

**Subject:** RE: FOIA Request (USTR-19-1385)  
**Date:** Tuesday, December 3, 2019 at 4:23:55 PM Eastern Standard Time  
**From:** Ricker, Monique T. EOP/USTR  
**To:** FOIA, FN-USTR-FOIA  
**Attachments:** USTR\_FY20-20\_Release in Part\_Redacted.pdf

Mr. McGrath,

Please disregard the email I sent earlier today.

This email is the final response of the Office of the United States Trade Representative (USTR) to Freedom of Information Act (FOIA) No. FY20-20 submitted on November 4, 2019 requesting all communications between USTR officials Robert Lighthizer, Jeff Gerrish, C.J. Mahoney, Jamieson Greer, Pamela Marcus, Stewart Ackerly, Abigail Bacak, Joseph Barloon, Stephen Vaughn, Christopher Jackson, or Terrence McCartin with or about Rudolph Giuliani, Victoria Toensing, Joseph diGenova, Sam Kislin, Michael Pillsbury, Steve Bannon, Peter Schweizer, or Frank Gaffney. The timeframe of your request was March 1, 2019 to November 5, 2019, the date the search was conducted.

After a search of our files utilizing eDiscovery software, we located 29 pages of responsive documents which we are releasing in part and two pages which we are withholding in full. Please see attached. We redacted portions of the documents because we reasonably foresee that disclosure would harm an interest protected by FOIA Exemption 6, which protects personal information the release of which would not shed light on the performance of the agency's statutory duties. Specifically, we redacted non-public cell phone numbers and email addresses and personal information related to Mr. Pillsbury's consideration for membership on one of USTR's advisory committees, including the status of his security clearance.

We are withholding in full two pages pursuant to FOIA Exemption 5, which protects from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." The redacted information is protected from disclosure under the deliberative process privilege which protects information that is both pre-decisional and deliberative. This privilege covers records that reflect the give-and-take of the consultative process and in this instance includes two, one-page draft responses to letters received by Senator Wyden. At the time the search was conducted, USTR had not issued a final response to Senator Wyden.

This constitutes a complete response to your request. You may contact me or my colleague Janice Kaye by email at FOIA@ustr.eop.gov or 202-395-3419 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may also administratively appeal by writing to: FOIA Office, GSD/RDF; ATTN: Janice Kaye, Anacostia Naval Annex, Bldg. 410/Door 123, 250 Murray Lane, S.W., Washington, D.C. 20509.

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal" and should include a reference to the FOIA Case File number listed above. Heightened security in

force may delay mail delivery; therefore we suggest that you also email any such appeal to foia@ustr.eop.gov.

In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, where we searched for the records you requested.

Thank you,  
Monique

Monique T. Ricker  
FOIA Program Manager/Attorney  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON DC 20508

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**From:** Ricker, Monique T. EOP/USTR <Monique\_T\_Ricker@ustr.eop.gov>  
**Sent:** Thursday, November 14, 2019 12:22 PM  
**To:** 'FOIA' <foia@americanoversight.org>; FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>  
**Subject:** RE: FOIA Request (USTR-19-1385)

Mr. McGrath,

The Office of the United States Trade Representative (USTR) has considered and granted your request for expedited processing. Our office will provide you with a determination on or before December 3, 2019.

Thank you,  
Monique

Monique T. Ricker  
FOIA Program Manager/Attorney  
  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON DC 20508

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**From:** Ricker, Monique T. EOP/USTR <Monique\_T\_Ricker@ustr.eop.gov>  
**Sent:** Tuesday, November 5, 2019 9:14 AM  
**To:** 'FOIA' <foia@americanoversight.org>; FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>  
**Subject:** RE: FOIA Request (USTR-19-1385)

Mr. McGrath,

On November 4, 2019, the Office of the United States Trade Representative (USTR) received your Freedom of Information Act (FOIA) request dated November 1, 2019 and assigned it tracking number FY20-20. Please cite

this number in any future communications with our office regarding your request.

Our office will consider your request for expedited processing and provide you with a determination on or before November 14, 2019.

Thank you,  
Monique

Monique T. Ricker  
FOIA Program Manager/Attorney

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON DC 20508

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**From:** FOIA <foia@americanoversight.org>  
**Sent:** Friday, November 1, 2019 5:02 PM  
**To:** FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>  
**Subject:** [EXTERNAL] FOIA Request (USTR-19-1385)

Dear FOIA Officer:

Please find attached and below a request for records under the Freedom of Information Act.

Sincerely,

Vibha Kannan  
Paralegal  
American Oversight  
foia@americanoversight.org  
>[www.americanoversight.org](http://www.americanoversight.org)< | @weareoversight

FOIA: USTR-19-1385:

November 1, 2019

**VIA EMAIL**

USTR FOIA Office, GSD/RDF  
Attn: Chief FOIA Officer Janice Kaye  
Office of the U.S. Trade Representative  
Anacostia Naval Annex, Building 410/Door 123,  
250 Murray Lane SW  
Washington, DC 20509  
[FOIA@ustr.eop.gov](mailto:FOIA@ustr.eop.gov)

**Re: Expedited Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

On May 9, 2019, President Trump’s personal lawyer, Rudolph Giuliani, announced that he would travel to Ukraine to meet with the country’s president-elect to urge the Ukrainian government to pursue an investigation related to the son of former Vice President Biden—a potential electoral opponent of the president.<sup>[1][1]</sup> Mr. Giuliani, reportedly aided by the president’s former attorneys Victoria Toensing and Joseph E. diGenova, defended his planned trip by stating that “[w]e’re not meddling in an election, we’re meddling in an investigation.”<sup>[2][2]</sup> Subsequent reports indicate that Mr. Giuliani engaged a State Department official—U.S. Special Representative for Ukraine Negotiations Kurt D. Volker—in his efforts.<sup>[3][3]</sup> The State Department has acknowledged that Mr. Volker helped arrange talks between Mr. Giuliani and a Ukrainian official.<sup>[4][4]</sup> Additionally, the U.S. Ambassador to the European Union, Gordon Sondland, has reportedly been included in calls with Giuliani regarding Ukraine, and recently released text messages show that Ambassador Sondland regularly corresponded via text message on the WhatsApp messaging platform with Special Representative Volker and others regarding official State business related to Ukraine.<sup>[5][5]</sup>

Material provided by the State Department Inspector General to Congress suggest that State Department officials—including those in the Office of the Legal Advisor—were involved in following up on Giuliani’s requests to investigate certain matters related to Ukraine as early as March 2019.<sup>[6][6]</sup> Reports also indicate that Giuliani’s meeting with a Ukrainian official occurred shortly after the President Trump’s July 25, 2019, call with Ukraine’s president, in which President Trump reportedly asked Ukraine’s government to prioritize “corruption” investigations.<sup>[7][7]</sup> Reports now indicate that the administration acted to withhold vital aid to Ukraine days before President Trump’s July phone call with Ukraine’s President Zelensky.<sup>[8][8]</sup> President Trump has also now acknowledged—following reports of a whistleblower complaint that the administration has refused to provide to Congress—that he discussed his potential political opponent, Joe Biden, with Ukraine’s president in the July call.<sup>[9][9]</sup> A transcript or summary of the call released by the White House shows, further, that the president stated that he would direct Attorney General Barr to call the president of Ukraine with the president’s personal attorney, Mr. Giuliani, regarding his request that Ukraine investigate his political opponent.<sup>[10][10]</sup>

On October 3, 2019, President Trump publicly stated that China should investigate former Vice President Biden and his son.<sup>[11][11]</sup> Press reporting also indicates that Trump previously discussed Biden’s and Senator Elizabeth Warren’s political prospects on a phone call with Chinese President Xi on June 18, 2019, and that conservative allies of the President, including Giuliani, have discussed allegations regarding Biden’s involvement in China since spring 2019.<sup>[12][12]</sup> On October 10, 2019, one of Trump’s China advisors, Michael Pillsbury, who visited China last month, wrote to a journalist claiming “Actually I got a quite a bit of background on Hunter Biden from the Chinese.”<sup>[13][13]</sup>

American Oversight seeks records with the potential to shed light on whether and to what extent the political interests of the president have influenced the administration’s policies overseas, including actions related to the efforts of the president’s personal attorney to persuade foreign governments to conduct an investigation connected to a political opponent of the president.

