

The 'Whistleblower' and the Politicization of Intelligence

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The whistleblower complaint has opened a window into the politicization of the intelligence community, and the corresponding weaponization of the national security establishment, argues Scott Ritter.

The whistleblower. A figure of great controversy, whose actions, manifested in an [11-page report](#) submitted to the [Intelligence Community Inspector General \(ICIG\)](#) on August 12 alleging wrongdoing on the part of the president of the United States, jump-started an ongoing impeachment process targeting Donald Trump that has divided the American body politic as no other issue in contemporary time.

His identity has been cloaked in a shroud of anonymity which has proven farcical, given that his name is common knowledge throughout the Washington-based national security establishment in whose ranks he continues to serve. While Trump [publicly calls for the identity of the whistleblower to be revealed](#), the mainstream media has played along with the charade of confidentiality, and Congress continues to pretend his persona is a legitimate national security secret, even as several [on-line publications have printed it](#), along with an extensive document trail sufficient to corroborate that the named man is, in fact, the elusive whistleblower.

There is no legitimate reason for the whistleblower's identity to remain a secret. The Democratic chairman of the House Intelligence Committee, **Representative Adam Schiff**, (D-CA) has cited statutory protections that simply do not exist while using his authority as chairman to prohibit any probe by his Republican colleagues designed to elicit information about the whistleblower's identity. "The whistleblower has a right, a statutory right, to anonymity," Schiff recently opined during recent impeachment-related testimony. And yet *The Washington Post*, no friend of Trump, was compelled to assign Schiff's statement [three "Pinocchios"](#), out of a scale of four, in rejecting the claim as baseless.

The myth of statutory protection for the whistleblower's identity has been aggressively pursued by his legal counsel, **Andrew Bakaj**, the managing partner of the Compass Rose Legal Group, which has taken on the whistleblower's case pro bono. [In a letter](#) to the president's legal counsel, Pat Cippolone, Bakaj demanded that Trump "cease and desist in calling for my client's identity", claiming that the president's actions, undertaken via Twitter and in press briefings, constituted violations of federal statutes prohibiting, among other things, tampering with a witness, obstruction of proceedings, and retaliating against as witness.

All of Bakaj's claims are contingent upon the viability of the whistleblower's status as a legitimate witness whose testimony can, therefore, be tampered, obstructed or retaliated against. The legal foundation of the whistleblower's claims are based upon the so-called Intelligence Community whistleblower [statute](#), 50 USC § 3033(k)(5), which stipulates the processes required to report and sustain an allegation of so-called "urgent concern" to the U.S. intelligence community. An "urgent concern" is defined, in relevant part, as: "A serious or flagrant problem, abuse, violation of the law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters."

The Call

At issue was a telephone call made between President Trump and the newly elected President of Ukraine, [Volodymyr Zelensky](#), on July 25 of this year. According to the whistleblower's report to the ICIG, "Multiple White House officials with direct knowledge of the call informed me that, after an initial exchange of pleasantries, the President used the remainder of the call to advance his personal interests." President Trump, the whistleblower alleged, "sought to pressure the Ukrainian leader to take actions to help the President's 2020 reelection bid," an act which the whistleblower claimed presidential abuse of his office "for personal gain."

Upon review of the whistleblower's report, which consisted of a nine-page unclassified letter and a separate two-page classified annex, **Michael K. Atkinson**, the Inspector General of the Intelligence Community, initiated an investigation of the complaint as required by the whistleblower statute. This investigation must be completed within a 14-day period mandated by the statute, during which time the ICIG "shall determine whether the complaint or information appears credible."

While the statute is silent on the methodology to be used by the ICIG in making this determination, [Atkinson had testified](#) during his Senate confirmation hearing that, when it came to any investigation of a whistleblower complaint,

"I will work to ensure that ICIG personnel conduct investigations, inspections, audits, and reviews in accordance with Quality Standards promulgated by CIGIE (Council of the Inspectors General on Integrity and Efficiency) to keep those activities free from personal, external, and organizational impairments."

The [CIGIE standard in question](#) requires that, "Evidence must be gathered and reported in an unbiased and independent manner in an effort to determine the validity of an allegation or to resolve an issue."

In a [letter transmitting the whistleblower complaint](#) to the Director of National Intelligence (DNI), Atkinson stated that he had "determined that the Complainant (i.e., whistleblower) had official and authorized access to the information and sources referenced in the Complainant's Letter and Classified Appendix, including direct knowledge of certain alleged conduct, and that the Complainant has subject matter expertise related to much of the material information provided in the Complainant's Letter and Classified Appendix."

However, when it came to assessing whether or not the whistleblower, in reporting the second-hand information provided to him by White House persons familiar with the July 25

Trump-Zelensky phone call, had done so accurately, Atkinson did not review the actual records of the telephone call, noting that he “decided that access to records of the telephone call was not necessary to make my determination that the complaint relating to the urgent concern ‘appears credible.’”



