
11 perception that the State Department overseas was being used
12 in a certain way -- it was, you know, what was I sticking
13 around for?
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1 [1:50 p.m.]

2 BY MR. GOLDMAN:

3 Q Based on your four decades of experience, and much
4 of that overseas, do you believe that there are any national
5 security concerns or consequences from these attacks on the
6 career diplomats or the politicization of the State
7 Department?

8 A Since this is the specific instance we're dealing
9 with -- but the reason I mentioned the IO Bureau and what --
10 the reason I can't be more specific about the IO Bureau is
11 because everything that happened that led to the
12 investigation happened before I arrived last summer to work
13 with the Secretary. And, within a month or two of having
14 arrived, the issue had already been referred to an inspector
15 general for investigation.

16 But it was very clear to me at the time that the
17 investigation was into the allegations of politicization of
18 the Department.

19 When the transcript was released and, frankly, the
20 information that just poured out every day from the media,
21 when the Volker-Sondland emails were released, it became
22 clear to me that State Department officials, if not the State
23 Department itself, were being drawn again into the domestic
24 political arena in some way. And I repeat: I feel that this
25 is not the way we maintain the integrity of the work we do

1 beyond our borders. We're meant to project nonpartisanship
2 overseas.
3 And even in an increasingly -- an atmosphere where we
4 debate issues more openly as a society -- and we're not the
5 only country that does so -- it's still important within the
6 professional Foreign Service to be able to come across as
7 representing the administration, whomever is President, but
8 also to do so professionally on foreign policy issues
9 impacting either bilateral relations, regional questions,
10 multilateral issues, economic issues. But we cannot mix it
11 with the internal concerns.
12 So, yes, I think anybody you speak to in the Foreign
13 Service -- I can't take a poll of Foreign Service officers,
14 but I think -- my impression is the overwhelming majority
15 would feel the same way I do.
16 Q And just because you are, sort of, the dean of the
17 Foreign Service, can you explain to us what risks might
18 accompany the politicization of the Department that you've
19 referenced in those text messages or reading the Presidential
20 conversation in the call record? How does that actually have
21 an impact on the United States abroad or on the Foreign
22 Service officers who are serving around the world?
23 A Well, first of all, I don't consider myself the
24 dean of the Foreign Service. I think there's many
25 distinguished Foreign Service officers who continue to

1 provide leadership in the building and in the field.
2 The impact is -- because we haven't lived this and
3 because, I think I've already said, I don't believe that
4 there has been any further politicization of the building in
5 the time I was with the Secretary, it's a potential impact
6 down the road.
7 And I have seen other Foreign Services where it's very
8 clear what people's political leanings are and, the more
9 senior those bureaucrats are, how they play the game with
10 different governments that are elected in their countries.
11 The beauty of the Foreign Service, the Foreign Service
12 that I've known through some incredibly difficult moments for
13 our country and in bilateral relations with different places,
14 is I don't know the political views of the vast majority of
15 my colleagues. They certainly don't know mine. And we are
16 able to work together and project working for the
17 administration of the day.
18 That's absolutely central to our work. The day we begin
19 to identify ourselves as partisan, that capacity to project
20 support for the interests of the United States and to do our
21 work for administrations -- we are bound to work for the
22 administration that has been elected by the American people.
23 But you begin to break that down if you begin to inject
24 politics into the equation.
25 Q You were in the front office of various posts for

1 the better part of 25 years, and you would have had an
2 opportunity to review, I assume, or be present for
3 heads-of-state meetings or review transcripts and memoranda.
4 When you read this call transcript, how did it compare
5 to any other heads-of-state conversations that you've ever
6 been privy to?
7 A On that one, I'm going to retreat to the classic --
8 as a former State Department official, the classic State
9 Department language. Everybody expresses themselves in their
10 own way. What you hone in on in the transcript is, you know,
11 the comments that were made about Ambassador Yovanovitch.
12 But on the broader issue of what was going on in that
13 conversation, I'm like anybody else; I'm waiting to see what
14 the committee produces, what else emerges, how this is
15 explained --
16 Q But what about the call -- what about the parts of
17 the call that you have referenced to be about digging up dirt
18 on political opponents?
19 A Well, no, the part of the call that I referenced --
20 the call is about Ambassador Yovanovitch -- the comments
21 about Ambassador Yovanovitch. I have not made comments on
22 any other aspect of it.
23 Q Well --
24 A I have referenced the Sondland-Volker emails,
25 because, frankly, you know, it very much looked like they

1 were discussing some form of exchange.