### **Requested Records**

American Oversight seeks expedited review of this request for the reasons identified below and requests that the U.S. Trade Representative (USTR) produce the following records as soon as practicable, and at least within twenty business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (1) Rudolph

Giuliani, Victoria Toensing, Joseph diGenova, Sam Kislin, Michael Pillsbury, Steve Bannon, Peter Schweizer, or Frank Gaffney, and (2) any of the USTR officials specified below.

2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of specified USTR officials, regarding (1) any plan by Rudolph Giuliani, Victoria Toensing, Joseph diGenova, Sam Kislin, Michael Pillsbury, Steve Bannon, Peter Schweizer, or Frank Gaffney to travel to Ukraine or China or to communicate with Ukrainian or Chinese government officials and/or (2) any other effort to encourage the Ukrainian or Chinese government to investigate any matter related to former Vice President Joseph Biden or his son Hunter Biden, Senator Elizabeth Warren, or any other U.S. candidate for political office in 2020.

Specified USTR Officials:

1. USTR Robert Lighthizer
2. Deputy USTRs Jeff Gerrish and C.J. Mahoney
3. Chief of Staff Jamieson Greer
4. Deputy Chiefs of Staff Pamela Marcus and Stewart Ackerly
5. Chief Scheduler Abigail Bacak
6. Anyone serving in the capacity of White House Liaison
7. General Counsel Joseph Barloon, and former General Counsel Stephen Vaughn
8. Assistant U.S. Trade Representative for Congressional Affairs Christopher Jackson
9. Acting USTR for China Affairs Terrence McCartin

Please exclude news clips generated from non-governmental services and emails distributed to a wide listserv of twenty or more email addresses. A news clips email that is forwarded by an individual to one of the identified individuals with any additional message should be considered responsive.

Please provide all responsive records from March 1, 2019, through the date the search is conducted.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."<sup>[14][14]</sup> The subject matter of the requested records specifically relates to the operations or activities of the government, including communications surrounding an effort by the personal attorney to the president to persuade the foreign government to investigate a family member of one of the president's potential political opponents,<sup>[15][15]</sup> and actions reportedly taken by the U.S. Government to aid those efforts. There is significant public interest in understanding whether and to what extent the perceived political interests of the president are influencing U.S. foreign policy, including whether administration officials are involved in an effort to use the president's private attorney to lobby foreign government officials,<sup>[16][16]</sup> or whether other U.S. Government actions are being undertaken to pressure a foreign government to investigate the president's political opponent for President

Trump's electoral advantage. The subject of this request is a matter of public interest, and the public's understanding of the government's activities and use of resources would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.<sup>[17][17]</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>[18][18]</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.<sup>[19][19]</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;<sup>[20][20]</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>[21][21]</sup> posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;<sup>[22][22]</sup> posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;<sup>[23][23]</sup> posting records and analysis regarding the Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.<sup>[24][24]</sup>

Accordingly, American Oversight qualifies for a fee waiver.

#### **Application for Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and the implementing regulations of your agency, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that there is a compelling need for expedited processing of the above request because the information requested is urgently needed in order to inform the public concerning actual or alleged government activity, and American Oversight is primarily engaged in disseminating the information it received from public records requests to the public.

Recent reporting demonstrates that there is clearly an urgent need to inform the public regarding the matters that are the subject of American Oversight's FOIA request. First, American Oversight has requested records with the potential to shed light on whether the current administration has, potentially at the behest of President Trump, undertaken inappropriate actions to pressure a foreign government to conduct an investigation of one of the president's political opponents in order to give the president an electoral advantage. Because voting in the presidential primary elections—in which both President Trump and candidate Joe Biden will be candidates—is scheduled to commence in less than five months, on February 3, 2020, and voting in the general election will start in just over a year, there is plainly an urgent need to inform the public about the administration's actions that would be revealed by the records requested here.<sup>[25][25]</sup> Second, factual developments in the last month have demonstrated that there are immense public concerns that the president, his administration, and his private attorney, Mr. Giuliani, may be continuing or intensifying their efforts to use the authority and resources of the federal government to pressure foreign governments to undertake an investigation of presidential candidate Joe Biden and his family. There is also widespread public concern that a whistleblower complaint within the intelligence community relates to the president's efforts to pressure the Ukrainian government to conduct an investigation of a political opponent for the president's electoral benefit.<sup>[26][26]</sup> Mr. Giuliani, the president's personal lawyer, has again confirmed that he has

endeavored to pressure Ukrainian authorities to begin an investigation.<sup>[27][27]</sup> As a result, the House of Representatives has undertaken a fast-moving impeachment inquiry focused on the president, and the public has a right to have the requested information within a timeframe that will meaningfully allow citizens to petition their representatives on the merits of impeachment.

American Oversight's request seeks information that can shed light on whether and to what extent the Trump administration is attempting to use government resources to pressure a foreign nation to undertake actions designed to threaten, weaken, or otherwise target the president's political opponent for the purpose of giving him an electoral advantage. The public urgently needs the information American Oversight has requested before voting in the 2020 presidential election, including before voting in the primaries of that election. The public has a right to know if the president's administration has inappropriately used government power to gain electoral advantage against an opponent through pressure on a foreign nation.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,<sup>[28][28]</sup> American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."<sup>[29][29]</sup> American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>[30][30]</sup> As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.<sup>[31][31]</sup>

Accordingly, American Oversight's request satisfies the criteria for expedition.

#### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>[32][32]</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence,

failed to meet their obligations. <sup>[33]</sup><sup>[33]</sup>

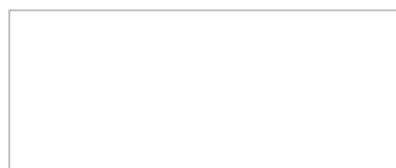
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically, <sup>[34]</sup><sup>[34]</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Dan McGrath at [foia@americanoversight.org](mailto:foia@americanoversight.org) or 202.897.4213. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.



Executive Director  
American Oversight

Sincerely,

Austin R. Evers

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<sup>[35]</sup><sup>[1]</sup> Kenneth P. Vogel, *Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump*, N.Y. TIMES, May 9, 2019, ><https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html><.

<sup>[36]</sup><sup>[2]</sup> *Id.*

<sup>[37]</sup><sup>[3]</sup> Kenneth P. Vogel & Andrew E. Kramer, *Giuliani Renews Push for Ukraine to Investigate Trump's Political*



Opponents, N.Y. TIMES, Aug. 21, 2019, ><https://www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html?smid=nytcore-ios-share><.

[38][4] Kenneth P. Vogel (@kenvogel), TWITTER (Aug. 22, 2019, 6:30 PM), ><https://twitter.com/kenvogel/status/1164666081501470727?s=20><.

[39][5] Meagan Flynn, *How Gordon Sondland, a Wealthy Hotelier Turned Ambassador, Became the Latest Key Player in the Ukraine Inquiry*, WASH. POST (Oct. 4, 2019, 7:27 AM), ><https://www.washingtonpost.com/nation/2019/10/04/gordon-sondland-ukraine-texts-ambassador/><; Erin Banco, et al., *U.S. Ambassador Roped Into Rudy's Quest to Smear Biden*, THE DAILY BEAST (Sept. 25, 2019, 7:26 AM), ><https://www.thedailybeast.com/impeachment-inquiry-us-ambassador-roped-into-rudy-giulianis-quest-to-smear-biden><.

[40][6] Leigh Ann Caldwell, et al., *Giuliani Says State Dept. Vowed to Investigate After He Gave Ukraine Docs to Pompeo*, NBC NEWS (Oct. 4, 2019, 8:09 AM), ><https://www.nbcnews.com/politics/trump-impeachment-inquiry/giuliani-says-state-dept-vowed-investigate-after-he-gave-ukraine-n1061931><.

[41][7] Letter from Chairs Rep. Engel, Rep. Schiff, & Rep. Cummings, U.S. House of Representatives Committees on Foreign Affairs, Intelligence, and Oversight and Reform, to Michael Pompeo, Secretary, U.S. Dep't of State, Sept. 9, 2019, ><https://www.politico.com/f/?id=0000016d-16fe-d466-a36d-d6ff7a9c0000><.