Zelensky and Trump at UN in September. (Wikimedia Commons)

Atkinson declared that “it would be highly unlikely for the ICIG to obtain those records within the limited remaining time allowed by statute,” and opted to perform an investigation in violation of the very CIGIE standard he had promise to adhere to in his Senate testimony. In short, no evidence was gathered by the ICIG to determine the validity of the whistleblower’s allegation, and yet Atkinson decided to forward the complaint to the DNI, certifying it as “credible.”

The whistleblower statute allows the DNI seven days to review the complaint before forwarding it to the House Committee on Intelligence, with comments if deemed appropriate. However, in reviewing the actual complaint, **Joseph McGuire**, the acting DNI who took over from **Dan Coats**, who was fired by President Trump in early August, had questions about whether or not the matters it alleged fell within the remit of the whistleblower statute, and rather than forwarding it to the House Intelligence Committee, instead sent it to the Justice Department Office of Legal Counsel for legal review.

The Office of Legal Council, on September 3, [issued a legal opinion](#) rejecting the ICIG’s certification of the whistleblower complaint as constituting an “urgent concern” under the law. “The complaint,” the opinion read,

“does not arise in connection with the operation of any U.S. government intelligence activity, and the alleged misconduct does not involve any member of the intelligence community. Rather, the complaint arises out of a confidential diplomatic communication between the President and a foreign leader that the intelligence-community complainant received secondhand. The question is whether such a complaint falls within the statutory definition of

'urgent concern' that the law requires the DNI to forward to the intelligence committees. We conclude that it does not. The alleged misconduct is not an 'urgent concern' within the meaning of the statute."

DOJ Rejected Complaint as Urgent

As related in the Office of Legal Counsel's opinion, the Justice Department did, however, refer the matter to the Criminal Division of the Department of Justice for appropriate review. After considering the whistleblower's complaint and classified annex, the Criminal Division opted not to pursue charges, in effect determining that no crime had been committed.

Under normal circumstances, this would have concluded the matter of Trump's phone call with Zelensky, and the second-hand concerns unnamed White House officials had reported to the whistleblower. But this was not a normal circumstance. Far from diffusing an improperly predicated complaint, the failure of the acting DNI to forward the whistleblower complaint to the House Intelligence Committee, and the concurrent legal opinion of the Justice Department's Office of Legal Counsel rejecting the "urgent concern" certification of the ICIG, opened the door for the whistleblower, through legal counsel, to reach out to the House Intelligence Committee directly.

The whistleblower followed procedures set forth in the whistleblower statute detailing procedures for a complaint, which had not been certified as an "urgent concern," to be forwarded to Congress. The issue is that the matter was being treated by the ICIG, Congress and the whistleblower's attorney's as an "urgent concern", a status that it did not legally qualify for.

On September 24, Bakaj sent a "[Notice of Intent to Contact Congressional Intelligence Committees](#)" to acting DNI McGuire providing "formal notice of our intent to contact the congressional intelligence committees directly" on behalf of the whistleblower, identified only as "a member of the Intelligence Community." Almost immediately, Schiff [announced via Twitter](#) that

"We have been informed by the whistleblower's counsel that their client would like to speak to our committee and has requested guidance from the Acting DNI as to how to do so. We're in touch with counsel and look forward to the whistleblower's testimony as soon as this week."

Thus was set in motion events which would culminate in impeachment proceedings against President Trump. On the surface, the events described represent a prima facie case for the efficacy of statutory procedures concerning the processing of a whistleblower complaint. But there were warning signs that all was not right regarding both the whistleblower himself, and the processes involved leading to the whistleblower's complaint being presented to Congress.

Political Bias?

Far from an exemplar in bureaucratic efficiency, the whistleblower complaint has opened a window into the politicization of the intelligence community, and the corresponding weaponization of the national security establishment, against a sitting president.

As I shall show, such actions are treasonous on their face, and the extent to which this

conduct has permeated the intelligence community and its peripheral functions of government, including the National Security Council and Congress itself, will only be known if and when an investigation is conducted into what, in retrospect, is nothing less than a grand conspiracy by those ostensibly tasked with securing the nation to instead reverse the will of the American people regarding who serves as the nation's chief executive.

The key to this narrative is the whistleblower himself. Understanding who he is, and what role he has played in the events surrounding the fateful July 25 telephone conversation, are essential to unravelling the various threads of this conspiracy.

Much has been made about the political affiliation of the whistleblower, namely the fact that he is [a registered Democrat](#) who [supports Joe Biden](#) as the Democratic candidate for the 2020 presidential election. On the surface this information is not dispositive—the intelligence community is populated by thousands of professionals of diverse political leanings and affiliations, all of whom have been trained to check their personal politics at the door when it comes to implementing the policies promulgated by the duly elected national leadership.

Indeed, Inspector General Atkinson, while acknowledging in his assessment of the whistleblower's complaint an indication of possible political bias on the part of the whistleblower in favor of a rival political candidate, noted that "such evidence did not change my determination that the complaint relating to the urgent concern 'appears credible'". But when one reverse engineers the whistleblower's career, it becomes clear that there in fact existed a nexus between the whistleblower's political advocacy and professional actions that both influenced and motivated his decision to file the complaint against the president.

