July 21, 2020

Case No. F-2019-06331/
   FL-2020-00017

Melanie Sloan  
American Oversight  
1030 15th Street NW, B255  
Washington, DC 20005

Dear Ms. Sloan:

As noted in our letter dated June 19, 2020, we are processing your request for material under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. The Department has identified four additional responsive records subject to the FOIA. We have determined that all four records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released, and is enclosed.

We will keep you informed as your case progresses. If you have any questions, you may contact Joshua C. Abbuhl, Trial Attorney at Joshua.Abbuhl@usdoj.gov; (202) 616-2531. Please refer to the case number, F-2019-06331/FL-2020-00017, and the civil action number, 19-cv-02934, in all correspondence about this case.

Sincerely,

Susan C. Weetman  
Deputy Director  
Office of Information Programs and Services

Enclosures: As stated.
The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

1.4(a) Military plans, systems, or operations
1.4(b) Foreign government information
1.4(c) Intelligence activities, sources or methods, or cryptology
1.4(d) Foreign relations or foreign activities of the US, including confidential sources
1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>ARMSEXP</td>
<td>Arms Export Control Act, 50a USC 2411(c)</td>
</tr>
<tr>
<td>CIA PERS/ORG</td>
<td>Central Intelligence Agency Act of 1949, 50 USC 403(g)</td>
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<tr>
<td>EXPORT CONTROL</td>
<td>Export Administration Act of 1979, 50 USC App. Sec. 2411(c)</td>
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<td>FS ACT</td>
<td>Foreign Service Act of 1980, 22 USC 4004</td>
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<td>INA</td>
<td>Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)</td>
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<tr>
<td>IRAN</td>
<td>Iran Claims Settlement Act, Public Law 99-99, Sec. 505</td>
</tr>
</tbody>
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(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

(A) interfere with enforcement proceedings
(B) deprive a person of a fair trial
(C) constitute an unwarranted invasion of personal privacy
(D) disclose confidential sources
(E) disclose investigation techniques
(F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester
Sent from my BlackBerry 10 smartphone.

Ukraine-U.S. Relations In Trump Era

Giuliani accuses ex-US ambassador to Ukraine, Democrats, Soros of anti-Trump conspiracy

By Matthew Kupfer.

Published May 27. Updated May 27 at 8:34 pm

Lawyer of the US president Rudy Giuliani looks on before the US president announces his Supreme Court nominee in the East Room of the White House on July 9, 2018 in Washington, DC.

Photo by AFP

Popular on social media

Zelenskiy appoints his administration, makes Andriy Bohdan chief of staff 418

Prosecutor reveals constant political interference in law enforcement 174

Snap parliamentary election to take place on July 21 (UPDATED) 163
Rudy Giuliani, the former mayor of New York City and personal lawyer to U.S. President Donald Trump, has alleged that Democrats, financier and philanthropist George Soros, and the former U.S. ambassador in Kyiv were engaged in efforts to undermine Trump’s authority in Ukraine.

Giuliani made the vague accusations in an interview with Ukrainian news site Censor.net. He provided no evidence to back up the claims.

Earlier this month, Giuliani announced that he would visit Kyiv to meet with President Volodymyr Zelenskiy and urge his administration to continue two investigations beneficial to Trump. However, just days later on May 11, the former mayor announced that he had cancelled his trip, blaming “enemies” of the United States and the U.S. president.

Giuliani’s interview with Censor.net — held on May 22 in Paris, France and published on May 27 — offers the latest window into the politician’s view of the forces he claims are working against Trump in Ukraine.

Giuliani told Censor.net that he cancelled his trip after a “leak to the press” that Ukrainian lawmaker Sergii Leshchenko, an unofficial advisor to Zelenskiy, and “somebody else” were advising the Ukrainian president to drop the investigations that interested Giuliani and not to meet with him.

“I was told by people in my country that I shouldn’t go, because it was a trap that was being worked out with (Democrats), people loyal to Soros,” Giuliani said. “And now I see that he’s put around them — (Ihor) Kolomoisky’s lawyer and a couple of guys who work with Soros.”

It was not clear to whom the words “he” and “them” were referring. “Kolomoisky’s lawyer” was a reference to Andriy Bohdan, whom Zelenskiy named his chief of staff on May 21, and who previously had the notorious oligarch Kolomoisky among his clients.

