



Excerpts from Joint Deposition

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Conducted on October 29, 2019

**House Permanent Select Committee on Intelligence
House Committee on Oversight and Reform
House Committee on Foreign Affairs**

- Q: All right. So you did not think it was proper to demand that a foreign government investigate a U.S. citizen. You used the word “demand,” it was not proper to demand. Where in the transcript do you believe that the President made a demand to investigate a U.S. citizen?*
- A: So, Congressman, the power disparity between the President of the United States and the President of Ukraine is vast, and, you know, in the President asking for something, it became—there was—in return for a White House meeting, because that’s what this was about. This was about getting a White House meeting. It was a demand for him to fulfill his—fulfill this particular prerequisite in order to get the meeting.*

An active duty military officer with a Purple Heart for his service to our country in combat, Lieutenant Colonel Vindman raised his concerns internally and immediately within the White House. (Page 14)

I did convey certain concerns internally to national security officials in accordance with my decades of experience and training, sense of duty, and obligation to operate within the chain of command. As an Active Duty military officer, the command structure is extremely important to me. On many occasions, I've been told I should express my views and share my concerns with my chain of command and proper authorities. I believe that any good military officer should and would do the same, thus providing his or her best advice to leadership.

On April 21, 2019, President Trump had a “positive” call with the President of Ukraine before Lieutenant Colonel Vindman became aware of Mr. Giuliani’s involvement in various “narratives.” (Page 16-17, 22-23)

A: In support of U.S. policy objectives to support Ukrainian sovereignty, President Trump called President Zelensky on April 21st, 2019. I was one of several staff officers who listened to the call. The call was positive. The President expressed his desire to work with President Zelensky and extended an invitation to visit the White House.

...

Q: And were there any American outside influencers?

A: So those probably occurred a little bit later. I'd say in the April timeframe is when I, frankly, became aware of Mr. Giuliani, Mayor Giuliani, also being involved in this particular narrative.

Q: And just this narrative as related to Ambassador Yovanovitch, or were there other false narratives that were being promoted as well?

A: So this narrative, as the narrative developed, it became clear that it had to do with the 2016 elections and Ukrainian—supposed Ukrainian involvement in partisan support of candidate Clinton and in opposition to President Trump. That was the key element of that particular narrative that developed.

Q: And are you aware of any factual basis for that narrative, based on your training, experience, and knowledge of Ukraine?

A: I am unaware of any factual basis for the accusations against Ambassador Yovanovitch, and I am, frankly, unaware of any authoritative basis for Ukrainian interference in 2016 elections, based on my knowledge.

Ambassador Sondland was initially removed from the list of officials to attend a May 21, 2019, delegation meeting with Ukrainian officials because “he tended to go off script so there was some risk involved.” (Page 127-128)

Q: Was Ambassador Sondland initially removed from the list?

A: I recall that he was.

Q: Who did that?

- A: I think that Dr. Hill may have possibly removed him, because of the understanding that she didn't think that Ambassador Bolton wanted him on the delegation.
- Q: Yeah. Do you know why not?
- A: Because it was outside of his portfolio, and he tended to go off script so there was some risk involved.
- Q: What does that mean, he tended to go off script?
- A: He's not a professional diplomat. And this is not critical of him, but he didn't necessarily act as a diplomat and he wouldn't necessarily, you know—if we had a consistent position and a consistent set of talking points, he would not necessarily be consistent with our—with the rest of the consensus view.
- Q: Do you know how Sondland got back on the list?
- A: I don't recall.

Encouraging Ukraine to conduct investigations related to domestic U.S. politics “had inherent risks, in that, frankly, if Ukrainians took a partisan position, they would significantly undermine the possibility of future bipartisan support.” (Page 40-41)

- Q: And is it fair to say that encouraging Ukraine to conduct investigations related to domestic U.S. politics was not in the U.S. national security interests?
- A: In my view, I don't think it was. And it had inherent risks in that—it had inherent risks in that, frankly, if Ukrainians took a partisan position, they would significantly undermine the possibility of future bipartisan support. Losing bipartisan support, they would then lose access to potentially, you know, hundreds of millions of dollars in security assistance funds. The amount of money that we're talking about here, \$400 million, might not mean much, you know, in terms of the U.S. budget. For a normal person it does, but for a U.S. budget it's, you know, a fraction of a fraction. But for the Ukrainians, it amounts to about 10 percent of their military budget, roughly. And, you know, that is—that actually amounts to a significant portion of their GDP because the Ukrainians also spend about 5 to 6 percent of their GDP on defense because they're fighting an active conflict against the Russians. So this is not a negligible amount and, you know, we're basically trying to continue the relationship and advance the U.S. national security interests. And losing bipartisan support would have a significant cost.