2 Now, I repeat: I'm looking at the news like everyone

3 else and seeing where this goes. But I'm not going to sit

4 there and draw the conclusion instantly about what was being

5 discussed. I'm sorry.

6 Q No, that's fine.

7 And I guess just one last question before our round is

8 over, is that at any point in any of your conversations with

9 any State Department employees from the time that you decided

10 to resign or you pressed this issue about a statement, did

11 anyone reference to you the views or the thoughts of the

12 President of the United States?

13 A No. Not at all.

14 MR. GOLDMAN: All right. Thank you. Our time is up. I

15 yield.

16 MR. MCKINLEY: Thank you.

17 BY MR. CASTOR:

18 Q Under Secretary Bulatao, on Sunday the 6th, asked

19 you to --

20 A I believe that was the date. Asked me to put some

21 thoughts on paper.

22 Q But, by that point, you figured it was over?

23 A That's correct.

24 Q When did you send those -- like, the email to

25 Mr. String and the other individuals?

1 A Friday, October 4th. Yeah.
2 Q And you didn't do your own memo; you were just
3 forwarding --
4 A No, I did not. I did -- I think you asked me or,
5 sir, you asked me, you know, what did I say. And it was, I'm
6 forwarding this --
7 Q Right.
8 A Yeah.
9 Q And you told us, but when was the date that you
10 sent the first email to Carol Perez and --
11 A The 28th of September. Sorry.
12 Q Okay. So it had been --
13 A About 6 days earlier.
14 Q Okay. So, by the 6th, Sunday the 6th, you sort of
15 saw where this was going?
16 A That's how I felt, yes.
17 Q Did Bulatao, in his conversation with you, give you
18 any indication that perhaps he was asking you to do that so
19 that he could socialize the concern and --
20 A Yeah. He suggested, give me some ideas to work
21 with. Yeah.
22 Q Okay.
23 A But, as I said, I decided not to put it on paper.
24 Q Do you think he's influential enough to take that
25 idea and --

1 A Yes. And if there's an impression I do not want to
2 leave here, is I believed -- I had good relations with
3 virtually all the individuals I have mentioned. This isn't a
4 question of, sort of, a difficult working environment or
5 difficult working relationships with the individuals
6 concerned. I think we had worked very well together in the
7 time I'd been there on different questions.
8 Q Is it possible that the email that you sent to
9 Under Secretary Hale, Perez, Ortagus, Kenna, Reeker, and then
10 subsequently String, all these officials, is it possible that
11 they, on their own, decided that, hey, let's have Bulatao
12 call the Ambassador and --
13 A I don't want to speculate, because I have no idea.
14 Q Okay.
15 A I don't want to impute motivations.
16 Q Okay.
17 A I believe the individuals I've referenced want the
18 best for the Department. I'm not here to, you know, sort of,
19 give them a bad name in that respect. I'm talking about how
20 they approached an issue which I did see as central to the
21 morale and well-being of the building.
22 The articles which were proliferating at a certain
23 point, first on Yovanovitch, then on embassy -- not
24 embassy -- State Department morale, they don't come out of
25 thin air. And so, as you look at this, it was just clear to