A Rising Star

Like most CIA analysts, [the whistleblower possessed a keen intellect born of stringent academic preparation](#), which in the whistleblower's case included graduating from Yale University in 2008 with a degree in Russian and East European studies, post-graduate study at Harvard, and work experience with the World Bank.



Andrea Kendall-Taylor (image on the right by Center for a New American Security), a contemporary colleague of the whistleblower, has provided an apt account for what is expected of a CIA analyst.

"The CIA is an intensely apolitical organization," [Kendall-Taylor wrote](#). "As intelligence analysts, we are trained to check our politics at the door. Our job is to produce objective analysis that the country's leaders can use to make difficult decisions. We undergo rigorous training on how to analyze our own assumptions and overcome biases that might cloud our judgement."

The training program Kendall-Taylor referred to is known as the [Career Analyst Program \(CAP\)](#), a four-month basic training program run out of the CIA's in-house University, the [Sherman Kent School](#), which "introduces all new employees to the basic thinking, writing, and briefing skills needed for a successful career. Segments include analytic tools, counterintelligence issues, denial and deception analysis, and warning skills."

The [standards](#) to which aspiring analysts such as the whistleblower were trained to meet were exacting, and included a requirement to be “independent of political considerations,” meaning the product produced should consist of objective assessments “informed by available information that are not distorted or altered with the intent of supporting or advocating a particular policy, political viewpoint, or audience.” As an analyst, the whistleblower would have chosen a specific specialization, which in his case was as a “[Political Analyst](#)”, charged with examining “political, social, cultural, and historical information to provide assessments about foreign political systems and developments.”

By the time the whistleblower completed his application process with the CIA, which requires a detailed background check, several rounds of interviews, and final security and psychological evaluation before an actual offer of employment can be made, and by the time he finished his basic analytical training, the U.S. had undergone a political and social revolution of sorts with the election of Barack Obama as the 44th president of the United States.

The whistleblower was assigned to the Office of Russian and Eurasian Analysis (OREA), within the CIA’s Directorate of Intelligence, at a time when U.S.-Russian policy was undergoing a radical transformation.

Under the guidance of **Michael McFaul**, President Obama’s special advisor on Russia and the senior director of Russian and Eurasian Affairs at the National Security Council, the Obama administration was seeking to take advantage of the opportunity afforded by the election of **Dmitri Medvedev** as Russia’s president in 2008. Medvedev had succeeded **Vladimir Putin**, who went on to serve as prime minister. Medvedev was a more liberal alternative to Putin’s autocratic conservatism, and McFaul envisioned a policy “reset” designed to move relations between the U.S. and Russia in a more positive trajectory.

As a junior analyst, the whistleblower worked alongside colleagues such as Andrea Kendall-Taylor, who joined OREA about the same time after graduating from UCLA in 2008 with a PhD in Slavic and Eurasian studies. A prolific writer, Kendall-Taylor [wrote extensively on autocratic leaders and Putin in particular](#). Her work was in high demand at both the CIA and NSC, which under the Obama administration had undergone a massive expansion intended to better facilitate policy coordination among the various departments that comprised the NSC.

The whistleblower had a front-row seat on the rollercoaster ride that was U.S.-Russian policy during this time, witnessing the collapse of McFaul’s Russian “reset,” Putin’s return to power in 2012, and the U.S.-backed coup in Ukraine that led to the annexation of Crimea and Russian support for rebels in the Donbas region.

During his tenure at OREA, the whistleblower obviously impressed his superiors, receiving several [promotions](#) and, in July 2015, he detailed to the NSC staff at the Obama White House as the Director for Ukrainian Affairs. According to a former CIA officer, any high-performing analyst who aspires to be promoted into the ranks of the Senior Intelligence Service must, prior to that time, do a rotation as part of the overall policy community, which includes the NSC or another department, such as Defense or State, as well as a tour within another directorate of the CIA.

NSC positions were originally intended for senior CIA analysts, at the GS-15 level, but

waivers could be made for qualified GS-14 or “very strong” GS-13’s (the whistleblower was a GS-13 at the time of his assignment at the NSC, a reflection of both his qualification and the regard to which he was held by the CIA.) NSC assignments do not coincide with the political calendar—detailees (as career civil servants who are detailed to the NSC are referred) are expected to serve in their position regardless of what political party controls the White House. When an opening becomes available (usually when another detailee’s assignment has finished), prospective candidates apply, and are interviewed by their senior management, who forward qualified candidates to another board for a final decision.

Image below: Brennan briefing Obama May 3, 2010. He approved whistleblower. (Official White House Photo by Pete Souza)



Assignments to the NSC are considered highly sought after, and while the process for application must be followed, the selection process is highly political, with decisions being signed off by the director of the CIA. In the case of the whistleblower, his candidacy would have been approved by both [Peter Clement](#), the director of OREA, and [John Brennan](#), the CIA director.