In a meeting on July 10, 2019, when Ukrainian officials raised scheduling a White House meeting with President Trump and President Zelensky, “Ambassador Sondland proceeded to discuss the deliverable required in order to get the meeting and he alluded to investigations,” and “Ambassador Bolton terminated the meeting.” (Page 17, 26-27)

- A: The meeting proceeded well until the Ukrainians broached the subject of a meeting between the two Presidents. The Ukrainians saw this meeting as critically important in order to solidify the support for their most important international partner. Ambassador Sondland started—when Ambassador Sondland started to speak about Ukraine delivering specific investigations in

order to secure the meeting with the President, Ambassador Bolton cut the meeting short.

...

Q: And so, after the Ukrainian officials raised the idea of this meeting, what happened next? What was the response?

A: So we had had a very substantive conversation up until that point, kind of laying out, you know, the necessity of working with Ukraine. There was a discussion of—you know, of the Ukrainian proposals on how we could cooperate more substantively. When the Ukrainians raised this issue of trying to figure out what the date would be for the Presidential meeting, Ambassador Sondland proceeded to discuss the deliverable required in order to get the meeting, and he alluded to investigations. Very quickly thereafter, Ambassador Bolton terminated the meeting, pleasant and professional, but he said: It was a pleasure meeting with you, looking forward to working with you.

Ambassador Sondland told Lieutenant Colonel Vindman that conditioning the White House meeting on Ukraine investigating the Bidens and the 2016 elections “had been coordinated with White House Chief of Staff Mr. Mick Mulvaney.” (Page 29-30)

A: So Ambassador Sondland relatively quickly went into outlining how the—you know, these investigations need to—or the deliverable for these investigations in order to secure this meeting. Again, I think, you know, I may not have agreed with what he was doing, but his intent was to normalize relationships with—between the U.S. and Ukraine, and this was – as far as I understand, this is what he believed the deliverable to be.

Q: Who did he believe—or let me—withdrawn. Do you understand how he came to believe that this deliverable was necessary?

A: So I heard him say that this had been coordinated with White House Chief of Staff Mr. Mick Mulvaney.

Q: What did he say about that?

A: He just said that he had had a conversation with Mr. Mulvaney, and this is what was required in order to get a meeting.

Q: Did he explain what the investigations were that were needed?

A: He talked about the investigations, which—I guess I’ll refer to my statement. So, I mean, it was the 2016—these things tended to be conflated at some point. So he was talking about the 2016 elections and an investigation into the Bidens and Burisma.

In a subsequent meeting, Ambassador Sondland told the Ukrainians they “would have to deliver an investigation into the Bidens,” and “there was no ambiguity.” (Page 64-65)

Q: And what do you recall specifically of what Sondland said to the Ukrainians—

A: Right.

Q: —in the Ward Room?

A: So that is right, the conversation unfolded with Sondland proceeding to kind of, you know, review what the deliverable would be in order to get the meeting, and

he talked about the investigation into the Bidens, and, frankly, I can't 100 percent recall because I didn't take notes of it, but Burisma, that it seemed—I mean, there was no ambiguity, I guess, in my mind. He was calling for something, calling for an investigation that didn't exist into the Bidens and Burisma.

Q: Okay. Ambiguity in your mind is different from what you—

A: Sure.

Q: —actually heard?

A: Right. Correct.

Q: What did you hear Sondland say?

A: That the Ukrainians would have to deliver an investigation into the Bidens.

Q: Into the Bidens. So in the Ward Room he mentioned the word “Bidens”?

A: To the best of my recollection, yes.

Q: Okay. Did he mention 2016?

A: I don't recall.

Q: Did he mention Burisma?

A: My visceral reaction to what was being called for suggested that it was explicit. There was no ambiguity.

