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Democracy Dies in Darkness

Trump wanted Barr to hold news conference saying the president broke no laws in call with Ukrainian leader

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President Trump wanted Attorney General William P. Barr to hold a news conference declaring that the commander in chief had broken no laws during a phone call in which he pressed his Ukrainian counterpart to investigate a political rival, though Barr ultimately declined to do so, people familiar with the matter said.

The request from Trump traveled from the president to other White House officials and eventually to the Justice Department. The president has mentioned Barr's demurrals to associates in recent weeks, saying he wished Barr would have held the news conference, Trump advisers say.

In recent weeks, the Justice Department has sought some distance from the White House, particularly on matters relating to the burgeoning controversy over Trump's dealings on Ukraine and the impeachment inquiry they sparked.

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People close to the administration say Barr and Trump remain on good terms. A senior administration official said Trump praised the attorney general publicly and privately Wednesday, and deputy White House press secretary Hogan Gidley said in a statement: “The President has nothing but respect for AG Barr and greatly appreciates the work he’s done on behalf of the country — and no amount of shady sources with clear intent to divide, smear, and slander will change that.”

But those close to the administration also concede that the department has made several recent maneuvers putting it at odds with the White House at a particularly precarious time for the president. Like others, they spoke on the condition of anonymity to discuss the politically fraught situation.

The request for the news conference came sometime around Sept. 25, when the administration released a rough transcript of the president’s July phone call with Ukrainian President Volodymyr Zelensky. The document showed that Trump urged Zelensky to investigate former vice president Joe Biden and his son Hunter — while dangling a possible White House visit for the foreign leader.

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By then, a whistleblower complaint about the call had moved congressional Democrats to launch the impeachment inquiry, and the administration was on the defensive. As the rough transcript was released, a Justice Department spokeswoman said officials had evaluated it and the whistleblower complaint to see whether campaign finance laws had been broken, determined that none had been and decided “no further action was warranted.”

It was not immediately clear why Barr would not go beyond that statement with a televised assertion that the president broke no laws, nor was it clear how forcefully the president’s desire was communicated. A Justice Department spokeswoman declined to comment. A senior administration official said, “The DOJ did in fact release a statement about the call, and the claim that it resulted in tension because it wasn’t a news conference is completely false.”

From the moment the administration released the rough transcript, Barr made clear that whatever the president was up to, he was not a party to it.

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Though the rough transcript shows Trump offering Zelensky the services of his attorney general to aid investigations of Biden and his son, a Barr spokeswoman said that Barr and Trump had never discussed that.

“The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former vice president Biden or his son,” spokeswoman Kerri Kupec said in a statement released at the same time as the rough transcript. “The President has not asked the Attorney General to contact Ukraine — on this or any other matter. The Attorney General has not communicated with Ukraine — on this or any other subject.”

It would not be the last time the Justice Department would have to distance itself from the White House on a matter relevant to the impeachment inquiry. After acting White House chief of staff Mick Mulvaney said at a televised briefing last month that Ukraine’s cooperation in the investigations Trump wanted was tied to hundreds of millions of dollars of aid that the United States had withheld from Kyiv, a Justice Department official quickly made clear to reporters that the department did not endorse that position.

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“If the White House was withholding aid in regards to the cooperation of any investigation at the Department of Justice, that is news to us,” the official said.

The department — and Barr in particular — has similarly sought separation from Rudolph W. Giuliani, the president’s personal lawyer who was leading the effort to investigate the Bidens.

In addition to asserting that Barr and Trump had never discussed investigating the Bidens, Kupec said in her statement that the attorney general had not “discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.” Barr’s allies had previously confided to reporters that the attorney general was unhappy with Giuliani, particularly over his going outside of normal channels to pursue investigations of interest to the president.

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Last month, after the department arrested two Giuliani associates who had worked on investigating the Bidens’ activities in Ukraine, the New York Times reported that Giuliani had participated in a meeting about a separate case with Brian A. Benczkowski, the head of the Justice Department’s Criminal Division, and lawyers in the department’s fraud section.

The day after that report, the department issued an unusual statement saying those in the meeting were unaware of the case that led to charges against Giuliani's associates for alleged campaign finance violations. Giuliani also is being investigated as a part of the case, though he has said he has not been told of that.

“When Mr. Benczkowski and fraud section lawyers met with Mr. Giuliani, they were not aware of any investigation of Mr. Giuliani's associates in the Southern District of New York and would not have met with him had they known,” Peter Carr, a department spokesman, told the Times.

