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Witness testimony and records raise questions about account of Trump's 'no quid pro quo' call

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President Trump was cranky when they spoke on the phone in September, Ambassador Gordon Sondland told members of Congress, but his words were clear: Trump wanted no quid pro quo with Ukraine.

“This is Ambassador Sondland speaking to me,” Trump said outside the White House last week, looking down to read notes he’d taken of Sondland’s testimony. “Here’s my response that he just gave: ‘I want nothing. . . . I want nothing. I want no quid pro quo.’”

Sondland’s recollection of a phone conversation that he said took place on Sept. 9 has emerged as a centerpiece of Trump’s defense as House Democrats argue in an impeachment inquiry that he abused his office to pressure Ukraine to investigate Democrats.

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However, no other witness testimony or documents have emerged that corroborate Sondland's description of a call that day.

Trump himself, in describing the conversation, has referred only to the ambassador's account of the call, which — based on Sondland's activities — would have occurred before dawn in Washington. And the White House has not located a record in its switchboard logs of a call between Trump and Sondland on Sept. 9, according to an administration official who, like others in this report, spoke on the condition of anonymity because of the sensitivity of the matter.

But there is evidence of another call between Trump and Sondland that occurred a few days earlier — one with a very different thrust, in which the president made clear that he wanted his Ukrainian counterpart to personally announce investigations into Trump's political opponents.

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The conflicting information raises serious questions about the accuracy of Sondland's account, one that Trump has embraced to counter a growing body of evidence that he and his allies pressured Ukraine for his own political benefit.

The president's argument that the call proves he was not seeking favors from Ukraine is undercut by the timing: At the end of August, White House lawyers had briefed Trump on the existence of a whistleblower complaint describing the administration's pressure campaign on Ukraine and the possibility that Trump abused his power, according to a person familiar with the situation. By early September, the president had also begun to confront public questions about why U.S. aid to Ukraine was stalled.

So if Trump did tell Sondland flatly that he wanted "no quid pro quo," he did so knowing there was growing scrutiny of his posture toward Ukraine.

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The way witnesses describe a call between the two men in early September is not as favorable for Trump as Sondland's version of a Sept. 9 call with the president. According to their testimony, Trump said he was not seeking a "quid pro quo," but he also relayed a specific demand to the ambassador: that Ukrainian President Volodymyr Zelensky personally and publicly announce the investigations Trump was seeking.

After Sondland described that conversation to him on Sept. 7, then-National Security Council official Tim Morrison had a sinking feeling, he told acting U.S. Ambassador to Ukraine William B. Taylor Jr., as both men later testified.

Morrison told lawmakers he "did not think it was a good idea for the Ukrainian president to . . . involve himself in our politics," according to a transcript of his closed-door deposition. He was so concerned about Sondland's description of his conversation with the president that he said he reported it to White House lawyers, Morrison said.

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Sondland did not initially disclose that earlier conversation with Trump when he first gave a closed-door deposition to the House. After Morrison and Taylor described it in their testimony, he said later that he would not challenge their recollections.

Through his attorney, Robert Luskin, Sondland declined to comment on the discrepancies in the descriptions of the call.

“He is aware of your story and will not comment beyond his descriptions of these matters in his deposition and public testimony,” Luskin wrote in an email.

“To the extent that the recollections of various witnesses differ in some respects, we leave to the committee the task of reconciling those differences,” he added.

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A spokesman for the House Intelligence Committee declined to comment. A White House spokesman declined to comment.

The contradictory descriptions of a Sondland-Trump phone call in September inject uncertainty to the account that the ambassador to the European Union confidently presented in his five hours of often eye-popping testimony before lawmakers last week.

“There is a big question mark there,” said Julian Epstein, the former chief counsel for Democrats on the House Judiciary Committee during the Clinton impeachment. “It’s possible Sondland is misremembering.”

The confusion muddies the testimony of a key witness who has been cited repeatedly by both sides as they press opposing arguments about the president’s actions.

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Sondland provided Democrats with potent ammunition by changing his initial testimony to declare unequivocally that there was a quid pro quo: the announcement of the investigations in exchange for a White House visit for Zelensky. But he also boosted Trump by repeatedly describing the Sept. 9 phone conversation in which he said the president denied such an arrangement.

'What do you want from Ukraine?'

By the time Trump spoke to Sondland in early September, the president already knew that there were mounting questions about the administration’s posture toward Ukraine.