The Ukrainian officials were “asked to leave” the meeting “as the discord between the National Security Council and Ambassador Sondland unfolded.” (Page 34-35)

I just expressed my concerns. And the Ukrainians would have been in there for part of it, but, again, as that—as the discord between the National Security Council and Ambassador Sondland unfolded, I think they were asked to leave relatively quickly. So they heard—they probably heard some of it, but I'm not sure how much of it they heard.

Dr. Fiona Hill stated that “Ambassador Sondland was trying to orchestrate an investigation being called by Mayor Giuliani” and referred to Mr. Giuliani as “a live hand grenade.” (Page 67-68)

Q: Okay. And are you 100 percent certain that he [Ambassador Bolton] ended it [the meeting] because he was uncomfortable, or he may have ended it because he had another calendar appointment?

A: He ended it abruptly. And at that time, I frankly didn't know exactly why he ended it. It became clear from what Dr. Hill told me later that he was actually fairly distressed by what had occurred.

Q: Okay. Dr. Hill told you Ambassador Bolton was distressed?

A: Yes.

Q: What did she tell you?

A: She said that he was upset with what Ambassador Sondland was attempting to orchestrate. And in her account to me, she did specifically say, you know, he was a live hand grenade, or something to that extent.

Q: Who was a live hand grenade?

A: So, I guess, let me complete that logic. So that Ambassador Sondland was trying to orchestrate an investigation being called by Mayor Giuliani who was a live hand grenade.

- Q: Okay. So that's what Dr. Hill related to you?
A: Correct.
Q: Relating something Ambassador Bolton told her?
A: That's right.

Nobody from the NSC legal office circled back to Lieutenant Colonel Vindman after he reported his concerns with the fact that “what Mr. Giuliani was pushing” had entered the official national security dialogue between the two countries. (Page 18, 36, 38)

- A: Following the debriefing, I reported my concerns to NSC's legal counsel, lead legal counsel. Dr. Hill also reported the incident to lead legal counsel.
- ...
- Q: What did you do to report this up the chain?
A: At that point, I—I know that both Dr. Hill and I had concerns. I believe—let me—just trying to think through the timeline. That occurred—that meeting occurred in the late afternoon. I mean, I very quickly went and spoke to the senior White House—or senior National Security attorney and, you know, relayed the incident, the fact that, you know, this investigation that had previously emerged in open source and had certainly been connected to the—what Mr. Giuliani was pushing, was now being pulled into a, you know, national security dialogue. And I relayed these elements.
- ...
- Q: Well, let me ask you this: Rather than what he said to you, did he indicate to you that he was going to do anything with your information?
A: You know, I'm not sure. Frankly, what I was doing is I was reporting something to the chain of command, a concern I had. You know, what he did with that information is probably above my pay grade.
Q: No, no, I understand. Did he say anything to you, that, all right, I'm going to do anything with it?
A: I vaguely recall something about: I'll take a look into it. You know, there might not be anything here. We'll take a look into it, something of that nature. But—and then he offered to, you know, if I have any concerns in the future, you know, that I should be open—I should be—feel free to come back and, you know, share those concerns.
Q: Did either he or anyone from the legal staff circle back to you on this issue?
A: No.

Lieutenant Colonel Vindman prepared briefing materials for President Trump's July 25, 2019, call with President Zelensky, and he did not include anything about “investigations into the 2016 election or the Bidens or Burisma.” (Page 42-43)

- Q: Well, did President Trump receive any reading materials prior to the call?
A: Yes.
Q: And who provided those?
A: So, typically, the way this works—and this is what happened in this case—is I drafted read-ahead materials, the talking points. All the materials, it goes through

a staffing process, and then it gets forwarded from Ambassador Bolton to the President and Executive Secretary.

Q: Were you aware of whether the President or the chief of staff had any conversations with Ambassador Sondland prior to this call?

A: I am not. I wouldn't.

Q: Did you include anything in your talking points about investigations into the 2016 election or the Bidens or Burisma?

A: Definitely not.

“There was no doubt” about what President Trump was asking President Zelensky for on the July 25, 2019, call. (Page 249-250)

Q: You were listening in real time to this call along with President Zelensky when President Trump was speaking?

A: Correct.

Q: And was there any doubt in your mind as to what the President, our President, was asking for as a deliverable?

A: There was no doubt.

