



United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
BUDGET

COMMERCE, SCIENCE  
AND TRANSPORTATION

FOREIGN RELATIONS

HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

**Statement of Senator Ron Johnson**

**February 5, 2020**

I am glad that this unfortunate chapter in American history is over. The strength of our republic lies in the fact that, more often than not, we settle our political differences at the ballot box, not on the streets or battlefield - and not through impeachment.

Just last year, Speaker Pelosi said that any impeachment "would have to be so clearly bipartisan in terms of acceptance of it." And in 1998, Rep. Nadler, currently a House Impeachment Manager, said, "There must never be ... an impeachment substantially supported by one of our major political parties and largely opposed by the other...Such an impeachment would lack legitimacy, would produce divisiveness and bitterness in our politics for years to come..."

And yet, that's exactly what House Democrats passed. I truly wish Speaker Pelosi, Chairman Nadler, and their House colleagues would have followed their own advice.

As I listened to the House managers' closing arguments, I jotted down adjectives describing the case they were making: angry, disingenuous, hyperbolic, sanctimonious, distorted (if not outright dishonest), and overstated - they were making a mountain out of a molehill.

Congressman Schiff and the other House managers are not stupid. They had to know that their insults and accusations - that the president had threatened to put our heads on a pike, that the Senate was on trial, that we would be part of the cover up if we didn't cave to their demand for witnesses - would not sway Republican senators. No, they had another goal in mind. They were using impeachment and their public offices to accomplish the very thing they accused President Trump of doing - interfering in the 2020 election.

Impeachment should be reserved for the most serious of offenses where the risk to our democracy simply cannot wait for the voters' next decision. That was not the case here.

Instead, the greater damage to our democracy would be to ratify a highly partisan House impeachment process that lacked due process and sought to impose a duty on the Senate to repair the House's flawed product. Caving to House managers' demands would have set a dangerous precedent and dramatically altered the constitutional order, further weaponizing impeachment and encouraging more of them.

Now that the trial is over, I sincerely hope everyone involved has renewed appreciation for the genius of our founding fathers and for the separation of powers they incorporated into the U.S. Constitution. I also hope all the players in this national travesty go forward with a greater sense of humility and recognition of the limits the Constitution places on their respective offices.

I am concerned about the divisiveness and bitterness that Chairman Nadler warned us about. We are a divided nation, and it often seems the lines are only hardening and growing farther apart. But hope lies in finding what binds us together - our love of freedom, our faith, our families.

We serve those who elect us. It is appropriate and necessary to engage in discussion and debate to sway public opinion, but in the end, it is essential that we rely upon, respect, and accept the public's electoral decisions.

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In addition to the statement above, I would also like to enter into the record my November 18, 2019 letter to Congressmen Nunes and Jordan, and the January 22, 2020 Real Clear Investigations article written by Paul Sperry.

The November 18, 2019 letter responds to Nunes' and Jordan's request to provide information regarding my first-hand knowledge of events regarding Ukraine that were relevant to the impeachment inquiry. The January 22, 2020 article was referenced in my question to the House managers and counsel to the president during the 16-hour question and answer phase of the impeachment trial. Specifically, that question asked:

"Recent reporting described two NSC staff holdovers from the Obama administration attending an 'all hands' meeting of NSC staff held about two weeks into the Trump administration and talking loudly enough to be overheard saying, 'we need to do everything we can to take out the president.' On July 26, 2019, the House Intelligence Committee hired one of those individuals, Sean Misko. The report further describes relationships between Misko, Lt. Col. Vindman, and the alleged whistleblower. Why did your committee hire Sean Misko the day after the phone call between Presidents Trump and Zelensky, and what role has he played throughout your committee's investigation?"

Enclosures:

Attachment A (Letter from Sen. Ron Johnson to Rep. Jim Jordan, H. Comm. on Oversight & Reform, and Rep. Devin Nunes, H. Permanent Select Comm. on Intelligence (Nov. 18, 2019))

Attachment B (Paul Sperry, *Whistleblower Was Overheard in '17 Discussing With Ally How to Remove Trump*, Real Clear Investigations, Jan. 22, 2020)

# United States Senate

WASHINGTON, DC 20510

November 18, 2019

The Honorable Jim Jordan  
Ranking Member  
Committee on Oversight and Reform

The Honorable Devin Nunes  
Ranking Member  
Permanent Select Committee on Intelligence

Dear Congressman Jordan and Congressman Nunes:

I am writing in response to the request of Ranking Members Nunes and Jordan to provide my first-hand information and resulting perspective on events relevant to the House impeachment inquiry of President Trump. It is being written in the middle of that inquiry — after most of the depositions have been given behind closed doors, but before all the public hearings have been held.

I view this impeachment inquiry as a continuation of a concerted, and possibly coordinated, effort to sabotage the Trump administration that probably began in earnest the day after the 2016 presidential election. The latest evidence of this comes with the reporting of a Jan. 30, 2017 tweet (10 days after Trump's inauguration) by one of the whistleblower's attorneys, Mark Zaid: “[#coup](#) has started. First of many steps. [#rebellion](#). [#impeachment](#) will follow ultimately.”

But even prior to the 2016 election, the FBI's investigation and exoneration of former Secretary of State Hillary Clinton, combined with Fusion GPS' solicitation and dissemination of the Steele dossier — and the FBI's counterintelligence investigation based on that dossier — laid the groundwork for future sabotage. As a result, my first-hand knowledge and involvement in this saga began with the revelation that former Secretary of State Hillary Clinton kept a private e-mail server.

I have been chairman of the Senate Committee on Homeland Security and Governmental Affairs (HSGAC) since January 2015. In addition to its homeland security portfolio, the committee also is charged with general oversight of the federal government. Its legislative jurisdiction includes federal records. So when the full extent of Clinton's use of a private server became apparent in March 2015, HSGAC initiated an oversight investigation.

Although many questions remain unanswered from that scandal, investigations resulting from it by a number of committees, reporters and agencies have revealed multiple facts and episodes that are similar to aspects of the latest effort to find grounds for impeachment. In particular, the political bias revealed in the Strzok/Page texts, use of the discredited Steele dossier to initiate and sustain the FBI's counterintelligence investigation and FISA warrants, and leaks to the

media that created the false narrative of Trump campaign collusion with Russia all fit a pattern and indicate a game plan that I suspect has been implemented once again.

