

Trump Knew of Whistle-Blower Complaint When He Released Aid to Ukraine

White House lawyers briefed President Trump in late August about the complaint, people familiar with the matter said.

By Michael S. Schmidt, Julian E. Barnes and Maggie Haberman

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WASHINGTON — President Trump had already been briefed on a whistle-blower’s complaint about his dealings with Ukraine when he unfroze military aid for the country in September, according to two people familiar with the matter.

Lawyers from the White House counsel’s office told Mr. Trump in late August about the complaint, explaining that they were trying to determine whether they were legally required to give it to Congress, the people said.

The revelation could shed light on Mr. Trump’s thinking at two critical points under scrutiny by impeachment investigators: his decision in early September to release \$391 million in security assistance to Ukraine and his denial to a key ambassador around the same time that there was a “quid pro quo” with Kyiv. Mr. Trump used the phrase before it had entered the public lexicon in the Ukraine affair.

Mr. Trump faced bipartisan pressure from Congress when he released the aid. But the new timing detail shows that he was also aware at the time that the whistle-blower had accused him of wrongdoing in withholding the aid and in his broader campaign to pressure Ukraine’s new president, Volodymyr Zelensky, to conduct investigations that could benefit Mr. Trump’s re-election chances.

The complaint from the whistle-blower, a C.I.A. officer who submitted it to the inspector general for the intelligence community in mid-August, put at the center of that pressure campaign a July 25 phone call between the presidents, which came at a time when Mr. Trump had already frozen the aid to the Ukrainian government. Mr. Trump asked that Mr. Zelensky “do us a favor,” then brought up the investigations he sought, alarming White House aides who conveyed their concerns to the whistle-blower.

The White House declined to comment.

The whistle-blower complaint, which would typically be submitted to lawmakers who have oversight of the intelligence agencies, first came to light as the subject of an administration tug of war. In late August, the inspector general for the intelligence community, Michael Atkinson, concluded that the administration needed to send it to Congress.

But the White House counsel, Pat A. Cipollone, and his deputy John A. Eisenberg disagreed. They decided that the administration could withhold from Congress the whistle-blower’s accusations because they were protected by executive privilege. The lawyers told Mr. Trump they planned to ask the Justice Department’s Office of Legal Counsel to determine whether they had to disclose the complaint to lawmakers.

A week later, the Office of Legal Counsel concluded that the administration did not have to hand over the complaint.

It is unclear how much detail the lawyers provided Mr. Trump about the complaint. The New York Times reported in September that White House advisers — namely, Mr. Cipollone and Mr. Eisenberg — knew about the whistle-blower complaint in August. But the specifics of when and how Mr. Trump learned of it have not previously been reported.

The whistle-blower, whose identity has not been made public, accused Mr. Trump of abusing his power by inviting a foreign power to interfere on his behalf in the 2020 election. He described the pressure campaign to get Mr. Zelensky to publicly commit to investigations of Democrats that could potentially benefit Mr. Trump and suggested that a temporary hold that the administration had placed on assistance to Ukraine, which is fighting a war against Russian proxy forces, might be related to the effort.

New details also emerged on Tuesday about that decision to freeze the security assistance to Ukraine. An official from the White House budget office, Mark Sandy, testified that on July 12, he received an email from the office of the acting White House chief of staff, Mick Mulvaney, notifying him that Mr. Trump had directed that administration officials freeze Ukraine's military aid.

Mr. Trump had enthusiastically sought the investigations for much of the summer. But in early September, he told one of his top diplomats — Gordon D. Sondland, the United States ambassador to the European Union, who helped carry out the shadow policy toward Ukraine — that he was not seeking “a quid pro quo” with the Ukrainian government by withholding the aid.

Mr. Sondland said that when he called Mr. Trump to inquire about why the aid had been withheld, an irritated Mr. Trump insisted he was not seeking anything from the Ukrainians. But the president said that he wanted Mr. Zelensky “to do the right thing,” Mr. Sondland testified to Congress last week, suggesting that he was still seeking the investigations into Democrats that could help his political fortunes.

There are discrepancies about whether Mr. Sondland spoke to the president on Sept. 7 or 9. The administration lifted the freeze on aid to Ukraine on Sept. 11, as lawmakers' demands grew. Two days earlier, three Democratic-led House committees had opened an investigation into Mr. Trump's dealings with Ukraine.

Only days after the president learned of the whistle-blower complaint, he spoke with Senator Ron Johnson, Republican of Wisconsin, about the aid holdup. Mr. Johnson sought permission to tell Mr. Zelensky at an upcoming meeting in Ukraine that Mr. Trump had decided to release the security assistance, according to Mr. Johnson.

Mr. Trump replied that he was not ready, Mr. Johnson said. He said he asked later on the call whether the aid was linked to some action that the president wanted the Ukrainians to take.

“Without hesitation, President Trump immediately denied such an arrangement existed,” Mr. Johnson wrote in a letter this month to House Republicans.

Mr. Trump erupted in anger and began cursing, he wrote.

“No way,” Mr. Trump said, according to Mr. Johnson. “I would never do that. Who told you that?”

The White House has kept a tight hold on details about the actions of Mr. Trump and his senior aides in the Ukraine affair.

The president has refused to let top advisers testify in the impeachment inquiry, leaving a void that Republicans have exploited. They argue that the evidence that Democrats have gathered is insufficient because it contains few firsthand accounts linking the president to wrongdoing.

But Democrats have not only the transcript of Mr. Trump's July 25 call but also the testimony of Mr. Sondland, who said Mr. Trump directed him and other top administration officials to maintain pressure on Ukraine.

Both Mr. Cipollone and Mr. Eisenberg, who briefed Mr. Trump in late August about the whistle-blower complaint, had been following up on other complaints by administration officials about the Ukraine matter since early July.

Mr. Cipollone had suggested to Mr. Eisenberg in July that he tell Mr. Trump that White House staff members had raised concerns about a shadow Ukraine policy. Mr. Eisenberg, who does not typically brief Mr. Trump, never followed up on the suggestion.

Michael S. Schmidt and Julian E. Barnes reported from Washington, and Maggie Haberman from New York. Katie Benner contributed reporting from Washington.

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- **What is impeachment?**

Impeachment is charging a holder of public office with misconduct.

- **Why is the impeachment process happening now?**

A whistle-blower complaint filed in August said that White House officials believed they had witnessed Mr. Trump abuse his power for political gain.

- **Can you explain what President Trump is accused of doing?**

President Trump is accused of breaking the law by pressuring the president of Ukraine to look into former Vice President Joseph R. Biden Jr., a potential Democratic opponent in the 2020 election.

- **What did the President say to the president of Ukraine?**

Here is a reconstructed transcript of Mr. Trump's call to President Volodymyr Zelensky of Ukraine, released by The White House.

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