President Trump made a “demand” for President Zelensky “to fulfill this particular prerequisite in order to get the meeting.” (Page 44-45, 108, 147)

Q: Okay. Now, you said in your opening statement that you listened to the call. Where were you listening to the call?

A: In the White House Situation Room.

...

Q: And then you became more concerned as the call went along and it got into a discussion in which the President was asking his Ukrainian counterpart to conduct these investigations?

A: That is correct, Chairman.

...

Q: All right. So you did not think it was proper to demand that a foreign government investigate a U.S. citizen. You used the word “demand,” it was not proper to demand. Where in the transcript do you believe that the President made a demand to investigate a U.S. citizen?

A: So, Congressman, the power disparity between the President of the United States and the President of Ukraine is vast, and, you know, in the President asking for something, it became—there was—in return for a White House meeting, because that's what this was about. This was about getting a White House meeting. It was a demand for him to fulfill his—fulfill this particular prerequisite in order to get the meeting.

Lieutenant Colonel Vindman “immediately” went to National Security Council Legal Advisor John Eisenberg to report his concerns after listening to President Trump’s July 25, 2019, call. (Page 96-97, 97, 102)

- Q: Okay. After the call, did you have any discussions with Mr. Morrison about your concerns?
- A: After the call I—per the exercise in the chain of command and expressing concerns, I immediately went to the senior NSC legal counsel and shared those concerns.
- Q: Okay. Back to John Eisenberg?
- A: Yes.
- Q: Okay. Who was in that meeting?
- A: It was my twin brother and I and then—
- Q: How did your twin brother get there?
- A: Because I also pulled him in.
- Q: Okay. You picked him up on the way to Eisenberg?
- A: It’s roughly adjacent offices. A couple offices in between.
- Q: Okay. So you have a meeting with your brother, Mr. Eisenberg. Anybody else in that meeting?
- A: At some point Michael Ellis, the deputy, John Eisenberg’s deputy joined.
- ...
- Q: How soon did you make your way to Eisenberg’s office?
- A: It was probably, you know, within, I would guess it was probably within an hour I was talking to Mr. Eisenberg.
- ...
- Q: Why did you not go to your direct report and go straight to the counsel?
- A: Because Mr. Eisenberg had told me to take my concerns to him.
- Q: Mr. Eisenberg had told you—
- A: Yes, if I have concerns of this nature, I should feel free to come to him.
- Q: When did he say that?
- A: During the—following the July 10th conversation, I think I said that in the record also, that he said, you know, if you have any concerns, please come back to me. So I was exercising, and he’s the senior legal official, I wanted to, I guess, talk the matter through with him and see if there was something—

Lieutenant Colonel Vindman suggested substantive edits to the July 25, 2019, call memo that were not incorporated, including that President Zelensky specifically referenced “Burisma,” indicating that “he was prepped for this call” and “knew that the Biden reference was a reference to Burisma.” (Page 48, 52-53, 54-55, 88-89, 318)

- Q: Did you have the opportunity to review the transcript and compare it to your notes?
- A: I did.
- Q: Did you make any changes or suggestions?
- A: I did make a couple of changes and suggestions.
- ...

A: Yeah. So page four, bottom of the first paragraph, let's see, okay, so that ellipses where it ends with "it," there was a comment about there are recordings from the President. He said that there are recordings of these misdeeds.

Q: Okay. And that ellipses substitutes for there are recordings?

A: Correct.

Q: To your recollection?

A: Yes. This is what's in my notes also.

...

Q: Okay. So "there are recordings" substitutes for the ellipses—

A: Correct.

Q: —that we see here? Okay. Was there anything else that was different?

A: There's one other substantive item in the next paragraph from Zelensky, where it says, "He or she will look into the situation specifically to the company"—it shouldn't be "the company." It should be "to Burisma that you mentioned." Because I think, you know, frankly, these are not necessarily folks that are familiar with the substance. So President Zelensky specifically mentioned the company Burisma.

...

Q: All right. So why don't you do this, first, just read the sentence as it is in this exhibit.

A: "He or she will look into the situation specifically to the company that you mentioned in this issue."

Q: And then read—can you restate it with what you recall Zelensky saying?

A: "He or she will look into the situation specifically into Burisma," and I think that's, you know, that's where it ended.

Q: Okay. So—

A: And it continued on—

Q: So this call record substitutes the following phrase, "the company that you mentioned in this issue," for what Zelensky said, "Burisma"?