In late August, the president learned from White House lawyers about the whistleblower complaint and an internal debate about whether it had to be turned over to Congress, as the New York Times first reported. On Sept. 5, The Washington Post editorial page reported that Trump “is attempting to force Mr. Zelensky to intervene in the 2020 U.S. presidential election by launching an investigation of the leading Democratic candidate, Joe Biden.”

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Sondland testified that in the days and weeks leading up to the call, he had been trying to figure out why the White House had frozen nearly \$400 million in funding Congress had approved for Ukraine.

Sondland said he had begun to suspect that the White House had conditioned the release of the money to a statement he knew Trump wanted: Ukraine announcing it would investigate whether elements within the country had interfered in the 2016 U.S. presidential election, as well as looking into Burisma, a Ukrainian energy company, where Biden's son Hunter had held a board position.

On Sept. 1, during a meeting in Warsaw, Sondland said that while he was still only presuming why the funding was held back, he warned a top Zelensky aide that the money would probably not come unless Ukraine announced the investigations.

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On Sept. 9, Sondland said, he was confronted with the funding question head-on in a WhatsApp message from Taylor, who wrote that it would be “crazy to withhold security assistance for help with a political campaign.”

Sondland said in his public testimony last week that the message led him to call the White House and finally seek a response straight from Trump.

“I just said: ‘What do you want from Ukraine?’ I may have even used a four-letter word. And he said, ‘I want nothing, I want no quid pro quo.’ ”

Sondland testified that after concluding the call with Trump, which he described as brief, he replied to Taylor. “I believe you are incorrect about President Trump’s intentions,” he wrote, according to the message released by the committee. “The President has been crystal clear no quid pro quo’s of any kind.”

The message — five hours after Taylor originally wrote to him — made no reference to a conversation with Trump, an omission Sondland later blamed on his “inartful” writing.

An evolving account

But Sondland's account of the call — and its meaning — has changed over time as he has described it publicly.

When the ambassador first appeared before lawmakers on Oct. 17 for a closed-door deposition, he described the Sept. 9 conversation and Trump's unequivocal denial in his prepared remarks.

“The president repeated, ‘no quid pro.’ ‘No quid pro quo’ multiple times,” Sondland said, according to a transcript.

He elaborated under questioning, saying Trump had concluded the call by saying he wanted Zelensky to “do the right thing” and “do what he ran on.”

Rep. Tom Malinowski (D-N.J.) noted that the president's comments suggested that “he did actually want something.”

“What did you understand he meant by, ‘I want Zelensky to do what he ran on?’ ” Malinowski asked Sondland.

The ambassador said he didn't have a chance to follow up with the president.

“He was in a very bad mood and it was a very short call,” he said. “I don't want to characterize him as hanging up on me, but it was close to that.”

In the more than seven hours of questioning, Sondland did not make any reference to speaking to Trump a few days earlier.

After Morrison and Taylor did so in subsequent depositions, Sondland submitted a supplemental declaration earlier this month. In it, he acknowledged for the first time the Warsaw meeting, where he told the Ukrainians he believed U.S. security assistance was contingent on the investigations Trump was seeking.

Sondland also addressed the discrepancy over the September calls, writing that he could not “specifically recall if I had one or two phone calls with President Trump in the September 6-9 time frame.”

When he testified publicly last week, Sondland notably omitted his description of the Sept. 9 call from his opening statement.

Under questioning from Republicans, he said he left it out to save time — an explanation that did not satisfy the GOP members.

“This is an exculpatory fact shedding some light on the president’s state of mind about the situation. . . . So I’m just wondering why you didn’t mention it in your opener,” said Steve Castor, a lawyer for Republicans on the Intelligence Committee.

“There were so many things I wanted to include in my opening and my opening was already I think 45 minutes or something. It would have been an hour and a half,” Sondland said.

“Couldn’t fit it in a 23-page opener?” Rep. Jim Jordan (R-Ohio) asked Sondland later. “The most important statement . . . the president of the United States in a direct conversation with you about the issue at hand?”

Sondland also expressed less confidence in his memory that a call took place on Sept. 9.

“I believe it was on the 9th of September. I can’t find the records and they won’t provide them to me,” he told House Intelligence Committee Chairman Adam B. Schiff (D-Calif.).

“I still cannot find a record of that call because the State Department or the White House cannot locate it. But I’m pretty sure I had the call on that day,” he told Castor.

An early-morning time frame

Lawmakers did not further probe the timeline of the Sept. 9 call in the hearing.

But an examination of the circumstances in which Sondland said it occurred raises questions about his narrative.

According to records released by the Intelligence Committee, Taylor's message was sent at 12:47 a.m. on Sept. 9, and Sondland replied at 5:19 a.m.