[42][8] Karoun Demirjian et al., *Trump Ordered Hold on Military Aid Days Before Calling Ukraine President*, WASH. POST (Sept. 23, 2019, 10:40 PM), >[https://www.washingtonpost.com/national-security/trump-ordered-hold-on-military-aid-days-before-calling-ukrainian-president-officials-say/2019/09/23/df93a6ca-de38-11e9-8dc8-498eabc129a0\\_story.html](https://www.washingtonpost.com/national-security/trump-ordered-hold-on-military-aid-days-before-calling-ukrainian-president-officials-say/2019/09/23/df93a6ca-de38-11e9-8dc8-498eabc129a0_story.html)<.

[43][9] Devan Cole, *Trump Says He Discussed Biden with Ukrainian President and Democrats Threaten 'New Stage of Investigation'*, CNN (Sept. 22, 2019, 6:41 PM), ><https://www.cnn.com/2019/09/22/politics/adam-schiff-donald-trump-ukraine-whistleblower-investigation-impeachment/index.html><.

[44][10] THE WHITE HOUSE, Memorandum of Telephone Conversation with President Zelenskyy of Ukraine, July 25, 2019, <https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf>.

[45][11] Zachary Basu, *Trump Says China Should Investigate Bidens*, AXIOS, Oct. 3, 2019, ><https://www.axios.com/trump-china-investigate-joe-biden-f7d034bf-91ea-4ede-a879-6b86c36e719a.html><.

[46][12] Kylie Atwood, et al., *Trump Raised Biden with Xi in June Call Housed in Highly Secure Server*, CNN (Oct. 3, 2019, 10:30 PM), ><https://www.cnn.com/2019/10/03/politics/trump-biden-call-xi-secure-server/index.html><; Lachlan Markey and Asawin Suebsaeng, *Not Just Ukraine: Rudy and Bannon Try a Whole New Way to Slime Biden*, THE DAILY BEAST (Sept. 24, 2019, 12:22 PM), ><https://www.thedailybeast.com/rudy-giuliani-and-steve-bannon-are-going-after-hunter-biden-not-just-on-ukraine-but-on-china-too><.

[47][13] David Lynch & Josh Dawsey, *Trump Adviser Gives Conflicting Accounts on Whether Chinese Offered Information About Hunter Biden*, WASH. POST (Oct. 10, 2019, 2:27 PM), >[https://www.washingtonpost.com/business/economy/trump-advisor-gives-conflicting-accounts-on-whether-chinese-offered-information-about-hunter-biden/2019/10/10/35f32a14-eb80-11e9-9306-47cb0324fd44\\_story.html](https://www.washingtonpost.com/business/economy/trump-advisor-gives-conflicting-accounts-on-whether-chinese-offered-information-about-hunter-biden/2019/10/10/35f32a14-eb80-11e9-9306-47cb0324fd44_story.html)<.

[48][14] 5 U.S.C. § 552(a)(4)(A)(iii).

[49][15] See Vogel *supra* note 1.

[50][16] See Vogel *supra* note 3.

[51][17] See 5 U.S.C. § 552(a)(4)(A)(iii).

- [52][18] American Oversight currently has approximately 12,300 page likes on Facebook and 54,500 followers on Twitter. American Oversight, FACEBOOK, ><https://www.facebook.com/weareoversight/>< (last visited Sept. 20, 2019); American Oversight (@weareoversight), TWITTER, ><https://twitter.com/weareoversight>< (last visited Sept. 20, 2019).
- [53][19] *News*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/blog><.
- [54][20] *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance><; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents><.
- [55][21] *See generally Audit the Wall*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/investigation/audit-the-wall><; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall><.
- [56][22] *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business><.
- [57][23] *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia><.
- [58][24] *Sessions’ Letter Shows DOJ Acted On Trump’s Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/sessions-letter><.
- [59][25] Catherine Kim, *The 2020 Election Calendar*, Vox (Sept. 12, 2019, 11:56 PM), ><https://www.vox.com/2019/6/26/18693259/2020-presidential-election-calendar-primaries><.
- [60][26] See, e.g., John Wagner, *Trump Declines to Say Whether He Discussed Joe Biden in Call with Ukrainian President*, WASH. POST (Sept. 20, 2019, 12:27 PM), >[https://www.washingtonpost.com/politics/trump-issues-fresh-denial-of-a-dicey-conversation-with-a-foreign-leader/2019/09/20/00da79dc-dba3-11e9-a688-303693fb4b0b\\_story.html](https://www.washingtonpost.com/politics/trump-issues-fresh-denial-of-a-dicey-conversation-with-a-foreign-leader/2019/09/20/00da79dc-dba3-11e9-a688-303693fb4b0b_story.html)<; Phil Helsel, *Whistleblower Complaint About Trump Involves Ukraine, Report Says*, NBC NEWS (Sept. 19, 2019, 9:54 PM), ><https://www.nbcnews.com/politics/white-house/whistleblower-complaint-about-trump-involves-ukraine-report-says-n1056751><.
- [61][27] Robert Legare, *Rudy Giuliani Says He Didn’t Ask Ukraine to Investigate Biden—And Then Says He Did*, CBS NEWS (Sept. 20, 2019, 10:31 AM) ><https://www.cbsnews.com/news/rudy-giuliani-chris-cuomo-interview-did-not-ask-ukraine-to-investigate-biden-and-then-says-he-did-cnn-appearance/><.
- [62][28] See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).
- [63][29] *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).
- [64][30] American Oversight currently has approximately 12,300 page likes on Facebook and 54,500 followers on Twitter. American Oversight, FACEBOOK, ><https://www.facebook.com/weareoversight/>< (last visited Sept. 20, 2019); American Oversight (@weareoversight), TWITTER, ><https://twitter.com/weareoversight>< (last visited Sept. 20, 2019).
- [65][31] *See generally News*, AMERICAN OVERSIGHT, ><https://www.americanoversight.org/blog><; see, e.g., *DOJ Civil*

Division Response Noel Francisco Compliance, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>; *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.

[66][32] See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

[67][33] See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

[68][34] Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

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## [EXTERNAL] For Bob's memoir?

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**From:** Mike Pillsbury <mikepillsbury@aol.com>

**To:** "Greer, Jamieson L. EOP/USTR" <jamieson.l.greer@ustr.eop.gov>

**Date:** Fri, 01 Mar 2019 12:19:43 -0500

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## [EXTERNAL] Jeff and Jamieson - The Chinese 10 points I mentioned appeared in bloomberg back on May 4

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**From** : Mike Pillsbury <mikepillsbury@aol.com>  
**To:** "Greer, Jamieson L. EOP/USTR" <jamieson.l.greer@ustr.eop.gov>, jeffrey.d.gerrish@ustr.gov  
**Date:** Fri, 08 Mar 2019 17:38:53 -0500

The article was entitled "here is what the US, China demanded of each other on trade" May 4, 2018

"The following is a synopsis of China's demands:

In an official document seen by Bloomberg News, China stated that measures to open up its economy will not be applicable to U.S. investors if the U.S. doesn't meet China's request on equal treatment of Chinese investment. Other requests (Chinese requests) of the U.S. included:

- Lift bans on exports of integrated circuits to China.
- Stop imposing 25 percent extra tariffs against Chinese products.
- Open government procurement to Chinese technology products and services.
- Give equal treatment to Chinese companies in national security review.
- Adjust the export ban on ZTE. Corp.
- Drop surrogate-country approach in anti-dumping, anti-remedy cases.
- Not to initiate any Section 301 investigation against China in the future.
- Open its e-payment market to Chinese companies.
- Approve China International Capital Corp.'s application for a financial license.
- Open the e-payment market to Chinese companies

## RE: [EXTERNAL] SGE and security clearance application forms

**From:** "Greer, Jamieson L. EOP/USTR" [Exemption 6]  
:  
**To:** Mike Pillsbury <mikepillsbury@aol.com>, "Gray, Alexander B. EOP/NSC" [Exemption 6]@nsc.eop.gov  
**Date:** Wed, 13 Mar 2019 15:33:52 -0400

Thanks. At USTR we are processing you for membership on one of our relevant advisory committees which includes a security clearance process.

-----Original Message-----

**From:** Mike Pillsbury <mikepillsbury@aol.com>  
**Sent:** Tuesday, March 12, 2019 3:13 PM  
**To:** Greer, Jamieson L. EOP/USTR <Jamieson.L.Greer@ustr.eop.gov>; Gray, Alexander B. EOP/NSC [Exemption 6]@nsc.eop.gov  
**Subject:** Re: [EXTERNAL] SGE and security clearance application forms

Jamieson snd Alex,

# Exemption 6

The form requires a description of the person's expertise and a description of what they would work on — I'm happy to provide you

Michael Pillsbury

Sent from my iPhone  
Sorry for sounding rushed!