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People close to Barr assert that while Barr is a strong believer in the power of the presidency, he has always recognized there might be times when he has to preserve the Justice Department's independence.

“My take is that Barr hasn't changed one bit, that he has had a healthy distance from the beginning,” one person close to the administration said, speaking on the condition of anonymity to candidly describe Barr's relationship with Trump. “He knows the parameters of the relationship between a president and an AG.”

Trump had a famously dysfunctional relationship with his first Senate-confirmed attorney general, Jeff Sessions. The president blamed Sessions for special counsel Robert S. Mueller III's investigation into whether his campaign coordinated with Russia to influence the 2016 election because — in the president's view — Sessions's recusal from that case allowed for Mueller's appointment and everything that followed. Mueller, though, was appointed by the deputy attorney general at the time, Rod J. Rosenstein, weeks after Sessions recused himself.

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Trump publicly and privately attacked Sessions for virtually Sessions's entire tenure in the top law enforcement job and toyed constantly with firing him. He finally did so after the 2018 midterm elections and nominated Barr as his permanent replacement. His resentment lingers to this day, as Sessions is expected to announce a run for his old Senate seat.

Though Barr was a relative outsider to Trumpworld when the president picked him as attorney general, he quickly won the president's affection. In announcing Mueller's principal conclusions — before Mueller's final report had been issued — Barr declared that the special counsel had found insufficient evidence to allege coordination between Russia and the Trump campaign. And while Mueller had not reached a determination on whether the president had obstructed justice, Barr said he had reviewed the case himself and determined Trump had not.

Barr's descriptions so agitated Mueller that the special counsel sent a letter to the attorney general complaining that Barr “did not fully capture the context, nature, and substance” of the special counsel's work. Barr ultimately would release Mueller's final report — which painted a far more damning picture for Trump — but even as he did so, he held a news conference and endorsed one of the president's famed talking points.

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“As he said from the beginning,” Barr declared, referring to Trump, “there was, in fact, no collusion.”

Detractors have criticized the attorney general as eroding the Justice Department's independence, though Trump has generally been pleased. Most recently, allies say he has been heartened as Barr has sought to investigate those involved in the Russia case, tapping U.S. Attorney John Durham to lead an inquiry into the origins of the Mueller investigation and whether the U.S. government's "intelligence collection activities" related to the Trump campaign were "lawful and appropriate."

On Ukraine, though, the White House and Justice Department have been somewhat out of sync.

Some time after The Washington Post began reporting on the nature of the whistleblower's complaint about Trump's phone call, the Justice Department pushed to release the rough transcript. Leaders there believed — perhaps misguidedly — that doing so could quell the budding controversy, because in his conversation with Zelensky, Trump did not explicitly push for a quid pro quo tying U.S. aid for Ukraine to the politically beneficial investigations he sought. The White House was initially resistant.

The Justice Department had not always been on the side of full transparency, blocking transmission of the whistleblower complaint to Congress after its Office of Legal Counsel determined it was not appropriate to do so— even though the intelligence community inspector general felt the law required it to be handed over. Unbeknown to the public, the department weighed whether to investigate a potential campaign finance crime, though ultimately concluded there was not sufficient basis to do so after an inquiry limited essentially to reviewing the rough transcript of the Trump-Zelensky call.

Though Barr did not hold a news conference clearing Trump of any wrongdoing, the Justice Department did issue its statement saying it would not investigate the matter — at least for campaign finance violations. While that was a partial win for Trump, it has allowed Congress to expedite its impeachment inquiry without fear of impeding law enforcement — and make public unflattering testimony about the president and his allies' dealings in Ukraine.

Tom Hamburger contributed to this report.

Impeachment: What you need to read

Updated December 30, 2019

Here's what you need to know to understand the impeachment of President Trump.

What's happening now: Trump is now the third U.S. president to be impeached, after the House of Representatives adopted both articles of impeachment against him.

What happens next: Impeachment does not mean that the president has been removed from office. The Senate must hold a trial to make that determination. A trial is expected to take place in January. Here's more on what happens next.

How we got here: A whistleblower complaint led Pelosi to announce the beginning of an official impeachment inquiry on Sept. 24. Closed-door hearings and subpoenaed documents related to the president's July 25 phone call with Ukrainian President Volodymyr Zelensky followed. After two weeks of public hearings in November, the House Intelligence Committee wrote a report that was sent to the House Judiciary Committee, which held its own hearings. Pelosi and House Democrats announced the articles of impeachment against Trump on Dec. 10. The Judiciary Committee approved two articles of impeachment against Trump: abuse of power and obstruction of Congress.

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