

Congress of the United States
Washington, DC 20515

September 24, 2019

Mr. Pat Cipollone
Counsel to the President
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

Dear Mr. Cipollone:

On September 9, 2019, the Committees on Foreign Affairs, Intelligence, and Oversight and Reform wrote to you requesting documents relating to reports that President Trump and his personal lawyer, Rudy Giuliani, pressed the Ukrainian government to interfere with the upcoming U.S. Presidential election by pursuing investigations that could benefit President Trump politically. Our request was predicated on a growing public record of the President and his personal lawyer's participation in such a scheme, which prompted our Committees to initiate a joint investigation in June.

We asked that the White House produce these documents by September 16, 2019.¹ To date, the White House has failed to acknowledge our request or comply in any way with the Committees' request for documents.

According to press reports, which multiple outlets have confirmed,² documents requested by the Committees—particularly the transcript of the President's July 25, 2019, phone call with newly-elected Ukrainian President Volodymyr Zelensky—may be part of or related to a lawful whistleblower disclosure that Acting Director of National Intelligence Joseph Maguire continues to improperly withhold from the House Permanent Select Committee on Intelligence, in violation of his express statutory obligation.³

Over the past few days, there has been a dramatic shift in the President's public statements about his call with President Zelensky, as well as troubling attacks by the President on the whistleblower.⁴ The President initially appeared to deny press reports that he urged President Zelensky to investigate the son of 2020 presidential candidate Joe Biden.⁵ By Sunday, September 22, the President explicitly admitted that he raised during his call with President Zelensky the widely debunked conspiracy theory attempting to link Vice President Biden to corruption in Ukraine. He stated:

The conversation I had was largely congratulatory, with largely corruption, all of the corruption taking place and **largely the fact that we don't want our people like Vice President Biden and his son creating to the corruption already in the Ukraine** and Ukraine, Ukraine's got a lot of problems. The new president is saying that he's going to

be able to rid the country of corruption, and I said that would be a great thing. We had a great conversation...It was a perfect conversation.⁶

The President's admission followed that of his personal attorney, Mr. Giuliani, who acknowledged during an interview on national television last week that "of course" he had asked Ukraine to investigate President Trump's political opponent.⁷

Our Committees have a constitutional duty to serve as an independent check on the Executive Branch and to determine the facts regarding the actions of the President.

Any attempt by a President to use the office of the presidency of the United States for personal political gain—rather than the national interest—fundamentally undermines our sovereignty, democracy, and the Constitution.

If the recent reports are accurate, it means the President raised with a foreign leader pursuing investigations related to a political opponent in an upcoming U.S. election. That is the very definition of corrupt abuse of power. The corruption exists whether or not the President mentioned or threatened—explicitly or implicitly—that a lack of cooperation could result in the President withholding U.S. security assistance or other forms of assistance.⁸

This President's alleged misconduct is all the more egregious in context. Ukraine depends on U.S. economic, military, and diplomatic support and continues to face a military threat from Russia. It is, therefore, particularly vulnerable to pressure from a U.S. President.

Exploiting that vulnerability to advance the President's personal political interests—whether or not the President ever expressly tied his request to a *quid pro quo*—subverts the constitutional duties he is sworn to uphold and presents an acute crisis for our democracy. Misuse of the office of the presidency for such a corrupt purpose would thus represent a clear breach of the trust placed in the President to faithfully execute the laws of the United States and to preserve, protect, and defend the Constitution.

The President's alleged wrongdoing is compounded by his Administration's attempt to block a credible whistleblower who lawfully sought to provide Congress with urgent information about serious or flagrant abuse, which public reports indicate relates to the President himself.

The Department of Justice, your office, and you personally have reportedly played a direct role in devising a purported legal basis for the Acting DNI to circumvent both the statute and Congress' clear intent that all whistleblower disclosures intended for Congress reach the relevant committees unfiltered.⁹ If true, your office's involvement raises the specter of a significant cover-up, in which the White House has improperly intervened to withhold such information from Congress in contravention of the clear command and purpose of the whistleblower statute. That the White House, through you and your office, appears to have received information about or even potentially possesses a whistleblower disclosure involving the President vitiates the purpose of the statutory framework that was established to ensure protected disclosures to Congress are insulated from political interference.

In light of the President's persistent attacks on the whistleblower,¹⁰ and consistent with the White House's preservation obligations as set forth in our September 9 letter, the White House must also assure the Committees that it is taking all steps to ensure that no officials with knowledge relevant to the Committees' investigation, including knowledge of the subject of the whistleblower complaint, are subject to intimidation, reprisal, or threat of reprisal. Any attempt to intimidate or retaliate against these officials is illegal, and the Committees will treat any such allegation with the utmost gravity.

For all these reasons, we now request that you produce—by Thursday, September 26—all of the documents we requested in our letter of September 9. In light of these grave allegations, the President must immediately abandon his stonewalling of Congress and his refusal to submit to any scrutiny or examination of his actions. Failure to comply with our request will compel our Committees to resort to escalated measures.

Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam Schiff
Chairman
House Permanent Select Committee
On Intelligence



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat Cipollone, White House Counsel (Sept. 9, 2019).

² "Trump Repeatedly Pressed Ukraine President to Investigate Biden's Son," Wall Street Journal (Sept. 20, 2019) (online at www.wsj.com/articles/trump-defends-conversation-with-ukraine-leader-11568993176); "Whistleblower Complaint About President Trump Involves Ukraine, According to Two People Familiar with the Matter," Washington Post (Sept. 19, 2019) (online at www.washingtonpost.com/national-security/whistleblower-complaint-about-president-trump-involves-ukraine-according-to-two-people-familiar-with-the-matter/2019/09/19/07e33f0a-daf6-11e9-bfb1-849887369476_story.html).