Into the Lion’s Den

By the time the whistleblower arrived at the NSC, the NSC staff had grown into a well-oiled policy machine managing the entire spectrum of Obama administration national security policy-making and implementation. The NSC staff operated in accordance with [Presidential Policy Memorandum \(PPM\) 1](#), “Organization of the National Security Council System”, which outlined the procedures governing the management of the development and implementation of national security policies by multiple agencies of the United States Government.

The vehicle for accomplishing this mission was the NSC Interagency Policy Committee (NSC/IPC). The NSC/IPCs were the main day-to-day fora for interagency coordination of national security policy. They provided policy analysis for consideration by the more senior committees of the NSC system and ensured timely responses to decisions made by the president. NSC/IPCs were established at the direction of the NSC Deputies Committee and were chaired by the relevant division chief within the NSC staff.

The whistleblowers job was to develop, coordinate and execute plans and policies to manage the full range of diplomatic, informational, military and economic national security issues for the countries in his portfolio, which included Ukraine. The whistleblower coordinated with his interagency partners to produce internal memoranda, talking points and other materials for the National Security Advisor and senior staff.

The whistleblower reported directly to [Charles Kupchan](#), the Senior Director for European Affairs on the NSC. Kupchan, a State Department veteran who had previously served on the NSC staff of President Bill Clinton before turning to academia, in turn reported directly to Susan Rice, President Obama's national security adviser.

When the whistleblower first arrived at the NSC, he volunteered for the Ukraine portfolio. Kupchan was impressed by the whistleblower's work ethic and performance, and soon expanded his portfolio to include the fight against the Islamic State. The whistleblower was aided by another organizational connection—his colleague and mentor at OREA, Andrea Kendall-Taylor, had been selected to serve in the Office of the Director of National Intelligence as the [deputy national intelligence officer](#) for Russia and Eurasia. Among Kendall-Taylor's responsibilities was to closely coordinate with the NSC staff on critical issues pertaining to Russia and Ukraine.

The whistleblower's arrival at the NSC staff also coincided with the start of Trump's improbable candidacy for the presidency of the United States. As 2015 transitioned into 2016, and it became apparent that Trump was the presumptive nominee for the Republican Party, allegations about the Trump campaign colluding with Russia began to circulate within the interagency. Trump's electoral victory in November 2016 [, the shocked the whistleblower, like everyone else on the NSC staff.](#)

Alarmed By Trump on Russia

The line between policy and politics began to blur, and then disappeared altogether. National Security Advisor Rice was becoming increasingly alarmed by the activities of the Trump transition team, especially when it came to issues pertaining to Russia. [According to The Washington Post](#), "Rice apparently was closely monitoring the high-profile investigation into Russian interference."

The President-elect had, during the campaign, openly advocated for better relations between the U.S. and Russia and had even suggested that the Russian annexation of Crimea could eventually be accepted by the U.S. This stance was anathema to the policies that had been massaged into place by the NSC in general, and the whistleblower in particular. According to multiple sources familiar with the whistleblower during this time, his animus against Trump was palpable.

In December 2016, Rice was involved in the unmasking of the identities of several members of the Trump transition team. Various sensitive intelligence reports were circulating within the NSC regarding the interaction of unnamed U.S. citizens with foreign targets of intelligence interest. In order to better understand the significance of such a report, [Rice has acknowledged](#) that, on several occasions, she requested that the identity of the U.S. persons involved be "unmasked."

The U.S. intelligence community is prohibited by law from collecting information about U.S. citizens. As such, when a conversation undertaken by a foreign national of intelligence interest was captured, and it turned out the person or persons whom the target was speaking to was a U.S. citizen, the analysts preparing the report for wider dissemination would "mask", or hide, the identities of the U.S. citizens involved. Under relevant laws governing the collection of intelligence, up to 20 officials within the Obama administration had the authority to unmask the identities of U.S. citizens. One of those was Rice.

In late December 2016, the crown prince of the United Arab Emirates, Sheikh Mohammed bin Zayed al-Nahyan, arrived in New York for a meeting with several top Trump transition officials, including Michael Flynn, Trump's son-in-law, Jared Kushner, and the President-elect's top strategist Steve Bannon. Intelligence reports had been circulating about the UAE coordinating a backchannel for the Trump transition team and Russia.

Zayed's arrival, which was unannounced and had not been coordinated with the U.S. government, caused great concern among the NSC staff especially given the context of allegations of collusion between Trump and Russia to influence the outcome of the 2016 election.

The principle NSC staffers who would logically be advising Rice on this matter were Kupchan, the whistleblower, and [Sean Misko](#), a State Department detailee who served as the director for the Gulf Arab States (According the NSC staffers who worked in the White House at the time, Misko and the whistleblower were said to be close friends, frequently socializing with one another after hours, and possessing a common dislike for Trump.) [Rice requested](#) that the intelligence reports pertaining to Zayed's visit be subjected to unmasking procedures.