> On Mar 1, 2019, at 12:21 PM, Greer, Jamieson L. EOP/USTR <Jamieson.L.Greer@ustr.eop.gov> wrote:

>  
> No, just show up at USTR and ask for me at the front desk.  
>  
> 600 17th Street

> Sent from my iPhone

>> On Mar 1, 2019, at 12:08 PM, Mike Pillsbury <mikepillsbury@aol.com> wrote:

>>  
>> Sure!  
>>  
>> Do use the "waves" personnel system?  
>>  
>> Sent from my iPhone

>> Sorry for sounding rushed!

>>

>>> On Mar 1, 2019, at 11:47 AM, Greer, Jamieson L. EOP/USTR <Jamieson.L.Greer@ustr.eop.gov> wrote:

>>>

>>> A little short notice, but any chance you can come into USTR around 3 today?

>>>

>>> Sent from my iPhone

>>



## China WTO Report

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**From:** jeffrey.d.gerrish@ustr.eop.gov

**To:** mikepillsbury@aol.com

**Date:** Thu, 11 Apr 2019 15:24:08 -0400

**Attachments** 2018-USTR-Report-to-Congress-on-China's-WTO-Compliance.pdf (2.2 MB);  
: ATT00001.txt (2 bytes)

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<https://ustr.gov/sites/default/files/2018-USTR-Report-to-Congress-on-China%27s-WTO-Compliance.pdf>

## [EXTERNAL] Brief meeting with ambassador lighthizer today or tomorrow?

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**From** : Mike Pillsbury <mikepillsbury@aol.com>  
**To:** jeffrey.d.gerrish@ustr.gov, "Greer, Jamieson L. EOP/USTR" <jamieson.l.greer@ustr.eop.gov>  
**Cc:** "Pottinger, Matthew F. EOP/NSC" Exemption 6 nsc.eop.gov>  
**Date:** Thu, 11 Apr 2019 09:20:44 -0400

---

I have a chance to meet some of the reformers in Beijing next week-leaving tomorrow

Love to have a brief consultation today or tomorrow ?

I Saw Matt Pottinger and Jared Kushner this morning for an hour you gave them a copy of my book on the reformers published in 2000 called China Debates The future

I have a copy for you too - it was sponsored by Andy Marshall Who died recently at age 97 One of our best strategic thinkers

Michael Pillsbury

Sent from my iPhone  
Sorry for sounding rushed!

**Re: [EXTERNAL] An invitation to address the Committee on the Present Danger: China Roundtable Discussion, 11 a.m.-2:30 p.m. 2 May at the Reserve Officers Association HQ**

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**From:** jamieson.l.greer@ustr.eop.gov  
**To:** Frank Gaffney <fgaffney@centerforsecuritypolicy.org>  
**Cc:** Brian Kennedy Exemption 6 @gmail.com>, "Scales, Samuel A. EOP/USTR" <samuel.a.scales@ustr.eop.gov>  
**Bcc:** "Foley, Molly L. EOP/USTR" <molly.l.foley@ustr.eop.gov>, "McClendon, Dallas Q. EOP/USTR" <dallas.q.mcclendon@ustr.eop.gov>  
**Date:** Tue, 23 Apr 2019 14:42:21 -0400

---

Frank,

Thanks for reaching out. I will get this in front of the Ambassador for his consideration. Copying our public engagement team as well.

Jamieson

Sent from my iPhone

On Apr 21, 2019, at 10:22 AM, Frank Gaffney <[fgaffney@centerforsecuritypolicy.org](mailto:fgaffney@centerforsecuritypolicy.org)> wrote:

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Jamieson: I would be grateful if you might bring the following note to Amb. Lighthizer's attention.

Mr. Ambassador: I don't believe that we have met but we have scads of friends in common, including many members of the new Committee on the Present Danger: China (CPDC).

You may remember the important work that an earlier iteration of the Committee on the Present Danger did with Ronald Reagan, both when he was preparing to run for President in laying out a clear-eyed

assessment of the threat the Soviet Union posed to the United States and the rest of the Free World. Then, after he was successful, a number of the CPD's leading lights wound up staffing his administration and played key roles in executing the strategy for taking down the USSR that the Committee had helped develop.

We aspire under the leadership of our Chairman, Brian Kennedy, to play a no-less-consequential role in helping President Trump and those like you who understand the present, and growing, danger posed by today's counterpart to our Cold War adversary, totalitarian Soviet communism: the Chinese Communist Party. To that end, we are, among other things, convening a series of Roundtable Discussions aimed at raising awareness about the myriad threats posed by the CCP and advancing creative suggestions for neutralizing them. Attached is the press release describing our first such event on 9 April. (Videos of the remarks given by the likes of Newt Gingrich, Ted Cruz and Steve Bannon on that occasion are at [www.PresentDangerChina.org](http://www.PresentDangerChina.org).)

The next of these Roundtables will take place on 2 May at the Reserve Officers Association, 1 Constitution Ave. NE, from 11:00 to 2:30 p.m. Mindful of your considerable knowledge of this topic and your present responsibilities, I wanted to extend an invitation to you to join us for a brief presentation and, ideally, a few questions, at some point during that window. At the moment, we would have considerable flexibility and would be happy to work out a time that would accommodate your schedule.

If you might have a minute to skim them, also attached are: the Committee's mission statement and guiding principles; the roster of its members; and a brief statement we issued last month concerning the bilateral trade negotiations calling for a *holistic* approach to the various challenges posed by China under the CCP.

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If you or your staff have any questions about this program – which we expect will be addressed by, among others, senior legislators and attended by members of the press – please don't hesitate to let me know. In the meantime, Happy Easter!

With best personal regards, F

**Exemption 6** c

<CPDC Press Release 41019.docx>

<CPDC Mission Statement 32819.docx>

<CPDC Members Bios 33019.docx>

<CPDC Statement on the US-China Trade Deal 32519 .docx>

**\*\*\*MEDIA ADVISORY\*\*\***

For Immediate Release  
April 10, 2019

**CONTACT:**

Hamilton Strategies, [Media@HamiltonStrategies.com](mailto:Media@HamiltonStrategies.com), Patrick Benner, 610.584.1096, ext. 104, or Deborah Hamilton, ext. 102

## **‘Committee on the Present Danger: China’ Hosts Capitol Hill Roundtable Discussion of Threat Posed by Communist China**

*Newt Gingrich, Ted Cruz, and Steve Bannon Join CPDC Members In Addressing Communist China’s ‘Unrestricted Warfare’*

**WASHINGTON**— Current and former leading lawmakers joined national security experts and freedom fighters on the afternoon of April 9 for the first of a series of roundtable discussions aimed at raising awareness about the magnitude of the Chinese Communist Party’s multifaceted *and intensifying* effort to supplant the United States as the world’s dominant power and to discuss steps for countering it. This [newly launched](#) “Committee on the Present Danger: China” (CPDC) met against the backdrop of ongoing bilateral trade negotiations and rising concern—both in this country and the Western Pacific more generally—about Communist China’s economic warfare, military build-up and ever-more-aggressive behavior.

Frank Gaffney, Vice Chairman of CPDC briefly introduced the most consequential of the previous incarnations of the Committee: the one that informed and inspired Ronald Reagan’s strategy against the USSR, which he noted “in due course did bring down the totalitarian Communist regime that sought the destruction of this country and the enslavement of the rest of the world.”

The CPDC’s Chairman, Brian Kennedy, reminded the audience that the demise of the Soviet Union “was not inevitable or even likely, instead it was well thought out, debated in forums like this and later implemented by men and women in the Reagan Administration who defended Reagan’s policies.” He warned of the broad lack of awareness among Americans about the present danger posed by Communist China but commended our Commander-in-Chief for being keenly alive to it: “President Trump like Reagan before him understands this threat and is taking actions to ensure our national survival.”

U.S. Air Force veteran and Utah Congressman Chris Stewart, a member of the House Permanent Select Committee on Intelligence, stated that China’s “intention is to dominate the United States and every other Western democracy,” that “they are moving methodically towards that goal,” and that “from the intelligence perspective there is nothing that I worry about more.”