³ 50 U.S.C. §3033(k)(5)(C) requires that "[u]pon receipt of a transmittal from the Inspector General...the Director *shall*, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate" (emphasis added).

⁴ “Trump Repeatedly Pressed Ukraine President to Investigate Biden’s Son,” Wall Street Journal (Sept. 20, 2019) (online at www.wsj.com/articles/trump-defends-conversation-with-ukraine-leader-11568993176).

⁵ Twitter, @realDonaldTrump (Sept. 19, 2019, 10:47 a.m.) (“[I]s anybody dumb enough to believe that I would say something inappropriate with a foreign leader...I would only do what is right anyway.”) (online at <https://twitter.com/realDonaldTrump/status/1174696521310363649>). On Friday, speaking to reporters from the Oval Office, President Trump was asked about reports that he personally urged Ukrainian President Zelensky to investigate 2020 presidential candidate Joe Biden’s son, including during a telephone call between the two leaders on July 25. The President stated, “It doesn’t matter what I discussed,” and defended his actions: “It was a totally appropriate conversation. It was actually a beautiful conversation.” In the same press event, the President repeatedly attacked the whistleblower, stating that the whistleblower’s complaint is a “political hack job” made by a “partisan person.” He added: “I don’t know the identity of the whistleblower. I just hear it’s a partisan person, meaning it comes out from another party.” On Saturday, the President again defended his actions, writing that he had a “perfectly fine and routine conversation” with the President of Ukraine and that “Nothing was said that was in any way wrong.” See e.g., “Trump Repeatedly Pressed Ukraine President to Investigate Biden’s Son,” Wall Street Journal (Sept. 20, 2019) (online at www.wsj.com/articles/trump-defends-conversation-with-ukraine-leader-11568993176); “Trump Responds to Ukraine Whistleblower Scandal with Contradictions and Transparent Falsehoods,” Vox (Sept. 20, 2019) (online at www.vox.com/policy-and-politics/2019/9/20/20875988/trump-responds-to-ukraine-whistleblower-scandal-with-contradictions-and-transparent-falsehoods); *Trump on Anonymous Whistleblower: It’s Another Political Hack Job*, CNN (Sept. 20, 2019) (online at www.cnn.com/videos/politics/2019/09/20/whistleblower-response-partisan-trump-sot-ath-vpx.cnn).

⁶ “Trump Admits to Discussing Biden in Scrutinized Talk with Ukrainian Leader,” NBC News (Sept. 22, 2019) (online at www.nbcnews.com/politics/donald-trump/trump-claims-no-quid-pro-quo-when-he-discussed-biden-n1057376). (Emphasis added)

⁷ *Cuomo Prime Time*, CNN (Sept. 19, 2019) (online at www.youtube.com/watch?v=q6EHQKL2wdo); “Rudy Giuliani’s Remarkable Ukraine Interview, Annotated,” Washington Post (Sept. 20, 2019) (online at www.washingtonpost.com/politics/2019/09/20/rudy-giulianis-remarkable-ukraine-interview-annotated/).

⁸ Even though a direct or indirect nexus is not necessary, the President has suggested, as recently as yesterday, that his decision to withhold security assistance to Ukraine was related to his interest in advancing debunked corruption allegations related to his political rival. Speaking to reporters in New York, the President stated: “It’s very important to talk about corruption. If you don’t talk about corruption, why would you give money to a country that you think is corrupt?” He added: “What Biden did is a disgrace. What his son did is a disgrace.” See e.g., “Trump Suggests Link Between Ukraine Aid Review and Pressure Campaign,” Wall Street Journal (Sept. 23, 2019) (online at www.wsj.com/articles/president-trump-repeats-criticism-of-biden-in-impromptu-u-n-appearance-11569254230); “Trump Defiant Over Allegations He Targeted A Rival via Ukraine,” New York Times (Sept. 23, 2019) (online at www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html).

⁹ “Trump Pressed Ukrainian leader to Investigate Biden’s Son, According to People Familiar with the Matter,” Washington Post (Sept. 20, 2019) (“White House counsel Pat Cipollone has been engaged in the matter since shortly after the whistleblower action surfaced, officials said, helping to identify legal obstacles to the sharing of information that could be politically damaging to Trump. Cipollone’s involvement reveals a more direct White House role in the dispute than has previously been reported.”) (online at www.washingtonpost.com/national-security/trump-pressed-ukrainian-leader-to-investigate-bidens-son-according-to-people-familiar-with-the-matter/2019/09/20/7fa39b20-dbd1-11e9-bfb1-849887369476_story.html).

¹⁰ On September 20, 2019, the President attacked the whistleblower directly, saying that he “just hear[s] that it’s a partisan person, meaning that it comes out from another party,” while asserting that the complaint is a “political hack job.” The President added: “It’s a partisan whistleblower. Shouldn’t even have information;” “*The Latest on the Trump Whistleblower Mystery*,” CNN (Sept. 20, 2019) (online at www.cnn.com/politics/live-news/trump-whistleblower-09-20-2019/index.html). On September 23, the President stated on Twitter: “Also, who is this so-called “whistleblower” who doesn’t know the correct facts. Is he on our Country’s side. Where does he come from.” Twitter, @realDonaldTrump (Sept. 23, 2019, 11:29 AM) (online at <https://twitter.com/realDonaldTrump/status/1176156564274712576>).