1 me, this wasn't just my perception, there was a broader
2 concern. And that's what I was trying to address.
3 Q One of the -- you know, you mentioned that you'd
4 concluded that Volker and Sondland were being used.
5 A They were part of. I have no idea if they were
6 being used. I did say "used," meaning -- yes, I guess,
7 technically, they were being used.
8 Q So we spent some time with Ambassador Volker. You
9 know, he walked us through the conundrum of Rudy Giuliani,
10 that this is somebody that had the President's ear that was
11 contributing to a negative narrative about the state of
12 Ukraine, the state of President Zelensky's initiatives to
13 undo corruption. And Ambassador Volker, you know, gave his
14 side of the story, and he explained why he waded into the,
15 you know, Mayor Giuliani space.
16 And, you know, different people can reach a conclusion
17 that he should never have talked to Mr. Giuliani or he
18 should've never taken any information he got from
19 Mr. Giuliani and talked to some of the Ukrainian officials.
20 But, you know, his side of the story hasn't been fully
21 incorporated into some of the public news stories. Is
22 that --
23 THE CHAIRMAN: Counsel, do you have a question for the
24 witness?
25 MR. CASTOR: Yes.

1 THE CHAIRMAN: Okay. Because -- and, again, we're not
2 going to be able to confirm whether the representations about
3 Mr. Volker's testimony are accurate or not accurate. So you
4 should just respond --
5 MR. MCKINLEY: Sure.
6 THE CHAIRMAN: -- within the confines of your knowledge.
7 MR. MCKINLEY: Okay.
8 BY MR. CASTOR:
9 Q So what I'm trying to get to is that, if you're
10 reading accounts in the newspaper, there could be other sides
11 of the story.
12 A There could be. And every one of us individually
13 decides how we're going to deal with a difficult situation as
14 we pursue objectives. I also know you can make decisions not
15 to do things. So we'll see how this washes out.
16 But the fact of the matter is, and with the revelations
17 which continue to come daily, it would seem that questions
18 should've been raised, even though the best intentions were
19 involved, about continuing to pursue a certain initiative.
20 And so that's my view.
21 Q If some of these officials felt that the President
22 had developed an inaccurate view of the situation on the
23 ground in Ukraine, isn't it in the interest of the United
24 States to try to take some steps to correct the situation?
25 A It depends on what the steps are. And until I see

1 the full story on what Ambassador Volker and Ambassador
2 Sondland were doing, I'll refrain from comment on that.
3 Q How often did you speak with the Secretary in your
4 duties?
5 A Almost daily.
6 Q Secretary Pompeo?
7 A That's correct. But it would be short meetings in
8 the morning --
9 Q Okay.
10 A -- you know, 5 or 10 minutes. Go over, see if
11 there's anything breaking or pressing that had to be dealt
12 with. And then, you know, depending on issues, I might be in
13 meetings with him --
14 Q Okay.
15 A -- that went on longer.
16 Q So you had enough access to him --
17 A Yes. Yes. And I certainly can't complain.
18 Q The letter that the Secretary sent to Congress --
19 A Right.
20 Q -- Deputy Assistant Secretary Kent, you know,
21 evinced a view, I think, to you, the letter --
22 A Yes, but I'm making clear, this is my recollection.
23 And so the specifics of what Deputy Assistant Secretary
24 Kent -- the comments he made, they're in his memorandum. You
25 know, for me to try to paraphrase them would be misleading.

1 Q You know, the language the Secretary used, you
2 know, also -- you know, he says, "I will not tolerate such
3 tactics," talking about allegations of bullying of State
4 Department officials, and, "I'll use any means at my disposal
5 to present" --
6 MR. GOLDMAN: Mr. Castor, if you're going to read, could
7 we provide the witness with a copy?
8 MR. MCKINLEY: No, I'm happy to listen.
9 MR. CASTOR: We can make it an exhibit. That's cool.
10 MR. MCKINLEY: No, but I'm happy to listen.
11 MR. CASTOR: We'll make this -- is this the first
12 exhibit?
13 MR. GOLDMAN: It is, yes.
14 MR. CASTOR: Oh, wow.
15 [Minority Exhibit No. 1
16 Was marked for identification.]
17 MR. GOLDMAN: Where are you reading from?
18 MR. CASTOR: Does anybody else need a copy of the
19 letter, or are we good?
20 BY MR. CASTOR:
21 Q And take as much time --
22 A No, I'm fine.
23 Q -- or as little time --
24 A I'm fine.
25 Q -- to read it.