The time stamps are calibrated to the phone of Kurt Volker, Trump's former special envoy to Ukraine, who shared the messages with House investigators after stepping down from his post in September.

That day, Volker was in Tbilisi, Georgia, according to pictures and a news release from the McCain Institute, where he served as executive director. But impeachment investigators believe the messages were logged in Eastern time, according to people familiar with the inquiry.

If the call happened as Sondland has said, in between the two messages, then he phoned the president an hour before Trump sent his first tweet of the day — a 6:21 a.m. message in which the president commented on an early segment on a Fox News clip.

It also would have been more than two hours before a colleague in Brussels said Sondland was comfortable calling Trump, beginning around 7:30 a.m. Eastern.

The lack of any White House record of the unusually early-morning call does not conclusively rule out that the two may have talked on that day, a White House official said.

The White House has logs of calls received at the White House switchboard, those routed through the Situation Room, and some placed through other secure channels, officials said.

But when Trump speaks on his cellphone, this person said, calls are not always logged, particularly when they are received in the residence — where Trump usually stays until 10:30 a.m.

Trump has also rotated cellphones over time, and he has occasionally asked others to call people and put them on speaker phone for him.

But another White House official said it was understood that Sondland, who was confirmed as ambassador 16 months ago, did not have Trump's personal cell number. The official said call records show Sondland had a practice of calling the White House switchboard if he wanted to be patched through to the president, as he did in a phone call on July 26 from a Kyiv restaurant that has emerged in the impeachment inquiry.

White House logs of his phone calls were provided to Sondland and his attorney before his public appearance under oath last week, Sondland said during his testimony, adding that he had been given no record of a call on Sept. 9.

An ask for investigations

If the call with the president that Sondland has described is in fact the one that occurred days earlier, the thrust of the conversation was very different, according to other witnesses who heard about it at the time.

While Sondland said the Sept. 9 call ended with Trump saying Zelensky should “do the right thing,” in the earlier call Trump explicitly said he wanted specific investigations, Morrison and Taylor testified.

On Sept. 7, Morrison, who was serving as the top Russia and Europe adviser on the National Security Council, said Sondland told him about a call he had just had with the president.

“Gordon related that both — the President said there was not a quid pro quo, but he further stated that President Zelensky should want to go to the microphone and announce personally . . . that he would open the investigations,” Morrison testified in an Oct. 31 closed-door deposition.

Morrison said he was dismayed and feared that they were running out of time to get Trump to change his mind about U.S. aid before the end of the fiscal year.

Later that day, he described the conversation to Taylor, the acting ambassador to Ukraine.

“According to Mr. Morrison, President Trump told Ambassador Sondland that he was not asking for a ‘quid pro quo,’ ” Taylor said in public testimony. “But President Trump did insist that President Zelensky go to a microphone and say he is opening investigations of Biden and 2016 election interference, and that President Zelensky should want to do this himself.”

Taylor said that he spoke himself to Sondland the following day, on Sept. 8, and that Sondland told him that Trump was “adamant” that Zelensky had to “clear things up and do it in public.”

Taylor testified that Sondland used the word “stalemate” to describe what would happen if Zelensky refused to announce the investigations himself — and indicated funding was part of the deal.

“The meaning of stalemate was the security systems would not come,” Taylor testified, referring to the military aid.

Last week, when Sondland testified publicly, Schiff pressed him on the descriptions of the Sept. 7 call:

“Mr. Morrison and Ambassador Taylor have also related a conversation you had with the president . . . in which the president relayed to you that there was no quid pro quo but, nevertheless, unless Zelensky went to the mic and announced these investigations, there would be a stalemate over the aid. Is that correct?”

“That’s correct,” Sondland answered.

Trump himself has not offered any firsthand recollection of a conversation with Sondland, referring back only to the ambassador’s description.

“The one thing I’ve seen that Sondland said was that he did speak to me for a brief moment, and I said, ‘No quid pro quo under any circumstances.’ And that’s true,” Trump told reporters earlier this month.

Last week, after Sondland’s public testimony, Trump spoke to reporters while holding a pad of paper with fragments of Sondland’s testimony scribbled down in black marker: “I WANT NOTHING” and “TELL ZELLINKSY [sic] TO DO THE RIGHT THING.”

“I would say that means it’s all over,” Trump said, referring to Sondland’s account of the Sept. 9 call. He read from his notes: “What do you want from Ukraine?’ [Sondland] asks me . . . I want no quid pro quo. ‘Tell Zelensky’ — President Zelensky — ‘to do the right thing.’”

Rosalind S. Helderman and Carol D. Leonnig 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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