Former House Speaker Newt Gingrich described three ominous strategic victories Communist China has already secured: Its seizure of and effective control over the South China Sea; its empire-building inroads in Asia, Africa, Latin America and Europe; and its possibly irreversible ascendancy in the global 5G wireless market. He warned that we are “watching a revolution in strategic economic capabilities and a revolution in geographic location of power and all of it is being done *while we sleepwalk*.” He said, “This is going to be a long-term struggle between a civilization that believes in liberty and a civilization that believes in authoritarianism with Chinese characteristics.”

Texas Senator Ted Cruz said, “China is in my view, and in the view of many, the greatest long term geopolitical risk that the United States faces. He added that, “We need multiple tools to combat the geo-political and geo-military threat that we face.” These three tools include: (1) shining the light of transparency and truth on Chinese totalitarianism; (2) taking the Chinese threat deadly seriously and rebuilding our military and space capabilities, especially our space-based missile defenses; and (3) safeguarding ourselves at home against Chinese espionage, corporate theft, and academic/political influence. He completed his remarks with an inspirational call to action, saying, “Truth is stronger than lies, and light is stronger than darkness.”

Steve Bannon, the former Strategic Advisor to President Trump, closed the Committee’s roundtable with a reminder: “The Trump Revolution started with a reaction among the American people, particularly the working class in the middle class, believing that America was in decline” and Americans recognized threats to our republic, including that of Communist China. He said, “The Chinese people are among the most noble people that have ever walked the earth and they have been oppressed and abused for a millennium and are now under a ‘new emperor’ – a radical cadre of the CCP.” He explained that the globalist elites know about the human rights abuses precipitated by the Chinese government and yet consistently “sell out the American people, and the Chinese people” with them. Mr. Bannon warned the audience of the necessity that America defend against the threat of the CCP and its globalist enablers while echoing the sentiment of other participants who believe in the Chinese people. “When you have rule of law and freedom of speech and freedom of religion” Bannon said, “there is nothing that the Chinese people cannot accomplish.”

The important roundtable event was [live streamed on Facebook](#) and each of the individual speaker’s segments are now prominently featured at the CPDC’s website, [www.PresentDangerChina.org](http://www.PresentDangerChina.org).

The CPDC’s mission statement:

The mission of the “Committee on the Present Danger: China” is to help defend America through public education and advocacy against the full array of conventional and non-conventional dangers posed by the People’s Republic of China. As with the Soviet Union in the past, Communist China represents an existential and ideological threat to the United States and to the idea of freedom—one that requires a new American consensus regarding the policies and priorities required to defeat this threat. And for this purpose, it is necessary to bring to bear the collective skills, expertise and energies of a diverse group of experts on China, national security practitioners, human rights and religious freedom activists and others who have joined forces under the umbrella of the “Committee on Present Danger: China.”

Founding members of the “Committee on the Present Danger: China”—a number of whom were present at the roundtable discussion—include: Brian Kennedy, chairman; Frank Gaffney, vice chairman; R. James Woolsey; Dr. William Bennett; Steve Bannon; Mark Helprin; Pastor Bob Fu; Kevin Freeman; Dr. Peter Pry; Dr. Sasha Gong; LTG William Boykin; Hon. Ed Timperlake; Dr. Mark Schneider; Richard Fisher; Amb. Hank Cooper; Lianchao Han; Dr. Michael Waller; Capt. James Fanell, USN (Ret.); Col./Dr. Lawrence Sellin, USA (Ret.); Dr. Dan Blumenthal; Dr. Stephen Mosher; and Dr. Bradley Thayer.

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**To interview a ‘Committee on the Present Danger: China’ representative, contact [Media@HamiltonStrategies.com](mailto:Media@HamiltonStrategies.com), Patrick Benner, 610.584.1096, ext. 104, or Deborah Hamilton, ext. 102.**

**MEMBERS OF  
THE COMMITTEE ON THE PRESENT DANGER: CHINA**  
(As of 30 March 2019)

Brian Kennedy	Chairman; Former President, Claremont Institute; President of American Strategy Group
Frank Gaffney	Vice Chairman; Executive Chairman, Center for Security Policy; President and CEO, Save the Persecuted Christians
Hon. Steve Bannon	Former Chief Strategist to President Trump; former Chairman, Breitbart News
Hon. William Bennett	Former Secretary of Education; former Drug Czar
Dr. Dan Blumenthal	Director of Asian Studies, the American Enterprise Institute
Paul Berkowitz	Former Professional Staff Member, House Armed Services Committee
Joseph Bosco, Esq.	Fellow at the Institute for Coreia-American Studies (ICAS) and Institute for Taiwan-American Studies (ITAS); Former China Country Desk Officer in the Office of the Secretary of Defense
Lt. Gen. William “Jerry” Boykin, USA (Ret.)	Former Deputy Under Secretary of Defense for Intelligence; former Commander, Delta Force
José Cardenas	Former Acting Assistant Administrator of US AID; former NSC, State Department official
Hon. Robert Charles	Former Assistant Secretary of State; former White House official; naval intelligence officer
Amb. Henry Cooper	Former Director, Strategic Defense Initiative; former Ambassador, Defense and Space Talks
Dr. Anders Corr	Former civilian staff member for U.S. military intelligence on China; published editor
Hon. Kenneth DeGraffenreid	Former Special Assistant to the President for Intelligence
Nicholas Eftimiades	Former analyst in the CIA, State Department and DIA; Visiting Research Fellow at King’s College, London
Capt. James Fanell, USN (Ret.)	Former Director of Intelligence and Information Operations, U.S. Pacific Fleet



Richard Fisher	Senior Fellow, International Assessment and Strategy Center
Kevin Freeman, CFA	Author; host of Economic War Room with Kevin Freeman
Pastor/Dr. Bob Fu	Former Chinese dissident; President, China Aid
David Goldman	Columnist, <i>Asia Times</i> ;
Lianchao Han	Visiting Fellow at the Hudson Institute; one of the founders and vice-president of the Independent Federation of Chinese Students and Scholars
Mark Helprin	Best-selling author and essayist; Senior Fellow, Claremont Institute
Rich Higgins	Senior Fellow, Unconstrained Analytics; former Program Manager, Irregular Warfare, Department of Defense
Dr. Phillip Karber	President of the Potomac Foundation; former Director, Defense Department's Strategic Concepts Development Center
Ratko Knezevic	Board Member and Chief Strategic Officer, Aiteo Group
Clare Lopez	Former Clandestine Service Officer, CIA; Vice President, Center for Security Policy
Hon. Tidal McCoy	Former Acting Secretary of the Air Force
Hon. Robert McEwen	former Member of Congress from Ohio; Executive Director, Council for National Policy
Lt. Gen. Thomas McInerney, USAF (Ret.)	Former Assistant Chief of Staff, U.S. Air Force
Greg Mitchell, Esq	Co-Chairman, International Religious Freedom Roundtable
Dr. Stephen Mosher	President of the Population Research Institute
Chet Nagle	Former naval aviator and Defense Department official; former Director, Committee on the Present Danger
Benedict Peters	Businessman, entrepreneur and energy industry pioneer; CEO of Aiteo Group
Miles Prentice, Esq.	Attorney, entrepreneur
Dr. Peter Pry	Former CIA analyst; former Executive Director, Congressional EMP Threat Commission

Dr. Mark Schneider	Former Senior Executive Service official, Department of Defense; former Foreign Service Officer
Dr. Suzanne Scholte	President, Defense Forum Foundation; Chair, North Korea Freedom Foundation
Col./Dr. Lawrence Sellin, USA (Ret.)	Former business executive, medical researcher; combat veteran
Mark Stokes	Executive Director, Project 2049 Institute
Dr. Bradley Thayer	Fellow at the Harvard's Kennedy School of Government and St. Antony's College, Oxford; former DOD staff member
Hon. Ed Timperlake	Marine aviator, former Assistant Secretary, Department of Veterans Affairs
Dr. Arthur Waldron	Lauder Professor of International Relations, University of Pennsylvania
Dr. Michael Waller	Vice President for Government Relations, Center for Security Policy
Hon. Frank Wolf	Former Member of Congress
Hon. R. James Woolsey, Esq	Former Director of Central Intelligence; former Under Secretary of the Navy
Dr. Jianli Yang	Former Chinese dissident; founder of the Foundation for China in the 21 <sup>st</sup> Century

# Committee on the Present Danger: CHINA

## MISSION STATEMENT

The mission of the Committee on the Present Danger: China is to help defend America through public education and advocacy against the full array of conventional and non-conventional dangers posed by the People's Republic of China. As with the Soviet Union in the past, Communist China represents an existential and ideological threat to the United States and to the idea of freedom – one that requires a new American consensus regarding the policies and priorities required to defeat this threat. And for this purpose, it is necessary to bring to bear the collective skills, expertise and energies of a diverse group of experts on China, national security practitioners, human rights and religious freedom activists and others who have joined forces under the umbrella of the Committee on Present Danger: China.