1 A No. Please.

2 Q The Secretary writes, you know, "I am concerned

3 with aspects of your request," the speed and the fact that

4 you're reaching out to --

5 MR. GOLDMAN: Where are you reading from?

6 MR. CASTOR: I'm reading from the second paragraph here.

7 "I am concerned with aspects of your request, described

8 more fully below, that can be understood only as an attempt

9 to intimidate, bully, and treat improperly the distinguished

10 professionals of the Department of State, including several

11 career Foreign Service Officers, whom the Committee is now

12 targeting."

13 BY MS. CASTOR:

14 Q And so I think a fair reading of that is that the

15 Secretary is trying to write to Congress and say, please, I'm

16 concerned with how you, Congress, are approaching this

17 investigation. Is that a fair reading of it?

18 A That's a fair reading of it. But I can tell you

19 that the two persons I knew were coming up to give

20 depositions did not feel threatened or intimidated by

21 Congress.

22 Q Okay. And did anyone try to prevent you from

23 appearing?

24 A No.

25 Q Okay. And does anybody that -- are you aware of

1 officials that they believed they were being barred from
2 appearing?
3 A Not at this time, no.
4 Q Okay. So you're not aware of any officials that
5 haven't been able to -- officials that wanted to testify -- I
6 mean, you know, there might have to be a subpoena and --
7 A Yeah, well, a subpoena is --
8 Q Well, a friendly subpoena is very different from a
9 subpoena --
10 A Yeah. I'm afraid, for those of us who aren't
11 lawyers, a subpoena is like "Nightmare on Elm Street," okay?
12 Q Okay.
13 A It's, you know, "What have I done wrong? Why am I
14 being subpoenaed?" So I don't make the distinction between
15 friendly or unfriendly subpoenas.
16 Q Okay.
17 Did Kent evince to you that he wanted to come testify
18 and somebody was preventing him from doing that?
19 A To the best of my recollection, he mentioned it,
20 but we didn't get into a discussion.
21 Q Okay.
22 A He said that he would not -- that, you know, the
23 subpoena was going to be the deciding factor.
24 Q Okay.
25 A I'm afraid I simply don't remember --

1 Q Okay.

2 A -- that. Again, I apologize, because I should have

3 a better recollection for the purposes of answering your

4 question properly, but a lot of things were happening at the

5 time, and I was just rushing in one direction.

6 But what alarmed me about what Kent said to me and then

7 what was in the memo were the allegations of intimidation,

8 were the question marks over this letter. I wasn't going to

9 sit there and ask him --

10 Q Of course not.

11 A -- what part of the letter don't you agree with?

12 Q Right. No, I understand. And I'm not --

13 A And -- and -- and I think the third part of --

14 yeah, that he didn't feel intimidated by the congressional

15 outreach to him. And then -- and I repeat: I was quite

16 impacted by, you know, the legal fees plight of him.

17 Q Did he identify other State Department officials

18 that had wanted to cooperate and were perhaps urged not to?

19 A No, we didn't really get into that. No.

20 Q Okay.

21 A No.

22 Q So was he advocating for others, I guess is my

23 question.

24 A No, he wasn't. No --

25 Q It was about his own situation?

1 A This is a personal conversation with him,
2 absolutely.
3 Q Okay. And so his experience with the official from
4 "L" caused him to --
5 A Write the memo.
6 Q -- write this memo and reach out to you.
7 A That's correct.
8 Q Was that the first --
9 A Write the memo and send it to me.
10 Q Okay.
11 A Yeah.
12 Q And was that the first time you had interacted with
13 him?
14 A Yes.
15 Q So you had never met him before?
16 A No. No. I don't remember whether I shook his hand
17 in passing during the week and, "Let's try to find a way to
18 get together." I'm sorry, but I don't remember that. But
19 this was the substantive conversation I had with him.
20 Q Okay.
21 And other than Kent, did any other officials at the
22 Department involved in this communicate articulable concerns
23 to you?
24 A No.
25 Q Okay.

