

# THREE THINGS: ONE IS NOT A TRANSCRIPT

[NB: Check the byline, thanks! /~Rayne]

“This thing, what is it in itself, in its own constitution? What is its substance and material? And what its causal nature (or form)? And what is it doing in the world? And how long does it subsist?”


– *Marcus Aurelius, Meditations, Book VIII, sect. XI*

I relied on Marcus Aurelius more than two years ago when looking at what we knew about the relationship between Michael Flynn and Donald Trump.

This same meditation provides a nice starting point after the release of a document purported by many to be a transcript (pdf) of the July 25 phone call by Trump to Ukraine’s president Volodymyr Zelensky.

~ 3 ~

What is this thing?



MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(C)~~ Telephone Conversation with President Zelensky of Ukraine

PARTICIPANTS: President Zelensky of Ukraine

Notetakers: The White House Situation Room

DATE, TIME AND PLACE: July 25, 2019, 9:03 - 9:33 a.m. EDT  
Residence

It says right there in black-and-white that it is a memorandum. It is NOT a transcript.

There’s a caveat at the bottom of the same page, too, explaining that it is NOT a transcript:

CAUTION: A Memorandum of a Telephone Conversation (TELCON) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

~ 2 ~

We're told there was no *quid pro quo*. But what is this thing?

bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

**UNCLASSIFIED**  
~~SECRET//ORCON//NOFORN~~

~~SECRET//ORCON//NOFORN~~

3

**UNCLASSIFIED**

~~(S//NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the

Zelensky said his country is ready for more military aid, and Trump said he wants a favor, though.

That's a *quid pro quo*. It's right there again, in print, something (like military aid) for something (like a favor).

~ 1 ~

This last thing to be examined is a little more tricky. It does whatever it can to avoid being taken at face value.

Here is Rudy Giuliani, who is not a government official, saying on Fox & Friends that the transcript of Trump's call to president of Ukraine – one that's at the heart of a whistleblower complaint – was read to him. Congress still hasn't been able to see it.

[pic.twitter.com/CpioFcAsqX](https://pic.twitter.com/CpioFcAsqX)

– Aaron Rupar (@atrupar) September 25, 2019

This is a member of Trump's legal team, Rudy Giuliani. He's been a member since April 2018.

He is not an ambassador to Ukraine. There is no current ambassador as one has not been nominated by Trump and approved with the advice and consent of the Senate according to Article II, section 2 of the Constitution.

Nor is he the Chargé d'Affaires as that role has been filled William B. Taylor, Jr. since June 2018. He is not the Deputy Chief of Mission at the U.S. Embassy in Kyiv; that role has been filled by Kristina A. Kvien since May 2019.

Nor is he a State Department employee in some other capacity besides ambassador.

He is not an employee of the Department of Justice or Federal Bureau of Investigation, which are responsible for criminal investigations. He was not a member of the Special Counsel's Office.

He is not the White House Counsel; that role has been filled since December 2018 by Pat Cipollone.

Nor is he a member of Congress or a congressional staffer yet he says someone read to him the 'transcript' before any member of Congress received it.

Who or what is this thing? What is it doing? How does it subsist?

Because he's not working for the American public though he's been pushing for investigations into American citizens overseas.

Because he's not furthering the investigation into Paul Manafort or the hacking of the DNC in 2016 as part of the Special Counsel's Office investigation or as an employee of any other U.S. law enforcement.

Because he's not representing broader American ties with Ukraine, only whatever it is his client and the rest of his legal team have assigned to him.

We can't rule out that he's working for Trump's campaign in some capacity. It's not clear any news media outlet has asked him if he is.

What is he really?

~ 0 ~

This is an open thread, but bring your comments about the whistleblower complaint and U.S.-Ukraine here.

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## MINORITY REPORT: UKRAINE AS BUGBEAR

[NB:  
Note the  
byline;  
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In  
Progress folder for nearly two years, and an  
unfinished draft here at emptywheel for 18  
months. I left off work on it well before the  
final Special Counsel's Report was published.  
This post's content has become more relevant  
even if it's not entirely complete, needing more  
meat in some areas, and now requiring the last  
two-plus years of fossil fuel-related  
developments and events related to the U.S.-  
Ukraine-Russia triangle after the 2016 U.S.  
general election. /~Rayne]

This post looks at the possibility that the

hacking of U.S. election system and events affecting the election's outcome are part of a much larger picture – one in which NATO figures large, and the future of energy figures even larger.

One could attribute Russian attempts at hacking and influencing the 2016 general election to retaliation for the CIA's involvement in Ukraine, or to a personal vendetta against former Secretary of State Hillary Clinton with regard to Ukraine ahead of the Maidan revolt, or to rousing anti-Putin sentiment in Russia:

... Five years ago, he blamed Secretary of State Hillary Clinton for the anti-Kremlin protests in Moscow's Bolotnaya Square. "She set the tone for some of our actors in the country and gave the signal," Putin said. "They heard this and, with the support of the U.S. State Department, began active work." (No evidence was provided for the accusation.) ...

But after looking at the mission and history of NATO, the integral role of natural gas to Europe's industry and continuity, Ukraine's role as a conduit for Russian gas to European states, one might come to a very different conclusion.

Especially given the death of Alexander Litvinenko on UK soil by radioactive poisoning and the downing of Malaysian Air flight 17, a passenger plane carrying passengers who lived across several NATO countries.

Has the U.S. been asked to provide protection to European NATO members' supply of fossil fuels transiting Ukraine? Has the U.S. been asked during the last two administrations to push back on Russia because of incursions related to energy?

What makes Ukraine so different from Belarus, Georgia, Lithuania, and Moldova, which also have pipelines carrying Russian gas and experienced price disputes – is it the percentage of energy

supplied to EU states crossing Ukraine in comparison? Of these four countries, only Lithuania is a NATO member.

How does tiny Montenegro, the newest NATO member state, fit into this picture?

### NATO

In 1949, twelve North American and European countries signed a treaty creating an intergovernmental military alliance, the North Atlantic Treaty Organization (NATO). They pledged a collective system of mutual defense against external forces attacking any one or all of its member states. The alliance has grown over the years to 29 nation-states with Bosnia and Herzegovina, Georgia, North Macedonia and Ukraine having expressed interest in joining. Each member state commits to spending at least 2% of its GDP on defense spending to support the organization's mission.

It's critical to note NATO members agreed under the treaty's Article V that an 'armed' attack against any member in North America or Europe would be considered an attack against all of them. Response to an attack upon a NATO member does not require armed or military force. Over time, threats to NATO states were not limited to armed attacks; they were economic in the case of fuel pipeline shutdowns.

In the digital age, what is an armed attack, especially if both sides call it "cyber warfare" or "information warfare"?

### FOSSIL FUELS

Like the U.S., Europe has been entirely too reliant on fossil fuels. It has been far too lax in governance when it comes to resulting pollution let alone political and economic volatility related to fossil fuel use. Volkswagen's Dieselgate scandal and the EU's slow response to VW's fraud and resulting air pollution offer a perfect example.

While Europe has made substantive headway to

reduce fossil fuels and replace them with alternatives – Germany, for example, drew 30% of its energy from non-fossil fuel alternatives in 2014 – until the EU has completely eliminated fossil fuels including natural gas it will be vulnerable to pressure by Russia and other fossil fuel-rich countries. It has been too easy for Russia to threaten the EU and Ukraine alike by simply throttling the flow of natural gas through Ukraine's major pipelines originating in Russia.

But this is not the only front; the “long war” (pdf) across the middle east and northern Africa is also driven by competition for fossil fuels. So, too, is much of the instability in South and central America, and increasingly in North America as the population rejects fracking, shale extraction, and related pipeline installation.

There is only one true solution to socio-economic volatility caused by fossil fuels: development and implementation of alternative energy resources which are not reliant on extraction, nor limited tightly by resource location (ex: cobalt (from DRC), lithium (South America), uranium (Australia, Canada, others)). The amount we have spent on warfare to preserve fossil fuel's status quo would have paid for this many times over, and we might have had better education and health care along with it. NATO's EU states could not be threatened by the loss of natural gas from Russia if it could rely entirely on renewable alternatives produced inside the EU.

#### Magnitsky Act and retaliation

One other key question arises from this timeline. In addition to all the other tension and conflicts between the U.S. and its NATO allies and Russia, note the passage of the U.S. Magnitsky Act of 2012 and the Russians' corresponding retaliatory sanction which stopped all further adoptions of Russian children by U.S. parents. If the adoption issue is itself a retaliatory sanction and reversing or changing

this Russian sanction requires changing or lifting the U.S. Magnitsky Act, didn't Donnie Jr.'s June 9 talk during the campaign season with Natalia Veselnitskaya about resuming adoptions under a Trump presidency mean Donnie Jr. conspired or negotiated with a foreign government in a dispute with the U.S. – a violation of the Logan Act? Wasn't the issue of adoptions merely cover – a coded alternative term – for negotiating Magnitsky Act and other Russian sanctions prior to the election?

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#### Timeline: NATO and Ukraine

1949 – North Atlantic Treaty signed.

1982-1984 – Urengoy-Uzhgorod-Germany pipeline constructed; it provides transcontinental transport of gas from Western Siberia to Western Europe. The Reagan administration did not support this pipeline, preventing U.S. companies from selling construction materials to the Soviets partly in protest against the Soviets' policies toward Poland and partly due to the perceive imbalance of trade the pipeline would create in Europe's energy market. European countries did not respect the U.S.' boycott of the pipeline, resulting in sanctions against some European companies.

15-DEC-1983 – A fire broke out at a compressor station in Urengoy, USSR in western Siberia. Construction of the pipeline was still underway. (Cause of the fire not clear from available resources.)

1985 – Vladimir Putin was stationed by KGB to Dresden – located north of the western end of the Uzhgorod-Waidhaus pipeline – after Urengoy-Uzhgorod-Germany pipeline began operation.

19-NOV-1990 – Treaty on Conventional Armed Forces in Europe was signed, setting limits of weaponry between North Atlantic Treaty Organization (NATO) and the Warsaw Pact states.

26-DEC-1991 – USSR was dissolved; the



Commonwealth of Independent States (CIS) formed in its wake from some of the former Soviet Union's members. The Baltic states of Estonia, Latvia and Lithuania elected not to join CIS.

1992-1994 – Russia suspended natural gas to Ukraine for non-payment several times over the course of two years.

XX-SEP-1993 – (into November 1994) Ukrainian companies diverted natural gas from pipelines several times. The reasons for the diversions are not clear; was gas diverted in lieu of transit tariffs, topping off reserves, or due to local shortages?

XX-SEP-1993 – Russia's Boris Yeltsin offered a deal to Ukraine's Leonid Kravchuk: Ukrainian debts would be forgiven in exchange for control of the Black Sea Fleet and Ukraine's nuclear arsenal. The deal is scrapped after negative feedback from Ukrainian politicians. (pdf, pg 19)

XX-MAR-1994 – Tentative agreement made that Russia could acquire a 51% stake in the Ukraine pipeline system.

1995 – Early in the year, Russia and Ukraine agreed to form a joint venture, Gaztransit, which would operate pipeline system in exchange for write down of Ukraine debt to Russia.

XX-NOV-1995 – Ukraine's parliament banned privatization of oil and gas assets. The agreement for Gaztransit was never implemented nor was debt forgiven.

1997 – Hungary, the Czech Republic, and Poland were invited to join NATO.

1998 – A new contract between Gazprom and Naftohaz was written linking gas prices and transit tariffs but did not resolve pre-existing gas debts. Later the same year, Gazprom claimed Ukraine diverted gas and owed USD\$2.8 billion, suspending oil and gas exports to Ukraine for 1999.

1999 – Hungary, the Czech Republic, and Poland

became NATO members (pdf).

2000 – Ukraine’s Deputy Prime Minister Oleh Dubyna acknowledged that 7-8 billion cubic meters of Russian natural gas were diverted from pipelines before export that year. (pdf, pg 22)

04-OCT-2001 – 2001 Transit Agreement signed, settling the debt between Ukraine and Russia. (pdf, pg 22)

2002 – Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, and Romania were invited to join NATO.

2004 – (April?) Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, and Romania became members.

XX-JUL-2004 – Ukraine’s debt of USD\$1.25 billion for gas was settled with Gazprom and NAK Naftogaz. Ukraine may have been importing more gas from Turkmenistan.

22-NOV-2004 – Orange Revolution began.

23-JAN-2005 – Orange Revolution ended; Ukraine was one of three Commonwealth of Independent States to experience a “color revolution” between 2003-2005.

24-JAN-2005 – Yulia Tymoshenko takes office as Ukraine’s 10th prime minister; she is a proponent of Ukraine joining the EU and NATO.

08-SEP-2005 – President Viktor Yushchenko fires Tymoshenko and her government; observers believe this is political trumpery targeting Tymoshenko.

*01-NOV-2006 – Former FSB officer Alexander Litvinenko was poisoned with radioactive PO-210 and died a few weeks later on 23-NOV. Litvinenko met former KGB members Andrei Lugovoy and Dmitry Kovtun at the Millennium Hotel in London’s Grosvenor Square where it is believed he drank tea containing the poison. Multiple byzantine theories about Litvinenko’s death arose.*

28/29-NOV-2006 – Energy security was a key topic at NATO’s Riga, Latvia summit. Efforts aimed at a bilateral discussion with Vladimir Putin on

the topic of energy security during this summit fell through. From RFERL on the joint summit declaration:

The Riga summit declaration breaks new ground with a reference to energy, saying the alliance recognizes its security can be affected "by the disruption of the flow of vital resources." NATO undertakes to study the risks and identify areas where it could "add value" to its members' relevant security interests.

07-MAY-2007 – Urengoy-Uzhgorod-Germany pipeline exploded near Boyarka in central Ukraine, just west of Kyiv/Kiev. Gazprom said the 30-meter break in pipe would not cause a disruption in gas delivery.

*22-MAY-2007 – UK determined Andrei Lugovoy should be charged and tried for Litvinenko's murder, then asked Russia to extradite Lugovoy in relation to Litvinenko's death.*

*05-JUL-2007 – Russia refused to extradite Lugovoy due to the terms of its constitution. This perceived lack of cooperation may have discouraged relations between UK and Russia.*

02-OCT-2007 – 'Gazprom may cut gas to Ukraine' due to debt of USD\$1.3B

08-OCT-2007 – 'Ukraine settles Russian gas row'

18-DEC-2007 – Yulia Tymoshenko takes office as Ukraine's 13th prime minister.

05-JAN-2008 – 'Gazprom threatens Ukraine gas cut'; Gazprom said it would throttle gas on 11-JAN if USD\$1.5B still not paid.

12-FEB-2008 – 'Russian, Ukraine gas deal averts crisis' reported after Putin and Yushchenko announce an agreement in which Ukraine would pay for Nov-Dec 2007 gas and USD\$179.5/1000cm would be maintained through 2008. They also announced the formation of new energy intermediary companies as a JV between Gazprom and Ukraine's

Naftohaz.

04-APR-2008 – Accession of Croatia and Albania addressed at Bucharest summit in April. NATO pledges Georgia and Ukraine will someday become members but are not invited to this summit. Czech Republic agrees to the installation of a U.S. missile defense radar tracking system. Installation of 10 interceptor missiles in Poland remains in negotiation.

18-AUG-2008 – Georgia exited the Commonwealth of Independent States as a result of the five-day Russo-Georgian War in early August.

XX-APR-2009 – Croatia and Albania become NATO members.

*27-JUN-2010 – Illegals Program spy ring broken with arrest of 10 Russian spies including Anna Chapman.*

*09-JUL-2010 – All 10 Illegals Program spies arrested in US were swapped in Vienna for four Russian nationals. Two other spies had left the US before they could be arrested.*

*XX-OCT-2011 – Litvinenko's widow Marina won the right to an coroner's inquest in London; the inquest is delayed repeatedly. She insisted her deceased husband had worked with UK's MI6 after fleeing to the UK in 2000.*

24-FEB-2012 – 'Russia threatens Ukraine over gas' after a shortfall of gas to EU through Ukraine during a severe cold snap. It's not clear what caused the shortfall; Russia may try to run around Ukraine by way of the South Stream pipeline to avoid future disruptions blamed on Ukraine's state oil and gas company, Naftogaz Ukrainy. The conflict could be a head fake to mask Gasprom's inability to respond to rapid short-term uptick in gas demand in Europe.

19-JUL-2012 – Magnitsky Act was introduced in the House.

14-DEC-2012 – President Obama signed the Magnitsky Act into law.

*XX-MAY-2013 – (into JUL-2013) Coroner decided a public inquiry into Litvinenko's death would be better than an inquest. Ministers rule out the request for an inquiry.*

*11-FEB-2014 – UK's High Court rules Home Office in the wrong to decided against a public inquiry into Litvinenko's death.*

*18/23-FEB-2014 – Protests erupt in the Maidan Nezalezhnosti (Maidan Square) in Kyiv.*

*01-MAR-2014 – Russia's parliament approved the use of troops in Ukraine.*

*01-APR-2014 – (Related/unrelated?) Russia's GLONASS satellite location system is offline beginning at midnight and not fully back up for 12 hours. No initial cause reported though some months later the outage its blamed on software update.*

*14-MAY-2014 – An alleged terrorist attack blamed for a gas pipeline explosion near Ivano-Frankivsk, Ukraine.*

*17-JUN-2014 – Urengoy-Uzhgorod-Germany pipeline exploded near Poltava in central Ukraine, located ~240 miles northwest of Donetsk and ~210 miles southeast of Kyiv/Kiev.*

*17-JUL-2014 – Malaysia Air flight MH17 downed over eastern Ukraine by a missile.*

*01-DEC-2014 – Vladimir Putin cancels the South Stream pipeline project running from Russia through the Black Sea to northern Bulgaria. (Recall Bulgaria became a NATO member in 2004.)*

*01-DEC-2014 – Gazprom signed signed a Memorandum of Understanding with Turkish BOTAŞ for construction of a new gas pipeline running beneath the Black Sea from Russia to the Turkey-Greece border. Part of the deal includes providing Russia gas to Turkey with the rest shipping to the European market.*

*26-JAN-2015 – Evgeny Buryakov was arrested for acting as an unregistered foreign agent and conspiracy; his counterparts Victor Podobnyy and*

*Igor Sporychev had already fled the country.*

*27-JAN-2015 – A public inquest began into the death of Alexander Litvinenko.*

*21-JAN-2016 – UK public inquest into the death of Alexander Litvinenko concluded it was an FSB operation likely approved by Putin.*

*11-MAR-2016 – Evgeny Buryakov pleaded guilty to begin a 30-month sentence.*

*28-MAR-2016 – Paul Manafort joins the Trump campaign.*

*06-JUN-2016 – Donnie Trump Jr. meets with Russian attorney Nataliya Veselnitskaya ostensibly to discuss Russia's ban on adoptions of Russian children by Americans.*

*10/18-JUL-2016 – In the run up to Trump's nomination at the Republican National Convention, the Republican Party's platform on Ukraine was 'softened'; the final wording said the U.S. would provide "appropriate assistance" to Ukraine and "greater coordination with NATO defense planning" instead of "lethal" assistance. The wording was changed to coordinate with Trump's position, in contrast with that of the original proposed by an RNC delegate.*

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## **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](https://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.

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## **SOMETHING SMELLS — AND IT'S NOT BURNING OIL**

*[NB: Check the byline, thanks! /~Rayne]*

Others have offered more trenchant responses after Trump's tweets as well as Sen. Lindsey Graham's warmongering, and Secretary of State Mike Pompeo's drivel about the apparent attack on Saudi Arabia's Abqaiq oil processing facility this weekend. Let me offer my two cents about the attack.

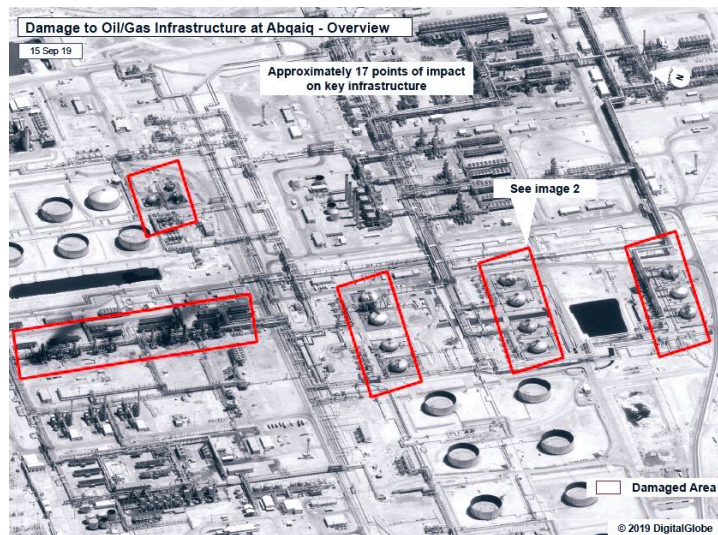
This is an early assessment of what happened by

a Bloomberg correspondent:

BREAKING: U.S. government releases satellite pictures showing the surgical strike against the Saudi oil facility of Abqaiq – direct hits on the critical spheroids used to treat the crude | #00TT #SaudiArabia ☐☐ ☐☐☐ Here's our latest update, with @nayrazz <https://t.co/ZMb9BRaN5f> [pic.twitter.com/l7xNlAlcIw](https://pic.twitter.com/l7xNlAlcIw)

– Javier Blas (@JavierBlas) September 15, 2019

Do open the tweet to look at both images in it; this is the one on the right in the tweet.



Here's a another image of a portion of the damage from a Bloomberg article (click to expand):



Note carefully this color image as it appears on Bloomberg's site is an expanded, rotated view of the damage shown in the black-and-white marked up photo on the left in the Bloomberg correspondent's tweet. The pond at the right hand of the area under smoke is the point of reference.

Now note the detail from the color satellite photo. The color image is attributed to Planet Labs, Inc. at the Bloomberg article while the black-and-white ones are attributed to Digital Globe. The detail is pretty good but not as good as the image taken of the Iranian launch site explosion Trump tweeted on August 30.

I'll be the first to admit I am not an expert on missiles, munitions, explosions, or oil processing systems. But something about these images doesn't make sense to me. They don't look like what I'd expect from missile damage targeting oil facilities.

Below is an image of a BP refinery explosion in Texas from 2005; the cause was blamed on exposure of flammable vapors to a spark from a running motor.



No missile involved. No drone dropping an explosive, either. Some leak and a spark and \*FWOOM\* (love the technical term).

Granted, the satellite imagery didn't catch the Abqaiq facility immediately after the explosion when there would have been more flames. But the damage afterward doesn't look as extensive as the BP refinery explosion.

Note the size of the holes in the rounded tanks in the second black-and-white satellite image to the right in the Bloomberg correspondent's tweet. Awfully small, more like something used on an automobile-sized target, in my uninformed opinion.

Now note the shadows in the images. These were taken before solar noon over the location; shadows appear on the north-northwest side of any object with adequate profile above ground.

What ever hit the tank-like features came from the northwest and not from the east.

Iran is to the northeast of Saudi Arabia across the gulf.

One more wrinkle – check this map from the Indian Defence Review circa February 2015, analyzing Saudi Arabia’s defenses.



The Abqaiq oil processing facility is located between Riyadh and Dammam.

How would 17 separate missiles or drones from either Iran or Yemen get by the defense network to hit the facility from the northwest?

Pompeo has now said the attack didn’t come from Iraq’s direction.

A whole cascade of questions arises from there on out if you think about it. For grins use Twitter’s search tool and look for “abqaiq.” If you scroll through you’ll see many people are noting similar issues and posing similar questions.

Recommended additional reading: Connecticut’s Sen. Chris Murphy tweeted a thread last night related to the other culture issues involved in the regional tensions. It’s worth your time.

1/ Okay, in a few tweets I'm going to try to explain what's going on in Yemen today, so you have some knowledge to counter this claim that America needs to bomb Iran because the Houthis bombed Saudi Arabia. It's complicated, but now you need to know.

– Chris Murphy (@ChrisMurphyCT)  
September 16, 2019

Treat this as an open thread.

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## **CROWDSOURCE: BUILD A TIMELINE ON ODNI WHISTLEBLOWER COMPLAINT [UPDATED-4]**

*[NB: Updates will appear within the timeline or at the bottom of the text. /~Rayne]*

Hey gang, Rayne here. I have to confess I am completely over my head right now. I have a huge pile of projects and I can't get through them fast enough to pull a post together. I have family coming to visit, a garden to harvest, laundry to do – the list is a mile long. I could use more hands.

Are you up for crowdsourced investigation into one of the writing projects on my list? Whatever you put in comments I will go through and pull together into a more complete timeline.

The topic: The whistleblower complaint believed to be withheld by acting Director of National Intelligence Joseph Maguire to prevent investigation.



Point of origin: Schiff accuses top intel official of illegally withholding 'urgent' whistleblower complaint, by Kyle Cheney, POLITICO, published 13-SEP-2019, 8:12 p.m. EDT

Note carefully this piece ended up in the news dump zone – a Friday evening after 5:00 p.m.

What could the whistleblower complaint have been about, assuming there are other related matters in the public eye? A timeline might help us piece together the topic, or it may help us prepare for anticipated hearings.

I want to point out again that one of the five drafted Articles of Impeachment against Richard Nixon was about unauthorized activity disclosed by a whistleblower. We may be looking at yet another impeachable offense (as if there haven't been enough already).

Here's what I have so far – help me fill in some blanks you think may be relevant to a possible "urgent concern" in a whistleblower complaint, the Office of Director of National Intelligence, the Intelligence Community, and the House Permanent Subcommittee on Intelligence over the last 33 months.

10-MAY-2017 – Trump met Russian Foreign Minister Sergey Lavrov and Russian ambassador to the US Sergey Kislyak in the Oval Office. [UPDATE-3b]

15-MAY-2017 – Washington Post reported Trump revealed code word level classified information to Lavrov and Kislyak during Oval Office meeting. The information covered ISIL's bomb-making capabilities and may have exposed allies' intelligence gathering means and methods. [UPDATE-3b]

XX-MAY-2017 – Decision made to exfiltrate key Russian asset. Unclear exactly when decision made or when exfiltration occurred, only that it happened after the Oval Office meeting with Lavrov and Kislyak, and before the G20 meeting in Hamburg, Germany. [UPDATE-3b]

7/8-JUL-2017 – Trump meets Putin at G20 meeting in Hamburg, Germany.[UPDATE-3b]

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09-APR-2018 – John Bolton begins as National Security Adviser.

16-JUL-2018 – U.S.-Russia Summit meeting in Helsinki, Finland; Trump meets with Putin.

XX-JUL-2018 – Coats expressed opinion differing from Trump's after Helsinki summit. Rumors began about Trump replacing Coats.

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29-JAN-2019 – Coats testified before Senate Intelligence Committee; he said North Korea "is unlikely to completely give up its nuclear weapons and production capabilities," in contrast to Trump's claims that Kim Jong-un has committed to denuclearization.

XX-FEB-2019 – Trump discussed replacements for DNI.

24-MAY-2019 – Trump issued a directive allowing Attorney General William Barr to declassify any intelligence that sparked the opening of the Russia investigation. [UPDATE-3c]

20-JUN-2019 – In retaliation for downing a U.S. drone, Trump approved strikes on Iran which were abruptly aborted. [UPDATE-4a]

24-JUL-2019 – The same day that John Ratcliffe used his time to question Robert Mueller before the Judiciary Committee to accuse Mueller of breaking DOJ regulations – CNN reported that "Ratcliffe has been under consideration for a job within the Trump administration, sources told CNN, including an intelligence or national security role." [UPDATE-2a]

28-JUL-2019 – Coats' departure and John Ratcliffe nominated as replacement

announced by Trump via Twitter.

02-AUG-2019 – Ratcliffe withdraws from consideration. [UPDATE-2b]

08-AUG-2019 – Primary Deputy Director DNI Sue Gordon resigned effective 15-AUG-2019, without additional prior notice, as ordered. Resignation letter without handwritten note.

Copy of former PDDNI's resignation letter with handwritten cover: ODNI\_LTR\_08AUG2019

12-AUG-19 – ICdIG received the whistleblower complaint, via Schiff's 10-SEP letter [UPDATE-1]

15-AUG-2019 – Coats' last day as DNI.

26-AUG-19 – IC IG transmitted the whistleblower complaint to the Acting DNI, via Schiff's 10-SEP letter [UPDATE-1]

30-AUG-2019 – Trump tweeted a high-resolution satellite image of Iran's failed Safir SLV launch while claiming the U.S. was not involved. The image may have been classified and 'insta-declassified' by Trump.

01/02-SEP-2019 – US Special Rep. for Afghanistan Zalmay Khalizad met with Afghan president Ashraf Ghani in Kabul where the Taliban, Afghan government and the U.S. had "reached an agreement in principle" toward an eventual "total and permanent cease-fire." [UPDATE-4a]

02-SEP-19 – Deadline for ADNI to forward the complaint to Intelligence committees of Congress passes without a referral, via Schiff's 10-SEP letter [UPDATE-1]

03-SEP-2019 – Russian media outlet Tass reported that Russian Deputy Foreign Minister said the U.S. and Taliban "insist that Russia must be present in one capacity or another at the possible signing of the agreements that the parties are working on

now.” [UPDATE-4a]

04-SEP-2019 – Secretary of State Mike Pompeo refused to sign the agreement with the Taliban. [UPDATE-4b]

09-SEP-2019 – CNN broke story of a CIA asset extracted from Russia in 2017; followed by NYT on the 9th (and then NBC’s Ken Dilanian appears at the asset’s house...) [UPDATE-3a]

09-SEP-2019 – Trump asked for Bolton’s resignation and tweeted about it the next morning.

09-SEP-2019 – Intelligence Community Inspector General (IC IG) sent a letter to the House Permanent Select Committee on Intelligence, notifying it of a whistleblower complaint which it had determined to be credible and a matter of “urgent concern.”

10-SEP-2019 – Bolton tells Fox’s Brian Kilmeade by text that he quit.

10-SEP-2019 – HPSCI Rep. Adam Schiff requested the full, unredacted complaint, the IC IG’s determination about the complaint, and all documentation of ODNI’s action regarding this complaint, including correspondence with the White House.

11-SEP-2019 – Bloomberg reported Bolton pushed back Monday-Tuesday at Trump over Iran sanctions; Bolton wanted maximum pressure while Trump wanted to encourage a meeting with Iran’s Rouhani later in September. [UPDATE-4a]

12-SEP-19 – Schiff and ADNI “discussed at length” the need to protect the whistleblower from any retaliation, including if the whistleblower subsequently comes forward to the committee with his/her concerns, via Schiff’s 13-SEP letter [UPDATE-1]

13-SEP-2019 – ODNI declined the request,

claiming the request as “it involves confidentially and potentially privileged communications by persons outside the Intelligence Community.”

13-SEP-2019 – HPSCI subpoenaed acting DNI Joseph Maguire for materials declined by ODNI.

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Future items:

17- SEP-2019 – Deadline, materials responsive to subpoena must be turned over by this date

19- SEP-2019 – Date when Maguire will be compelled to appear before Congress in a public hearing

What a freaking mess. I have nothing here about Mike Pompeo or any other intelligence personnel or issues. The bit about Coats’ departure and Bolton’s termination stick out as well as that insta-declassified intelligence photo, but what might have been an “urgent concern”?

Knock yourselves out – I’ll check in as time permits. Let’s see if a narrative emerges besides the obvious fact the Trump administration has severely damaged our national security apparatus.

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## **TO THE PHONES: STOP THE GULF OF TONKIN, IRAN EDITION**

[NB: Check the byline, thanks. /~Rayne]

Some crazy bullshit happened last evening, probably while our fearless Agent Orange Chaos was under the influence of anti-anxiety medication/two scoops/Hannity’s fluffery:

President Trump approved military strikes against Iran in retaliation for downing an American surveillance drone, but pulled back from launching them on Thursday night after a day of escalating tensions <https://t.co/Icup7tUDl9>

– NYT At War (@NYTimesAtWar) June 21, 2019

This is like a half-assed Gulf of Tonkin event, a deliberately staged precursor to war. The Gulf of Tonkin was the rationale for the Vietnam War which resulted in 58,318 dead and 303,644 wounded U.S. military personnel and nearly 4,000,000 total dead, along with billions in defense expenditures.

It's not like we haven't seen other similar bullshit lies leading us into war, and some of the key lies propelled by the same news outlet quoted above, written by NYT's Judith Miller. NYT has clearly prepped itself for more of the same – just look at the specialty Twitter account it set up called "NYTimesAtWar."

We're being dragged into a wholly unnecessary war because other non-US factions want to use our military for their ends. We have total shit for soft power right now because Trump doesn't believe in diplomacy unless he's conducting it with some other Big Authoritarian Man™. He will definitely trash anything the previous administration negotiated as part of the JCPOA (read: something a black man did). Trump's also pliable depending on when he's approached and by whom – like this propaganda by Fox News yesterday catching him first thing in the morning when he watches television, conditioning his responses for the day:

This is what Donald Trump saw on Fox and Friends this morning. If it does not concern you, it should.  
[pic.twitter.com/gg445ncTr9](https://pic.twitter.com/gg445ncTr9)

– Renato Mariotti (@renato\_mariotti)  
June 20, 2019

And again today, after the attack last night was canceled, Fox News is again beating the drum for war and tacitly questioning Trump's manhood:

Brian Kilmeade: "They blow up 4 tankers and we do nothing. When they blow up our drone that costs \$130 million and we do nothing. We know it's not going to end there. So at some point, in the Middle East, no action looks like weakness, and weakness begets more attacks."

[pic.twitter.com/fl6kLVnLe0](https://pic.twitter.com/fl6kLVnLe0)

– Bobby Lewis (@revrrlewis) June 21, 2019

Who else was working on Trump's head all day yesterday, pushing this bullshit narrative based on manufactured evidence?

Thankfully the House has finally voted this Wednesday to end the 2001 Authorization to Use Military Force (AUMF) which has been used to support all manner of military action against real and claimed terrorist threats:

The House of Representatives voted today to repeal the 2001 Authorization for Use of Military Force (AUMF). Presidents have used the AUMF to justify never-ending wars that lack Congressional approval.

This is the first time in nearly 18 years that a chamber of Congress has repealed this law. The measure, sponsored by Rep. Barbara Lee (CA), was included in the Department of Defense Appropriations Act (H.R. 2968). Designed to take effect eight months after being signed, Congress would need to pass a new AUMF or the administration would need to remove military personnel from current conflicts during that time.

Prescient timing, or no? Whatever the case, if factions within the Trump administration were

going to rely on the 2001 AUMF to execute their attacks on Iran, the support is gone in the House.

This is where YOU come in. The Senate hasn't voted on the Defense Appropriations Act including the rescindment of the 2001 AUMF; it could be stalled once again on Senate Majority Leader Mitch McConnell's desk. Stalled or not, the Senate needs to hear from its constituents about this absurd run up to war – denounce this incompetent attempt at launching war without adequate Congressional approval and ask for an investigation into whatever happened last evening to launch an attack without a legitimate AUMF and then reversed the attack mid-flight. This behavior is irrational and only more likely to trigger events the American people have no desire to see happen.

If you need another briefing and a script for making your calls to your senators, visit @Celeste\_pewter's TinyLetter page.

Congressional switchboard: (202) 224-3121

Do call your House reps and praise them if they supported the rescindment and admonish them if they didn't. They need to know constituents are paying close attention.

The really scary/aggravating part of last night's near-miss was that fossil fuel corporations can't be happy about this. If they aren't happy and they weren't consulted, who's running our foreign policy besides a guy responsible in no small part for hundreds of thousands of unnecessary deaths in the Iraq War and another Christianist doofus too stupid to realize he's being used as a pawn by other non-Christian geopolitical forces?

This is an open thread.

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# THREE THINGS: NUKE REBUKE

[NB: Note the byline, thanks! /~Rayne]

Looks like we need another open thread – here's three things we should discuss.

~ 3 ~

You've probably seen the story this week about the rush to transfer nuclear technology to Saudi Arabia revealed to the House Oversight Committee by whistleblowers.

What I want to know: when did we have a public debate about nuclear proliferation? The House Oversight Committee has launched an investigation but Congress knew Michael Flynn had been up to hijinks with nuclear proliferation more than a year ago which Jim White wrote about here in 2017.

Did the GOP-led 115th Congress just roll over and play dead throughout all of 2018, simply forgetting we had laws against nuclear proliferation? There was a Senate Armed Services Committee hearing about our own weapons last April – what about proliferation abroad?

Why are we trying to denuclearize North Korea at the same time Trump administration officials are rushing to transfer nuclear technology to KSA?

What ensures KSA will use this technology for its own electricity generation instead of selling it or trading it to an entity hostile to U.S. interests?

What's to keep NK from claiming they've denuclearized and then acquiring U.S. nuclear technology?

~ 2 ~

Speaking of North Korea, why is special envoy Stephen Biegun not on the same page with John Bolton?

Jesus Christ, don't make me side with Bolton but what the hell is going on that Biegun is more worried about producing some flimsy pretense of a win for Trump at the expense of real progress?

Especially since Russia is negotiating with NK on nuclear technology transfer.

~ 1 ~

Has the Trump administration done anything at all to prepare for a no-deal hard Brexit? At this rate thanks to Theresa May's hacktacular negotiations (or lack thereof), relations between the UK and EU will simply end

Which means the UK will be unable to import goods and clear them through customs on a timely basis, posing a realistic threat of a humanitarian crisis.

Has the U.S. State Department, led by Mike Pompeo, ensured the U.S. will be able to continue trade with the UK on an uninterrupted basis? Are we prepared to aid our ally if they have critical supply disruptions?

~ 0 ~

I have the impression our foreign and nuclear policies are utterly trashed.

*This is a open thread.*

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**OPEN THREAD: IS THAT**

# A SMILE? [UPDATE]

*[FYI, update is at the bottom of this post./~Rayne]*

I'm putting up an open thread since the BDTs thread is filling up as the Oversight Committee's hearing continues.

There have been some developments in the case of National Enquirer owner AMI's extortive letter to Amazon founder Jeff Bezos, threatening to leak sext images exchanged with his paramour.

If you haven't read Bezos' open letter to AMI you really should. There's something about AMI's attempt that's more than squicky; it smells sloppy and desperate.

Perhaps it merely reflects what Bezos says about AMI's David Pecker – that Pecker was “apoplectic” about Bezos' attempt to investigate the source of personal text messages leaked by AMI outlet National Enquirer.

Or perhaps it reflects some urgency related to the level of interest from other parties.

In any case, there were a number of discussions in Twitter last night as to whether AMI's letter met the legal definition of extortion. Former fed prosecutor Renato Mariotti published a thread on the topic and former fed prosecutor Mimi Rocah also had questions about the letter.

Bloomberg reported today that the feds in SDNY are now looking into National Enquirer's treatment of Bezos' affair and whether it violates the agreement AMI entered into regarding the Michael Cohen “Catch and Kill” hush money case. The agreement prohibited further illegal activity.

What was it about Bezos' private investigations that set off David Pecker so badly he'd not think about the implications to AMI's agreements?

Bezos appears confident – though he hasn't

confirmed this in public – that the messages he exchanged with his married lover were entirely private. This suggests that their leakage was through illegal means.

Why would Pecker risk the possibility such an extortive act might expose illegal surveillance methods had been used against Bezos?

The one other recent case where Pecker's name has come up in regard to aggressive surveillance and shaping news media coverage was that of Hollywood film producer Harvey Weinstein. Pecker and Weinstein have been characterized as friends:

Mr. Weinstein held off press scrutiny with a mix of threats and enticements, drawing reporters close with the lure of access to stars, directors and celebrity-packed parties. Some journalists negotiated book and movie deals with him even as they were assigned to cover him. The studio chief once paid a gossip writer to collect juicy celebrity tidbits that Mr. Weinstein could use to barter if other reporters stumbled onto an affair he was trying to keep quiet. He was so close to David J. Pecker, the chief executive of American Media Inc., which owns The Enquirer, that he was known in the tabloid industry as an untouchable "F.O.P.," or "friend of Pecker." That status was shared by a chosen few, including President Trump.

(source: Weinstein's Complicity Machine, 05-DEC-2017)

Weinstein had hired Black Cube to bat clean up on stories about his sexually abusive behavior. Who referred this private investigation firm to Weinstein?

It's also possible the effort to silence Jeff Bezos and the Washington Post (owned by Bezos through holding company Nash Holdings) was

driven not by Pecker's relationship with Donald Trump but by Pecker's desire to do business in Saudi Arabia. What resources would have been used to obtain Bezos' text messages if Pecker was already tied up with KSA?

Saudi Arabia has now responded by denying any involvement in the conflict between Bezos and AMI, minimizing the dispute as a "soap opera."

*Again, treat this as an open thread.*

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UPDATE – 4:15 P.M. ET –

Activist Iyad El-Baghdadi has just finished a thread looking at the Bezos-AMI dispute. He had already pointed out each allusion to Saudi Arabia in Bezos' letter; in his Twitter thread he says a Saudi whistleblower told him Crown Prince MBS is obsessed with the Washington Post and targeting WaPo journalists.

But the bit that clicked for me with regard to David Pecker: with its extortive letter attempting to blackmail performance from Bezos, if AMI was acting on behalf of or in coordination with a foreign nation-state, they may be in violation of Foreign Agents Registration Act.

Now one needs to ask themselves, assuming AMI did this for MBS/KSA, was this the first time they acted on behalf of another nation-state? Or have they acted as agents for foreign powers before and it's all in their vaults?

Where's that popcorn?

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## **RATTLED: CHINA'S HARDWARE HACK –**

# PRC'S RESPONSE

[NB: Note the byline. Portions of my content are speculative. / ~Rayne]

The following analysis includes a copy of an initial response Bloomberg Businessweek received from the Ministry of Foreign Affairs for the People's Republic of China (PRC) in response to its story, The Big Hack. In tandem with the Bloomberg story this was published on October 4 at this link. PRC's response is offset in blockquote format. No signer was indicated in the published response. Additional responses to Bloomberg's story will be posted separately.

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People's Republic of China

China is a resolute defender of cybersecurity.[1] It advocates for the international community to work together on tackling cybersecurity threats through dialogue on the basis of mutual respect, equality and mutual benefit.

[1] It's hard to argue that PRC does not defend its own cybersecurity resolutely.

[2] There are four themes here, at least:

- collaboration and ongoing dialog, but this requires trust which are difficult to develop without openness;
- mutuality, which again requires trust;
- equality, an insistence that footing of those in dialog is level;
- benefit, implying a transactional nature.

This may be a very small paragraph but it is heavily loaded and not for the kind of lightweight, half-assed diplomacy we've seen from this administration.

Supply chain safety in cyberspace is an issue of common concern, and China is also a victim.[3] China, Russia, and other member states of the Shanghai

Cooperation Organization proposed an “International code of conduct for information security” to the United Nations as early as 2011.[4] It included a pledge to ensure the supply chain security of information and communications technology products and services, in order to prevent other states from using their advantages in resources and technologies to undermine the interest of other countries.[5] We hope parties make less gratuitous accusations and suspicions but conduct more constructive talk and collaboration so that we can work together in building a peaceful, safe, open, cooperative and orderly cyberspace.[6] –*Translated by Bloomberg News in Beijing*[7]

[3] What is PRC alleging here? Are they accusing the U.S. of compromising their supply chain?