Giuliani said he would send a message to Zelenskiy: “It’s not a good idea to surround yourself with enemies of President Trump.”

“It’s one thing to surround yourself with decent people who may have a different political ideology — but another thing is to surround yourself with a guy who was the lawyer for this major oligarch who has reputed to have taken billions from your bank and then has some kind of unholy alliance between Soros and that Embassy that has to be broken,” Giuliani added.
Attacking the ambassador

Giuliani also accused former U.S. Ambassador to Ukraine Marie Yovanovitch of working for Soros and against Trump.

Asked why the ambassador was removed from her post on May 20 and what would happen next in her career, Giuliani said: “Somehow she’ll go working for Soros, directly or indirectly. All I can tell you is the things I heard about her. Which is that her embassy was involved heavily in finding dirty information and creating it on people in the Trump campaign. That they were heavily involved in helping Soros (including getting a case dismissed that would hurt him), and (U.S. Deputy Assistant Secretary of State) George Kent and her were the deputy.”

Neither Yovanovitch nor Kent could be reached for comment. A press officer at the embassy said he would not be able to respond to the Kyiv Post’s inquiry by press time because the entire U.S. government was closed for the Memorial Day holiday.

“They actually put together that whole Special Prosecutor thing,” Giuliani said. It was unclear whether this was a reference to Robert Mueller, the U.S. special counsel charged with investigating Russian interference in the 2016 U.S. presidential election, or Ukrainian Special Anti-Corruption Prosecutor Nazar Kholodnytsky, whom wiretaps revealed helping powerful suspects in corruption cases avoid prosecution.

“It was before she got their payoff with the ambassador (post) then. And they put that together and then used it as a way to protect Soros, which is a horrible thing to do,” Giuliani continued. “If we are lecturing you on corruption we can’t have our own corrupt person sitting in the background that we’re doing the bidding of.”

Giuliani offered no evidence to back up his claims, which were often semi-coherent.

Yovanovitch was removed from her post on May 20, after coming under attack from right-wing media, U.S. politicians and Ukrainian Prosecutor General Yuriy Lutsenko. In the U.S., critics have accused her of having an anti-Trump bias. In Ukraine, Lutsenko accused her of handing him a list of Ukrainians the country should not prosecute — a claim the State Department has vehemently denied. No evidence has been offered in support of these accusations.

Two U.S. Democratic congressman have termed Yovanovitch’s removal a “political hit job.”
Abortive Ukraine visit

On May 9, the New York Times reported that Giuliani was planning a trip to Ukraine to meet with Zelenskiy. Among the goals of that trip was to convince the newly elected Ukrainian president to continue two investigations into two matters with significant public resonance in the United States and of potential benefit to Trump.

The first issue in question was events surrounding the release of the “black ledger” of ousted former President Viktor Yanukovych’s Party of Regions. That document revealed that then Trump campaign chair Paul Manafort had allegedly received more than $12 million dollars in illegal payments from the party since 2007. That revelation forced the political consultant to resign from his role in the Trump campaign.

It also helped fuel the U.S. investigation into Russian interference in the 2016 presidential election. At the same time, it led to a counternarrative that the Ukrainian government had interfered in the election in favor of Trump’s opponent, former Secretary of State Hillary Clinton. Both conservative media and the Trump administration have advanced that narrative.

The second matter was the role of former U.S. Vice President Joe Biden’s son in Burisma Holdings, a Cyprus-based gas company owned by Yanukovych-era Ecology and Natural Resources Minister Mykola Zlochevsky. The younger Biden had worked for the company while his father served as vice president and the Barack Obama administration’s point-person on Ukraine.

Giuliani and Prosecutor General Lutsenko have suggested that Biden pressured Ukraine to sack then Prosecutor General Viktor Shokin in order to halt an investigation into the Burisma Holdings, where the younger Biden sat on the board of directors.

Both Ukraine experts and Ukrainian anti-corruption activists have disputed this narrative as fundamentally flawed and untrue.

However, this has not stopped Giuliani’s pursuit of damaging information on Biden, a possible opponent for Trump in the 2020 presidential election.