It is from this viewpoint that I report my specific involvement in the events related to Ukraine and the impeachment inquiry.

I also am chairman of the Subcommittee on Europe and Regional Security Cooperation of the Senate Foreign Relations Committee. I have made six separate trips to Ukraine starting in April 2011. Most recently, I led two separate Senate resolutions calling for a strong U.S. and NATO response to Russian military action against Ukraine's navy in the Kerch Strait. I traveled to Ukraine to attend president-elect Volodymyr Zelensky's inauguration held on May 20, and again on Sept. 5 with U.S. Sen. Chris Murphy to meet with Zelensky and other Ukrainian leaders.

Following the Orange Revolution, and even more so after the Maidan protests, the Revolution of Dignity, and Russia's illegal annexation of Crimea and invasion of eastern Ukraine, support for the people of Ukraine has been strong within Congress and in both the Obama and Trump administrations. There was also universal recognition and concern regarding the level of corruption that was endemic throughout Ukraine. In 2015, Congress overwhelmingly authorized \$300 million of security assistance to Ukraine, of which \$50 million was to be available only for lethal defensive weaponry. The Obama administration never supplied the authorized lethal defensive weaponry, but President Trump did.

Zelensky won a strong mandate — 73% — from the Ukrainian public to fight corruption. His inauguration date was set on very short notice, which made attending it a scheduling challenge for members of Congress who wanted to go to show support. As a result, I was the only member of Congress joining the executive branch's inaugural delegation led by Energy Secretary Rick Perry, Special Envoy Kurt Volker, U.S. Ambassador to the European Union Gordon Sondland, and Lt. Col. Alexander Vindman, representing the National Security Council. I arrived the evening before the inauguration and, after attending a country briefing provided by U.S. embassy staff the next morning, May 20, went to the inauguration, a luncheon following the inauguration, and a delegation meeting with Zelensky and his advisers.

The main purpose of my attendance was to demonstrate and express my support and that of the U.S. Congress for Zelensky and the people of Ukraine. In addition, the delegation repeatedly stressed the importance of fulfilling the election mandate to fight corruption, and also discussed the priority of Ukraine obtaining sufficient inventories of gas prior to winter.

Two specific points made during the meetings stand out in my memory as being relevant.

The first occurred during the country briefing. I had just finished making the point that supporting Ukraine was essential because it was ground zero in our geopolitical competition with Russia. I was surprised when Vindman responded to my point. He stated that it was the position of the NSC that our relationship with Ukraine should be kept separate from our geopolitical competition with Russia. My blunt response was, "How in the world is that even possible?"



I do not know if Vindman accurately stated the NSC's position, whether President Trump shared that viewpoint, or whether Vindman was really just expressing his own view. I raise this point because I believe that a significant number of bureaucrats and staff members within the executive branch have never accepted President Trump as legitimate and resent his unorthodox style and his intrusion onto their "turf." They react by leaking to the press and participating in the ongoing effort to sabotage his policies and, if possible, remove him from office. It is entirely possible that Vindman fits this profile.

Quotes from the transcript of Vindman's opening remarks and his deposition reinforce this point and deserve to be highlighted. Vindman testified that an "alternative narrative" pushed by the president's personal attorney, Rudy Giuliani, was "inconsistent with the consensus views of the" relevant federal agencies and was "undermining the consensus policy."

Vindman's testimony, together with other witnesses' use of similar terms such as "our policy," "stated policy," and "long-standing policy" lend further credence to the point I'm making. Whether you agree with President Trump or not, it should be acknowledged that the Constitution vests the power of conducting foreign policy with the duly elected president. American foreign policy is what the president determines it to be, not what the "consensus" of unelected foreign policy bureaucrats wants it to be. If any bureaucrats disagree with the president, they should use their powers of persuasion within their legal chain of command to get the president to agree with their viewpoint. In the end, if they are unable to carry out the policy of the president, they should resign. They should not seek to undermine the policy by leaking to people outside their chain of command.

The other noteworthy recollection involves how Perry conveyed the delegation concern over rumors that Zelensky was going to appoint Andriy Bohdan, the lawyer for oligarch Igor Kolomoisky, as his chief of staff. The delegation viewed Bohdan's rumored appointment to be contrary to the goal of fighting corruption and maintaining U.S. support. Without naming Bohdan, Secretary Perry made U.S. concerns very clear in his remarks to Zelensky.

Shortly thereafter, ignoring U.S. advice, Zelensky did appoint Bohdan as his chief of staff. This was not viewed as good news, but I gave my advice on how to publicly react in a text to Sondland on May 22: *"Best case scenario on COS: Right now Zelensky needs someone he can trust. I'm not a fan of lawyers, but they do represent all kinds of people. Maybe this guy is a patriot. He certainly understands the corruption of the oligarchs. Could be the perfect guy to advise Zelensky on how to deal with them. Zelensky knows why he got elected. For now, I think we express our concerns, but give Zelensky the benefit of the doubt. Also let him know everyone in the U.S. will be watching VERY closely."*

At the suggestion of Sondland, the delegation (Perry, Volker, Sondland and me) proposed a meeting with President Trump in the Oval Office. The purpose of the meeting was to brief the president on what we learned at the inauguration, and convey our impressions of Zelensky and the current political climate in Ukraine. The delegation uniformly was impressed with Zelensky, understood the difficult challenges he faced, and went into the meeting hoping to obtain President Trump's strong support for Zelensky and the people of Ukraine. Our specific

goals were to obtain a commitment from President Trump to invite Zelensky to meet in the Oval Office, to appoint a U.S. ambassador to Ukraine who would have strong bipartisan support, and to have President Trump publicly voice his support.

Our Oval Office meeting took place on May 23. The four members of the delegation sat lined up in front of President Trump's desk. Because we were all directly facing the president, I do not know who else was in attendance sitting or standing behind us. I can't speak for the others, but I was very surprised by President Trump's reaction to our report and requests.

He expressed strong reservations about supporting Ukraine. He made it crystal clear that he viewed Ukraine as a thoroughly corrupt country both generally and, specifically, regarding rumored meddling in the 2016 election. Volker summed up this attitude in his testimony by quoting the president as saying, "They are all corrupt. They are all terrible people. ... I don't want to spend any time with that." I do not recall President Trump ever explicitly mentioning the names Burisma or Biden, but it was obvious he was aware of rumors that corrupt actors in Ukraine might have played a part in helping create the false Russia collusion narrative.