1 A And I'm just -- sorry, I was just lost in space,
2 trying to remember, you know, my conversations with Kent.
3 But, I mean, because, you know, like I say, that was the week
4 I met him. I'd had a phone call with him the weekend before.
5 But the conversation that's really relevant to what we're
6 talking about was that Thursday.
7 Q Okay.
8 A But if I had another conversation with him, it
9 really wasn't about what was in the memo. It would've been
10 an earlier one, you know, a "how are you coping, what are you
11 doing" kind of conversation. That's it.
12 Q You had a conversation with Yovanovitch during this
13 time period too, or was that earlier?
14 A That was on the weekend. And I may have talked to
15 her one more time. I think I may have talked to her once or
16 twice, but one of them was definitely to call her to tell her
17 I was stepping down. And it wasn't a long conversation. It
18 was just to let her know.
19 Q Okay. And did she express any concerns to you
20 about the way the Department was handling her situation?
21 A No details, no.
22 Q Okay.
23 And you haven't had any conversations with Volker or
24 Sondland --
25 A None.

1 Q -- since this?
2 A No.
3 Q And so you don't have any firsthand information --
4 A No.
5 Q -- about the facts of the emails and the text
6 messages and so forth?
7 A No.
8 And, you know, I know you're lawyers and I'm not, so
9 I'll try to couch what I said earlier properly. The
10 Volker-Sondland emails, reading them, suggest that they were
11 engaged in discussions with the Ukrainian Government on
12 something related to domestic politics.
13 I don't know what else there is. I don't know whether
14 there's Sondland emails. I don't know if there's documents.
15 I don't know what other conversations took place. And, like
16 everybody else, waiting to see what comes out in the public
17 domain to try and connect the dots.
18 Q Okay.
19 A So I gave you my personal view of the reading of
20 those emails, but they did suggest there was an engagement
21 with the Ukrainian Government for something related to
22 domestic purposes.
23 Q And you said you're skeptical, but if you did have
24 the opportunity to hear everyone's full account --
25 A Well, I have my own personal views, but they don't

1 matter. What matters is what the facts are.

2 Q Right. But we're in the process of finding the

3 facts and we're --

4 A Yeah.

5 Q -- talking to these witnesses.

6 A But -- so any reading of those emails would suggest

7 something was going on. Now, what was it? I don't know.

8 Q Did you follow at all the discussion about the aid

9 being held up?

10 A I followed it, but --

11 Q The foreign assistance that was --

12 A And, you know, sometime in the summer, I may have

13 been aware, you know, a passing remark about, oh, assistance

14 for the new Government of Ukraine. I think people were

15 excited there was a new President there.

16 But, you know, it was in passing. I wasn't working it.

17 It wasn't -- you know, there weren't conversations that I had

18 on it. And so where the assistance question began to

19 crystalize was when all the revelations began --

20 Q Okay.

21 A -- after the 18th of September.

22 Q So between the July 18th and September 11th, there

23 was a hold on the assistance.

24 A Yeah.

25 Q And there were --

1 A But I didn't know.
2 And if I can explain something about the way the work
3 happened on -- or happens on the seventh floor, there are a
4 tremendous number of issues that are worked on every single
5 day in all parts of the world. And individuals, whether
6 they're assistant secretaries or special envoys or under
7 secretaries, are tasked with working different issues. And
8 if you're going to be effective, you need to focus on the
9 issues where you're going to have an impact.
10 Second, the Secretary is extremely effective at
11 streamlining his interactions. He deals with the people he
12 needs to get X done in different areas. So, because I wasn't
13 working on Ukraine, there was no reason for me to be part
14 even of a general conversation about what do we do now on
15 Ukraine.
16 So, like I say, I began to learn a lot more once the
17 whistleblower account came out.
18 Q Right.
19 Sometimes there's issues with aid and it gets held up
20 for a week, a month, longer than that. Isn't that true?
21 A That is correct.
22 Q And that the period of time, the middle of July to
23 the beginning of September, is a number of weeks, but
24 ultimately the aid was released, and that is representative
25 of what happens sometimes. Isn't that fair to say?

