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White House Knew of Whistle-Blower's Allegations Soon After Trump's Call With Ukraine Leader

The whistle-blower, a C.I.A. officer detailed to the White House at one point, first expressed his concerns anonymously to the agency's top lawyer.

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WASHINGTON — The White House learned that a C.I.A. officer had lodged allegations against President Trump's dealings with Ukraine even as the officer's whistle-blower complaint was moving through a process meant to protect him against reprisals, people familiar with the matter said on Thursday.

The officer first shared information about potential abuse of power and a White House cover-up with the C.I.A.'s top lawyer through an anonymous process, some of the people said. The lawyer shared the officer's concerns with White House and Justice Department officials, following policy. Around the same time, the officer separately filed the whistle-blower complaint.

The revelations provide new insight about how the officer's allegations moved through the bureaucracy of government. The Trump administration's handling of the accusations is certain to be scrutinized, particularly by lawmakers weighing the impeachment of the president.

Lawyers for the whistle-blower refused to confirm that he worked for the C.I.A. and said that publishing information about him was dangerous.

"Any decision to report any perceived identifying information of the whistle-blower is deeply concerning and reckless, as it can place the individual in harm's way," said Andrew Bakaj, his lead counsel. "The whistle-blower has a right to anonymity."

Neither the White House nor the National Security Council, its foreign policy arm, responded to requests for comment. The C.I.A. referred questions to the inspector general for the intelligence agencies, Michael Atkinson, who declined to comment.

A spokeswoman for the acting director of national intelligence, Joseph Maguire, said that protecting the whistle-blower was his office's highest priority. "We must protect those who demonstrate the courage to report alleged wrongdoing, whether on the battlefield or in the workplace," Mr. Maguire said at a hearing on Thursday, adding that he did not know the whistle-blower's identity.

Dean Baquet, the executive editor of The New York Times, said The Times was right to publish information about the whistle-blower. "The president and some of his supporters have attacked the credibility of the whistle-blower, who has presented information that has touched off a landmark impeachment proceeding," Mr. Baquet said. "The president himself has called the whistle-blower's account a 'political hack job.'"

Mr. Baquet added, "We decided to publish limited information about the whistle-blower — including the fact that he works for a nonpolitical agency and that his complaint is based on an intimate knowledge and understanding of the White House — because we wanted to provide information to readers that allows them to make their own judgments about whether or not he is credible. We also understand that the White House already knew he was a C.I.A. officer."

During his time at the White House, the whistle-blower became deeply unnerved about how he believed Mr. Trump was broadly seeking to pressure the Ukrainian government to conduct investigations that could benefit him politically. "Namely, he sought to pressure the Ukrainian leader to take actions to help the president's 2020 re-election bid," said the complaint, which was released on Thursday.

During a July 25 call, Mr. Trump asked President Volodymyr Zelensky of Ukraine to investigate unsubstantiated allegations of corruption against former Vice President Joseph R. Biden Jr. and his younger son and other matters that the president saw as potentially beneficial to him politically, according to a reconstructed transcript released by the White House on Wednesday.

The whistle-blower was detailed to work at the White House at one point, according to three people familiar with his identity, and has since returned to the C.I.A.

His complaint suggested he was an analyst by training and made clear he was steeped in details of American foreign policy toward Europe, demonstrating a sophisticated understanding of Ukrainian politics and at least some knowledge of the law.

The whistle-blower's expertise will most likely add to lawmakers' confidence about the merits of his complaint and tamp down allegations that he might have misunderstood what he learned about Mr. Trump. He did not listen directly to the July call, but some White House colleagues told him that they were concerned they had witnessed "the president abuse his office for personal gain," according to the complaint.

The week after the call, the officer delivered a somewhat broad accusation anonymously to the C.I.A.'s general counsel, Courtney Simmons Elwood, according to multiple people familiar with the events. The initial allegations reported only that serious questions existed about a phone call between Mr. Trump and a foreign leader.