A: Correct.

Q: Okay.

A: Again, it's in my notes. That's what I took down as the call was occurring.

...

Q: Okay. And if the word Burisma had been inserted instead of the word company, would that have changed anything in your view?

A: Yes.

Q: Okay. So that would be significant?

A: It would be significant.

Q: Okay. And why?

A: Because – because, frankly, the President of Ukraine would not necessarily know anything about this company Burisma. I mean, he would certainly understand some of this – some of these elements because the story had been developing for some time, but the fact that he mentioned specifically Burisma seemed to suggest to me that he was prepped for this call.

...

- Q: On page four of the transcript where President Zelensky says, quote, “he or she will look into the situation specifically to the company that you mentioned in this issue,” I believe earlier in the day you testified that as you were listening to the call you believe that President Zelensky said “Burisma”?
- A: That is in my contemporaneous notes. That is what President Zelensky said.
- Q: So, if that’s true, then President Zelensky knew that the Biden reference was a reference to Burisma?
- A: That is correct.

White House officials did not follow the “normal” process to edit the July 25, 2019, call memo and placed it in “a different type, a different, more secure system.” (Page 50, 87)

- Q: And you said that normal process did not occur here?
- A: It didn’t. It did not.
- Q: What was different?
- A: As opposed to going into the standard communications system, it went into a different type, a different, more secure system. And in this particular system, while I did have an account, it was not functioning properly, so I had to go analog and take a look at—get a hard copy of it, make some—annotate some changes to it, return it, and, you know, I guess it went through a paper process.
- Q: So even in the editing process that you normally do, that was done in a different way?
- A: Yes.
- Q: In other words, it was on a different system and you had to use a different process to put your edits in?
- A: Yes.
- ...
- Q: Ordinarily you indicated that you go online or, you know, onto the server to get the document and put suggested edits in electronically?
- A: Uh-huh.
- Q: But in this instance you couldn’t do that?
- A: Yes. Yes, counsel.
- Q: But in this particular instance you couldn’t do that?
- A: So this would have been the first time I was in—I was participating in a TELCON review, a telephone conference review, where it was outside of the kind of the—what I understood to be the normal format.

Lieutenant Colonel Vindman became aware by July 3, 2019, that a hold had been placed on military aid to Ukraine following “abnormal” questions from OMB. (Page 178-179)

- Q: I’m going to move to the security assistance issue now. And when was the first time that you became aware that there was a hold placed on security assistance for Ukraine?
- A: Certainly by about July 3rd. It’s possible I had some earlier indications in late June as the departments would alert me to the fact that they were getting queries from the Office of Budget and Management, you know, asking questions that, in

their view, you know, were abnormal or something of that nature. But by July 3rd, that's when I was concretely made aware of the fact that there was a hold placed by OMB.

Q: What were the abnormal questions that you can recall?

A: Something along the lines—and, you know, some of this is, through hindsight, it becomes clearer, but at the time, there were questions about how much funding the Ukrainian Government was receiving, what kind of funding. Initially, it seemed like the hold might just apply to foreign military financing, the \$115 million coming from State, and that it looked like the security assistance from—the Ukraine security assistance initiative funding from DOD was going to be allowed to move forward, and then, ultimately, all security assistance was put on hold.

Q: What happened on July 3rd that solidified this for you?

A: As I recall, I received a notice from State Department that their foreign military financing congressional notification was being held by OMB.

The hold on military aid to Ukraine “came from the Chief of Staff’s office,” and the reason provided was to ensure that the assistance “aligned with administration priorities.” (Page 180-181)

Q: After July 3rd and—between July 3rd and July 18th, what did you do related to security assistance, and what did you learn?

A: So I think, over the course of that period, there was a short July 4th break or so that accounted for a couple days, but basically we were trying to get to the bottom of why this hold was in place, why OMB was applying this hold. There were multiple memos that were transmitted from my directorate to Ambassador Bolton on, you know, keeping him abreast of this particular development. And I'm not sure of what actions he may have taken at his level, but we were keeping him informed about, you know, why this is important, what the costs were, and so forth. And there were probably quite a few memos that went forward in that regard and various notes.

Q: Did you come to learn why—during that period of time why the hold had been placed?

