

“PURGE:” GORDON SONDLAND PROBABLY JUST WON HIMSELF ANOTHER SUBPOENA

Since we're talking about people avenging themselves for being targeted by Trump's corruption, I wanted to look the lawsuit Gordon Sondland filed the other day against the State Department and/or Mike Pompeo in his private capacity. Sondland says that Pompeo promised to reimburse what has amounted to \$1.8 million in legal fees for testifying in Trump's first impeachment, but that Pompeo reneged on that promise. So the suit is explicitly about getting reimbursed.

Maybe the lawsuit will work, as he ostensibly intends, or maybe the government will declare immunity.

But there are several details of his suit that will – and probably were designed (especially in the wake of the news that Rudy Giuliani had his devices seized) to win Sondland an invitation to testify in SDNY, which may have the effect of expanding their existing investigation into Rudy into the cover-up.

First, Sondland says that Pompeo promised to reimburse his legal fees twice. And while Sondland describes others besides Pompeo at State who knew about it, the promise itself was made orally.

On October 16, 2019, Pompeo again reaffirmed that the Indemnity Undertaking was made with his knowledge and approval. Ambassador Sondland spoke with Pompeo via conference call from the Washington, D.C. office of his Private Counsel, who were also in attendance and listening on speakerphone. Pompeo promised without any qualification that the State Department would reimburse

Ambassador Sondland the fees and costs of Private Counsel in full. Ambassador Sondland and his Private Counsel understood Pompeo to be stating that he had the authority to bind the Government to such an agreement. Ambassador Sondland relied on Pompeo's promise and reasonably believed that he had the authority to bind the Government to such an agreement. The Under Secretary for Management and the Counselor to the Secretary of State also confirmed that Ambassador Sondland would be reimbursed in full.

I find it remarkable Pompeo would commit State without putting something in writing, and find it just as remarkable that a successful businessman like Sondland wouldn't insist on having it in writing. Unless there was an understanding they would not put it in writing.

Sondland describes being "purged" after he testified truthfully, something that will help him make the case the decision not to reimburse him was political retaliation.

During the meeting with the Counselor to the Department of State, Ambassador Sondland stated that he had no intention of leaving his position in the near future. Instead, Ambassador Sondland mentioned that he might consider stepping down in the summer of 2020 to return to lead his businesses, and he wanted to give his colleagues notice to permit a proper transition. In response, he was advised that while the Administration appreciated his testimony, the Administration wanted to purge everyone remotely connected to the Impeachment trial. Accordingly, the Counselor to the Department of State asked for Ambassador Sondland's resignation. In response, Ambassador Sondland said he would consider that proposal, but asked about his attorneys'

fees. The Counselor to the Department of State told Ambassador Sondland to speak with the Under Secretary for Management, who would take care of his attorneys' fees. Later that day, Ambassador Sondland confirmed he would not resign because he did not do anything improper. After that, everything changed. Ambassador Sondland did not receive his attorneys' fees, notwithstanding the promises from the State Department that the attorneys' fees would be paid.

Sondland describes that he didn't have access to any of the underlying materials to help prepare, which will at the very least help him explain his first, less-truthful testimony.

As Ambassador Sondland prepared for a second round of testimony, the Department of State continued to restrict Ambassador Sondland's access to materials essential to his preparation

But it will also support a inference that he was asked to participate in a cover-up of what really happened.

Then there are details that Sondland didn't necessarily need to include, such as when and how he learned about the whistleblower complaint and how he met with Kurt Volker and Pompeo to discuss the complaint.

22. On September 25, 2019, Ambassador Sondland and Pompeo attended the eighteenth annual Transatlantic Dinner. Ambassador Sondland was the only U.S. ambassador in attendance, which hosted the NATO Secretary General, the EU High Representative for Foreign and Security Policy, and foreign ministers from Europe and Canada. During the dinner, Ambassador Sondland received an urgent phone call from The White House alerting him that his name appeared in a

whistleblower complaint received by the Office of the White House Counsel.

23. The following day, September 26, 2019, Ambassador Sondland and Pompeo met to discuss the whistleblower complaint with Ambassador Kurt Volker, United States Special Representative for Ukraine.

When Rudy complained about having his phone seized, he said that he was just cooperating in State Department investigations. Now, a former State Department participant has let it be known that State really didn't want the full story of what happened to come out.

I'd say SDNY will find it hard to pass up that testimony.