While the [subsequent reporting](#) about the three-hour meeting between Zayed and the Trump transition team failed to uncover any evidence of a secret communications channel with Russia, Rice (who would logically have been assisted by Kupchan and the whistleblower) facilitated the near continuous unmasking of intelligence reports involving Flynn, who was in contact with Russian officials, including Sergei Kislyak, the Russian ambassador to the U.S.

The Greatest Sin



Susan Rice, center, with Obama, March 10, 2009. (White House photo)

As a professional intelligence analyst detailed to the NSC, the whistleblower was committed

to a two-year assignment, extendable to three years upon the agreement of all parties. President Obama's departure from the White House did not change this commitment. According to NSC staffers who served in the White House at the time, the whistleblower, like many of his fellow detailees, had grown attached to the policies of the Obama administration which they had fought hard to formulate, coordinate and implement. They viewed these policies to be sacrosanct, regardless of who followed in the White House.

In doing so, they had committed the greatest sin that an intelligence professional could commit short of espionage—they had become political.

In December 2016, the whistleblower was, based upon his role as a leading Russian analysts advising Rice directly, more than likely helping unmask Flynn's communications with Russians; a month later, he was working for Flynn, someone he had likely actively helped conspire against, using the unfettered power of the intelligence community.

The Trump administration had inherited a national security decision-making apparatus that was bloated, and which fostered White House micromanagement via the NSC. While the Obama NSC had proven able to generate a prolific amount of "policy", it did so by relying on a staff that had expanded to the largest in the history of the NSC, and at the expense of the various departments of government that were supposed to be the originators of policy.

As the new national security adviser, Flynn let it be known from day one that there would be changes. One of his first actions was to [hire four new deputies](#) who centralized much of the responsibilities normally tasked to regional directors such as the whistleblower. Flynn was putting in place a new level of bureaucracy that shielded professional detailees from top level decision makers.

Moreover, it recognized that the NSC, while staffed with professionals who are supposed to be apolitical, was viewed by the White House as a partisan policy body whose work not only furthered the interests of the United States, but also the political interests of the president. When Trump included his top political advisor, Bannon, on the list of people who would comprise the National Security Council (normally limited to cabinet-level officials), it sent shockwaves through the national security establishment, which accused Trump of politicizing what they claimed was an apolitical process.

But the reality was that the NSC had always functioned as a partisan decision-making body. Its previous occupants may have tried to temper the level to which domestic politics intruded on national security decision-making, but its presence was an unspoken reality. All Trump did by seeking to insert Bannon into the mix was to be open about it.

Like the other professional detailees who comprised 90 percent of the NSC staff and were expected to remain at their posts as part of a Trump administration, the whistleblower was dismayed by the changes. [Some accounts of the early days](#) of the Trump NSC indicate that the whistleblower was defensive of the Ukraine policies he had helped craft during his tenure at the NSC.

When his immediate superior, Kupchan (a political appointee) departed the NSC, the whistleblower was temporarily elevated to the position of senior director for Russia and Eurasia until a new replacement could be found. (Flynn had [reached out to Fiona Hill](#), a former national intelligence officer for Russia under the administration of George W. Bush, to take this job; Hill had accepted, but would not be available until April.)

The whistleblower was a known quantity within the NSC, as were his decidedly pro-Obama political leanings. As such, he was not trusted by the incoming Trump officials, [and his access to the decision-making process was limited](#).

According to persons familiar with his work at the NSC during the Trump administration, the whistleblower's frustration and anger soon led to acts of resistance designed to expose, and undermine public confidence in President Trump.

Cut Out of Call to Putin

In late January 2017 Trump made several introductory telephone calls to world leaders, including President Putin. Normally the NSC director responsible for Russia would help prepare the president for such a call by drafting talking points and supporting memoranda, and then monitor the call directly, either from within the Oval Office or from the White House situation room.

According to sources familiar with the incident, Flynn did not coordinate Trump's call with NSC staff, and as such the whistleblower, who was acting as the director for Russia and European Affairs at the time, would have been cut out of the process altogether. When the whistleblower tried to access the read out of the phone call afterwards, he found that no verbatim record existed, only a [short summary released by the White House](#), presumably prepared by Flynn.

More frustrating was the fact that the official [readout of the call released by the Kremlin](#) contained much more information, putting Russia in the driver's seat in terms of defining U.S.-Russian policy priorities—the very policy blunder the NSC was supposed to prevent from happening. While searching for the non-existent records of the Putin-Trump conversation, however, the whistleblower came across detailed verbatim transcripts of two other calls made by Trump that day—one with Mexico, and one with Australia.

Within days the [details of these calls were leaked to the media](#), resulting in a series of unflattering articles being published by the mainstream media. While no direct evidence has emerged about who was responsible for leaking these calls, NSC staffers who worked in the White House at the time suspected the whistleblower. (One of the byproducts of this incident was the decision by [NSC lawyers to move the records of Presidential phone calls to a more secure server](#), significantly limiting access by NSC staff.)

