

ODNI WHISTLEBLOWER COMPLAINT: SHOES DROPPING ALL OVER THE PLACE [UPDATE-2]

[NB: Check the byline. Updates are anticipated and will appear within the timeline or at the bottom of the text. /~Rayne]

In an effort to guess at the likely subject of a whistleblower complaint, the emptywheel community started a crowdsourced timeline of events surrounding the complaint received by the Intelligence Community Office of Inspector General on August 12.

As noted in the timeline, the House Intelligence Committee subpoena issued last Friday required the acting Director of National Intelligence (ADNI) Joseph Maguire to report to Congress about the complaint by Tuesday, September 17; failure to comply would require an appearance before Congress on Thursday, September 19. Maguire did not report as expected.

However dates for the ADNI to testify before the House have now been arranged:

New: "The Intelligence Community Inspector General (IC IG) has agreed to appear before the House Intelligence Committee for a briefing on the handling of the whistleblower complaint tomorrow morning, September 19, in closed session at 9:00 am." – @RepAdamSchiff

– Jim Sciutto (@jimsciutto) September 18, 2019

. . .

"The Acting Director of National Intelligence Joseph Maguire has agreed to testify in open session before the Committee next Thursday, September 26 at

9:00 am.”

– Jim Sciutto (@jimsciutto) September 18, 2019

[emphasis mine]

The Washington Post reported more details Wednesday evening about the whistleblower complaint:

Trump’s communications with foreign leader are part of whistleblower complaint that spurred standoff between spy chief and Congress, former officials say

One bit stood out for me in the lede:

The whistleblower complaint that has triggered a tense showdown between the U.S. intelligence community and Congress involves President Trump’s communications with a foreign leader, according to two former U.S. officials familiar with the matter.

Emphasis mine. Two former officials.

Speculation about the whistleblower’s identity is rampant across social media. Some suggest Fiona Hill, former Special Assistant to the President and National Security Council Senior Director for European and Russian Affairs, as the whistleblower; her planned departure in August was announced June 18. Others suggest an as-yet unnamed low-level analyst.

Marcy tweeted earlier,

What if the whistleblower complaint is not Sue Gordon but John Bolton?

– emptywheel (@emptywheel) September 19, 2019

It’s not outside the realm of possibility. Bolton seems in a mood to burn it all down, ‘shanking’ POTUS during a Trumpists-dense

luncheon on Wednesday. But given the “two former U.S. officials” and former DNI Dan Coats interruption of a meeting to ask his deputy Sue Gordon to resign, I wonder if both Coats and Gordon resigned so they would be able to testify before Congress while escaping the appearance of being compromised by unethical or unlawful acts?

Important points for consideration:

- What constitutes an “urgent concern” validated by the Intelligence Community Inspector General as credible?
- What constitutes an unlawful act that would compel a whistleblower to file a complaint if the president can declassify information at will?
- What kind of unlawful act characterized as an “urgent concern” could occur as a “promise” in communications with a foreign leader?
- How does the existing timeline frame this “promise”?
- Who is the “higher authority” who ordered the ADNI not to turn over the whistleblower complaint to the HPSCI, obstructing investigatory oversight?

Promising to violate or ignore violation of bipartisan sanctions against Russia would be unlawful, but would this be an “urgent concern”?

Was there instead an unlawful act with regard to

the doxxing of the exfiltrated Russian asset?

Or was there a promise related to surveillance of North Korea?

Did the tensions between the U.S. and Iran spawn an unlawful promise?

There are probably dozens more scenarios that might fit. They may be related to items we didn't add to the crowdsourced timeline, like these items directly related to North Korea:

28-FEB-2019 – Trump cut short the two-day summit with North Korea for no clear reason.

11-JUN-2019 – Trump received a “beautiful letter” from North Korea’s Kim Jong-un.

09-AUG-2019 – Trump received another “very beautiful letter” from Kim.

This one related to Iran:

03-SEP-2019 – New sanctions were placed on Iran after Trump administration claimed it was developing ballistic missile technology using its communications satellite program as cover.

And these related to Russia:

26-JUN-2019 – Trump told reporters that his anticipated discussion with Vladimir Putin at the G20 summit in Japan was “none of your business.”

31-JUL-2019 – Trump and Putin talked over the phone about Siberian wildfires and trade.

29-AUG-2019 – Trump’s trip to Poland canceled, ostensibly to monitor Hurricane Dorian though he ended up playing golf instead at his N. Virginia course. Was he avoiding conflict over increased Russian troop presence at the administrative border between Russian-occupied South Ossetia and Georgia? (Georgia has been pursuing NATO membership but is not yet a member state.)

Time will tell what other events were needed to pick out the narrative behind the complaint. One more data point may flesh out the nature of the challenge:

One final datapoint: @RepAdamSchiff stated publicly that the Office of the Director of National Intelligence was very pointedly NOT able to say the matter wasn't an issue under investigation by the House Intel Committee. Trump-Russia is very much an issue of active inquiry.

– Ned Price (@nedprice) September 19, 2019

Is the complaint about a Trump-Russia issue alone, or does it also include a promise related to one of the other countries in the timeline – like North Korea or Iran?

Share your thoughts in comments with supporting content.

UPDATE – 19-SEP-2019 9:23 A.M. –

The ADNI should be in a closed door session with the House Intelligence Committee at this time.

Important to note that the IC IG is a Trump appointee – Michael Atkinson. He's responsible for the determination that the unidentified whistleblower's complaint was credible and an "urgent concern."

ADNI broke the law as Ameer Vanderpool noted here because the complaint was deemed credible:

50 USC § 3033(k)(5)(C): the DNI is required to transmit details on "urgent complaints" to congressional intel committees w/in 7 days-only exemption is if the complaint isn't "credible."

If Schiff's claims that the complaint is credible are correct, the acting DNI broke the law.

pic.twitter.com/xgmgEr7ZzK

– Ameer Vanderpool (@girlsreallyrule)

September 14, 2019

Very, very odd how CNBC's website news crawl makes zero mention of this unfolding story even though an NBC story confirmed WaPo's report last night.

UPDATE – 19-SEP-2019 8:20 P.M. –

This is like a really cheap game of Clue. It wasn't Professor Plum in the Library with a Lead Pipe.

It was Trump about Ukraine with a phone call to Zelensky, according to the latest report by WaPo.

(Although Trump does look like a crappy version of Colonel Mustard.)

Explains why the suggestions the matter was part of an ongoing investigation; the House was already investigating whether Trump and his lawyer Rudy Giuliani were trying to persuade President of Ukraine Volodymyr Zelensky to help dig up dirt on Joe Biden to help Trump's 2020 campaign.

Now we need to know if the \$250M aid to Ukraine was dependent on this matter, as well as a meeting later this month between Trump and Zelensky – and if Vladimir Putin had been involved in this exchange in any way.

Waiting for the next version of "No Collusion!" tweets from Team Trump.

May explain why Rudy had been radio silent for three days on Twitter though he's resumed his brand of trash talking in the last hour.