On May 24, the Washington Post reported that, a week earlier, Giuliani had met with Andrii Telizhenko, a political consultant and former Ukrainian diplomat who has supported the narrative that Ukraine interfered in the 2016 U.S. presidential election.
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<tr>
<td><strong>Recipient:</strong></td>
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WASHINGTON — Rudolph W. Giuliani, President Trump’s personal lawyer, is encouraging Ukraine to wade further into sensitive political issues in the United States, seeking to push the incoming government in Kiev to press ahead with investigations that he hopes will benefit Mr. Trump.

Mr. Giuliani said he plans to travel to Kiev, the Ukrainian capital, in the coming days and wants to meet with the nation’s president-elect to urge him to pursue inquiries that allies of the White House contend could yield new information about two matters of intense interest to Mr. Trump.

One is the origin of the special counsel’s investigation into Russia’s interference in the 2016 election. The other is the involvement of former Vice President Joseph R. Biden Jr.’s son in a gas company owned by a Ukrainian oligarch.

Mr. Giuliani’s plans create the remarkable scene of a lawyer for the president of the United States pressing a foreign government to pursue investigations that Mr. Trump’s allies hope could help him in his re-election campaign. And it comes after Mr. Trump spent more than half of his term facing questions about whether his 2016 campaign conspired with a foreign power.

“We’re not meddling in an election, we’re meddling in an investigation, which we have a right to do,” Mr. Giuliani said in an interview on Thursday when asked about the parallel to the special counsel’s inquiry.

“There’s nothing illegal about it,” he said. “Somebody could say it’s improper. And this isn’t foreign policy — I’m asking them to do an investigation that they’re
doing already and that other people are telling them to stop. And I’m going to give them reasons why they shouldn’t stop it because that information will be very, very helpful to my client, and may turn out to be helpful to my government.”

Mr. Giuliani’s planned trip, which has not been previously reported, is part of a monthslong effort by the former New York mayor and a small group of Trump allies working to build interest in the Ukrainian inquiries. Their motivation is to try to discredit the special counsel’s investigation; undermine the case against Paul Manafort, Mr. Trump’s imprisoned former campaign chairman; and potentially to damage Mr. Biden, the early front-runner for the 2020 Democratic presidential nomination.

The investigations had been opened by Ukrainian prosecutors serving during the term of the country’s current president, Petro O. Poroshenko. He lost his re-election bid last month to Volodymyr Zelensky, a comedian and political newcomer. Mr. Zelensky has said he would like to replace the prosecutor who oversaw some of the matters, Yuriy Lutsenko, who has met multiple times with Mr. Giuliani to discuss the issues.

Mr. Zelensky is set to take office on June 3.

Mr. Giuliani said he had been planning for several weeks to travel to Kiev to deliver a paid speech to a Jewish group about Middle East policy.

But intermediaries for Mr. Giuliani worked to organize meetings with people who they believed would have insights into the incoming Zelensky administration and the investigations in which Mr. Giuliani was interested. And in recent days, Mr. Giuliani reached out through intermediaries to request a meeting with Mr. Zelensky, he said, adding, “It’s not confirmed yet.”

If the meeting does occur, Mr. Giuliani said, “I am going to tell him what I know about the people that are surrounding him, and how important it is to do a full, complete and fair investigation.”

He said his efforts in Ukraine have the full support of Mr. Trump. He declined to say specifically whether he had briefed him on the planned meeting with Mr. Zelensky, but added, “He basically knows what I’m doing, sure, as his lawyer.”
The White House did not immediately respond to a request for comment on Thursday.

Mr. Trump has called attention to the scrutiny of Mr. Biden’s son Hunter Biden, and to questions about the former vice president’s involvement in the removal of a Ukrainian prosecutor whose office had authority over investigations of the oligarch whose company paid Hunter Biden.

Mr. Trump has also sought to stir up interest in claims that Ukrainians sought to benefit Hillary Clinton in 2016 by focusing attention on Mr. Manafort’s business in Ukraine. Mr. Trump has recently suggested he would like Attorney General William P. Barr to look into the material gathered by the Ukrainian prosecutors.

Mr. Giuliani has been working on the effort with other allies of Mr. Trump whose involvement has not been previously reported, including Victoria Toensing, a lawyer who was named last year, along with her husband, as part of the legal team representing the president in the special counsel’s investigation. The appointment was rescinded less than one week later amid concerns about conflicts of interest, but Mr. Trump’s legal team suggested that Ms. Toensing and her husband, Joseph E. diGenova, would assist the president “in other legal matters.”