Of the four-person delegation, I was the only one who did not work for the president. As a result, I was in a better position to push back on the president's viewpoint and attempt to persuade him to change it. I acknowledged that he was correct regarding endemic corruption. I said that we weren't asking him to support corrupt oligarchs and politicians but to support the Ukrainian people who had given Zelensky a strong mandate to fight corruption. I also made the point that he and Zelensky had much in common. Both were complete outsiders who face strong resistance from entrenched interests both within and outside government. Zelensky would need much help in fulfilling his mandate, and America's support was crucial.

It was obvious that his viewpoint and reservations were strongly held, and that we would have a significant sales job ahead of us getting him to change his mind. I specifically asked him to keep his viewpoint and reservations private and not to express them publicly until he had a chance to meet Zelensky. He agreed to do so, but he also added that he wanted Zelensky to know exactly how he felt about the corruption in Ukraine prior to any future meeting. I used that directive in my Sept. 5 meeting with Zelensky in Ukraine.

One final point regarding the May 23 meeting: I am aware that Sondland has testified that President Trump also directed the delegation to work with Rudy Giuliani. I have no recollection of the president saying that during the meeting. It is entirely possible he did, but because I do not work for the president, if made, that comment simply did not register with me. I also remember Sondland staying behind to talk to the president as the rest of the delegation left the Oval Office.

I continued to meet in my Senate office with representatives from Ukraine: on June 13 with members of the Ukrainian Parliament's Foreign Affairs Committee; on July 11 with Ukraine's ambassador to the U.S. and secretary of Ukraine's National Security and Defense Council, Oleksandr Danyliuk; and again on July 31 with Ukraine's ambassador to the U.S., Valeriy Chaly. At no time during those meetings did anyone from Ukraine raise the issue of the withholding of

military aid or express concerns regarding pressure being applied by the president or his administration.

During Congress' August recess, my staff worked with the State Department and others in the administration to plan a trip to Europe during the week of Sept. 2 with Senator Murphy to include Russia, Serbia, Kosovo and Ukraine. On or around Aug. 26, we were informed that our requests for visas into Russia were denied. On either Aug. 28 or 29, I became aware of the fact that \$250 million of military aid was being withheld. This news would obviously impact my trip and discussions with Zelensky.

Sondland had texted me on Aug. 26 remarking on the Russian visa denial. I replied on Aug. 30, apologizing for my tardy response and requesting a call to discuss Ukraine. We scheduled a call for sometime between 12:30 p.m. and 1:30 p.m. that same day. I called Sondland and asked what he knew about the hold on military support. I did not memorialize the conversation in any way, and my memory of exactly what Sondland told me is far from perfect. I was hoping that his testimony before the House would help jog my memory, but he seems to have an even fuzzier recollection of that call than I do.

The most salient point of the call involved Sondland describing an arrangement where, if Ukraine did something to demonstrate its serious intention to fight corruption and possibly help determine what involvement operatives in Ukraine might have had during the 2016 U.S. presidential campaign, then Trump would release the hold on military support.

I have stated that I winced when that arrangement was described to me. I felt U.S. support for Ukraine was essential, particularly with Zelensky's new and inexperienced administration facing an aggressive Vladimir Putin. I feared any sign of reduced U.S. support could prompt Putin to demonstrate even more aggression, and because I was convinced Zelensky was sincere in his desire to fight corruption, this was no time to be withholding aid for any reason. It was the time to show maximum strength and resolve.

I next put in a call request for National Security Adviser John Bolton, and spoke with him on Aug. 31. I believe he agreed with my position on providing military assistance, and he suggested I speak with both the vice president and president. I requested calls with both, but was not able to schedule a call with Vice President Pence. President Trump called me that same day.

The purpose of the call was to inform President Trump of my upcoming trip to Ukraine and to try to persuade him to authorize me to tell Zelensky that the hold would be lifted on military aid. The president was not prepared to lift the hold, and he was consistent in the reasons he cited. He reminded me how thoroughly corrupt Ukraine was and again conveyed his frustration that Europe doesn't do its fair share of providing military aid. He specifically cited the sort of conversation he would have with Angela Merkel, chancellor of Germany. To paraphrase President Trump: "Ron, I talk to Angela and ask her, 'Why don't you fund these things,' and she tells me, 'Because we know you will.' We're schmucks. Ron. We're schmucks."

I acknowledged the corruption in Ukraine, and I did not dispute the fact that Europe could and should provide more military support. But I pointed out that Germany was opposed to providing Ukraine lethal defensive weaponry and simply would not do so. As a result, if we wanted to deter Russia from further aggression, it was up to the U.S. to provide it.

I had two additional counterarguments. First, I wasn't suggesting we support the oligarchs and other corrupt Ukrainians. Our support would be for the courageous Ukrainians who had overthrown Putin's puppet, Viktor Yanukovich, and delivered a remarkable 73% mandate in electing Zelensky to fight corruption. Second, I argued that withholding the support looked horrible politically in that it could be used to bolster the "Trump is soft on Russia" mantra.

It was only after he reiterated his reasons for not giving me the authority to tell Zelensky the support would be released that I asked him about whether there was some kind of arrangement where Ukraine would take some action and the hold would be lifted. Without hesitation, President Trump immediately denied such an arrangement existed. As reported in the Wall Street Journal, I quoted the president as saying, "(Expletive deleted) — No way. I would never do that. Who told you that?" I have accurately characterized his reaction as adamant, vehement and angry — there was more than one expletive that I have deleted.

Based on his reaction, I felt more than a little guilty even asking him the question, much less telling him I heard it from Sondland. He seemed even more annoyed by that, and asked me, "Who is that guy"? I interpreted that not as a literal question — the president did know whom Sondland was — but rather as a sign that the president did not know him well. I replied by saying, "I thought he was your buddy from the real estate business." The president replied by saying he barely knew him.

After discussing Ukraine, we talked about other unrelated matters. Finally, the president said he had to go because he had a hurricane to deal with. He wrapped up the conversation referring back to my request to release the hold on military support for Ukraine by saying something like, "Ron, I understand your position. We're reviewing it now, and you'll probably like my final decision."

On Tuesday, Sept. 3, I had a short follow up call with Bolton to discuss my upcoming trip to Ukraine, Serbia and Kosovo. I do not recall discussing anything in particular that relates to the current impeachment inquiry on that call.

