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: PRESTON WELLS GRIFFITH

Tuesday, November 5, 2019
Washington, D.C.

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

Capitol Visitor Center, commencing at 9:05 a.m.

Present: Representatives Schiff and Quigley.

Also Present: Representatives Raskin, Maloney, and Meadows.

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2 Appearances:

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5 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

6

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 [redacted]

12 [redacted]

13

14

15 For the COMMITTEE ON OVERSIGHT AND REFORM:

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17 [redacted]

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19

20 For the COMMITTEE ON FOREIGN AFFAIRS:

21

22 [redacted]

23

MR. GOLDMAN: We're on the record. This is the deposition of Preston Wells Griffith.

It is after 9 o'clock in the morning. The subpoena for the witness was to appear at 9 o'clock. The witness is not here. At the request of the chairman, we are going to recess until 11:30 this morning.

Thank you.

[Recess.]

[11:31 a.m.]

THE CHAIRMAN: Okay. Let's go on the record. We'll now begin today's proceeding.

This is a deposition of Preston Wells Griffith, Senior Director for International Energy and Environment at the National Security Council, 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 committees sent a letter to Mr. Griffith requesting that he voluntarily appear for a deposition as part of this inquiry. Through his counsel, on November 3, 2019, Mr. Griffith indicated that he had received guidance from the White House counsel and, on the basis of that guidance, Mr. Griffith would not appear for a deposition, even under subpoena.

On November 4, Mr. Griffith's counsel sent a letter to the committees reiterating that Mr. Griffith would not appear for a deposition, quote, "based upon the direction of White House counsel that he not appear due to agency counsel not being permitted."

Later that day, the Intelligence Committee served, through Mr. Griffith's counsel, a duly authorized subpoena compelling Mr. Griffith's appearance for a deposition today.

Although the committees requested a copy of any written direction from the White House, Mr. Griffith's counsel has not provided any such

1 documentation to the committees.

2 The White House's newly invented rationale for obstructing the
3 impeachment inquiry appears based on a legal opinion that was issued
4 by the Department of Justice Office of Legal Counsel just last Friday,
5 November 1.

6 It is noteworthy and telling that OLC issued this opinion after
7 multiple current and former White House, State Department, and
8 Department of Defense officials testified before the committees, both
9 voluntarily and pursuant to subpoena, all without agency counsel
10 present.

11 The White House's invocation of this self-serving OLC opinion
12 should therefore be seen for what it is: a desperate attempt to staunch
13 the flow of incriminating testimony from the executive branch officials
14 about the President's abuse of power.

15 The White House's newly invented rationale, like the others it
16 has used to attempt to block witnesses from appearing for depositions
17 in this impeachment inquiry, has no basis in law or the Constitution.
18 It is also a serious affront to decades of precedent in which
19 Republicans and Democrats have used exactly the same procedures to
20 depose executive branch officials without agency counsel present,
21 including some of the most senior aides to multiple previous
22 Presidents.

23 I would note for my Republican colleagues that this rule was
24 supported by Acting White House Counsel Chief of Staff Mick Mulvaney
25 when he served as a member of the Oversight Committee and by Secretary

1 of State Mike Pompeo when he served as a member of the Benghazi Select
2 Committee.
3 In fact, some of the same Members and staff currently conducting
4 depositions as part of the present impeachment inquiry participated
5 directly in depositions without agency counsel during the Clinton,
6 Bush, and Obama administrations.
7 The basis for this process is straightforward and ensures that
8 the committees are able to depose witnesses in furtherance of our
9 investigation without having representatives of the agency or office
10 under investigation in the room to interfere or improperly learn
11 details about the investigation.
12 The rule nevertheless protects the rights of witnesses by
13 allowing them to be accompanied in the deposition by personal counsel,
14 which was offered to Mr. Griffith, who has personal counsel.
15 Other than the White House's objection to longstanding
16 congressional practice, the committees are aware of no other valid
17 constitutional privilege asserted by the White House to direct
18 Mr. Griffith to defy the subpoena.
19 To the extent the White House believes that an issue could be
20 raised at a deposition that may implicate a valid claim of privilege,
21 the White House may seek to assert that privilege with the committee
22 in advance of the deposition. To date, as has been the case in every
23 other deposition as part of the inquiry, the White House has not done
24 so.
25 Yesterday, on November 4, 2019, the Intelligence Committee

