

ALEXANDER SMIRNOV'S VETTING

David Weiss submitted his sentencing memorandum for Alexander Smirnov last night; it was a splendid exercise in comedy, well worthy of the sawdust-as-cocaine team. Congrats, gents, and thanks for kicking off an insane year in fine style!

But you're going to have to wait on the comedy.

First, I want to review a vetting document submitted with the sentencing, completed sometime in July 2020 (per the indictment, on August 12, David Bowdich and Richard Donoghue recommended the assessment be closed, a claim that conflicts with known documentary evidence and Bill Barr's public comments).

The most important detail in the assessment is a bullet explaining that the current reporting (probably on a Smirnov associate central to his story) "does not reveal the 2015/2016 introduction." Contrary to what Scott Brady led Congress to believe in testimony given under oath, they already had good reason to doubt Smirnov's story, yet DOJ resuscitated it anyway in the days after Trump yelled at Bill Barr in October 2020. And then again when Congress was looking to frame Joe Biden.

Another detail that David Weiss' team has thus far obscured pertains to the date when, Smirnov claimed, he had a follow-up conversation about bribery with Mykola Zlochevsky. The call purportedly happened on a 2019 trip to London. This vetting document describes that Smirnov was in London working with the British National Crime Agency [!!!], after which Smirnov stayed behind. If the call happened in that time, it would have happened between October 7 and 11, 2019 – precisely the period when Lev Parnas was trying to board a plane to swap legal assistance for a laptop from Mykola Zlochevsky, only to be arrested at the airport. There's no reason to

believe the call did happen, but if it did, it would have been directly tied to impeachment and Rudy's thwarted effort to get dirt from Burisma in that same time period. To believe it happened, you'd have to believe that Lev Parnas was supposed to fly to Vienna for an in-person meeting, while at the same time, Zlochevsky fed Smirnov the dirt Rudy was seeking via another channel. *It could happen!!* Other aspects of this story look *just like that!!* But if you ever remotely entertained this theory – as David Weiss did – it would suggest all the allegations about Hunter being set up were true, not the reverse.

No wonder all the documentation in this case thus far left that detail out.

Finally, there's a long response to a question about whether Smirnov knew a guy named Michael Guralnik or any of the people he reported on. Guralnik is where Rudy's Ukrainian dalliance started, in 2018, as reported by Daily Beast (though there's plenty of other reporting on him).

The letters, which The Daily Beast reviewed, claim that an eclectic mix of Ukrainian political figures and businesspeople were part of an alleged "organized crime syndicate." The letters claim that the individuals were "actively involved in the siphoning of funds appropriated by the American government for aid to Ukraine." And they claim that the alleged crime syndicate used those funds to buy black-market military parts from a Russian company under U.S. sanctions. All the while, they say, Ukraine's then-prosecutor general (Giuliani ally Yuriy Lutsenko) couldn't fight the crime because then President Petro Poroshenko wouldn't let him take the case to court.

"It concerns me, as should any fellow American, that a taxpayer's money is rudely been stolen in Ukraine [sic],"

reads the letter to Mandelker.

The letter-writer introduces himself in the letter addressed to Mandelker as a Ukraine-born U.S. citizen named Michael Guralnik who graduated from the Soviet Military Academy and was “a 10-year veteran of the Soviet Army.” The letter to Graham, meanwhile, also bears Guralnik’s name but contains no introduction. It arrived a month before Giuliani tried to help former Ukrainian top prosecutor Viktor Shokin travel to the U.S. and meet with Graham, Bondy said. A few weeks before the date of the Guralnik letter, Giuliani sent Graham a letter of his own asking his staff to help three unnamed Ukrainians get visas so they could come to the U.S. and share information about the Bidens. The State Department did not give Shokin a visa.

The letters say that the “only way” to “stop this syndicate” is to sanction the individuals involved. Both letters list 12 people, along with phone numbers for some of them. Included on the list are Mykola Zlochevskiy, the head of the scandal-plagued Ukrainian company where Joe Biden’s son Hunter Biden was a board member; Valeriya Gontareva, the head of the National Bank of Ukraine from mid-2014 to mid-2017; and Kateryna Rozhkova, who was her deputy.

Graham and Giuliani did not respond to repeated requests for comment, and it was not immediately clear if lawmakers ever even considered the sanctions. A spokesperson for Graham did not respond to a request for comment. Mandelker did not comment on the record for this report. When contacted, Guralnik hung up the phone and texted, “Do not call any more.”

appear to be different than the people FBI was chasing 18 months later. But there are several references in this document that suggest Brady got the claim that Biden had been bribed from Guralnik via Rudy first, and then chased down Smirnov, who was all too willing to say something that corroborated it. That's a bit different than what members of Congress claimed last year; they insisted there was no tie to any of the dirt that Rudy had obtained.

Assessment content

Those are the big takeaways.

I've reproduced the outline used in the assessment, below (hopefully in more usable format than the Bureau managed), summarizing what is in there. It is probably done by the Pittsburgh FBI office (PG in the document).

The assessment appears to be split into two parts, the stuff Pittsburgh FBI could do and the stuff they claimed (not always credibly) they needed to have a predicated investigation to chase. I'm actually a bit sympathetic to the bullshit here. Scott Brady's transcript is rife with discussion of a fight between him and the FBI about how much they could do without a preliminary investigation. These claims that FBI couldn't do some of this at an assessment level may have just been the FBI's effort to say, we're not going to do this anymore unless you give us top cover, which is exactly what the fight sounds like as described by Brady. So the assessment ended, it got sent to David Weiss (which, again, doesn't show up in the sentencing memo), and Lesley Wolf did nothing, leaving it there for Bill Barr to reflate in time for an election.

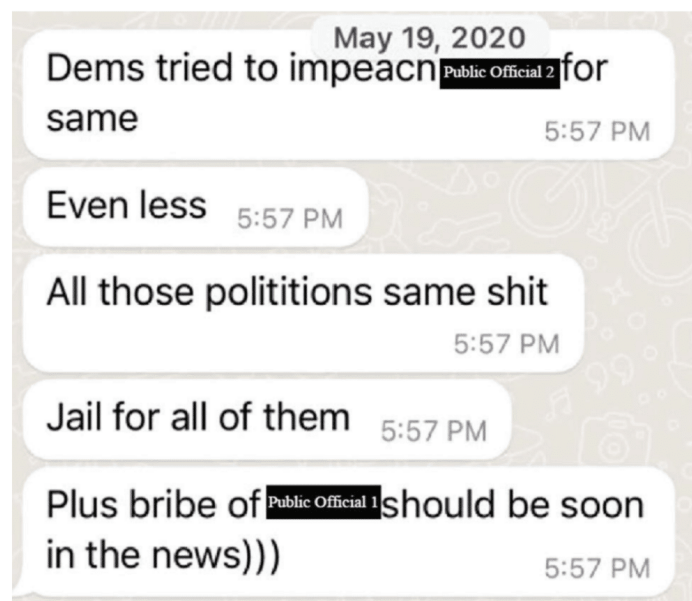
In each of those two parts, there may be three subcategories: Smirnov, and two others. The two others are completely redacted.

There are three Smirnov-related bullets in the assessment section. The first, is the question

that elicited the response about Smirnov's travel (there's no context to the other two, bullets e and f). Given that Brady misled Congress on precisely this issue, I'm skeptical about that first redaction.

The items left for a predicated investigation – things like interviewing the Smirnov colleague through whom he said he met Zlochevsky and reviewing his travel – are all things Weiss' team appears to have done, based on the indictment (though there's no mention of the CIA). Perhaps the most obvious of those was to review Smirnov's texts with his handler (you'd think you could do this at the assessment level, but testimony in the Oleg Danchenko trial suggests that may not be the case). That's pretty telling. As those disclosed, Smirnov was sending his handler rewarmed Fox News propaganda, debunked months earlier, which if Smirnov had been competently handled at all, should have set off alarm bells.

More importantly, those texts showed that Smirnov *offered up* a bribery fabrication in May 2020, and then in June 2020, Scott Brady magically came looking for it.



As we'll see in the sentencing memo, short of sentencing Smirnov on the fly as he is so he could get some follow-on indictment before Trump comes in, David Weiss has thus far exhibited not

the remotest curiosity how that happened, how out of all the gin joints in all of the world, Scott Brady just happened to walk into Smirnov's, the guy who a month earlier was offering up a fabricated Joe Biden bribery allegation.

And so, because a witness to this scheme is in charge of investigating it, we may never get an explanation of how that happened.

Update: In the sentencing memo, Leo Wise claims that Alexander Smirnov didn't tell any lies pertaining to the period after Biden was Vice President.

In 2020, Joseph R. Biden was a former government officer, namely, the former Vice President of the United States. The Defendant's text exchanges with his handler and others also evidence that he was motivated by Joseph R. Biden's status as the former Vice President of the United States. The Defendant's false statements all involved conduct that occurred when Joseph R. Biden was Vice President of the United States and the Obama Biden Administration lead on Ukraine policy.

For the reasons I laid out above, that appears to be false: it appears the claimed 2019 call with Zlochevsky could not exist. It seems that Wise may have dodged that in an attempt to distance his own effort from Trump's efforts to find a way to frame Joe Biden.

**Open Items for
Completion by**

Pittsburgh FBI

1 [redacted]

2 Corroborating [Smirnov]

a. [redacted]

b. FBI PG/HQ PCU Response regarding travel

i. Photos of Smirnov's passports sent on July 2, 2020

ii. CBP details about Smirnov's travel provided on July 2, 2020 showing trips to Vienna from October 8 to 19, 2016, October 21 to 26, 2016, and December 8 to 10, 2016

iii. Smirnov's trip to London from October 7 to 11, 2019

iv. A follow-up to confirm Smirnov's travel, to which Smirnov's handler offered plumb: "CHS travels very frequently and had traveled to Ukraine and London on multiple occasions during the relevant time periods, so it would be difficult to pinpoint the meeting."

c. Does Smirnov know people named by Rudy Giuliani source Michael Guralnik?

d. How does Smirnov communicate with [redacted]? Via WhatsApp.

e. [redacted]

f. [redacted]

g. Further information

i. Someone else's passport requested from NDOH on July 7, 2020, provided to serial on July 9, 2020

ii. Smirnov's first references to [someone] while reporting on Transnational Criminal enterprises in November 2014

- iii. Smirnov was introduced by Igor Fridman in 2013/2014
- iv. Smirnov first reported on Burisma in March 2017
- v. Smirnov handler provides phone number for other person
- vi. This person had a B1/B2 visa in 2017, with an address in Kyiv
- vii. Someone related is the subject of numerous SARS amounting to \$200,610
- h. An instruction to review the case file for all references to the alleged \$5 million bribe to Hunter or Joe Biden, including a 302 from Guralnik
 - i. FBI PG say there's nothing additional but "this is an ongoing process"
- i. How would Mykola communicate with the Bidens?
 - i. Smirnov didn't know

[2-3 other items, apparently first level title]

Items for consideration (likely necessitating a predicated investigation)

1. Further Smirnov corroboration
 - a. Validation of CHS and information provided ongoing
 - b. Further assess Smirnov colleague through third party FBI interview
 - c. Review CHS' travel with CHS to determine estimated timing of in-person meetings with Mykola Zlochevsky
 - d. Further details on Guralnik

- e. Cellebrite information on text messages with handler
 - f. Determine overlap with another case
 - i. PG recommends this happen with HQ validation [seems to be a deconfliction issue]
 - g. Coordinate with OGA [CIA] partners on reporting relating to dates, places, and persons of interest
2. Something else probably not Smirnov related
 3. Something else probably not Smirnov related