

**Congress of the United States**  
Washington, DC 20515

September 27, 2019

Mr. T. Ulrich Brechbuhl  
Counselor  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Mr. Brechbuhl:

Pursuant to the House of Representatives' impeachment inquiry, we write to request your appearance at a deposition on **October 8, 2019, at 10:00 a.m. at The Capitol, HVC-304**. We also request that you produce the documents set forth in the accompanying Document Request by the date of your deposition.

This deposition will be conducted jointly by the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform. The deposition transcript and documents produced by you shall be part of the impeachment inquiry and shared among the Committees. Any failure to appear for a scheduled deposition shall constitute evidence of obstruction of the House's impeachment inquiry.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression.

In light of press reports, recently declassified documents, and other sources, we believe you have information and documents relevant to the Committees' investigation. On September 13, 2019, the Committees wrote to Secretary of State Mike Pompeo, requesting that the State Department make you available for a transcribed interview. We asked him to provide, by September 20, 2019, a date by which you would be made available for a transcribed interview.<sup>1</sup> He failed to comply with this request.

Today, the Committees wrote to Secretary Pompeo again, notifying him that the Committees have scheduled your deposition for the date and time set forth above.<sup>2</sup>

---

<sup>1</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform to Secretary Mike Pompeo, Department of State (Sept. 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-13.EEC%20ELE%20Schiff%20re%20Ukraine.pdf>).

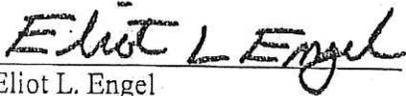
<sup>2</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform to Secretary Mike Pompeo, Department of State (Sept. 27, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20to%20Pompeo-%20State%20re%20Depositions.pdf>).

DEPOSITION  
EXHIBIT

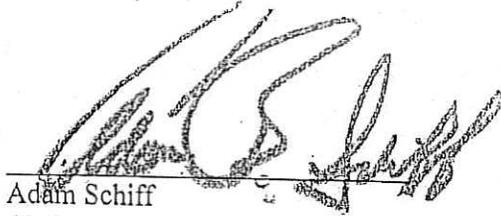
Mr. T. Ulrich Brechbuhl  
Page 2

If you have any questions, please contact staff for the Committee on Foreign Affairs at  
(202) 225-5021.

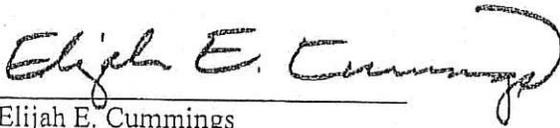
Sincerely,



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Adam Schiff  
Chairman  
House Permanent Select Committee  
On Intelligence



Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

## Document Request

The Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform (“Committees”) request all documents and communications in your possession, custody, or control referring, relating to, or involving the following subjects. Unless otherwise noted, the time frame for this request is **January 20, 2017 to the present**. The Committees request that these materials be provided to the Committees at your deposition.

1. Any communication or meetings between President Donald Trump and Ukrainian president Volodymyr Zelensky, including but not limited to phone calls between President Trump and President Zelensky on April 21, 2019, and July 25, 2019, and a meeting between President Trump and President Zelensky on September 25, 2019, in New York City;
2. The U.S. delegation to the inauguration of President Zelensky in Kiev, Ukraine, in or about May 2019;
3. A potential visit of President Zelensky to the United States for an Oval Office meeting with President Trump;
4. A potential meeting between President Trump and President Zelensky in Poland in or about early September 2019;
5. Any efforts, whether by you or anyone else, to induce, compel, suggest, pressure, solicit, or otherwise influence former or present Ukrainian officials, politicians, or other persons of influence, or their representatives or agents, to investigate matters relating to Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, or Burisma Holdings Ltd. (or any of its parents, subsidiaries, or affiliates, collectively “Burisma”);
6. The actual or potential withholding, suspending, delaying, or releasing of foreign assistance of any kind, including security assistance, to Ukraine;
7. The removal of former U.S. Ambassador to Ukraine Marie “Masha” Yovanovitch;
8. Rudolph W. Giuliani including any text messages or emails using either official government devices or personal devices;
9. Paul Manafort;
10. Hunter Biden;
11. Burisma; and

Mr. T. Ulrich Brechbuhl  
Page 4

12. Efforts to conceal or destroy any documents or records relating to any of the foregoing items (1-11).

### Responding to Committees' Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committees.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, including alternate spellings or transliterations of any names, the request shall be read also to include that alternative identification.
4. The Committees' preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committees should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committees should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committees' letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

#### Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term "including" shall be construed broadly to mean "including, but not limited to."
5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.
7. The terms "relating to" and "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term "involving", with respect to any given subject, means sending, receiving, or being copied (CC or BCC), or being the subject matter on any documents or communications described in the request.
9. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
10. The term "individual" means all natural persons and all persons or entities acting on their behalf.