Difficult for the American public to debate this when it is so opaque though this comment may be based directly on NSA interception of networking equipment to be used in China as one example.

[4] What was happening between U.S. and Russia at that point in time? PRC acts as if an agreement to this code would happen in a vacuum.

[5] A dig at U.S.

[6] Another dig at U.S.

[7] There has been no apparent demand for correction to any of this translation.

Like Supermicro’s response this one is very short and effective, giving little away.

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## **STILL RATTLED: FALLOUT AND**

# PUSHBACK

*[NB: Note the byline. Portions of this post may be speculative. / ~Rayne]*

The tech industry and technology journalism outlets remain rattled by Bloomberg Businessweek's The Big Hack article.

Bloomberg Businessweek's Jordan Robertson and Michael Riley published a second article last Tuesday in which a security expert went on the record about compromised servers with Supermicro motherboards in an unnamed telecommunications provider. Do read the article; the timing of the discovery of the unexpected network communications and the off-spec covert chip fit within the timeline of Apple and Amazon problems with Supermicro motherboards.

The FBI's and DHS' responses are also interesting – the first refused to comment and the second offered a tepid endorsement of Apple's and Amazon's denials.

The second article hasn't assuaged industry members or journalists, though, in spite of a source on the record about a third affected entity.

The main criticisms of Bloomberg piece are:

- No affected equipment or firmware has been produced for review;
- Too much of Bloomberg's sourcing remains anonymous;
- The claims cannot be validated by other journalists, technology companies, persons at Apple and Amazon who have been contacted and interviewed by non-Bloomberg journalists;
- Contacts inside the companies in question continue to deny knowledge if they don't express confusion about the alleged hack;
- Apple and Amazon have published firm denials, including Apple's preemptive letter



to Congress.

However,

- Something drove both Apple and Amazon to change their relationship with Supermicro within a fairly tight time frame;
- The uniformity of their early denials in which they avoid mentioning hardware and lean toward web application as a point of conflict is odd;
- Neither of these enormous firms nor Supermicro have filed a lawsuit against Bloomberg for libel that the public can see, preventing questioning of Bloomberg's journalists and sources under subpoena;
- Securities and Exchange Commission doesn't appear to have been engaged to investigate the claims (although it's possible the SEC is on this and may simply not have disclosed this publicly);
- None of the other unnamed companies alleged to have received compromised motherboards have uttered a peep to defend (or rebut) Apple or Amazon.

I have not seen in any reporting I've read to date – from either Bloomberg Businessweek in The Big Hack or subsequent articles examining the claims or rebutting them – that any journalist, tech industry member or infosecurity community member has asked whether Apple, Amazon, or the other affected companies ordered customized motherboards or servers with customized motherboards made to their company's specifications. Supermicro has also said nothing about any possible differentiation between motherboards for different companies which would affect the scenario. The silence on this point is confounding.

This piece in Ars Technica captures many of the concerns other tech news outlets have with the Bloomberg reports. Complaints that software – meaning firmware – is easier to hack than adding

off-spec hardware miss two key points.

The complexity, sophistication, and surgical precision needed to pull off such attacks as reported are breathtaking, particularly at the reported scale. First, there's the considerable logistics capability required to seed supply chains starting in China in a way that ensures backdoored equipment ships to specific US targets but not so widely to become discovered. Bloomberg acknowledged the skill and sheer luck of success by comparing the feat to "throwing a stick in the Yangtze River upstream from Shanghai and ensuring that it washes ashore in Seattle." The news service also quotes hardware hacking expert Joe Grand comparing it to "witnessing a unicorn jumping over a rainbow."

Made-to-order components or assemblies in Just-In-Time lean manufacturing enterprises make it easier to ensure that adulterated products reach their intended mark because each order represents an identified, traceable batch. Adherence to ISO standards in manufacturing processes may even make traceability easier.

We know Supermicro uses lean manufacturing techniques because it's in job postings online (lousy pay, by the way, which may also say something).

- Qualifications:
- BS/MS Manufacturing (Masters in Engineering) / Electric Engineering, 5+ years relevant work experience with storage component and system, server and hard drives industry.
  - 5+ years of experience in manufacturing environment preferred.
  - Excellent communication skills, both verbal and written. Must be able to communicate effectively to all levels of the organization.
  - Must have the ability to lead cross-functional teams consisting of operators, supervisors and technicians.
  - Must be knowledgeable in statistical quality control and design of experiments.
  - Ability to work with a team as well as independently.
  - Experience with Lean Manufacturing and Thick film processing a plus.
  - Active learner with the ability to bring new insight to improving the manufacturing processes.
- Job posting: Production Engineer  
Super Micro Computer, San Jose CA

Does Supermicro use the same lean manufacturing approach overseas? Do any of its suppliers also use lean manufacturing?

In contrast, release of firmware (without corresponding adulterated hardware) to a single target is more difficult to control than hardware – the example given is Stuxnet (excerpt here from Ars Technica).

The articles don't explain how attackers ensured the altered equipment shipped broadly enough to reach intended targets in a distant country without also going to other unintended companies. Nation-state hackers almost always endeavor to distribute their custom spyware as narrowly as possible to only chosen high-value targets, lest the spy tools spread widely and become discovered the way the Stuxnet worm that targeted Iran's nuclear program became public when its creators lost control of it.

Why wouldn't a determined nation-state ensure there was a failover, a Plan B method for accessing specific intelligence from a narrow range of sources instead of betting the farm on one method alone? Given the means to deploy both malicious firmware and adulterated hardware, why

wouldn't they try both?

~ | ~ | ~

In spite of tech industry and journalists' criticisms of Bloomberg's reporting, these facts remain:

- 1 – Technology supply chain has been compromised;
- 2 – U.S. government has known about it (pdf);
- 3 – U.S. government has not been forthcoming about it or the blacklists it has implemented;
- 4 – U.S. government has tried to investigate the compromise but with insufficient success;
- 5 – Some companies are also aware of the compromised supply chain.

We're no closer to resolving this question: has the compromise of the supply chain remained limited to counterfeiting, or does the compromise now include altered products?

At what point will the tech industry and infosecurity community begin to take supply chain hacks more seriously?

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*[AN: I still have to analyze both Apple's letter to Congress and its second response posted on their website along with Amazon's published response. More to come./~Rayne]*