On February 13, 2017, [Flynn resigned](#) from his position as President Trump's national security adviser. The reason given was Flynn's having misrepresented his conversations with Russian Ambassador Kislyak when questioned by Vice President Mike Pence. For the whistleblower, whose previous work in the Obama NSC appeared to help Rice's efforts to unmask the very conversations Flynn was being held accountable for, this had to have been a satisfying moment. He had to have been even more pleased by [Trump's choice to replace Flynn](#)—Lieutenant General H. R. McMaster, a decorated combat veteran known for his intelligence and willingness to challenge the establishment.

In the little more than a month that transpired between McMaster coming on board and the arrival of Hill as the new director for Russia and Europe, the whistleblower would have had the opportunity to meet his new boss and work with him on [repairing what they both viewed as the flawed changes undertaken by Flynn at the NSC](#).

McMaster rewrote the presidential guidance regarding the functioning of the NSC, replacing the original Presidential Policy Memorandum 1 with a new version, [PPM 4](#), which removed Bannon from the NSC and restored much of the policy coordinating functions that characterized the NSC under Obama.

Moreover, [McMaster stuck up for the professional detailees](#), such as the whistleblower. When Hill arrived in April 2017 to assume her responsibilities as the NSC director for Russia and Europe, the whistleblower found himself without a job.

But instead of being returned to the CIA, McMaster, who had come to know the whistleblower during his first month as national security adviser, [appointed him to serve as his personal assistant](#). The whistleblower moved from his desk next door in the Executive Office Building, where most NSC staffer work, to the West Wing of the White House, a move which gave him direct access to every issue that crossed McMaster's desk.

Oval Office Leak

The new job, however, did nothing to diminish the disdain the whistleblower had for Trump. Indeed, the proximity to the seat of power may have served to increase the concern the whistleblower had about Trump's stewardship. On May 10, President Trump played host to Russian Foreign Minister Sergey Lavrov and Russian Ambassador Kislyak. During the now-infamous meeting, Trump spoke about the firing of former FBI Director Jim Comey; a sensitive Israeli intelligence source related to the ongoing fight against ISIS in Syria; and alleged Russian interference in the 2016 presidential election.

As McMasters' assistant, the whistleblower was privy to the readout of the meeting, and was so alarmed by what he had seen that [he sent an email to John Kelly](#), who at that time was serving as director of the Department of Homeland Security, detailing the president's actions and words. All materials relating to this meeting [were collected and secured in the NSC's top secret codeword server](#); the only unsecured data was that contained in the whistleblower's email. When the media subsequently reported on the details of Trump's meeting with the Russians, the White House condemned the "leaking of private and highly classified information" which undermined "our national security."



Trump meets with Lavrov on May 10, 2017. (TASS/Wikipedia)

According to a NSC staffer who worked in the White House at the time, an internal investigation pointed to the whistleblower's email as the likely source of the leak, and while the whistleblower was not directly implicated in actually transmitting classified information to the press, he was criticized for what amounted to unauthorized communication with an outside agency, in this case the Department of Homeland Security. When his initial two-year assignment terminated in July 2017, the White House refused to authorize a one-year extension (a courtesy offered to the vast majority of detailees).

The whistleblower had become a liability, [publicly smeared by right-wing bloggers](#) and subjected to death threats. He was released from the NSC and returned to the CIA, where he resumed his role as a Eurasian analyst. Shortly after the whistleblower left the NSC, the full transcripts of President Trump's January 28, 2017 conversations with the leaders of Mexico and Australia were leaked to the press. While several colleagues in the NSC believed that the whistleblower was behind the leaks, McMaster refused to authorize a formal investigation which, if evidence had been found that implicated the whistleblower, would have effectively terminated his career at the CIA.

It is at this juncture the saga of the whistleblower should have ended, avoiding the turn of events which ended up labeling him with the now famous (or infamous) appellation. However, in June 2018 the whistleblower's colleague, Kendall-Taylor, ended her assignment as the deputy national intelligence officer for Russia and Eurasia. [An announcement was made to fill the vacancy](#), and the whistleblower applied.

Despite having left the NSC under a cloud of suspicion regarding the unauthorized disclosure of sensitive information, and even though his anti-Trump sentiment was common knowledge among his colleagues and superiors, the whistleblower was picked for a position that would put him at the center of policy formulation regarding Russia and Ukraine, and the sensitive intelligence that influenced such. His appointment would have been approved by Director of National Intelligence Dan Coates.

Enter Vindman

The whistleblower was well versed in the collaborative functions of the deputy national intelligence officer position, having worked with Kendall-Taylor during his time at the NSC. He began to develop professional relationships with a number of individuals, including the new director of Ukraine at the NSC, Army Lieutenant Colonel [Alexander Vindman](#). Vindman had extensive experience regarding Ukraine and had been detailed to the NSC from the Joint Chiefs of Staff. The two soon appeared to share a mutual concern over President Trump's worldview of both Russia and Ukraine, which deviated from the formal policy formulations promulgated by the interagency processes that both Vindman and the whistleblower were involved in.