## GUIDING PRINCIPLES

- Global hegemony has been the longstanding goal of the Chinese Communist Party the pursuit of which has become, under the leadership of Xi Jinping, increasingly brazen, blatant, and aggressive.
- The Chinese Communist Party (CCP), especially the party-controlled Chinese military, regards the United States as the only real impediment to its aspirations.
- For decades, the PRC has used an array of asymmetric financial, economic, cyber, information, influence, espionage, political warfare and other techniques (including unconventional ones) to weaken and ultimately defeat America.
- Increasingly, China can also project power globally and decisively using a combination of: stolen, purchased and indigenously developed hardware; a growing collection of strategically located overseas ports, airfields and bases; denial of access to strategic minerals and other resources; space and space-related capabilities; predatory investment and finance for global strategic gain; modernized and probably clandestine nuclear forces; state and non-state proxies; and a new way of warfare based on cyber operations and electromagnetic pulse (EMP) to neutralize others' defense capabilities.
- The United States is likely to face in the foreseeable future a determined and aggressive superpower adversary, prepared and willing to use force, as well as non-military forms of warfare, to defeat this country decisively. The PRC's aggressive actions are increasingly putting at risk its own people and environment and that of the rest of the world.
- Particularly ominous has been the CCP's success of late in undermining and subverting Western democracies from within through its: control, domination and exploitation of Chinese diaspora communities, including overseas students, professors and researchers; influence operations in the Western media and in academia; and the use of American and other corporations and even individuals invested in or doing business with China as advocates for accommodating Beijing.
- To steal the personal information of ordinary American citizens and to subvert their perceptions, opinions, and behavior.
- In the face of such threats, America must mobilize all instruments of national power to protect its people, territory, human freedom, vital interests and allies from the Chinese Communist Party.
- Prevailing against this dangerous adversary will require an understanding of the threat posed by its totalitarian system; a determination to reverse decades of American miscalculation, inaction and appeasement; and concerted, sustained effort on the part of the U.S. government, civil society, private sector business entities and the public at large to implement needed corrective actions.

- There is no hope of coexistence with China as long as the Communist Party governs the country. We seek China's peaceful evolution into a nation that respects the rule of law and individual human rights, instead of threatening its own people, as well as others.
- The Committee on the Present Danger: China is committed to educating policymakers and the American people about the mortal threat posed by the Communist Chinese Party and recommending and advocating for essential policy course-corrections aimed at defeating PRC aggression and keeping the United States and Free World strong and safe.

DRAFT



## CPDC Statement on the U.S.-China Trade Deal

25 March 2019

The United States is a commercial republic and has every interest in good relations with the nations of the world, most especially those with which we trade. President Trump is to be applauded for his leadership in negotiating new and more balanced trade deals with the People's Republic of China. Such action is long overdue. But the wealth gained by better trade deals, however desirable, is not decisive. Addressing the full array of economic, asymmetric and military threats the PRC poses under the Chinese Communist Party, on the other hand, most certainly *is*.

For the past four decades, the United States has given the PRC a preferred position when it comes to trade and economic engagement. This economic relationship has transferred trillions of dollars of wealth with which the PRC has built a world-class military increasingly capable of – and oriented towards – waging war against the United States.

The United States has done so despite the fact that the leadership of the Chinese Communist Party (CCP) and of the People's Liberation Army speak and write openly about such strategies as “Unrestricted Warfare.” These strategies aim to displace and, if necessary, destroy the United States by using, among other means, economic and financial lines of attack, electromagnetic pulses, cyberwarfare and terrorism.

The trade deal the Trump administration is now negotiating with China is expected to address its Communist Party's longstanding practice of stealing American intellectual property – the lifeblood of our information-based economy and a key component of our national security – at an annual cost to our companies and country said to be worth approximately \$500 billion. It remains to be seen whether any new commitments from the Chinese to end this practice will be honored, since past ones have not.

Unfortunately, however effective a new trade deal will prove to be, it cannot address the myriad other dangers posed by China's Communist Party. These include:

- The PRC's ominous military build-up and growing capacity to project power worldwide, to our detriment and that of other freedom-loving nations.
- China's alliances with rogue regimes, such as nuclear-armed North Korea and Iran, the world's leading state-sponsor of terrorism.
- The Chinese government's systematic denial of fundamental liberties to its own people, including notably the right to religious freedom – the suppression of which has become increasingly aggressive, comprehensive and violent – and its support, through the export of surveillance, telecommunications and other potentially coercive technologies, of repression elsewhere. A government that brutalizes its own population is unlikely to treat ours better.
- China's sophisticated utilization of media and other influence operations, intelligence collection and its large cadre of expatriates and students in the United States to subvert

American elites, both within financial, business and government circles and on the campuses of American universities.

All these longstanding strategic lines of effort, aimed at consolidating the Chinese Communist Party's control at home and/or its power abroad, are currently directed by President-for-life Xi Jinping. Make no mistake, given his absolute dominance of the CCP and China, Xi bears responsibility for the unrestricted warfare currently being waged against us and the prospect of the kinetic kind occurring in the not-too-distant future.

It is on Xi's watch that the theft of intellectual property has intensified. And there has been no easing either of the CCP's forced technology transfers, China's refusal to pay on its defaulted sovereign debt and countless breaches of contracts and other agreements made between U.S. businesses and their Chinese counterparts.

Xi's "China Dream" is also animating the PRC's seizure, expropriation or acquisition of strategic chokepoints around the globe and its investment in advanced nuclear weapons and delivery systems, a blue-water navy capable of operations worldwide and the means to exploit and control space for military, as well as commercial, purposes.

With or without Xi at the helm, however, so long as the Chinese Communist Party remains in power, the regime will have as its central goal the destruction of the United States. Whether it signs what appears to be a more balanced basis for bilateral trade or not, this ambition will drive Communist China's policies and conduct.

For these reasons, it is imperative that the United States engage in appropriate countermeasures. These must include the pursuit of technologies and capabilities required to: actualize President Trump's plans for effective, comprehensive anti-missile defenses; build a U.S. space force; and rearm America's armed services. Given the speed with which the Chinese military threat is intensifying, the Trump Administration must redouble its efforts rapidly to build *and deploy* these means of deterring and, if necessary defeating, Chinese aggression in the Pacific and elsewhere, lest our weakness invite it.

In addition, given China's continuing, unrestricted economic and financial warfare against this country we must – *with or without a new U.S.-PRC trade agreement* – bring to bear the great force of American capitalism unleashed by President Trump's domestic economic and regulatory policies. However the trade deal winds up, these U.S. initiatives must continue and expand, inspiring American businessmen to invest, innovate, and create the prosperity here at home that has made the United States the envy of the world, as well as the most important obstacle to the Chinese Communist Party's ambition to dominate it.

Everything possible should be done to ensure that American businesses have the opportunity to compete fairly and freely in commerce around the world, including China. As a practical matter, however, that can only be assured if the United States demonstrates the capacity and the will to safeguard not only free enterprise, but human freedom and the Free World in which both capitalism and liberty uniquely thrive. We strongly support President Trump's commitment to these priorities.

[APG]

## Clearance

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**From:** jamieson.l.greer@ustr.eop.gov  
**To:** Mike Pillsbury <mikepillsbury@aol.com>  
**Bcc:** "Foley, Molly L. EOP/USTR" <molly.l.foley@ustr.eop.gov>  
**Date:** Tue, 03 Sep 2019 13:20:31 -0400

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Michael,

**Exemption 6**  
[REDACTED]

Separately, Amb. Lighthizer would like to have you come in to catch up with him in the near future. Are you around this week?