We arrived in Kyiv on Sept. 4, joining Taylor and Murphy for a full day of meetings on Sept. 5 with embassy staff, members of the new Ukrainian administration, and Zelensky, who was accompanied by some of his top advisers. We also attended the opening proceedings of the Ukrainian High Anti-Corruption Court. The meetings reinforced our belief that Zelensky and his team were serious about fulfilling his mandate — to paraphrase the way he described it in his speech at the High Anti-Corruption Court — to not only fight corruption but to defeat it.

The meeting with Zelensky started with him requesting we dispense with the usual diplomatic opening and get right to the issue on everyone's mind, the hold being placed on military support.



He asked if any of us knew the current status. Because I had just spoken to President Trump, I fielded his question and conveyed the two reasons the president told me for his hold. I explained that I had tried to persuade the president to authorize me to announce the hold was released but that I was unsuccessful.

As much as Zelensky was concerned about losing the military aid, he was even more concerned about the signal that would send. I shared his concern. I suggested that in our public statements we first emphasize the universal support that the U.S. Congress has shown — and will continue to show — for the Ukrainian people. Second, we should minimize the significance of the hold on military aid as simply a timing issue coming a few weeks before the end of our federal fiscal year. Even if President Trump and the deficit hawks within his administration decided not to obligate funding for the current fiscal year, Congress would make sure he had no option in the next fiscal year — which then was only a few weeks away. I also made the point that Murphy was on the Appropriations Committee and could lead the charge on funding.

Murphy made the additional point that one of the most valuable assets Ukraine possesses is bipartisan congressional support. He warned Zelensky not to respond to requests from American political actors or he would risk losing Ukraine's bipartisan support. I did not comment on this issue that Murphy raised.

Instead, I began discussing a possible meeting with President Trump. I viewed a meeting between the two presidents as crucial for overcoming President Trump's reservations and securing full U.S. support. It was at this point that President Trump's May 23 directive came into play.

I prefaced my comment to Zelensky by saying, "Let me go out on a limb here. Are you or any of your advisers aware of the inaugural delegation's May 23 meeting in the Oval Office following your inauguration?" No one admitted they were, so I pressed on. "The reason I bring up that meeting is that I don't want you caught off-guard if President Trump reacts to you the same way he reacted to the delegation's request for support for Ukraine."

I told the group that President Trump explicitly told the delegation that he wanted to make sure Zelensky knew exactly how he felt about Ukraine before any meeting took place. To repeat Volker's quote of President Trump: "They are all corrupt. They are all terrible people. ... I don't want to spend any time with that." That was the general attitude toward Ukraine that I felt President Trump directed us to convey. Since I did not have Volker's quote to use at the time, I tried to portray that strongly held attitude and reiterated the reasons President Trump consistently gave me for his reservations regarding Ukraine: endemic corruption and inadequate European support.

I also conveyed the counterarguments I used (unsuccessfully) to persuade the president to lift his hold: 1) We would be supporting the people of Ukraine, not corrupt oligarchs, and 2) withholding military support was not politically smart. Although I recognized how this next point would be problematic, I also suggested any public statement Zelensky could make asking for greater support from Europe would probably be viewed favorably by President Trump.

Finally, I commented on how excellent Zelensky's English was and encouraged him to use English as much as possible in a future meeting with President Trump. With a smile on his face, he replied, "But Senator Johnson, you don't realize how beautiful my Ukrainian is." I jokingly conceded the point by saying I was not able to distinguish his Ukrainian from his Russian.

This was a very open, frank, and supportive discussion. There was no reason for anyone on either side not to be completely honest or to withhold any concerns. At no time during this meeting — or any other meeting on this trip — was there any mention by Zelensky or any Ukrainian that they were feeling pressure to do anything in return for the military aid, not even after Murphy warned them about getting involved in the 2020 election — which would have been the perfect time to discuss any pressure.

Following the meeting with Zelensky and his advisers, Murphy and I met with the Ukrainian press outside the presidential office building. Our primary message was that we were in Kyiv to demonstrate our strong bipartisan support for the people of Ukraine. We were very encouraged by our meetings with Zelensky and other members of his new government in their commitment to fulfill their electoral mandate to fight and defeat corruption. When the issue of military support was raised, I provided the response I suggested above: I described it as a timing issue at the end of a fiscal year and said that, regardless of what decision President Trump made on the fiscal year 2019 funding, I was confident Congress would restore the funding in fiscal year 2020. In other words: Don't mistake a budget issue for a change in America's strong support for the people of Ukraine.

Congress came back into session on Sept. 9. During a vote early in the week, I approached one of the co-chairs of the Senate Ukraine Caucus, U.S. Sen. Richard Durbin. I briefly described our trip to Ukraine and the concerns Zelensky and his advisers had over the hold on military support. According to press reports, Senator Durbin stated that was the first time he was made aware of the hold. I went on to describe how I tried to minimize the impact of that hold by assuring Ukrainians that Congress could restore the funding in fiscal year 2020. I encouraged Durbin, as I had encouraged Murphy, to use his membership on the Senate Appropriations Committee to restore the funding.

Also according to a press report, leading up to a Sept. 12 defense appropriation committee markup, Durbin offered an amendment to restore funding. On Sept. 11, the administration announced that the hold had been lifted. I think it is important to note the hold was lifted only 14 days after its existence became publicly known, and 55 days after the hold apparently had been placed.

On Friday, Oct. 4, I saw news reports of text messages that Volker had supplied the House of Representatives as part of his testimony. The texts discussed a possible press release that Zelensky might issue to help persuade President Trump to offer an Oval Office meeting. Up to that point, I had publicly disclosed only the first part of my Aug. 31 phone call with President Trump, where I lobbied him to release the military aid and he provided his consistent reasons for not doing so: corruption and inadequate European support.

Earlier in the week, I had given a phone interview with Siobhan Hughes of the Wall Street Journal regarding my involvement with Ukraine. With the disclosure of the Volker texts, I felt it was important to go on the record with the next part of my Aug. 31 call with President Trump: his denial. I had not previously disclosed this because I could not precisely recall what Sondland had told me on Aug. 30, and what I had conveyed to President Trump, regarding action Ukraine would take before military aid would be released. To the best of my recollection, the action described by Sondland on Aug. 30 involved a demonstration that the new Ukrainian government was serious about fighting corruption — something like the appointment of a prosecutor general with high integrity.