The whistleblower's concerns about President Trump and Ukraine predated the July 25, 2019 telephone call, and mirrored those expressed by Lieutenant Colonel Vindman, both in chronology and content, [provided during his testimony before the House Intelligence Committee](#). While Vindman was critical of President Trump's deviation and/or failure to conform with policy that had been vetted through proper channels (i.e., in conformity with PDD 4), he noted that, as president, "It's his prerogative to handle the call whichever way he wants."

Vindman took umbrage at the non-national security topics brought up by the president, such as investigating former Vice President Joe Biden and his son, Hunter, regarding their relationship with a Ukrainian energy company, [Burisma Holdings](#), and other references to the 2016 U.S. presidential election.

According to Vindman, it was this aspect of the telephone call Vindman believed to be alarming, and which he subsequently related to an authorized contact within the intelligence community. While Vindman remained circumspect about the identity of the intelligence community official he communicated with about his concerns over Trump's Ukraine policy, the fact that the chairman of the House Intelligence Committee refused to allow any discussion of this person's identity strongly suggests that it was the whistleblower who, as the deputy national intelligence officer for Russia and Ukraine, would be a logical, and fully legitimate, interlocuter.

According to [an account published in *The Washington Post*](#), sometime after being informed by Vindman of the July 25 Trump-Zelensky telephone call, the whistleblower began preparing notes and assembling information related to what he believed was untoward activity vis-à-vis Ukraine on the part of President Trump and associates who were not part of the formal Ukraine policy making process. He made numerous telephone calls to U.S. government officials whom he knew from his official work as the deputy national intelligence officer for Russia and Eurasia. Because much of the information he was using was derived from classified sources, or was itself classified in nature, the whistleblower worked from his office, using a computer system approved for handling classified data.

Off Limits

From the perspective of security, the whistleblower's work was flawless. There was one problem, however; investigating the actions of the president of the United States and officials outside the intelligence community who were carrying out the instructions of the president was not part of the whistleblower's official responsibilities.

Indeed, anything that whiffed of interference in domestic American politics was, in and of itself, off limits to members of the intelligence community.

Robert Gates, a long-time CIA analyst and former CIA director, had warned about this possibility [in a speech he delivered to the CIA](#) in March 1992 on the issue of the politicization of intelligence. “National intelligence officers”, Gates noted, “are engaged in analysis and—given their frequent contact with high-level policymakers—their work is also vulnerable to distortion.”

There was no greater example of politicized distortion than the rabbit hole the whistleblower had allowed himself to fall into. From Gates’ perspective, the whistleblower had committed the ultimate sin of any intelligence analyst—he had allowed his expertise to become tarnished by political considerations.

Worse, the whistleblower had crossed the threshold from advocating a politicized point of view to becoming political—that is, to intervene in the domestic political affairs of the United States in a manner which influenced the political future of a sitting president of the United States.

Once he had assembled his notes, he sought out staffers on the House Intelligence Committee for guidance on how to proceed. Schiff, the chairman of the House Intelligence Committee, had hired two former members of the Trump NSC staff who had served at the same time as the whistleblower.

One, Abigail Grace, had worked at the NSC from 2016-2018, covering U.S.-Chinese relations. Grace was hired by Schiff in February 2019 for the express purpose of [investigating](#) the Trump White House. A second NSC veteran was [hired](#) in August 2019, around the same time that the whistleblower was preparing his complaint. That staffer was none other than Sean Misko, the whistleblowers friend and fellow anti-Trump collaborator.

Both Misko and the whistleblower departed the NSC in 2017 under a cloud. Misko went on to work for the [Center for New American Security](#), a self-described bipartisan think tank set up by two former Obama administration officials, Michèle Flournoy and Kurt M. Campbell, before being recruited by Schiff. It is not known if Misko was one of the House Intelligence staffers the whistleblower approached, or if there had been any collaboration between the whistleblower and Misko about the nature of the complaint prior to Misko being recruited by Schiff.

After conferencing with the House Intelligence Committee staffers, the whistleblower sought legal counsel. He reached out to a lawyer affiliated with [Whistleblower Aid](#), a group of national security lawyers who came together in September 2017—eight months after the inauguration of President Trump—to [encourage whistleblowers within the U.S. government](#) to come out against Trump, and provide legal and financial assistance to anyone that chose to do so. One of Whistleblower Aid’s founding members was a lawyer named **Mark Zaid**.



Mark S. Zaid ✓
@MarkSZaidEsq



#coup has started. First of many steps. #rebellion.
#impeachment will follow ultimately. #lawyers



Jake Tapper ✓ @jaketapper · Jan 30, 2017

.@POTUS fires acting AG Sally Yates for "refusing to enforce a legal order designed to protect the citizens" of US

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
January 30, 2017

Statement on the Appointment of Dana Boente as Acting Attorney General

The acting Attorney General, Sally Yates, has betrayed the Department of Justice by refusing to enforce a legal order designed to protect the citizens of the United States. This order was approved as to form and legality by the Department of Justice Office of Legal Counsel.