On social media and in regular appearances on Fox News, the couple advanced the theory that the special counsel’s investigation was the result of a Justice Department effort to frame Mr. Trump. They increasingly began pushing the claim that “the real collusion began in @Ukraine,” as Ms. Toensing put it in a post on Twitter in March.

The tweet spotlighted a story in the conservative media in which Mr. Lutsenko, Ukraine’s top prosecutor, announced he was opening an investigation into whether Ukrainian officials tried to help Mrs. Clinton during the 2016 presidential election by disseminating documents related to Mr. Manafort’s work in Ukraine before 2014.

Ms. Toensing has also been representing Mr. Lutsenko, the Ukrainian prosecutor who has pushed the investigations, Mr. Giuliani said.
Ms. Toensing will accompany Mr. Giuliani to Ukraine, he said, explaining that “she is coming because she represents Lutsenko, and she’s concerned for him that the new president promptly understand what he’s trying to do.”

Asked about the trip and her representation of Mr. Lutsenko, which has not been previously disclosed, she responded, “I’m not going to talk to you about this matter.”

Also involved in planning the trip and pushing the investigations is Lev Parnas, a Ukrainian-American businessman who knows Mr. Giuliani well.

Mr. Parnas turned up in Kiev, presenting himself as a representative of Mr. Giuliani seeking information about Mr. Lutsenko’s claims, and about Hunter Biden’s involvement in the Ukrainian gas company, according to people familiar with Mr. Parnas’s activity.

He organized a phone call between Mr. Giuliani and Mr. Lutsenko, as well as a separate call between Mr. Giuliani and Mr. Lutsenko’s predecessor in the Ukrainian prosecutor general’s office, according to Mr. Giuliani. He said Mr. Parnas also helped arrange a trip to the United States for Mr. Lutsenko in January. During it, the prosecutor met for hours with Mr. Giuliani in New York.

Mr. Parnas is an executive of an energy company that donated $325,000 to a pro-Trump super PAC last year, prompting a Federal Election Commission complaint by a nonpartisan campaign finance watchdog accusing Mr. Parnas, his business partner and the company of violating campaign finance laws.

A lawyer for Mr. Parnas, who had previously defended the contribution, did not respond to a request for comment about his client’s work with Mr. Giuliani in Ukraine.

Mr. Giuliani has done work in Ukraine before, having been hired in 2017 by the Ukrainian-Russian developer Pavel Fuks.

Mr. Giuliani described that work as related to emergency management consulting, but Mr. Fuks said in an interview that he hired Mr. Giuliani as “a lobbyist for Kharkiv and Ukraine” to lure American investors. “This is stated in the contract.”
Mr. Giuliani said that work had ended, and that Mr. Fuks had nothing to do with his current efforts.

“My only client is the president of the United States,” he said. “He’s the one I have an obligation to report to, tell him what happened.”
I mentioned the primary question to him this AM.

Official

UNCLASSIFIED

From: Hale, David
Sent: Wednesday, June 19, 2019 7:11 PM
To: Ortagus, Morgan D
Cc: Brechbuhl, Thomas U
Subject: Re: response to John Hudson on WashPost query on Ukraine, Yovanovitch, N Macedonia, corruption

I have not.

Sent from my iPhone

On Jun 19, 2019, at 7:06 PM, Ortagus, Morgan D wrote:

Checking in on this: have you two already flagged this story/guidance for

From: Palladino, Robert J
Sent: Wednesday, June 19, 2019 4:36 PM
To: Martin, Kathryn (Katie) Ortagus, Morgan D
Subject: RE: response to John Hudson on WashPost query on Ukraine, Yovanovitch, N Macedonia, corruption

1) Does the State Department agree that the accusations of these Ukrainian officials, relayed by Giuliani and others, is what caused Yovanovitch to be recalled before her scheduled departure?
5) Did Jess Baily, the US Ambassador to North Macedonia, leave his post early? Was the State Department pressured by conservative lawmakers and press to remove him?

From: Martin, Kathryn (Katie)
Sent: Wednesday, June 19, 2019 4:18 PM
To: Palladino, Robert J (b)(6), Ortagus, Morgan D (b)(6)
Subject: RE: response to John Hudson on WashPost query on Ukraine, Yovanovitch, NMacedonia, corruption

Hudson is chasing this:

Rudy Giuliani gave an on-record interview to one of our White House reporters in which he took partial credit for the early departure of the top U.S. diplomat in Ukraine, Marie Yovanovitch. He said he obtained written statements from Ukrainians saying the ambassador had badmouthed the president and told Ukrainian officials they shouldn’t listen to Trump because he would be impeached. “I reported it to him [Trump], Giuliani said. He also gave the White House a “written statement, a video statement, several witnesses” attesting to Yovanovitch's behavior.

Hudson asks:
1) Does the State Department agree that the accusations of these Ukrainian officials, relayed by Giuliani and others, is what caused Yovanovitch to be recalled before her scheduled departure?

2) Did Yovanovitch have a falling out with Lutsenko, the Ukrainian general prosecutor, because his agents were going after the National Anti Corruption Bureau instead of pursuing anti corruption investigations of former and current top officials?

3) Was Lutsenko placed on a US visa ban as a result?

4) The State Department defended Yovanovitch against Lutsenko’s claim that she gave him a ‘do not prosecute’ list? But then Donald Trump Jr. retweeted the story, as did Donald Trump. Did the White House pressure the State Department to have her leave early?

5) Did Jess Baily, the US Ambassador to North Macedonia, leave his post early? Was the State Department pressured by conservative lawmakers and press to remove him?

- Are you OK giving this to Hudson (his deadline is 5:00, but he always gives moving deadlines))

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**Official - SBU**

UNCLASSIFIED

From: [Redacted]

Sent: Wednesday, June 19, 2019 2:59 PM

To: Palladino, Robert J [Redacted]

Cc: [Redacted] PA Press Duty

EUR-Press EUR-Press-
Subject: FOR PALLADINO: response to John Hudson on WashPost query on Ukraine, Yovanovitch, NMacedonia, corruption

Robert,

EUR has cleared the below response up to EUR A/S Reecker.

Assume PA will discuss this to Morgan. EUR/Press understands his deadline is 5pm.

Thank you,

Robert

From: Palladino, Robert J
Sent: Tuesday, June 18, 2019 5:18 PM
To: EUR-Press <EUR-Press-DL@state.gov>
Cc: PA Press Duty <PAPressDuty@state.gov>

Subject: RE: Questions

EUR, thanks for your help in working this one. We’ll need to flag proposed responses for Morgan prior to getting back to him.

Official

From: Hudson, John
Sent: Tuesday, June 18, 2019 4:44 PM
To: Palladino, Robert J
Cc: PA Press Duty <PAPressDuty@state.gov>

Subject: Questions

Hi! Hope the job is getting off to a good start.

Rudy Giuliani gave an on-record interview to one of our White House reporters in which he took partial credit for the early departure of the top U.S. diplomat in Ukraine, Marie Yovanovitch. He said he obtained written statements from Ukrainians saying the ambassador had badmouthed the president and told Ukrainian officials they shouldn’t listen to Trump because he would be impeached.

“I reported it to him [Trump], Giuliani said. He also gave the White House a "written statement, a video statement, several witnesses” attesting to Yovanovitch’s behavior.

Primary question:
1) Does the State Department agree that the accusations of these Ukrainian officials, relayed by Giuliani and others, is what caused Yovanovitch to be recalled before her scheduled departure?

Other questions:

2) Did Yovanovitch have a falling out with Lutsenko, the Ukrainian general prosecutor, because his agents were going after the National Anti Corruption Bureau instead of pursuing anti corruption investigations of former and current top officials?

3) Was Lutsenko placed on a US visa ban as a result?

4) The State Department defended Yovanovitch against Lutsenko’s claim that she gave him a ‘do not prosecute’ list? But then Donald Trump Jr. retweeted the story, as did Donald Trump. Did the White House pressure the State Department to have her leave early?

5) Did Jess Baily, the US Ambassador to North Macedonia, leave his post early? Was the State Department pressured by conservative lawmakers and press to remove him?

It would be good to get a response by 5 PM on Wednesday.

Thanks,

John
John Hudson
National Security Reporter
The Washington Post
Cell/Signal/WhatsApp: (b)(6)
I will call you in a moment.

Sent from my iPhone

On Mar 24, 2019, at 3:17 PM, Yovanovitch, Marie L (Kyiv) wrote:

Dear David and Phil—

Best, Masha