I called Hughes Friday morning, Oct. 4, to update my interview. It was a relatively lengthy interview, almost 30 minutes, as I attempted to put a rather complex set of events into context. Toward the tail end of that interview, Hughes said, “It almost sounds like, the way you see it, Gordon was kind of freelancing and he took it upon himself to do something that the president hadn’t exactly blessed, as you see it.” I replied, “That’s a possibility, but I don’t know that. Let’s face it: The president can’t have his fingers in everything. He can’t be stage-managing everything, so you have members of his administration trying to create good policy.”

To my knowledge, most members of the administration and Congress dealing with the issues involving Ukraine disagreed with President Trump’s attitude and approach toward Ukraine. Many who had the opportunity and ability to influence the president attempted to change his mind. I see nothing wrong with U.S. officials working with Ukrainian officials to demonstrate Ukraine’s commitment to reform in order to change President Trump’s attitude and gain his support.

Nor is it wrong for administration staff to use their powers of persuasion within their chain of command to influence policy. What is wrong is for people who work for, and at the pleasure of, the president to believe they set U.S. foreign policy instead of the duly elected president doing so. It also would be wrong for those individuals to step outside their chain of command — or established whistleblower procedures — to undermine the president’s policy. If those working for the president don’t feel they can implement the president’s policies in good conscience, they should follow Gen. James Mattis’ example and resign. If they choose to do so, they can then take their disagreements to the public. That would be the proper and high-integrity course of action.

This impeachment effort has done a great deal of damage to our democracy. The release of transcripts of discussions between the president of the United States and another world leader sets a terrible precedent that will deter and limit candid conversations between the president and world leaders from now on. The weakening of executive privilege will also limit the extent to which presidential advisers will feel comfortable providing “out of the box” and other frank counsel in the future.

In my role as chairman of the Senate’s primary oversight committee, I strongly believe in and support whistleblower protections. But in that role, I am also aware that not all whistleblowers


are created equal. Not every whistleblower has purely altruistic motives. Some have personal axes to grind against a superior or co-workers. Others might have a political ax to grind.

The Intelligence Community Inspector General acknowledges the whistleblower in this instance exhibits some measure of "an arguable political bias." The whistleblower's selection of attorney Mark Zaid lends credence to the ICIG's assessment, given Zaid's tweet that mentions coup, rebellion and impeachment only 10 days after Trump's inauguration.

If the whistleblower's intention was to improve and solidify the relationship between the U.S. and Ukraine, he or she failed miserably. Instead, the result has been to publicize and highlight the president's deeply held reservations toward Ukraine that the whistleblower felt were so damaging to our relationship with Ukraine and to U.S. national security. The dispute over policy was being resolved between the two branches of government before the whistleblower complaint was made public. All the complaint has accomplished is to fuel the House's impeachment desire (which I believe was the real motivation), and damage our democracy as described above.

America faces enormous challenges at home and abroad. My oversight efforts have persuaded me there has been a concerted effort, probably beginning the day after the November 2016 election, to sabotage and undermine President Trump and his administration. President Trump, his supporters, and the American public have a legitimate and understandable desire to know if wrongdoing occurred directed toward influencing the 2016 election or sabotaging Trump's administration. The American public also has a right to know if no wrongdoing occurred. The sooner we get answers to the many unanswered questions, the sooner we can attempt to heal our severely divided nation and turn our attention to the many daunting challenges America faces.

Sincerely,



Ron Johnson  
United States Senator

cc: The Honorable Michael T. McCaul  
Ranking Member  
Committee on Foreign Affairs

The Honorable Carolyn B. Maloney  
Acting Chairwoman  
Committee on Oversight and Reform

The Honorable Eliot Engel  
Chairman  
Committee on Foreign Affairs

The Honorable Adam Schiff  
Chairman  
Permanent Select Committee on Intelligence



[https://www.realclearinvestigations.com/articles/2020/01/22/whistleblower\\_was\\_overheard\\_in\\_17\\_discussing\\_with\\_ally\\_how\\_to\\_remove\\_trump\\_121701.html](https://www.realclearinvestigations.com/articles/2020/01/22/whistleblower_was_overheard_in_17_discussing_with_ally_how_to_remove_trump_121701.html)

## **Whistleblower Was Overheard in '17 Discussing With Ally How to Remove Trump**

**RealClear Investigations**

By **Paul Sperry**

**January 22, 2019**

Barely two weeks after Donald Trump took office, Eric Ciaramella – the CIA analyst whose name was recently linked in a tweet by the president and mentioned by lawmakers as the anonymous “whistleblower” who touched off Trump's impeachment – was overheard in the White House discussing with another staffer how to remove the newly elected president from office, according to former colleagues.

Sources told RealClearInvestigations the staffer with whom Ciaramella was speaking was Sean Misko. Both were Obama administration holdovers working in the Trump White House on foreign policy and national security issues. And both expressed anger over Trump's new “America First” foreign policy, a sea change from President Obama's approach to international affairs.

“Just days after he was sworn in they were already talking about trying to get rid of him,” said a White House colleague who overheard their conversation.

“They weren't just bent on subverting his agenda,” the former official added. “They were plotting to actually have him removed from office.”

Misko left the White House last summer to join House impeachment manager Adam Schiff's committee, where sources say he offered "guidance" to the whistleblower, who has been officially identified only as an intelligence officer in a complaint against Trump filed under whistleblower laws. Misko then helped run the impeachment inquiry based on that complaint as a top investigator for congressional Democrats.

The probe culminated in Trump's impeachment last month on a party-line vote in the House of Representatives. Schiff and other House Democrats last week delivered the articles of impeachment to the Senate, and are now pressing the case for his removal during the trial, which began Tuesday.

The coordination between the official believed to be the whistleblower and a key Democratic staffer, details of which are disclosed here for the first time, undercuts the narrative that impeachment developed spontaneously out of the "patriotism" of an "apolitical civil servant."

Two former co-workers said they overheard Ciaramella and Misko, close friends and Democrats held over from the Obama administration, discussing how to "take out," or remove, the new president from office within days of Trump's inauguration. These co-workers said the president's controversial Ukraine phone call in July 2019 provided the pretext they and their Democratic allies had been looking for.

"They didn't like his policies," another former White House official said. "They had a political vendetta against him from Day One."