Jamieson

Sent from my iPhone

## Re: [EXTERNAL] Re: Clearance

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**From:** Mike Pillsbury <mikepillsbury@aol.com>  
**To:** "Knight, Jaclyn C. EOP/USTR" <jaclyn.c.knight@ustr.eop.gov>  
**Cc:** "Greer, Jamieson L. EOP/USTR" <jamieson.l.greer@ustr.eop.gov>  
**Date:** Tue, 03 Sep 2019 21:01:01 -0400

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Thanks Got it!!

Sent from my iPhone  
Sorry for sounding rushed!

> On Sep 3, 2019, at 8:55 PM, Knight, Jaclyn C. EOP/USTR <Jaclyn.C.Knight@ustr.eop.gov> wrote:  
>  
> Thanks Mike, we are confirmed. No waves needed for our building. Please just bring a photo ID to check in with security at the front, and someone will be down to escort you up.  
>  
> We are located at 600 17th Street NW.  
>  
> Best,  
> Jaclyn  
>  
> Sent from my iPhone  
>  
>> On Sep 3, 2019, at 6:37 PM, Mike Pillsbury <mikepillsbury@aol.com> wrote:  
>>  
>> Jamison and Jaclyn  
>>  
>> yes 2 PM tomorrow is fine  
>>  
>> put me in the waves system, please  
>>  
>> I may still be in the system because I saw President Trump in the oval office last week  
>>  
>>  
>> Michael Pillsbury  
>> cell phone **Exemption 6**  
>>  
>> Sent from my iPhone  
>> Sorry for sounding rushed!  
>>  
>>> On Sep 3, 2019, at 6:03 PM, Greer, Jamieson L. EOP/USTR <Jamieson.L.Greer@ustr.eop.gov> wrote:  
>>>  
>>> It would be great if you could come in tomorrow around 2 PM. Is that possible? Copying in Jaclyn our scheduler for awareness.  
>>>  
>>> Jamieson  
>>>



>>> Sent from my iPhone  
>>>  
>>>> On Sep 3, 2019, at 5:07 PM, Mike Pillsbury <mikepillsbury@aol.com> wrote:  
>>>>  
>>>> Jameson,  
>>>>  
>>>>  
>>>> yes pretty much anytime tomorrow to see Ambassador Lighthizer is a great honor  
>>>>  
>>>> I'm invited to speak in Hong Kong and Beijing September 19-23rd  
>>>>  
>>>> Michael  
>>>>  
>>>> Sent from my iPhone  
>>>> Sorry for sounding rushed!  
>>>>  
>>>>  
>>

# [EXTERNAL] Marco Rubio, Mark Warner launch bill to create White House office to prevent China from stealing American technology

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**From:** Mike Pillsbury <mikepillsbury@aol.com>  
**To:** "Greer, Jamieson L. EOP/USTR" <jamieson.l.greer@ustr.eop.gov>  
**Date:** Wed, 04 Sep 2019 15:44:13 -0400

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><http://sunshinestatenews.com/story/marco-rubio-mark-warner-want-white-house-office-fight-china-stealing-american-technology><

Sent from my iPhone  
Sorry for sounding rushed!

## RE: WSJ: Senator Asks Whether Biden Probe Was Linked to China Trade Talks

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**From:** "Garvey, Kevin P. EOP/USTR" <kevin.p.garvey@ustr.eop.gov>  
:  
**To:** "Jackson, Christopher L. EOP/USTR" <christopher.l.jackson@ustr.eop.gov>  
"Bishop, Cameron M. EOP/USTR" <cameron.m.bishop@ustr.eop.gov>, "Ekmark, Kimberly K. EOP/USTR" <kimberly.k.ekmark@ustr.eop.gov>, "Carr, Kerrie L. EOP/USTR" <kerrie.l.carr@ustr.eop.gov>  
**Date:** Tue, 29 Oct 2019 17:44:41 -0400

Thanks, Chris and Congressional Team!

---

**From:** Jackson, Christopher L. EOP/USTR <Christopher.L.Jackson@ustr.eop.gov>  
**Sent:** Tuesday, October 29, 2019 5:44 PM  
**To:** Garvey, Kevin P. EOP/USTR <Kevin.P.Garvey@ustr.eop.gov>  
**Cc:** Bishop, Cameron M. EOP/USTR <Cameron.M.Bishop@ustr.eop.gov>; Ekmark, Kimberly K. EOP/USTR <Kimberly.K.Ekmark@ustr.eop.gov>; Carr, Kerrie L. EOP/USTR <Kerrie.L.Carr@ustr.eop.gov>  
**Subject:** RE: WSJ: Senator Asks Whether Biden Probe Was Linked to China Trade Talks

Hi Kevin

Attached here. Congressional team, it just dawned on me but can we include Kevin on all of our incoming letters.

Chris

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**From:** Garvey, Kevin P. EOP/USTR <Kevin.P.Garvey@ustr.eop.gov>  
**Sent:** Tuesday, October 29, 2019 5:38 PM  
**To:** Jackson, Christopher L. EOP/USTR <Christopher.L.Jackson@ustr.eop.gov>  
**Subject:** FW: WSJ: Senator Asks Whether Biden Probe Was Linked to China Trade Talks

Can you please send me a copy of the Wyden letter if you've received it?

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**From:** Emerson, Jeffrey W. EOP/USTR <Jeffrey.W.Emerson@ustr.eop.gov>  
**Sent:** Tuesday, October 29, 2019 5:35 PM  
**To:** Greer, Jamieson L. EOP/USTR <Jamieson.L.Greer@ustr.eop.gov>; Gerrish, Jeffrey D. EOP/USTR <Jeffrey.D.Gerrish@ustr.eop.gov>; Garvey, Kevin P. EOP/USTR <Kevin.P.Garvey@ustr.eop.gov>; Barloon, Joseph L. EOP/USTR <Joseph.L.Barloon@ustr.eop.gov>; Davis, Emily K. EOP/USTR <Emily.K.Davis@ustr.eop.gov>; Bishop, Cameron M. EOP/USTR <Cameron.M.Bishop@ustr.eop.gov>;

Jackson, Christopher L. EOP/USTR <Christopher.L.Jackson@ustr.eop.gov>; Carr, Kerrie L. EOP/USTR <Kerrie.L.Carr@ustr.eop.gov>; Ekmark, Kimberly K. EOP/USTR <Kimberly.K.Ekmark@ustr.eop.gov>; Morris, Rachel M. EOP/USTR <Rachel.M.Morris@ustr.eop.gov>

**Subject:** WSJ: Senator Asks Whether Biden Probe Was Linked to China Trade Talks

WSJ: Senator Asks Whether Biden Probe Was Linked to China Trade Talks  
Wyden sends letters to senior administration officials after trade adviser Navarro declined to address questions

By William Mauldin and Alex Leary

Oct. 29, 2019 5:26 pm ET

WASHINGTON—A Democratic senator has asked the Trump administration to clarify whether U.S. officials sought to inject an investigation of former Vice President Joe Biden into trade negotiations with Beijing.

Sen. Ron Wyden of Oregon, the top Democrat on the Senate's trade-focused committee, on Tuesday sent letters to senior administration officials after trade adviser Peter Navarro in a television interview declined to address questions on whether Mr. Biden or his son Hunter Biden have come up in talks with Chinese officials.

President Trump drew widespread attention Oct. 3 when he told reporters that "China should start an investigation into the Bidens, because what happened in China is just about as bad as what happened with Ukraine." His comment came just after House Democrats had launched an impeachment inquiry into whether Mr. Trump solicited Ukraine's help in investigating a political rival, including Joe Biden.

The president has suggested, without evidence, that Hunter Biden engaged in impropriety as a director of a Chinese private-equity firm. The younger Biden, who stepped down from the firm earlier this month, has denied any wrongdoing in his business dealings in China and Ukraine.

The president said he had not asked his Chinese counterpart about the matter, but added "it's certainly something we can start thinking about."

Mr. Trump is under an impeachment investigation in the House for pressing Ukrainian President Volodymyr Zelensky to open investigations into matters related to the 2016 election and the Bidens.

Mr. Navarro was asked in an interview with CNN on Oct. 24 if the Biden issue came up in administration talks with China.

“You don’t have a right to know what happens behind closed doors in the administration,” Mr. Navarro replied. “You’re asking me what happens in the White House behind closed doors.”