1 A I'd say that release of assistance is -- has a very
2 irregular pattern around the world.
3 Q Okay. And people have different -- you know,
4 there's different power centers. The --
5 A That's correct.
6 Q -- Hill weighs in.
7 A That's correct.
8 Q OMB weighs in. DOD. And there's always a prospect
9 of a hiccup with the release of aid. Isn't that fair to say?
10 A There is. But I think I've been very -- I haven't
11 been careful. It's just a fact. I never even focused on the
12 assistance. So that isn't even something that comes into
13 what I have tried to present as my concerns.
14 My concerns aren't put in the context of our policy
15 towards Ukraine -- whether we should give aid, who we should
16 work with, and so on. It's the way the system was used in
17 the context of Ukraine.
18 Q And the U.S.'s policy towards Ukraine in the
19 administration is relatively unanimous in that we ought to be
20 giving foreign assistance and we ought to be providing, you
21 know, lethal defensive weaponry.
22 And so, from all the back-and-forth over the Volker and
23 Sondland issues, at the end of the day, the State Department,
24 the National Security Council, the White House was unanimous
25 in that we wanted to support Ukraine. Is that your

1 understanding?

2 A I don't know about the White House. I know in the

3 State Department there seemed to be the support for the

4 Ukraine, absolutely.

5 Q Okay.

6 MR. CASTOR: I yield back.

7 BY MR. GOLDMAN: I just have two small things to touch

8 upon. You indicated -- right.

9 I'll ask a couple questions. And then Members are

10 voting, and I think that some may have wanted to ask some

11 questions. So perhaps we'll take a short break and then be

12 able to come back. I don't think it will be long,

13 regardless.

14 MR. MCKINLEY: Okay.

15 BY MR. GOLDMAN:

16 Q But you indicated, as you've said already, that

17 there were, sort of, two primary reasons why you resigned

18 when you did. One was the handling of Ambassador Yovanovitch

19 and the recall and the lack of support for her and for

20 Mr. Kent. And then the other one was the -- I think you

21 called the politicization of some of the State Department

22 employees, which -- am I correct that you are referring

23 primarily to the text messages that you've seen between

24 Ambassador Sondland and Volker, when you say that?

25 A Yeah. But I'd like to just correct the record. I

1 don't say politicization, because I don't know the entire
2 story behind what they were doing. What is clear is that
3 both Volker and Sondland were engaging the Ukrainian
4 Government in conjunction with Rudy Giuliani on domestic
5 political issues.
6 I want to be careful on this for a reason. I saw
7 nothing inside the building. And I also believe that the
8 politicization which was alleged in the Tillerson period,
9 which led to the investigation into the IO Bureau, it
10 stopped. And so that's my experience over the past year.
11 Q Understood. But it was one of two motivating
12 factors for your resignation.
13 A Absolutely. Absolutely. Absolutely. The use of
14 persons with State Department titles, which conveys to the
15 outside world that the State Department is being drawn
16 into -- even if it's just the two individuals working on a
17 tangent separately. But it certainly conveys the impression
18 of politics being injected -- domestic politics being
19 injected into the work of foreign affairs.
20 Q You've testified a lot today about your efforts to
21 encourage the Department to issue a statement in support of
22 the Foreign Service officers -- in particular, Ambassador
23 Yovanovitch.
24 Did you ever raise any concerns about the text messages
25 that you're referring to --

