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Schiff's false claim his committee had not spoken to the whistleblower

By **Glenn Kessler**

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"We have not spoken directly with the whistleblower. We would like to."

— **Rep. Adam B. Schiff (D-Calif.), in an interview with MSNBC's "Morning Joe," Sept. 17**

We recently took Secretary of State Mike Pompeo to task for misleading reporters about the fact that he was a participant in the call between President Trump and Ukrainian President Volodymyr Zelensky that was the subject of a whistleblower complaint and now an impeachment inquiry in Congress. He earned Four Pinocchios for being disingenuous in his remarks to reporters to obscure his firsthand knowledge of what took place.

But politicians spin all across Washington, often to deflect uncomfortable facts. Now let's look at comments by Schiff, who is heading the impeachment inquiry, as reporters probed about the whistleblower before the details of the allegation were revealed.

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Schiff's answers are especially interesting in the wake of reports in the New York Times and The Washington Post that the whistleblower approached a House Intelligence Committee staff member for guidance before filing a complaint with the Intelligence Community inspector general. The staff member learned the "very bare contours" of the allegation that Trump has abused the powers of his office, The Post said.

When the Fact Checker asked what "bare contours" meant, a committee spokesman pointed to an exchange of letters. In a Sept. 13 letter to the committee, the general counsel of the director of national intelligence said that "complaint involves confidential and potentially privileged communications by persons outside the Intelligence Community." In his own letter that day, Schiff wrote that because of that language, and because the DNI refused to affirm or deny that White House officials were involved in the decision not to forward the complaint, the committee can conclude only that "the serious misconduct involves the president of the United States and/or other senior White House or administration officials."

Our suspicion is that the unidentified staff member learned the potential complaint involved "privileged" communication, which is code for something having to do with the president.

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So, with this new information, let's look back at how Schiff handled questions about his knowledge of the whistleblower complaint.

The Facts

Rep. Schiff on CNN: Director of National Intellige...



Sept. 16, interview with Anderson Cooper on CNN

Cooper: "Just to be clear, you don't know who this alleged whistleblower is or what they are alleging?"

Schiff: "I don't know the identity of the whistleblower."

Cooper: "And they haven't contacted you or their legal representation hasn't contacted you?"

Schiff: "I don't want to get into any particulars. I want to make sure that there's nothing that I do that jeopardizes the whistleblower in any way."

This is a classic dodge — "don't want to get into any particulars" — and Cooper failed to follow up. Notice how Schiff quickly answered whether he knew the identity of the whistleblower — "I don't know" — but then sidestepped the questions about whether the committee had been contacted. But in doing so, he managed not to mislead; he just simply did not answer the question.

Rep. Schiff: We Would Love To Talk Directly With ...



Sept. 17, interview on "Morning Joe"

Sam Stein: "Have you heard from the whistleblower? Do you want to hear from the whistleblower? What protections could you provide to the whistleblower?" ...

Schiff: "We have not spoken directly with the whistleblower. We would like to. But I am sure the whistleblower has concerns that he has not been advised, as the law requires, by the inspector general or the director of national Intelligence just how he is supposed to communicate with Congress, and so the risk to the whistleblower is retaliation."

This is flat-out false. Unlike the quick two-step dance he performed with Anderson Cooper, Schiff simply says the committee had not spoken to the whistleblower. Now we know that's not true.

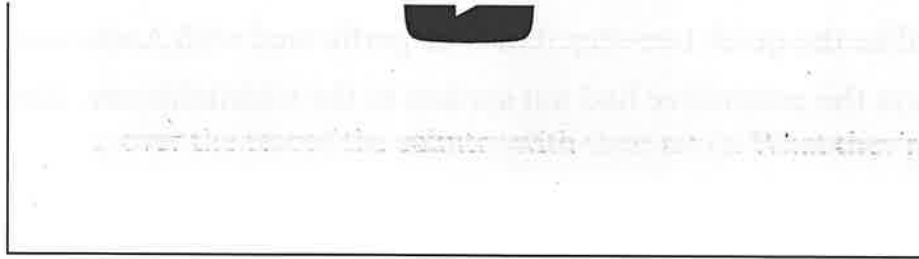
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“Regarding Chairman Schiff’s comments on ‘Morning Joe,’ in the context, he intended to answer the question of whether the Committee had heard testimony from the whistleblower, which they had not,” a committee spokesman told The Fact Checker. “As he said in his answer, the whistleblower was then awaiting instructions from the Acting DNI as to how the whistleblower could contact the Committee. Nonetheless he acknowledges that his statement should have been more carefully phrased to make that distinction clear.”

The spokesman pointed to an interview with Schiff by the Daily Beast, in which he said that he “did not know definitively at the time if the complaint had been authored by the same whistleblower who had approached his staff.” But he added that he “should have been much more clear.”

WATCH: Rep. Adam Schiff addresses reported w...





Sept. 19, meeting with reporters at the Capitol

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Schiff: “In the absence of the actions, and I want to thank the inspector general, in the absence of his actions in coming to our committee, we might not have even known there was a whistleblower complaint alleging an urgent concern.”

Here’s some more dissembling. Schiff says that if not for the IG, the committee might never have known about the complaint. But his committee knew that something explosive was going to be filed with the IG. As the New York Times put it, the initial inquiry received by the committee “also explains how Mr. Schiff knew to press for the complaint when the Trump administration initially blocked lawmakers from seeing it.”

Schiff, however, does qualify that this was a complaint alleging “an urgent concern,” and it’s not clear whether the initial inquiry had tipped off the committee staff that it would rise to that level. Still, Schiff’s phrasing was misleading because he gives no hint that the committee was aware a potentially significant (“privileged”) complaint might have been filed.

“As Chairman Schiff has made clear, he does not know the identity of the whistleblower, has had no communication with them or their attorney, and did not view the whistleblower’s complaint until the day prior to the hearing with the DNI when the ODNI finally provided it to the Committee,” the spokesman said.

“Whistleblowers frequently come to the committee. Some whistleblowers approach the IG without notice to the Committee, and some who do go to the IG do not necessarily file a complaint. However, this was the first whistleblower complaint provided to the Committee this year that the IC IG determined to be of ‘urgent concern’ and ‘credible,’ and Chairman Schiff would have raised the alarm regardless when it was illegally withheld.”

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The spokesman added: “The focus should not be on the whistleblower, but rather the complaint which the IC IG determined was credible and urgent and which has been thus far confirmed by the call record released by the White House and statements by the President and his personal attorney.”

The Pinocchio Test

There are right ways and wrong ways to answer reporters’ questions if a politician wants to maintain his or her credibility. There’s nothing wrong with dodging a question, as long as you don’t try to mislead (as Pompeo did).

But Schiff on “Morning Joe” clearly made a statement that was false. He now says he was answering the wrong question, but if that was the case, he should have quickly corrected the record. He compounded his falsehood by telling reporters a few days later that if not for the IG’s office, the committee would not have known about the complaint. That again suggested there had been no prior communication.

The explanation that Schiff was not sure it was the same whistleblower especially strains credulity.

Schiff earns Four Pinocchios.

Four Pinocchios

(About our rating scale)

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