

Democrats don't want public to know origins of Ukraine investigation like they didn't want public to know origins of Russia investigation

by Byron York | November 17, 2019 10:42 PM

Why are House Democrats stonewalling questions about the identity of the Trump-Ukraine whistleblower?

Start by taking them at their word. Perhaps they really are concerned about the whistleblower's personal safety. They also know that, beyond a limited prohibition applying to the inspector general of the intelligence community, no law bars anyone, in politics, media, or anywhere else, from revealing the whistleblower's identity. So they worry.

But there is more to the story. Should the whistleblower have connections to prominent Democrats, exposure of his identity could be embarrassing to the party. And perhaps most of all, reading through the impeachment investigation depositions that have been released so far, it's clear that cutting off questions that could possibly relate to the whistleblower has also allowed Democrats to shut off any look at how the Trump-Ukraine investigation started. Who was involved? What actions did they take? Why did some government employees think President Trump's July 25 call to Ukrainian President Volodymyr Zelensky represented a lost opportunity, or poor judgment, while others thought it represented wrongdoing requiring congressional investigation?

Democrats do not want the public to know. And in that, their position is familiar to anyone who has watched Washington for the last two years: The Democrats' determination to cut off questions about the origins of the Trump-Ukraine investigation is strikingly similar to their determination to cut off questions about the origins of the Trump-Russia investigation. In both cases, they fought hard to keep secret the origins of investigations that have shaken the nation, deeply divided the electorate, and affected the future of the presidency.

From their point of view, it makes sense. Democrats were rattled by Republican efforts to uncover the origins of the Trump-Russia investigation. The Steele dossier, the use of spies and informants to target the Trump campaign, the Carter Page wiretap, the murky start to the Crossfire Hurricane investigation — Democrats resisted GOP attempts to reveal them all. But in 2017 and 2018, Republicans controlled the House. Then-Chairman Devin Nunes used the power of the House Intelligence Committee to unearth key parts of the story. Nunes' efforts

eventually led to a Justice Department inspector general investigation whose results, expected in the coming weeks, could further damage the Democratic Trump-Russia storyline. And then there is the ongoing criminal investigation led by U.S. Attorney John Durham.

But Democrats now control the House. As they lead the Trump-Ukraine impeachment investigation, House Intelligence Committee Chairman Adam Schiff and other Democrats are applying the lesson learned from Trump-Russia: Do not allow inquiry into the origins of the investigation.

The whistleblower's carefully-crafted Aug. 12 complaint created the template that Democrats have followed in the impeachment campaign. In public hearings, Democrats have praised the whistleblower's action. And behind the scenes, Schiff has exercised his authority to cut off lines of questioning that might reveal something about the investigation's origin. The transcripts of depositions his committee has released are filled with example after example of Schiff, or lawyers acting at his direction, stopping questioning that might lead to how the investigation began.

On Saturday, Democrats released the transcript of the Oct. 31 deposition of Tim Morrison, who until recently was the top National Security Council official in charge of Russia and Europe. At the deposition, Republicans asked Morrison about Lt. Col. Alexander Vindman, who served under Morrison in charge of Ukraine. Morrison testified that he had questions about Vindman's judgment. Specifically, Morrison told the committee, "I had concerns that he did not exercise appropriate judgment as to whom he would say what."

Vindman was the first witness to have actually listened to the Trump-Zelensky call. He talked to a number of people about it. Morrison appeared to know something about that. But Schiff did not want to find out.

"We want to make sure that there is no effort to try to, by process of elimination, identify the whistleblower," Schiff said to Morrison. "If you think [Republican] questions are designed to get at that information, or may produce that information, I would encourage you to follow your counsel's advice."

A moment later, GOP lawyer Steve Castor asked Morrison in a general sense who Vindman might have discussed the Trump-Zelensky call with. "What types of officials in the course of his duties would he be responsible for providing readouts to?"

The transcript indicates that an off-the-record discussion took place. Then Morrison said, "He — he may have felt it appropriate to speak to other departments and agencies if they had questions about the call."

"Do you know if he did?" asked Castor.

"Yes," said Morrison.

"And who — do you know who he spoke to?"

At that moment, Morrison's lawyer, Barbara Van Gelder, intervened. "I'm not going to allow him to answer that, it is beyond the scope of this inquiry," she said.

Castor protested that he was not asking Morrison to testify beyond his knowledge of events. Van Gelder then read what appeared to be a prepared statement.

"I'm just saying it is outside the scope of what I believe his testimony is, which is whether President Trump jeopardized U.S. national security by pressing Ukraine to interfere with the 2020 election, and by withholding a White House meeting with Ukraine and military assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters." Her language mirrored Democratic language in several Ukraine-related letters to administration officials.

More arguing ensued, but Morrison did not answer the question.

At another moment, Morrison described the time Vindman came to him to express concerns about the Trump-Zelensky call. "Did you have any other communications with [Vindman] about the call?" asked Castor.

"Yes," said Morrison.

"And what were those?"

"You're not going to talk about that," interjected Van Gelder.

Vindman himself testified two days earlier, on Oct. 29. In that session, Schiff again decreed that the witness could not discuss some of the people he might have discussed the Trump call with. In fact, Schiff ordered a blackout on discussion of anyone even associated with the intelligence community. (The whistleblower has been reported to be a CIA analyst.) "Can I just caution again," Schiff said, "Not to go into names of people affiliated with the IC in any way."

Vindman said he had discussed the call, in a limited way, with State Department official George Kent. When asked who beyond Kent he might have discussed the call with, Vindman's lawyer Michael Volkov intervened.

"What I'm telling you right now is we're not going to answer that question," Volkov said. "If the chair wants to hold him in contempt for protecting the whistleblower, God be with you ... If you want to ask, you can ask — you can ask questions about his conversation with Mr. Kent. That's it. We're not answering any others."

"The only conversation that we can speak to Col. Vindman about is his conversation with Ambassador Kent?" asked Republican Rep. Lee Zeldin.

"Correct," said Volkov, "and you've already asked him questions about it."

Volkov, like Van Gelder later, was simply following Schiff's directive. The chairman ruled out any talk about the call.

In the Trump-Russia affair, the investigation was entrusted to a special counsel who ultimately could not establish that Schiff's and the Democrats' key allegation, a conspiracy or coordination between Russia and the 2016 Trump campaign, ever actually occurred. Now, House Democrats are doing the Trump-Ukraine investigation themselves, making it easier to reach the conclusion they want.

But so far, at least, the investigation seems to have established that Trump's alleged misconduct exists in the eye of the beholder. Some officials heard the Zelensky call as it happened and saw no wrongdoing. Vindman, on the other hand, saw wrongdoing and got in touch with an unknown number of people about it. After that, the story grew and grew. How did one man's impression turn into the impeachment investigation of today?

And that is what Chairman Schiff does not want the nation to know.