1 A No.
2 Q -- up to the seventh floor?
3 A I did not.
4 Q And why not?
5 A To be frank, I didn't want to get into a discussion
6 about domestic American politics. I've said earlier that
7 throughout my tenure as senior advisor, I was -- and forget
8 about senior advisor. Throughout my career, I've never
9 engaged my political leadership on political developments
10 inside our country. It's not the right thing to do.
11 And so, in this case, I felt if I started going down
12 that line of inquiry, I'd be, first, talking about something
13 I knew nothing about, but, second, since I believed it
14 already had a political component, it was something that was
15 not incumbent on me to deal with.
16 Q Did you have any discussions with anyone in the
17 State Department about what you read in those text messages?
18 A Not to my recollection. And if I did, "Oh, did you
19 see the Volker-Sondland emails?" But I don't think I even
20 did that.
21 The period that we're reviewing is so concentrated, and
22 I've tried to convey why it wasn't difficult for me to reach
23 certain conclusions quickly. But the other sensitivity I had
24 as I was working through my decisions, I really only
25 started to -- outside of the constellation of names I've

1 given you, the building didn't know I was leaving until the
2 Thursday -- I started telling people on Thursday,
3 October 10th. That's when I started going around to front
4 offices to say goodbye to assistant secretaries, to under
5 secretaries, and so on, because I thought I wouldn't have
6 time on Friday as I finished processing paperwork.
7 But I was so sensitive to the implications of me going
8 and talking to people about my concerns -- other than the
9 statement. That was an easy one to, you know -- but if you
10 start raising other questions, you know, it's the wrong thing
11 to do, especially if what you're trying to do is buttress
12 both leadership support for the Department but also the
13 confidence of State Department officials in that leadership.
14 So, no, I did not. I was very careful on this stuff.
15 Q You testified earlier today that Ambassador Volker
16 had left the Department 10 years ago, and I think you said
17 something about him being --
18 A Well, he became director -- I think it's no secret,
19 he became one of the directors of the McCain Institute, et
20 cetera.
21 Q Right.
22 A So, you know, my assumption is there's -- he's --
23 every one of us is entitled to go out and create a new
24 identity when we leave the State Department. I'm just
25 stating that, to place him and consider him a career

1 official, no, he wasn't.

2 Q And you also said that -- I believe you said he was

3 political.

4 A "Political" meaning he was a political appointee.

5 I know he came in under -- was it -- he came in under -- was

6 he named under the Obama administration for the position of

7 envoy, special envoy?

8 Q I think it was President Trump.

9 A You think it was -- okay. I'm just saying he's a

10 political appointee. That's all I'm saying.

11 Q Okay.

12 A I don't mean anything else by that.

13 Q All right.

14 MR. GOLDMAN: One second.

15 All right, if we could just take a 5-minute break, and

16 we'll just check on the members.

17 MR. MCKINLEY: Sure.

18 [Recess.]

19 MR. GOLDMAN: We're back on the record.

20 Mr. Castor?

21 BY MR. CASTOR:

22 Q Just one question that was related to me by a

23 member that he wanted to ask, but, due to floor votes, he

24 hasn't been able to get back.

25 I just wanted to acknowledge and just have you agree

1 with the statement that the folks that you were emailing, you
2 know, the Under Secretary of Management, all those key
3 people, they're all really quite busy, and a lot of them were
4 involved with the U.N. General Assembly activities in New
5 York that week.
6 And so he just wanted me to ask you, you know, is it
7 fair to say that they may have just not been able to get to
8 your emails?
9 A No, it's not.
10 Q Okay.
11 A I do acknowledge the point that there are many
12 other issues on the agenda. What started as a simple
13 suggestion which would've taken 15 minutes to clear off the
14 table turned into something more. That said, because I
15 didn't have substantive conversations, I'm not in a position
16 to speculate about --
17 Q Okay.
18 A -- what their reasons were for not responding to me
19 on a substantive basis, and I have to acknowledge that.
20 Q Okay. Thank you.
21 MR. GOLDMAN: All right. Thank you, Mr. Castor.
22 Ambassador McKinley, we really appreciate you coming in
23 here again today on such short notice and for your decades of
24 service. It is clear to us today why you are so revered
25 within the Department, and we greatly appreciate it.

1 And we are adjourned.

2 [Whereupon, at 2:35 p.m., the interview was concluded.]

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