Their efforts were part of a larger pattern of coordination to build a case for impeachment, involving Democratic leaders as well as anti-Trump figures both inside and outside of government.

All unnamed sources for this article spoke only on condition that they not be further identified or described. Although strong evidence points to Ciaramella as the government employee who lodged the whistleblower complaint, he has not been officially identified as such. As a result, this article makes a distinction between public information released about the unnamed whistleblower/CIA analyst and specific information about Ciaramella.

Democrats based their impeachment case on the whistleblower complaint, which alleges that President Trump sought to help his re-election campaign by demanding that Ukraine's leader investigate former Vice President Joe Biden and his son Hunter in exchange for military aid. Yet Schiff, who heads the House Intelligence Committee, and other Democrats have insisted on keeping the identity of the whistleblower secret, citing concern for his safety, while arguing that his testimony no longer matters because other witnesses and documents have "corroborated" what he alleged in his complaint about the Ukraine call.

Republicans have fought unsuccessfully to call him as a witness, arguing that his motivations and associations are relevant – and that the president has the same due-process right to confront his accuser as any other American.

The whistleblower's candor is also being called into question. It turns out that the CIA operative failed to report his contacts with Schiff's office to the intelligence community's inspector general who fielded his whistleblower complaint. He withheld the information both in interviews with the inspector general, Michael Atkinson, and in writing, according to impeachment committee investigators. The whistleblower form he filled out required him to disclose whether he had "contacted other entities" -- including "members of Congress." But he left that section blank on the disclosure form he signed.

The investigators say that details about how the whistleblower consulted with Schiff's staff and perhaps misled Atkinson about those interactions are contained in the transcript of a closed-door

briefing Atkinson gave to the House Intelligence Committee last October. However, Schiff has sealed the transcript from public view. It is the only impeachment witness transcript out of 18 that he has not released.

Schiff has classified the document "Secret," preventing Republicans who attended the Atkinson briefing from quoting from it. Even impeachment investigators cannot view it outside a highly secured room, known as a "SCIF," in the basement of the Capitol. Members must first get permission from Schiff, and they are forbidden from bringing phones into the SCIF or from taking notes from the document.

While the identity of the whistleblower remains unconfirmed, at least officially, Trump recently retweeted a message naming Ciaramella, while Republican Sen. Rand Paul and Rep. Louie Gohmert of the House Judiciary Committee have publicly demanded that Ciaramella testify about his role in the whistleblower complaint.

During last year's closed-door House depositions of impeachment witnesses, Ciaramella's name was invoked in heated discussions about the whistleblower, as RealClearInvestigations first [reported](#) Oct. 30, and has appeared in at least one testimony transcript. Congressional Republicans complain Schiff and his staff counsel have redacted his name from other documents.

Lawyers representing the whistleblower have neither confirmed nor denied that Ciaramella is their client. In November, after Donald Trump Jr. named Ciaramella and cited RCI's story in a series of tweets, however, they sent a "cease and desist" [letter](#) to the White House demanding Trump and his "surrogates" stop "attacking" him. And just as the whistleblower complaint was made public in September, Ciaramella's social media postings and profiles were scrubbed from the Internet.

**'Take Out' the President**



An Obama holdover and registered Democrat, Ciaramella in early 2017 expressed hostility toward the newly elected president during White House meetings, his co-workers said in interviews with RealClearInvestigations. They added that Ciaramella sought to have Trump removed from office long before the filing of the whistleblower complaint.

At the time, the CIA operative worked on loan to the White House as a top Ukrainian analyst in the National Security Council, where he had previously served as an adviser on Ukraine to Vice President Biden. The whistleblower [complaint](#) cites Biden, alleging that Trump demanded Ukraine's newly elected leader investigate him and his son "to help the president's 2020 reelection bid."

Two NSC co-workers told RCI that they overheard Ciaramella and Misko - who was also working at the NSC as an analyst - making anti-Trump remarks to each other while attending a staff-wide NSC meeting called by then-National Security Adviser Michael Flynn, where they sat together in the south auditorium of the Eisenhower Executive Office Building, part of the White House complex.

The "all hands" meeting, held about two weeks into the new administration, was attended by hundreds of NSC employees.

"They were popping off about how they were going to remove Trump from office. No joke," said one ex-colleague, who spoke on the condition of anonymity to discuss sensitive matters.

A military staffer detailed to the NSC, who was seated directly in front of Ciaramella and Misko during the meeting, confirmed hearing them talk about toppling Trump during their private conversation, which the source said lasted about one minute. The crowd was preparing to get up to leave the room at the time.

“After Flynn briefed [the staff] about what ‘America first’ foreign policy means, Ciaramella turned to Misko and commented, ‘We need to take him out,’ ” the staffer recalled. “And Misko replied, ‘Yeah, we need to do everything we can to take out the president.’ ”

Added the military detailee, who spoke on condition of anonymity: “By ‘taking him out,’ they meant removing him from office by any means necessary. They were triggered by Trump’s and Flynn’s vision for the world. This was the first ‘all hands’ [staff meeting] where they got to see Trump’s national security team, and they were huffing and puffing throughout the briefing any time Flynn said something they didn’t like about ‘America First.’ ”

He said he also overheard Ciaramella telling Misko, referring to Trump, ‘We can’t let him enact this foreign policy.’ ”

Alarmed by their conversation, the military staffer immediately reported what he heard to his superiors.

“It was so shocking that they were so blatant and outspoken about their opinion,” he recalled.

“They weren’t shouting it, but they didn’t seem to feel the need to hide it.”

The co-workers didn’t think much more about the incident.

“We just thought they were wacky,” the first source said. “Little did we know.”

Neither Ciaramella nor Misko could be reached for comment.

A CIA alumnus, Misko had previously assisted Biden’s top national security aide Jake Sullivan. Former NSC staffers said Misko was Ciaramella’s closest and most trusted ally in the Trump White House.

“Eric and Sean were very tight and spent nearly two years together at the NSC,” said a former supervisor who requested anonymity. “Both of them were paranoid about Trump.”

“They were thick as thieves,” added the first NSC source. “They sat next to each other and complained about Trump all the time. They were buddies. They weren’t just colleagues. They were buddies outside the White House.”

The February 2017 incident wasn’t the only time the pair exhibited open hostility toward the president. During the following months, both were accused internally of leaking negative information about Trump to the media.