A: So where it became quite apparent is in my sub-policy coordinating committee meeting on the 18th. I think I, frankly, probably had some idea before that because of my contacts, interactions throughout the interagency. So I probably had some sense, but it became crystal clear when OMB staffers reported that the hold came from the Chief of Staff's Office.

Q: And was there a reason given at your—

A: Yeah.

Q: —sub-PCC meeting on July 18th?

A: So initially it was unclear. Eventually it became the—what I was told is to ensure that the assistance aligned with administration priorities was what was the reason.

Lieutenant Colonel Vindman drafted a Presidential decision memo that Ambassador Bolton presented to President Trump with “the consensus views” from the National Security Council, State Department, and Department of Defense “with their recommendations, and then it recommended that the security assistance be released.” (Page 186-187)

Q: Did there come a time after July 31st when you were involved in a process of trying to tee this issue up for the President and other principals?

A: So, after I came back from vacation on the 12th, I was instructed, I think, probably on the 13th or 14th, to draft a Presidential decision memo for Ambassador Bolton to be able to take along with his principal counterparts to the President for a decision.

Q: And what’s a Presidential decision memo?

A: It is a memo that lays out—it ends with a recommendation, but it also has a discussion about why this is—and I remember this one being relatively cursory, but it basically laid out the case of why we should be doing this. It had the—as one of the documents included, it had the consensus views from the entire deputies small group with their recommendations, and then it recommended that the security assistance be released.

Q: And did Ambassador Bolton present this to the President, to your knowledge?

A: So my understanding, the readout that I received is that, ultimately, it was presented to the President.

“[T]he President didn’t act on the recommendation” to “release the security assistance funding to Ukraine” during a meeting on August 16, 2019. (Page 188)

Q: Okay. And what did you learn that occurred at the meeting between the President, and Ambassador Bolton, Secretary of State Pompeo, and Secretary of Defense Esper related to the Presidential decision memo that you drafted?

A: So, frankly, there were some conflicting reports. At least one report suggested that the topic never came up, but another report suggested that it did come up and, you know, no decision was taken.

Q: And what does that mean?

A: That means that, amongst the various issues that were discussed, this was also raised, this issue of security assistance was also raised, and, I mean, the President didn’t act on the recommendation.

Q: And what was the recommendation?

A: To release security assistance funding to Ukraine.

In mid-August 2019, before it was made public, the Ukrainian Deputy Chief of Mission asked why the United States was withholding the military aid. (Page 314)

Q: Colonel Vindman, I believe you testified earlier that around the middle of August you started to receive inquiries from Ukraine with regards to assistance. Is that correct?

A: That’s accurate, yes.

- Q: Who did you hear from in Ukraine?
A: So the inquiry that I'd be referring to would be from the Ukrainian deputy chief of mission, the person that I'd speak to in general most often from the Ukrainian—you know, Ukrainian side.
Q: Was it just that one person who reached out to you?
A: Yes.
Q: And that was around the middle of August?
A: To the best of my recollection, that's correct.

The relationship between the U.S. and Ukraine “is damaged” and “will continue to be damaged and undercut.” (Page 234-235)

- Q: In your responsibilities involving Ukraine, you're continuing to communicate with Ukrainians?
A: If I needed to, yes, I would—I wouldn't feel incumbered to communicate with the Ukrainians if there was a reason to do that for—
Q: Well, have you still communicated with them?
A: I have, yes.
Q: Okay. And can you—has their attitude changed toward us?
A: I perceive that—I perceive that that our relationship is damaged. I think as this process wears on, I think the relationship will continue to be damaged and undercut. It undercuts U.S. resolve to support Ukraine and certainly puts a question into their mind whether they in fact have U.S. support.

Vice President Pence told President Zelensky on September 18, 2019, that “the security assistance has been lifted.” (Page 307)

- Q: Okay. And then the next day, Vice President Pence had a call to President Zelensky?
A: Yes.
Q: Are you familiar with that call?
A: Yes, I am.
Q: And what did they discuss on that call?
A: It was the same type of kind of back to normalizing the relationship, you know. My recollection of the readout was something along the lines of, you know: We had our conversation. I spoke to the President, and, you know, security assistance has been lifted, continue to implement, you know, delivering the consistent message on reforms and anticorruption, and, you know, looking forward to working with you and so forth.