Mr. Wyden, in a letter to Mr. Navarro reviewed by The Wall Street Journal, said “the American people have every right to know if negotiators are using United States’ trade policy to advance President Trump’s personal and political interests.”

Mr. Navarro responded “no” when asked by the Journal on Tuesday if he was aware of any trade discussions among administration officials and the Chinese that touched on Hunter Biden.

Mr. Trump’s chief economic adviser, Larry Kudlow, previously told reporters that the resumption of trade talks with China had no connection to Mr. Trump’s desire for Beijing to probe the Bidens.

Mr. Wyden says the committee wants answers by Nov. 8 to its questions, including whether officials ever discussed an “existing or proposed investigation of Vice President or Hunter Biden as part of ongoing trade negotiations with China with any Chinese official or Chinese national?”

Similar letters went to U.S. Trade Representative Robert Lighthizer, Treasury Secretary Steven Mnuchin, Commerce Secretary Wilbur Ross and Secretary of State Mike Pompeo.

Spokespeople for Messrs. Lighthizer, Mnuchin, Ross and Pompeo didn’t immediately respond to requests for comment.

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# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

SOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL  
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

October 29, 2019

The Honorable Robert Lighthizer  
United States Trade Representative  
600 17<sup>th</sup> Street NW  
Washington, DC 20508

Dear Ambassador Lighthizer:

It is no secret that the Trump Administration is engaged in trade negotiations with China. What is a secret is what domestic political benefit the Administration is trying to obtain in those negotiations. Recent comments by administration officials have left me deeply concerned that U.S. economic interests are taking a back seat to President Trump's personal interests in our discussions with China.

On October 24, 2019, Peter Navarro, Director of the White House National Trade Council, attended the CITIZEN by CNN conference in New York. There he was interviewed by Jim Sciutto as part of an event titled "China Trade Deal: Fact or Fiction."<sup>1</sup> During the interview, Sciutto asked him several times if investigating the Bidens was brought up as part of trade negotiations with China. Navarro refused to answer the question. He further stated the American people "don't have a right to know" the answer.<sup>2</sup>

This interview followed an earlier interview between Navarro and Sciutto on the same topic. On October 4, 2019, Sciutto asked Navarro several times if he ever "raised investigating Joe Biden with China during trade negotiations."<sup>3</sup> Navarro refused to answer and instead criticized reporting on the matter as "fake news."

In fact, there is every reason to believe that the Administration is seeking to link advancement on a trade deal with advancement of its own domestic political agenda. Speaking to reporters at the White House on October 3, 2019, President Trump told reporters "China should start an investigation into the Bidens because what happened in China is just about as bad as what happened with Ukraine," referencing the unsubstantiated allegations of wrongdoing by Joe and

<sup>1</sup> Jim Sciutto, "Hi folks. Stream us today as I interview WH trade advisor Peter Navarro on the latest on US-China trade talks and where the trade war goes from here. #CitizenCNN," Oct. 24, 2019, <https://twitter.com/jimsciutto/status/1187335097558667264>.

<sup>2</sup> Oliver Darcy, "Here's video of @jimsciutto asking Peter Navarro if political investigations about the Bidens have come up during China trade talks, and Navarro declining to answer," Oct. 24, 2019, <https://twitter.com/oliverdarcy/status/1187384677520117760>; Jim Sciutto, "I just asked WH trade advisor Peter Navarro half a dozen times if Trump would press China to investigate Biden as part of trade talks and he refused to answer citing 'confidentiality'. #CITIZENCNN," <https://twitter.com/jimsciutto/status/1187367812240678912>.

<sup>3</sup> "Watch White House adviser dodge question about Joe Biden," CNN, Oct. 24, 2019, <https://www.cnn.com/videos/politics/2019/10/04/peter-navarro-trump-joe-biden-sciutto-nr-vpx.cnn>.

Hunter Biden in the Ukraine.<sup>4</sup> Several days later, Michael Pillsbury, an informal White House adviser on China, told the Financial Times that he had gotten “quite a bit of background on Hunter Biden from the Chinese” on a recent visit to Beijing.<sup>5</sup>

Contrary to Navarro’s assertions, the American people have every right to know if negotiators are using United States’ trade policy to advance President Trump’s personal and political interests.

As Ranking Member of the Senate Finance Committee, I have a constitutional obligation to conduct oversight of matters related to trade agreements and the settlement of trade litigation. To assist my oversight of this matter, please provide answers to the following questions by November 8, 2019.

1. Did you ever discuss an existing or proposed investigation of Vice President or Hunter Biden as a part of ongoing trade negotiations with China with any Chinese official or Chinese national?
2. Did you ever discuss an existing or proposed investigation of any of President Trump’s political opponents as a part of ongoing trade negotiations with China with any Chinese official or Chinese national?
3. Are you aware of any discussions by the President, trade negotiators, or any other Administration officials or their agents, formal or informal, concerning investigations of Vice President or Hunter Biden as part of ongoing trade negotiations with China?
4. Are you aware of any discussions by the President, trade negotiators, or any other Administration officials or their agents concerning investigations of any of President Trump’s political opponents as part of ongoing trade negotiations with China?
5. Did you ever discuss any issues related to the personal financial benefit of President Trump or his family as a part of ongoing trade negotiations with China with any Chinese official or Chinese national?
6. Are you aware of any discussions by the President, trade negotiators, or any other Administration officials or their agents, formal or informal, concerning the personal

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<sup>4</sup> Kevin Liptak, “Trump now says both China and Ukraine should investigate Bidens,” Oct. 3, 2019, <https://www.cnn.com/2019/10/03/politics/donald-trump-ukraine-china-investigate-2020/index.html>.

<sup>5</sup> Demetri Sevastopulo, “Trump Adviser Says China Provided Information About Hunter Biden,” Financial Times, Oct. 10, 2019, <https://amp.ft.com/content/d4b9b0a8-eb14-11e9-a240-3b065ef5fc55>; Demetri Sevastopulo, “Apparently Mike (@mikepillsbury) denied on C-Span that he told me this (<https://cs.pn/324FFP0> ).

But here is the email exchange with him last night (and our story: <https://on.ft.com/2nACn79> ).  
[https://twitter.com/Olivia\\_Gazis/status/1182291386554617857](https://twitter.com/Olivia_Gazis/status/1182291386554617857) ...” Oct. 10, 2019,  
<https://twitter.com/Dimi/status/1182295578128064513?s=20>.

financial benefit of President Trump or his family as part of ongoing trade negotiations with China?

Thank you for your attention to this matter.

Sincerely,



Ron Wyden  
Ranking Member



## FW: Response to Sen. Wyden inquiry

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**From:** "Garvey, Kevin P. EOP/USTR" <kevin.p.garvey@ustr.eop.gov>  
**To:** "Greer, Jamieson L. EOP/USTR" <jamieson.l.greer@ustr.eop.gov>, "Barloon, Joseph L. EOP/USTR" <joseph.l.barloon@ustr.eop.gov>  
**Date:** Mon, 04 Nov 2019 11:59:30 -0500   
**Attachments** DRAFT Response to Sen Wyden re China Negotiations - 2.docx (16.78 kB); USTR  
: Response to Wyden\_China\_Bidens\_Nov 8\_2019.docx (15.42 kB)

I've drafted the attached response from ARL to Sen Wyden re: China and the Bidens. Also attached is the letter Treasury will be sending today. Sen. Wyden didn't ask for a response until this Friday. I'm not sure why Treasury is so keen to answer the mail.

### Kevin P. Garvey

Deputy Chief of Staff  
Office of the U.S. Trade Representative  
O: [202-395-9523](tel:202-395-9523) | C: **Exemption 6**

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**From:** Brian.Callanan@treasury.gov <Brian.Callanan@treasury.gov>  
**Sent:** Sunday, November 3, 2019 2:35 PM  
**To:** Brady, Ryan D. EOP/WHO **Exemption 6** @who.eop.gov>; Garvey, Kevin P. EOP/USTR <Kevin.P.Garvey@ustr.eop.gov>  
**Cc:** Frederick.Vaughan@treasury.gov  
**Subject:** Response to Sen. Wyden inquiry

Ryan and Kevin, Please refer to the attached revised draft response from Treasury. We've been asked to send this response by COB Monday.

Hope you're having a good weekend.

Thanks,  
Brian

Brian Callanan  
General Counsel  
Department of the Treasury  
**Exemption 6**