But Trump’s controversial call to the new president of Ukraine this past summer -- in which he asked the foreign leader for help with domestic investigations involving the Obama administration, including Biden -- gave them the opening they were looking for.

A mutual ally in the National Security Council who was one of the White House officials authorized to listen in on Trump's July 25 conversation with Ukraine’s president leaked it to Ciaramella the next day — July 26 — according to former NSC co-workers and congressional sources. The friend, Ukraine-born Lt. Col. Alexander Vindman, held Ciaramella’s old position at the NSC as director for Ukraine. Although Ciaramella had left the White House to return to the CIA in mid-2017, the two officials continued to collaborate through interagency meetings.

Vindman leaked what he’d heard to Ciaramella by phone that afternoon, the sources said. In their conversation, which lasted a few minutes, he described Trump’s call as “crazy,” and speculated he had “committed a criminal act.” Neither reviewed the transcript of the call before the White House released it months later.

NSC co-workers said that Vindman, like Ciaramella, openly expressed his disdain for Trump whose foreign policy was often at odds with the recommendations of "the interagency" — a network of agency working groups comprised of intelligence bureaucrats, experts and diplomats who regularly meet to craft and coordinate policy positions inside the federal government.

Before he was detailed to the White House, Vindman served in the U.S. Army, where he once received a reprimand from a superior officer for badmouthing and ridiculing America in front of Russian soldiers his unit was training with during a joint 2012 exercise in Germany.

His commanding officer, Army Lt. Col. Jim Hickman, complained that Vindman, then a major, "was apologetic of American culture, laughed about Americans not being educated or worldly and really talked up Obama and globalism to the point of [It being] uncomfortable."

"Vindman was a partisan Democrat at least as far back as 2012," Hickman, now retired, asserted. "Do not let the uniform fool you. He is a political activist in uniform."

Attempts to reach Vindman through his lawyer were unsuccessful.

July 26 was also the day that Schiff hired Misko to head up the investigation of Trump, congressional employment records show. Misko, in turn, secretly huddled with the whistleblower prior to filing his Aug. 12 complaint, according to multiple congressional sources, and shared what he told him with Schiff, who initially denied the contacts before press accounts revealed them.

Schiff's office has also denied helping the whistleblower prepare his complaint, while rejecting a Republican subpoena for documents relating to it. But Capitol Hill veterans and federal whistleblower experts are suspicious of that account.



Fred Fleitz, who fielded a number of whistleblower complaints from the intelligence community as a former senior House Intelligence Committee staff member, said it was obvious that the CIA analyst had received coaching in writing the nine-page whistleblower [report](#).

"From my experience, such an extremely polished whistleblowing complaint is unheard of," Fleitz, also a former CIA analyst, said. "He appears to have collaborated in drafting his complaint with partisan House Intelligence Committee members and staff."

Fleitz, who recently served as chief of staff to former National Security Adviser John Bolton, said the complaint appears to have been tailored to buttress an impeachment charge of soliciting the "interference" of a foreign government in the election.

And the whistleblower's unsupported allegation became the foundation for Democrats' first [article](#) of impeachment against the president. It even adopts the language used by the CIA analyst in his complaint, which Fleitz said reads more like "a political document."

## **Outside Help**

After providing the outlines of his complaint to Schiff's staff, the CIA analyst was referred to whistleblower attorney Andrew Bakaj by a mutual friend "who is an attorney and expert in national security law," according to the Washington Post, which did not identify the go-between.

A former CIA officer, Bakaj had worked with Ciaramella at the spy agency. They have even more in common: like the 33-year-old Ciaramella, the 37-year-old Bakaj is a Connecticut native who has spent time in Ukraine. He's also contributed money to Biden's presidential campaign and once worked for former Sen. Hillary Clinton. He's also briefed the intelligence panel Schiff chairs.

Bakaj brought in another whistleblower lawyer, Mark Zaid, to help on the case. A Democratic donor and a politically active anti-Trump advocate, Zaid was willing to help represent the CIA analyst. On Jan. 30, 2017, around the same time former colleagues say they overheard Ciaramella and Misko conspiring to take Trump out, Zaid tweeted that a “coup has started” and that “impeachment will follow ultimately.”

Neither Bakaj nor Zaid responded to requests for an interview.

It’s not clear who the mutual friend and national security attorney was whom the analyst turned to for additional help after meeting with Schiff’s staff. But people familiar with the matter say that former Justice Department national security lawyer David Laufman involved himself early on in the whistleblower case.

Also a former CIA officer, Laufman was promoted by the Obama administration to run counterintelligence cases, including the high-profile investigations of Clinton’s classified emails and the Trump campaign’s alleged ties to Russia. Laufman sat in on Clinton’s July 2016 FBI interview. He also signed off on the wiretapping of a Trump campaign adviser, which the Department of Justice inspector general determined was conducted under false pretenses involving doctored emails, suppression of exculpatory evidence, and other malfeasance. Laufman’s office was implicated in a report detailing the surveillance misconduct.

Laufman could not be reached for comment.

Laufman and Zaid are old friends who have worked together on legal matters in the past. “I would not hesitate to join forces with him on complicated cases,” Zaid said of Laufman in a recommendation posted on his LinkedIn page.

Laufman recently defended Zaid on Twitter after Trump blasted Zaid for advocating a “coup” against him. “These attacks on Mark Zaid’s patriotism are baseless, irresponsible and dangerous,” Laufman tweeted. “Mark is an ardent advocate for his clients.”

After the CIA analyst was coached on how to file a complaint under Intelligence Community whistleblower protections, he was steered to another Obama holdover -- former Justice Department attorney-turned-inspector general Michael Atkinson, who facilitated the processing of his complaint, despite numerous red flags raised by career Justice Department lawyers who reviewed it.

The department's Office of Legal Counsel that the complaint involved “foreign diplomacy,” not intelligence, contained “hearsay” evidence based on “secondhand” information, and did not meet the definition of an “urgent concern” that needed to be reported to Congress. Still, Atkinson worked closely with Schiff to pressure the White House to make the complaint public.

Fleitz said cloaking the CIA analyst in the whistleblower statute provided him cover from public scrutiny. By making him anonymous, he was able to hide his background and motives. Filing the complaint with the IC inspector general, moreover, gave him added protections against reprisals, while letting him disclose classified information. If he had filed directly with Congress, it could not have made the complaint public due to classified concerns. But a complaint referred by the IG to Congress gave it more latitude over what it could make public.