Congress of the United States  
Washington, DC 20515

October 25, 2019

Mr. T. Ulrich Brechbuhl  
Counselor  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

C/o Ronald J. Tenpas, Esq.  
Vinson & Elkins  
2200 Pennsylvania Ave. N.W., Suite 500 West  
Washington, D.C. 20037

Dear Mr. Brechbuhl:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to appear at a deposition on **November 6, 2019**, at **9:30 a.m.**, at **The Capitol, HVC-304**.

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform. The deposition transcript shall be part of the impeachment inquiry and shared among the Committees. Your failure or refusal to appear at the deposition, including at the direction or behest of the President, the White House, or the State Department, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.

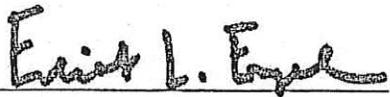
On September 27, 2019, the Committees sent a letter to you requesting that you voluntarily appear for a deposition on October 8, 2019. Your counsel has informed us that you will not appear voluntarily for a deposition. The Committees, therefore, have no choice but to issue a subpoena compelling your mandatory appearance.

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

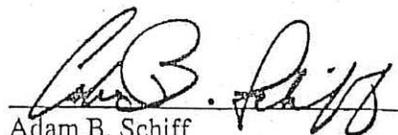


Mr. T. Ulrich Brechbuhl  
Page 2

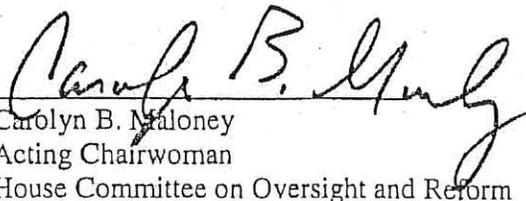
Sincerely,



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Adam B. Schiff  
Chairman  
House Permanent Select Committee  
on Intelligence



Carolyn B. Maloney  
Acting Chairwoman  
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Thomas Ulrich Brechbuhl

You are hereby commanded to be and appear before the House Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: HPSCI, HVC-304, The Capitol  
Date: 11/6/2019 Time: 9:30 a.m.

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

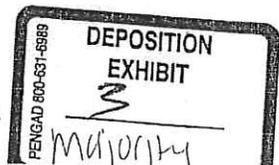
To U.S. Marshals Service, or any authorized Member or congressional staff

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 24<sup>th</sup> day of October, 2019.

[Signature]  
Chairman or Authorized Member

Attest:  
Robert F. Brown, Deputy Clerk  
Clerk



LMI

PROOF OF SERVICE

Subpoena for Thomas Ulrich Brechbuhl

Address C/o Ronald J. Tenpas, Esq., Vinson & Elkins, 2200 Pennsylvania Ave. N.W., Suite 500 W  
Washington, D.C. 20037

before the Permanent Select Committee on Intelligence

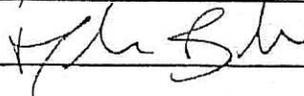
*U.S. House of Representatives*  
*116th Congress*

Served by (print name) Mahe Bitar

Title General Counsel

Manner of service Electronic Mail

Date 10/25/2019

Signature of Server 

Address Permanent Select Committee on Intelligence, HVC-304, U.S. Capitol

# Vinson & Elkins

Ronald J. Tenpas

Tel +1 202.639. [REDACTED]

Fax +1.202.879. [REDACTED]

November 5, 2019

Congress of the United States  
Washington, DC 20515

The Honorable Adam B. Schiff  
Chairman  
House Permanent Select Committee on Intelligence

The Honorable Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs

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

Dear Chairpersons Schiff, Engel and Maloney:

I write on behalf of T. Ulrich Brechbuhl with respect to the subpoena from the House of Representatives Permanent Select Committee on Intelligence for an appearance before your joint Committees on November 6, 2019. Mr. Brechbuhl respects the important Constitutional powers vested in the United States Congress. And, indeed, he would welcome the opportunity to address through testimony an existing inaccuracy in the public record -- the false claim that Mr. Brechbuhl in any way personally participated in the telephone call between President Trump and President Zelensky that occurred on July 25, 2019.

However, Mr. Brechbuhl has received a letter of instruction from the State Department, directing that he not appear. The State Department letter of instruction asserts significant Executive Branch interests as the basis for direction not to appear and also asserts that the subpoena Mr. Brechbuhl received is invalid. The letter is supported by an analysis from the United States Department of Justice.

Vinson & Elkins LLP Attorneys at Law  
Austin Beijing Dallas Dubai Hong Kong Houston London  
New York Richmond Riyadh San Francisco Tokyo Washington

2200 Pennsylvania Avenue NW, Suite 500 West  
Washington, DC 20037-1701

Tel +1.202.639.6500 Fax +1.202.639.6604 [velaw.com](http://www.velaw.com)



V&E

The Honorable Adam B. Schiff  
The Honorable Eliot L. Engel  
The Honorable Carolyn B. Maloney  
November 5, 2019  
Page 2

We are also aware that litigation has recently been initiated in the United States District Court for the District of Columbia that may bear on resolving the significant issues now arising between the Committees and the President.

Given these current circumstances, Mr. Brechbuhl is not able to appear on November 6, 2019.

Sincerely,



Ronald J. Tenpas

Cc: The Honorable Michael McCaul, Ranking member  
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform