

Factcheck: Adam Schiff wrong on whistleblower contact

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Rep. Adam Schiff, chair of the House intelligence committee, wrongly implied that his committee had no contact with the whistleblower before receiving the complaint. Schiff claimed, “We have not spoken directly with the whistleblower,” when the whistleblower had in fact reached out to a committee aide before filing a complaint.

A Democratic committee official told us Schiff “could have been more clear” but was “referring to the Committee officially interviewing the whistleblower, and himself personally.” It was clearly known, however, that the committee hadn’t officially interviewed the whistleblower at that time.

Factcheck: Adam Schiff’s ‘parody’ and President Trump’s response

The New York Times broke the story on Oct. 2 that Schiff knew about “the outlines” of the whistleblower’s concerns before the Aug. 12 complaint was filed. The whistleblower had contacted an intelligence committee aide after passing along concerns to the CIA’s top lawyer and being “[c]oncerned about how that initial avenue for airing his allegations through the C.I.A. was unfolding,” the Times reported.

New York Times, Oct. 2: The House staff member, following the committee’s procedures, suggested the [whistleblower] find a lawyer to advise him and meet with an inspector general, with

whom he could file a whistle-blower complaint. The aide shared some of what the officer conveyed to Mr. Schiff. The aide did not share the whistle-blower's identity with Mr. Schiff, an official said.

In an Oct. 2 press conference, President Donald Trump speculated that “I think [Schiff] probably helped write” the complaint, but there’s no evidence of that. Patrick Boland, spokesman for Schiff and the House intelligence committee, said in a statement, “At no point did the Committee review or receive the complaint in advance.”

New revelation: Sondland said Trump 'cares more' about Biden investigation than Ukraine, Taylor says

On Sept. 9, Michael Atkinson, the inspector general of the intelligence community, sent a letter to the House intelligence committee saying he had received a whistleblower’s complaint relating to an “urgent concern,” and that he had sent “my determination of a credible urgent concern” along with a copy of the complaint to Acting Director of National Intelligence Joseph Maguire. Contrary to “past practice,” Atkinson said, Maguire hadn’t forwarded the complaint to Congress within seven days of receiving it.

Six days later, Schiff was asked about the complaint in a Sept. 17 MSNBC interview and stated, “We have not spoken directly with the whistleblower.”

MSNBC contributor Sam Stein: First off, have you heard from the whistleblower? Are you — do you want to hear from the whistleblower? What protections could you provide to the whistleblower? And then, you also said that the DNI is refusing to turn over the stuff, citing a request from a higher authority — the insinuation left, at least for me and others, was that the President himself had intervened. Is that the insinuation you sought to provide and, if so, what basis do you have for making that insinuation?

Schiff: We have not spoken directly with the whistleblower. We would like to, but I'm 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 as to how he is to communicate with Congress. And so the risk for the whistleblower is retaliation. Will the whistleblower be protected under the statute if the offices that are supposed to come to his assistance and provide the mechanism are unwilling to do so? But yes, we would love to talk directly with the whistleblower.

Stein later asked, “Do we know what the nature of the issue at hand is? ... What can you tell us about the actual substance of the matter? Are you in the dark as well?”

Schiff responded: “Well we don’t have the complaint, so there’s a limit to what I can say about the substance of it,” he said. “But we do know from the Inspector General that the subject matter relates to an intelligence activity, that it is not just a concern but an urgent concern, that it deals with a serious or flagrant abuse, and that’s really all that is necessary to provide that complaint to Congress.”

The whistleblower’s complaint charges that Trump “is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election” by, “among other things, pressuring a foreign country to investigate one of the President’s main domestic political rivals.” (For more on the complaint, see “The Whistleblower Complaint Timeline” and “Q&A on Intelligence Community Whistleblower.”)

Stein addressed Schiff’s remarks on Oct. 3, saying on MSNBC that he had spoken to Schiff, who “expressed regret for not having been more clear in his wording.” Schiff said at the time “there wasn’t 100% certainty that the whistleblower who had approached his staff was the same one who was behind the actual complaint,” Stein said.

As for the committee’s contact with the whistleblower, we don’t know if the complainant had “spoken” to any committee staffers or contacted the committee through email or letter. On Oct. 2, Boland provided us with this statement without answering our follow-up questions: “Like other whistleblowers have done before and since under Republican and Democratic-controlled Committees, the whistleblower contacted the

Committee for guidance on how to report possible wrongdoing within the jurisdiction of the Intelligence Community. This is a regular occurrence, given the Committee's unique oversight role and responsibilities. Consistent with the Committee's longstanding procedures, Committee staff appropriately advised the whistleblower to contact an Inspector General and to seek legal counsel."

Impeachment hearing: Diplomat says Trump felt 'wronged' by Ukraine and that they 'owed' him

There's support for the statement that it's "a regular occurrence" for whistleblowers to contact congressional committees. A May 2019 Government Accountability Office report said "whistleblowers who contact the Congress typically reach out to oversight committees, the offices of their own representatives or senators, or authorizing committees." In a 2016 story in *The Intercept*, a spokesman for Republican Rep. Devin Nunes, then the chair of the House intelligence committee, said the committee received whistleblower complaints in the "dozens" each year from both the intelligence community inspector general "and via individuals who approach the committee directly."

But this "regular occurrence" wasn't disclosed by Schiff when asked about it. Instead, wrongly implied the committee had not been contacted, when he said, "We have not spoken directly with the whistleblower."

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