### **Omitted Contacts With Schiff**

The whistleblower complaint was publicly released Sept. 26 after a barrage of letters and a subpoena from Schiff, along with a flood of leaks to the media.

However, the whistleblower did not disclose to Atkinson that he had briefed Schiff's office about his complaint before filing it with the inspector general. He was required on forms to list any other agencies he had contacted, including Congress. But he omitted those contacts and other material facts from his disclosure. He also appears to have misled Atkinson on Aug. 12, when on a separate form he stated: "I reserve the option to exercise my legal right to contact the committees directly," when he had already contacted Schiff's committee weeks prior to making the statement.

"The whistleblower made statements to the inspector general under the penalty of perjury that were not true or correct," said Rep. John Ratcliffe, a Republican member of the House Intelligence Committee.

Ratcliffe said Atkinson appeared unconcerned after the New York Times revealed in early October that Schiff's office had privately consulted with the CIA analyst before he filed his complaint, contradicting Schiff's initial denials. Ratcliffe told RealClearInvestigations that in closed door testimony on Oct. 4, "I asked IG Atkinson about his 'investigation' into the contacts between Schiff's staff and the person who later became the whistleblower." But he said Atkinson claimed that he had not investigated them because he had only just learned about them in the media.

On Oct. 8, after more media reports revealed the whistleblower and Schiff's staff had concealed their contacts with each other, the whistleblower called Atkinson's office to try to explain why he made false statements in writing and verbally, transgressions that could be punishable with a fine of up to \$10,000, imprisonment for up five years, or both, according to the federal form he signed under penalty of perjury.

In his clarification to the inspector general, the whistleblower acknowledged for the first time reaching out to Schiff's staff before filing the complaint, according to an investigative report filed later that month by Atkinson.

"The whistleblower got caught," Ratcliffe said. "The whistleblower made false statements. The whistleblower got caught with Chairman Schiff."

He says the truth about what happened is documented on pages 53-73 of the transcript of Atkinson's eight-hour testimony. Except that Schiff refuses to release it.

"The transcript is classified 'Secret' so Schiff can prevent you from seeing the answers to my questions," Ratcliffe told RCI.

Atkinson replaced Charles McCullough as the intelligence community's IG. McCullough is now a partner in the same law firm for which Bakaj and Zaid work. McCullough formerly reported directly to Obama's National Intelligence Director, James Clapper, one of Trump's biggest critics in the intelligence community and a regular agitator for his impeachment on CNN.

### **Hidden Political Agenda?**

Atkinson also repeatedly refused to answer Senate Intelligence Committee questions about the political bias of the whistleblower. Republican members of the panel called his Sept. 26 testimony "evasive." Senate investigators say they are seeking all records generated from Atkinson's "preliminary review" of the whistleblower's complaint, including evidence and "indicia" of the whistleblower's "political bias" in favor of Biden.

Republicans point out that Atkinson was the top national security lawyer in the Obama Justice Department when it was investigating Trump campaign aides and Trump himself in 2016 and

2017. He worked closely with Laufman, the department's former counterintelligence section chief who's now aligned with the whistleblower's attorneys. Also, Atkinson served as senior counsel to Mary McCord, the senior Justice official appointed by Obama who helped oversee the FBI's Russia "collusion" probe, and who personally pressured the White House to fire then National Security Adviser Flynn. She and Atkinson worked together on the Russia case. Closing the circle tighter, McCord was Laufman's boss at Justice.

As it happens, all three are now involved in the whistleblower case or the impeachment process.

After leaving the department, McCord joined the stable of attorneys Democrats recruited last year to help impeach Trump. She is listed as a top outside counsel for the House in key legal battles tied to impeachment, including trying to convince federal judges to unblock White House witnesses and documents.

"Michael Atkinson is a key anti-Trump conspirator who played a central role in transforming the 'whistleblower' complaint into the current impeachment proceedings," said Bill Marshall, a senior investigator for Judicial Watch, the conservative government watchdog group that is suing the Justice Department for Atkinson's internal communications regarding impeachment.

Atkinson's office declined comment.

### **Another 'Co-Conspirator'?**

During closed-door depositions taken in the impeachment inquiry, Ciaramella's confederate Misko was observed handing notes to Schiff's lead counsel for the impeachment inquiry, Daniel Goldman – another Obama Justice attorney and a major Democratic donor – as he asked questions of Trump administration witnesses, officials with direct knowledge of the proceedings



told RealClearInvestigations. Misko also was observed sitting on the dais behind Democratic members during last month's publicly broadcast joint impeachment committee hearings.

Another Schiff recruit believed to part of the clandestine political operation against Trump is Abby Grace, who also worked closely with Ciaramella at the NSC, both before and after Trump was elected. During the Obama administration, Grace was an assistant to Obama national security aide Ben Rhodes.

Last February, Schiff recruited this other White House friend of the whistleblower to work as an impeachment investigator. Grace is [listed](#) alongside Sean Misko as senior staffers in the House Intelligence Committee's "The Trump-Ukraine Impeachment Inquiry Report" published last month.

Republican Rep. Louie Gohmert, who served on one of the House impeachment panels, singled out Grace and Misko as Ciaramella's "co-conspirators" in a recent House floor speech arguing for their testimony.

"These people are at the heart of everything about this whole Ukrainian hoax," Gohmert said. "We need to be able to talk to these people."

A Schiff spokesman dismissed Gohmert's allegation.

"These allegations about our dedicated and professional staff members are patently false and are based off false smears from a congressional staffer with a personal vendetta from a previous job," said Patrick Boland, spokesman for the House Intelligence Committee. "It's shocking that members of Congress would repeat them and other false conspiracy theories, rather than focusing on the facts of the president's misconduct."

Boland declined to identify "the congressional staffer with a personal vendetta."

Schiff has maintained in open hearings and interviews that he did not personally speak with the whistleblower and still does not even know his identity, which would mean the intelligence panel's senior staff has withheld his name from their chairman for almost six months. Still, he insists that he knows that the CIA analyst has "acted in good faith," as well as "appropriately and lawfully."

The CIA declined comment. But the agency reportedly has taken security measures to protect the analyst, who has continued to work on issues relating to Russia and Ukraine and participate in interagency meetings.