As required by government policy, Ms. Elwood had to assess whether a "reasonable basis" for the accusation existed. During the preliminary inquiry, Ms. Elwood and a career C.I.A. lawyer learned that multiple people had raised concerns about Mr. Trump's call.

Ms. Elwood also called John A. Eisenberg, a deputy White House counsel and her counterpart at the National Security Council, according to three people familiar with the matter. He was already aware of vague concerns about the call.

Ms. Elwood, Mr. Eisenberg and their deputies spoke multiple times the following week. They decided that the accusations had a reasonable basis.

Mr. Eisenberg and Ms. Elwood both spoke on Aug. 14 to John Demers, the head of the Justice Department's national security division, according to three people familiar with the discussion. Ms. Elwood did not pass on the name of the C.I.A. officer, which she did not know because his concerns were submitted anonymously.

The next day, Mr. Demers went to the White House to read the transcript of the call and assess whether to alert other senior law enforcement officials. The deputy attorney general, Jeffrey A. Rosen, and Brian A. Benczkowski, the head of the department's criminal division, were soon looped in, according to two administration officials.

Department officials began to discuss the accusations and whether and how to follow up, and Attorney General William P. Barr learned of the allegations around that time, according to a person familiar with the matter. Although Mr. Barr was briefed, he did not oversee the discussions about how to proceed, the person said.

But as White House, C.I.A. and Justice Department officials were examining the accusations, the C.I.A. officer who had lodged them anonymously grew concerned after learning that Ms. Elwood had contacted the White House, according to two people familiar with the matter. While it is not clear how the officer became aware that Ms. Elwood had shared the information, he concluded that the C.I.A. was not taking his allegations seriously.

That played a factor in his decision to become a whistle-blower, they said. And about two weeks after first submitting his anonymous accusations, he decided to file a whistle-blower complaint to Mr. Atkinson, a step that offers special legal protections, unlike going to a general counsel.

Ms. Elwood and Mr. Eisenberg learned only later about the complaint, filed on Aug. 12, and did not know it was sent by the same officer who had sent the information anonymously to her.

At the end of August, the office of the director of national intelligence referred the allegations to the Justice Department as a possible criminal matter. Law enforcement officials ultimately declined to open an investigation.

The revelation that the White House knew that a C.I.A. officer was expressing concerns before he filed a whistle-blower complaint demonstrates a weakness in a law meant to protect him from reprisals and shows that he was at risk of retaliation.

“I always advise whistle-blowers against going to general counsels because the general counsels have to report the matter,” said Dan Meyer, the former executive director of the intelligence community whistle-blowing program and managing partner at the law firm Tully Rinckey’s Washington office. “They are like tuna in a shark tank.”

Mr. Maguire defended the government’s handling of the complaint, noting the whistle-blower’s accusations had been delivered to Congress and the reconstructed transcript of Mr. Trump’s call had been released. “Everything here in this matter is totally unprecedented,” he said at the hearing.

Speaking to State Department employees at a closed-door meeting, Mr. Trump said the whistle-blower was “almost a spy,” according to a person briefed on what took place, and said he wanted to identify his sources, suggesting that punishment awaited them.

The whistle-blower has identified at least a half-dozen government officials — including several who work for the White House — who he believes can substantiate his claims. The inspector general has interviewed some of the people and found the whistle-blower’s claims credible.

Agents, officers and analysts from the military, intelligence and law enforcement communities routinely work at the White House. Often, they work on the National Security Council or help manage secure communications, like calls between the president and foreign leaders.

The C.I.A. officer did not work on the communications team that handles calls with foreign leaders, according to the people familiar with his identity. He learned about Mr. Trump’s conduct “in the course of official interagency business,” according to the complaint, which was dotted with footnotes about machinations in Kiev and reinforced with public comments by senior Ukrainian officials.

Officials regularly shared information to “inform policymaking and analysis,” the complaint said. It raises the prospect that the whistle-blower was not detailed to the White House either during the events in question or when he learned about them.

After the call, multiple officials told the whistle-blower that future talks between Mr. Trump and Mr. Zelensky would depend on whether the Ukrainians would “play ball” on the investigations.