

Ambassador Sondland's slick move

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By many accounts, Gordon Sondland delivered the most consequential testimony of the House Democrats' rushed public impeachment proceedings. Sondland, U.S. ambassador to the European Union, testified in the impeachment hearings Wednesday. He grabbed headlines with a carefully worded opening statement that said:

I know that members of this committee have frequently framed these complicated issues in the form of a simple question: Was there a "quid pro quo?" As I testified previously, with regard to the requested White House call and White House meeting, the answer is yes.

Media reaction was instantaneous. Here was a key participant confirming a quid pro quo in the Ukraine affair, something President Trump has long denied. Sondland's statement, many reports said, was a "bombshell." A "blockbuster."

Now, with a little hindsight, Sondland's words appear to be something very different: an attention-grabbing and enormously clever gambit to get Sondland out of a jam in which he might have been accused of lying to Congress.

Here's what happened:

Another witness, William Taylor, who is the top U.S. diplomat in Ukraine, gave a deposition to the committee on Oct. 22 and testified publicly on Nov. 13. At his public testimony, Taylor said he had learned something since his deposition that he believed he needed to tell the committee. On July 26, Taylor said, the day after President Trump's call with Ukrainian President Volodymyr Zelensky that is at the heart of the impeachment proceedings, a member of Taylor's staff in Kyiv overheard a phone conversation between Sondland and Trump. According to the staffer, Trump asked Sondland about "the investigations," and Sondland replied that the Ukrainians were "ready to move forward."



As Taylor spoke, members of the committee instantly recalled that Sondland had given a deposition to the committee on Oct. 17 and had not said a word about that conversation with the president.

On top of that, Sondland had already had to amend his deposition in light of other testimony. At his deposition, Sondland said he "never" thought

Trump had attached any precondition to United States aid to Ukraine. Then, after others testified that Sondland had in fact told Ukrainian officials that there was such a precondition, Sondland submitted a long, written revision of his deposition.

By that time, Sondland's credibility was a big question mark. "After today, Mr. Sondland is going to have some explaining to do," Democratic Intelligence Committee member Raja Krishnamoorthi said after the Taylor testimony. "Sondland lied under oath to Congress," said Democratic Rep. Ruben Gallego. "He clearly lied to the committee," one anonymous Democratic representative told the *Hill*. "They should pursue charges against him."

The *Los Angeles Times* published a story headlined, "Is Gordon Sondland credible enough to be a good impeachment witness for either side?" The *New York Times* ran a similar story with the headline, "Why Discrepancies in Gordon Sondland's Testimony in the Impeachment Inquiry Loom Large." MSNBC's Lawrence O'Donnell said, "William Taylor now is essentially saying Gordon Sondland lied under oath to Congress."

So, when Sondland entered the hearing room Wednesday, he had, as Krishnamoorthi said, a lot of explaining to do. So, what did he do? He didn't explain at all. Instead, he produced the biggest, shiniest object he could find: a brand new allegation that there was indeed a quid pro quo at the heart of the Trump-Ukraine affair. "Was there a quid pro quo?" he asked. "Yes."

There was more. "Everyone was in the loop," Sondland said. "It was no secret." Vice President Mike Pence, Secretary of State Mike Pompeo, chief of staff Mick Mulvaney, they were all involved.

It was great stuff. A bombshell! In an instant, the talk about Sondland lying to Congress vanished. Democrats were absolutely delighted that Sondland, once thought to be a witness friendly to the president, had given them so much good material. The media coverage went along. Sondland's testimony was damning, it was devastating, and, of course, it was a "turning point" in the impeachment proceedings.

Except it wasn't. Less than an hour after Sondland delivered his opening statement, the whole thing began to fall apart. It started with ostensibly friendly questioning from Intelligence Committee Chairman and impeachment leader Adam Schiff.

"You've testified that your understanding, it became a clear understanding, that the military assistance was also being withheld pending Zelensky announcing these investigations, correct?" Schiff said to Sondland.

"That was my presumption," Sondland said. "My personal presumption based on the facts at the time. Nothing was moving."

"And, in fact, you had a discussion, a communication with the secretary of state in which you said that logjam over aid could be lifted if Zelensky announced these investigations, right?" Schiff said.

"I did not recall saying the logjam over aid," Sondland responded. "I recall saying the logjam. I don't know that — "

"That's what you meant, right, ambassador?" Schiff said.

"I — I — I meant that whatever was holding up the meeting, whatever was holding up our deal with Ukraine, I was trying to break," Sondland said. "Again, I was presuming."

Later, Republican lawyer Steve Castor asked Sondland, "I want to turn back to your [inaudible] would not occur until there was a public statement from Ukraine committing to the investigations, correct?"

"Correct," said Sondland.

"And you acknowledge that this is speculation, right?"

"It was a presumption," said Sondland.

As the hearing dragged on, Sondland's admissions of presumption multiplied.

"I made the presumption ... "

"I presumed it ... "

"Again, that was my presumption ... "

"I've been very clear as to when I was presuming, and I was presuming ... "

And more. Much more.

Republicans got the message. "Ambassador Sondland, you honestly have used the words 'presumed,' 'presumption,' 'presuming,' some form of the verb 'to presume' repeatedly today," said GOP Rep. Brad Wenstrup. Referring to an earlier moment when Sondland agreed that he had reached a "two plus two equals four" conclusion, Wenstrup continued: "You see, in mathematics, two plus two does equal four. But in reality, two presumptions plus two presumptions does not equal even one fact."

Finally, another Republican lawmaker, Mike Turner, hammered the message home. "Is that your testimony today ... that you have evidence that Donald Trump tied the investigation to aid?" Turner said. "Because I don't think you're saying that."

"I've said repeatedly, congressman, I was presuming," Sondland said.

"So, no one told you," Turner said. "Not just the president. Giuliani didn't tell you, Mulvaney didn't tell you, nobody — Pompeo didn't tell you, nobody else on this planet told you that Donald Trump was tying aid to these investigations, is that correct ... No one on this planet told you that President Trump was tying aid to investigations. Yes or no?"

"Yes," said Sondland.

"So, you really have no testimony today that ties President Trump to a scheme to withhold aid from Ukraine in exchange for these investigations?"

"Other than my own presumption," said Sondland.

By that point, Sondland's quid pro quo offering was in tatters. But it didn't really matter, at least from a media standpoint. The notion that Sondland's testimony was a bombshell quickly hardened into conventional wisdom. "There's no question that Gordon Sondland's blockbuster testimony is still sending shock waves through Washington," ABC News reported. Amid all the talk of damning testimony, Democrats seemed to forget their doubts about Sondland's credibility. Ambassador Sondland had delivered, big time.