

THREE THINGS: COMPLAINT DECLASSIFIED, AMBASSA-DOORED, SCRIPTED CALL? [UPDATE]

[NB: Note the byline. This contains some speculation. Update at bottom of post. /~Rayne]

I'm writing this on the fly, publishing before I have this post fully written because the whistleblower complaint situation is moving faster than a pyroclastic flow.

Bear with me and watch for the rest of the things to appear down the page as I update. Thanks!

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The reason I am publishing before I'm done writing is this:

BREAKING NEWS: The whistleblower complaint has been declassified. I encourage you all to read it.

– Rep. Chris Stewart (@RepChrisStewart)
September 26, 2019

The complaint isn't being circulated until sometime Thursday morning, and Rep. Stewart isn't going to be a reliable source for it as he tag-teamed with Rep. Jim Jordan on Fox earlier to cover the GOP's behind.

Rep. Jackie Speier's reaction mirrors those I've seen all evening as members of Congress read the complaint inside a SCIF.

.@RepSpeier to Maddow on the whistleblower complaint: "I can describe that complaint as nothing short of

explosive. It is so much more than the summary of the telephone call that has been presented by the White House ... I can tell you that I was stunned.”
pic.twitter.com/oalqYaxyg2

– Aaron Rupar (@atrupar) September 26, 2019

The House and Senate both voted to release the whistleblower complaint earlier in the day Wednesday. The bill passed unanimously in the Senate on a bipartisan basis; it passed with 228 votes in the House.

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From an ABC News report earlier this evening:

... “It was clear that [President Donald] Trump will only have communications if they will discuss the Biden case,” said Serhiy Leshchenko, an anti-corruption advocate and former member of Ukraine’s Parliament, who now acts as an adviser to Zelenskiy. “This issue was raised many times. I know that Ukrainian officials understood.” ...

You’ll recall in August 2016 Leshchenko was responsible for revealing the secret payments outlined in the ‘black ledger of the Party of Regions’ showing payments made by the former pro-Russian president Viktor Yanukovich to Trump campaign chairman Paul Manafort.

What’s not clear from ABC’s report or Leshchenko’s remarks is how Ukrainian officials came to know Trump’s expectations in advance of communications.

However, Rudy Giuliani had two meetings with Ukrainian officials before key events including the July 25 call at the heart of the whistleblower complaint.

~28-MAR-2019 – Exact date TBD. In ‘early

2019', Giuliani met with Ukraine's prosecutor general Yuriy Lutsenko in New York.

This meeting took place before the first run-off election in Ukraine, narrowing the field down to the incumbent Petro Poroshenko and Volodymyr Zelensky.

A congratulatory phone call from Trump occurred immediately following the April 21 presidential election in which Zelensky was the victor.

~11-JUL-2019 – Date TBD. On or about this time, Giuliani had a phone meeting with Zelensky's adviser, Andriy Yermak.

This meeting took place approximately two weeks before Ukraine's parliamentary elections when Zelensky's Servant of the People party won the majority on July 21.

Another congratulatory phone call by Trump took place days later on July 25.

Giuliani claimed the phone meeting with Yermak had been set up by State Department; State denied this, saying, "Mr. Giuliani is a private citizen and acts in a personal capacity as a lawyer for President Trump. He does not speak on behalf of the U.S. Government."

There was at least one other contact between Giuliani and a Ukrainian official in June, believed to be in Paris.

Did Giuliani "brief" former prosecutor general Lutsenko and newly-appointed adviser Yermak about Trump's anticipated calls?

Did Giuliani go so far as to offer talking points or a script for a successful call with Trump?

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Community member Eureka and I both found the mention of former Ambassador Marie Yovanovitch in the July 25 call memo a bit odd or off. Recall these three events pertinent to her from the whistleblower complaint timeline:

05-MAR-2019 – U.S. Ambassador to Ukraine Marie Yovanovitch criticized Ukraine's record on corruption; she noted the country's high court's decision weakens Ukraine's National Anti-Corruption Bureau (NABU).

20-MAR-2019 – The Hill's John Solomon interviewed Ukraine's prosecutor general Yuriy Lutsenko; Lutsenko claimed Amb. Yovanovitch gave him a do-not-prosecute list during their first meeting. State Department denied this claim in an email to *Radio Free Europe*.

07-MAY-2019 – Amb. Yovanovitch was recalled – removed from her position.

It's important to these events to recall that Ukraine's president Zelensky ran on an anti-corruption platform and is a supporter of NABU's work.

Giuliani announced May 9 he was going to visit Ukraine just days after Yovanovitch made her critical remarks about corruption, though he canceled his trip the next day when the Senate started nosing into his planned trip.

And Giuliani had at least one meeting with prosecutor general Lutsenko between the ambassador's remarks about corruption and her departure from her role.

Another key event was Zelensky's election on April 21 – roughly two weeks before Yovanovitch was recalled, which was another two weeks before Zelensky was inaugurated.

Here's the bit that bothered Eureka and myself from the memo:

(S/NP) President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

(S/NP) The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

There's the odd remark by Trump, "Well, she's going to go through some things," which is very unsettling, particularly when coming from a man with a history of assault complaints, most of a sexual nature.

But not noted in the context of this memo is that Yovanovitch – incorrectly called Ivanovich by Zelensky or incorrectly recorded by the note taker – was recalled early, before her three-year assignment was complete in July, after a campaign of character assassination via social and commercial media had been launched against her. One of the participants was Donnie Jr. himself, according to the Washington Post and Newsweek.

Who and what triggered the character attacks? It appeared to begin with Lutsenko's claim on Hill.TV in the US in early March that Yovanovitch gave him a Do-Not-Prosecute list. In April he admitted his claim was false – too late to undo the damage and stop the right-wing pile on.

Is the subsequent abuse-via-media what Trump was referring to in his creepy remark, or was there something else?

Eureka noted that Trump didn't refute being the one to tell Zelensky about Yovanovitch. She also

noted Zelensky's language seemed more declarative than her past experience with Ukrainian-Americans.

This clicked with my question about Zelensky's statement, which seemed really pat for a new president only weeks into his role: did someone feed Zelensky some or all of his remarks to Trump before the July 25 phone call? Was Zelensky told to affirm Trump's position on issues including Yovanovitch's removal in advance of the call, perhaps using a scripted response?

It would explain the puzzling certainty Zelensky has about Yovanovitch's work given the narrow two-week time frame between his election and her recall from Ukraine. How would he have had enough time to get to know her work that well in two weeks?

And why would a president who was committed to anti-corruption efforts find a like-minded diplomat from the U.S. to be a "bad ambassador" in that short amount of time?

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This is an open thread. I know you're going to have a lot to say about all of this.

And at nearly 2:00 a.m. here I am finally heading for bed. Whew.

UPDATE – 10:20 A.M. 26-SEP-2019 –

The whistleblower complaint has been released. It can be read here:

<https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=708>

Note the links at that page to open the complaint.

Joseph Maguire the Acting Director of National Intelligence, is appearing before the House Intelligence Committee right now. The hearing began at 9:00 a.m. EDT.

Brandi Buchman at CourthouseNews has a live

tweet thread of the hearing in progress – start here:

https://twitter.com/BBuchman_CNS/status/1177196206675701760

Be sure to check Marcy's tweets though she's still on her epic road trip:

<https://twitter.com/emptywheel>

Check the feed at my Trump-Russia list because they're all focused on the complaint and hearing:

<https://twitter.com/raynetoday/lists/trump-russia>