Ms. Yates is an Obama Administration appointee who is weak on borders and very weak on illegal immigration.

It is time to get serious about protecting our country. Calling for tougher vetting for individuals travelling from seven dangerous places is not extreme. It is reasonable and necessary to protect our country.

Tonight, President Trump relieved Ms. Yates of her duties and subsequently named Dana Boente, U.S. Attorney for the Eastern District of Virginia, to serve as Acting Attorney General until Senator Jeff Sessions is finally confirmed by the Senate, where he is being wrongly held up by Democrat senators for strictly political reasons.

9:54 PM · Jan 30, 2017 · [Twitter for Android](#)

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In the days following Trump’s swearing in as president, Zaid turned to Twitter to send out messages supportive of a “coup” against Trump that would lead to the president’s eventual impeachment. The identity of the lawyer who met with the whistleblower is not known. However, this lawyer referred the whistleblower to Bakaj, a fellow member of Whistleblower Aid, who took on the case and provided procedural guidance regarding the preparation of the complaint. Bakaj later brought on Zaid and another lawyer, Charles McCullough, with close ties to Senator Chuck Schumer and Hillary Clinton, to assist in the case.

On August 12, the whistleblower completed his complaint, and forwarded it to the intelligence community inspector general, thereby setting in motion events that produced weeks of hearings before the House Intelligence Committee that will very likely result in Trump’s impeachment.

Shielded from Questions

While the whistleblower, through counsel, had expressed a desire to testify before the House Intelligence Committee about the issues set forth in his complaint, he was never called to do so, even in closed-door session. The ostensible reason behind this failure to testify was the need to protect his anonymity, a protection that is not contained within the relevant statutes governing whistleblower activities within the intelligence community.

Later, as witnesses were identified from the content of the whistleblower's complaint and subpoenaed to testify before the House Intelligence Committee, both Schiff and Bakaj indicated that the whistleblower's testimony was no longer needed, since the specific issues and events covered in his complaint had been more than adequately covered by the testimony of others.

But the apparent reason Schiff and Bakaj refused to allow the whistleblower to testify, or to be identified, was to avoid legitimate questions likely to be asked by Republican committee members.

Namely, what was a deputy national intelligence officer of the U.S. intelligence community doing investigating activities of a sitting president? Who, if anyone, authorized this intervention in U.S. domestic political affairs by a CIA official? How did the whistleblower, who had a history of documented animosity with the Trump administration that included credible allegations of leaking sensitive material to the press for the express purpose of undermining the credibility of the president, get selected to serve as a deputy national intelligence officer? Who signed off on this assignment? What was the precise role played by the whistleblower in unmasking the identities of U.S. citizens in 2016, during the Trump transition?

Did the whistleblower maintain his friendship with Misko after leaving the NSC in July 2017? Did the whistleblower collaborate with Misko to get the House Intelligence Committee to investigate the issues of concern to the whistleblower before his complaint was transmitted to the ICIG? Who did the whistleblower meet on the House Intelligence staff? What did they discuss? Who was the lawyer the whistleblower first met regarding his intent to file a complaint? Did the whistleblower have any contact with Whistleblower Aid prior to this meeting?

Answers to these questions, and more, would have been useful in understanding not only the motives of the whistleblower in filing his complaint—was he simply a concerned citizen and patriot, or was he part of a larger conspiracy to undermine the political viability of a sitting president? There is no doubt that Congress has a constitutional right and obligation to conduct proper oversight of the operations of the executive branch, and to hold the president of the United States accountable if his conduct and actions are deemed unworthy of his office. Whether or not the facts surrounding the July 25, 2019 telephone call between Trump and Zelensky constitute grounds for impeachment is a political question for Congress to decide.

Intervening in Domestic Affairs

There is, however, the major issue looming in the background of this impeachment frenzy: the intervention by elements of the intelligence community in the domestic political affairs of the United States. There is no question that the whistleblower's complaint served as the genesis of the ongoing impeachment proceedings.

The American people should be deeply concerned that an inquiry which could result in the removal of a duly elected president from office was initiated in secrecy by a member of the intelligence community acting outside the four corners of his legal responsibilities. The legitimacy of the underlying issues being investigated by the House Intelligence Committee is not at issue here; the legitimacy of the process by which these proceedings were initiated is.

To find out what happened, the whistleblower should not only be identified, called before the House Intelligence Committee, and other relevant Congressional committees, and be compelled to answer for his actions.

Impeachment is a constitutional remedy afforded to the U.S. Congress to deal with the political issues surrounding the conduct of a sitting president. If this constitutional remedy can be triggered by the intelligence community in a manner which obviates laws prohibiting the intrusion of intelligence agencies into the domestic political affairs of the United States, and done so in a manner where the identities of the persons and organizations involved, along with their possible motives, are shielded from both American people and those whom they elect to represent them in Congress, then a precedent will have been set for future interventions of this nature which undermine the very foundation of American democracy.

The political weaponization of intelligence represents a significant threat to the viability of the American constitutional republic that cannot be ignored.

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