1 issued a subpoena for Mr. Griffith's appearance this morning, and
2 Mr. Griffith remained obligated to appear.
3 The cover letter to the subpoena outlines in some detail the
4 numerous times the Republican- and Democratic-controlled committees
5 conducted depositions of executive branch officials, including senior
6 White House officials, without agency counsel present.
7 I am therefore entering into the record for the impeachment
8 inquiry the following exhibits.
9 Exhibit 1 is the committee's letter dated October 24 requesting
10 Mr. Griffith's voluntary deposition.
11 Exhibit 2 is the letter received from Mr. Griffith's counsel on
12 November 4 stating that the White House has instructed him not to
13 appear.
14 Exhibit 3 is the committee's letter dated November 4 to
15 Mr. Griffith's counsel transmitting a subpoena.
16 And exhibit 4 is the subpoena issued by the Intelligence
17 Committee to Mr. Griffith and served on his counsel on November 4 that
18 commanded his appearance here today.
19 [Majority Exhibit No. 1
20 was marked for identification.]
21 [Majority Exhibit No. 2
22 was marked for identification.]
23 [Majority Exhibit No. 3
24 was marked for identification.]
25 [Majority Exhibit No. 4

1 was marked for identification.]

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

6 Despite his legal obligations to appear, Mr. Griffith is not
7 present here today and has therefore defied a duly authorized
8 congressional subpoena.

9 As his counsel was informed in the November 4 letter, the
10 committees may therefore consider Mr. Griffith's defiance of the
11 subpoena as evidence in a future contempt proceeding.

12 The subpoena remains in full force.

13 The committee reserves all of its rights, including the right to
14 raise this matter at a future Intelligence Committee proceeding at the
15 direction of the chair of the committee.

16 One final note, while the White House's latest rationale for
17 directing a White House official not to appear even though two current
18 White House officials and one former White House official have already
19 testified in this inquiry may be a newly created rationale to block
20 witnesses from testifying, Mr. Griffith is not absolved of
21 responsibility here, as he is willfully abiding by this clearly
22 deficient basis to defy a duly authorized subpoena.

23 Nevertheless, this effort by the President to attempt to block
24 Mr. Griffith from appearing can only be interpreted as a further effort
25 by the President and the White House to obstruct the impeachment

1 inquiry and Congress's lawful and constitutional functions.

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

8 Some of that evidence has revealed that Mr. Griffith was a
9 percipient witness to misconduct, including potentially that of the
10 President, including his participation in the July 10 meeting at the
11 White House where it was communicated to Ukrainian Government
12 officials that a coveted meeting at the White House for President
13 Zelensky was conditioned upon the Ukrainians pursuing the political
14 investigations being pushed by President Trump and Mr. Giuliani.

15 We can only infer, therefore, that the White House's efforts to
16 block Mr. Griffith from testifying is to prevent the committees from
17 learning additional evidence of Presidential misconduct and that
18 Mr. Griffith's testimony would corroborate and confirm other
19 witnesses' accounts of such misconduct.

20 At this point, I'm happy to yield to the ranking member of
21 Intelligence or, in his absence, any Republican Member.

22 MS. GREEN: Mr. Chairman, I would just ask that you provide us
23 copies of the four exhibits.

24 THE CHAIRMAN: Yes. Happy to do so.

25 MS. GREEN: Thank you.

THE CHAIRMAN: Mr. Meadows, anything? Okay.

That will conclude today's proceeding, and we are adjourned.

[Whereupon, at 11:38 a.m., the deposition was concluded.]