PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

joint with the

COMMITTEE ON OVERSIGHT AND REFORM

and the

COMMITTEE ON FOREIGN AFFAIRS,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

DEPOSITION OF: ROBERT BLAIR

Monday, November 4, 2019

Washington, D.C.

The deposition in the above matter was held in Room HVC-304,

Capitol Visitor Center, commencing at 9:06 a.m.

Present: Representatives Schiff and Demings.

Also Present: Representatives Raskin, Jordan, and Meadows.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[redacted]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[redacted]

For the COMMITTEE ON FOREIGN AFFAIRS:

[redacted]

MR. GOLDMAN: This is the deposition of Robert Blair.

At the request of the chair, we are going to recess this until 11:30 this morning, when we can record his nonappearance. We're recessed.

[Recess.]

[11:31 a.m.]

THE CHAIRMAN: All right. The committee will come to order. We will now continue with the proceeding we began earlier this morning.

This is a deposition of Robert Blair, Assistant to the President and Senior Advisor to the Chief of Staff, conducted by the House Permanent Select Committee on Intelligence in coordination with the Committees on Foreign Affairs and Oversight and Reform, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24, 2019, and affirmed by House Resolution 660 on October 31, 2019.

On October 24, 2019, the committee sent a letter to Mr. Blair requesting that he voluntarily appear for a deposition as part of this inquiry.

Through his counsel, on November 2, 2019, Mr. Blair indicated he would not only not appear for a voluntary deposition at the direction of the White House but that he also would not appear for a deposition pursuant to a duly authorized subpoena, quote, "based on Department of Justice's advice that the committees may not validly require an executive branch witness to appear at such a deposition without the assistance of agency counsel," unquote.

Although the committees requested a copy of the correspondence from the White House and Department of Justice, Mr. Blair's counsel did not provide it to the committees.

This new and shifting rationale from the White House, like the others it has used to attempt to block witnesses from appearing to

provide testimony about the President's misconduct, has no basis in law or the Constitution and is a serious affront to decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose executive branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.

I would note for my Republican colleagues that this rule was supported by Mr. Blair's boss, Acting White House Chief of Staff Mick Mulvaney, when he served as a member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a member of the Benghazi Select Committee.

In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions without agency counsel during the Clinton, Bush, and Obama administrations. I believe Mr. Jordan also participated in the Benghazi investigation and depositions of administration officials without agency counsel present.

The basis for this process is straightforward. It ensures that the committees are able to depose witnesses in furtherance of our investigation without having representatives of the agency or office under investigation in the room to interfere or improperly learn details about the investigation.

The rule nevertheless protects the rights of witnesses by allowing them to be accompanied in the deposition by personal counsel, which was offered to Mr. Blair, who has personal counsel.

Other than the White House's objection to longstanding congressional practice, the committees are aware of no other valid constitutional privilege asserted by the White House to direct Mr. Blair to defy the subpoena. To the extent the White House believes that an issue could be raised at a deposition that may implicate a valid privilege, the White House may seek to assert that privilege with the committee in advance of the deposition. To date, as has been the case in every other deposition as part of this inquiry, the White House has not done so.

Yesterday, on November 3, 2019, the Intelligence Committee issued a subpoena for Mr. Blair's appearance this morning, and Mr. Blair remained obligated to appear. The cover letter to the subpoena outlines in some detail the numerous times the Republican- and Democratic-controlled committees conducted depositions of executive branch officials, including senior White House officials, without agency counsel present.

I am therefore entering into the record for the impeachment inquiry the following documents: Exhibit 1 is Mr. Blair's counsel's letter dated November 2; exhibit 2 is the committee's cover letter to the subpoena dated November 3; and exhibit 3 is the Intelligence Committee's subpoena to Mr. Blair, which was served on Mr. Blair's counsel on November 3.

[Majority Exhibit No. 1
was marked for identification.]

[Majority Exhibit No. 2

was marked for identification.]

[Majority Exhibit No. 3

was marked for identification.]

THE CHAIRMAN: Mr. Blair has neither presented a valid constitutional reason to defy a duly authorized subpoena nor have the committees received a court order relieving him of his obligation to appear today.

Despite his legal obligations to appear, Mr. Blair is not present here today and has therefore defied a duly authorized congressional subpoena. As his counsel was informed in both the October 24 request for testimony and the November 3 letter, the committees may therefore consider Mr. Blair's defiance of a subpoena as evidence in a future contempt proceeding.

The subpoena remains in full force.

The committees reserve all of their rights, including the right to raise this matter at a future Intelligence Committee proceeding, at the direction of the chair of the committee.

One final note. The White House's latest rationale for directing a White House official not to appear, even though two current White House officials and one former White House official have already testified in this inquiry, may be a newly created rationale to block additional witnesses from testifying.

Mr. Blair is not absolved of responsibility here, as he is willfully abiding by this clearly deficient basis to defy a duly authorized subpoena. This is particularly disappointing coming from

someone who provided lengthy service on the Appropriations Committee of this body.

Nevertheless, this effort by the President to attempt to block Mr. Blair from appearing can only be interpreted as a further effort by the President and the White House to obstruct the impeachment inquiry and Congress's lawful and constitutional functions.

Moreover, the obstruction does not exist in a vacuum. Over the past several weeks, we have gathered extensive evidence of the President's abuse of power related to pressuring Ukraine to initiate investigations that would benefit the President personally and politically and sacrifice the national interest in attempting to do so.

Some of that evidence has revealed that Mr. Blair was a percipient witness to the President's misconduct. We can only infer, therefore, that the White House's effort to block Mr. Blair from testifying is to prevent the committees from learning additional evidence of Presidential misconduct and that Mr. Blair's testimony would corroborate and confirm other witnesses' accounts of such misconduct, including Mr. Mulvaney's admission from the White House Briefing Room that the Ukraine military aid was frozen by the President in order to pressure Ukraine into initiating investigations into the Bidens and the 2016 election.

At this point, I am happy to yield to the minority staff.

[redacted]: We're good.

THE CHAIRMAN: I'm sorry?

[redacted]: We're good. Nothing.

THE CHAIRMAN: Okay.

In that case, this will conclude the deposition proceeding involving Mr. Blair, and we will now turn to the deposition proceeding involving John Eisenberg.

[Whereupon, at 11:37 a.m., the deposition was concluded.]