



*From the Desk of  
Stuart Levine  
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November 7, 2019

Pat A. Cipollone  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20002

Dear Mr. Cipollone:

I am writing out of deep concern that your client, the President of the United States, is engaging in rhetoric and activity that places my client, the Intelligence Community Whistleblower, and their family in physical danger. I am writing to respectfully request that you counsel your client on the legal and ethical peril in which he is placing himself should anyone be physically harmed as a result of his, or his surrogates', behavior.

It goes without saying, although it appears that it must be said, that the Office of the President is the most powerful elected office in the nation. The occupant of the office is often referred to as the "Leader of the Free World", representing the principles and ideals of liberty and freedom. As the leader of the world's remaining global superpower, the words of the President carry great weight and have the ability to change the course of history.

To that end, President John F. Kennedy used his voice to challenge our nation to seek out new heights and "go to the moon" and strive to achieve things "not because they are easy, but because they are hard". President Ronald Reagan consoled a shocked and grieving nation following the Challenger disaster by reminding all Americans that the astronauts who perished will never be forgotten, particularly the indelible memory of the crew as they prepared for their journey, waved goodbye, and then "slipped the surly bonds of earth to touch the face of God." President Abraham Lincoln, whom President Trump reportedly aspires to emulate, consoled a torn nation in the midst of the Civil War in his eloquent Gettysburg Address where he extolled the sacrifices of those who died in defense of our nation's principles. President Lincoln said:

That these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Respectfully, your client's rhetoric and behavior fall well beneath the dignity of the office. In fact, contrary to President Lincoln's words about the government existing of the people, by the people, and for the people, your client instead appears intent on consistently attacking private citizens—the people. As of late, his fixation has been on my client for reasons that I submit are self-evident.



While engaging in foreign affairs at the United States Mission to the United Nations in New York on September 26, 2019, the President equated whistleblowers and my client—as well as my other whistleblower client—with “spies”, stating:

You know what we used to do in the old days when we were smart with spies and treason, right? We used to handle it a little differently than we do now.<sup>1</sup>

In the “old days,” spies were summarily executed.

Recently while speaking with members of the press, the President specifically discussed my client and encouraged journalists to report who they suspect the whistleblower to be, saying:

[The press] know[s] who it is. You know who it is. You just don’t want to report it . . . You know, you’d be doing the public a service if you did.<sup>2</sup>

Finally, the President quoted Pastor Robert Jeffress by writing the following on social media:

. . . If the Democrats are successful in removing the President from office (which they will never be), it will cause a Civil War[-]like fracture in this Nation from which our Country will never heal.<sup>3</sup>

These are not words of an individual with a firm grasp of the significance of the office which he occupies, nor a fundamental understanding of the significance of each word he articulates by virtue of occupying that office. The three examples I provide above, which constitute only a small fraction of his rhetoric against my client, equate lawful whistleblowing to something that may permanently fracture a nation, such as a civil war. His calls to the public to identify my client by name and his suggestion that he would support acts of violence against my client are, candidly, some of the most dangerous and reckless things a President of the United States can say.

In the best of light, such statements seek to intimidate my client—and they have. As I am sure you are aware, my firm was in the process of coordinating with the House Permanent Select Committee on Intelligence to have my client deposed by congressional investigators. However, as a direct consequence of the President’s irresponsible rhetoric and behavior, my client’s physical safety became a significant concern, prompting us to instead state our willingness to only answer written interrogatories. In light of this, it is reasonable to submit that your client’s activity constitutes a violation of 18 U.S.C. § 1512, *Tampering with a witness, victim, or an informant*. Furthermore, because my client is a lawful whistleblower and a prospective congressional witness, any threats to influence, obstruct, or impede my client’s cooperation is a violation of 18 U.S.C. § 1505, *Obstruction of proceedings*

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<sup>1</sup> Maggie Haberman and Katie Rogers, *Trump Attacks Whistle-Blower’s Sources and Alludes to Punishment for Spies*, N.Y. TIMES, Sept. 26, 2019 (<https://www.nytimes.com/2019/09/26/us/politics/trump-whistle-blower-spy.html>).

<sup>2</sup> Remarks by President Trump Before Marine One Departure, THE WHITE HOUSE, (Nov. 3, 2019) <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-74/>.

<sup>3</sup> Donald J. Trump (@realDonaldTrump), TWITTER, (Sept. 29, 2019, 8:11 PM), <https://twitter.com/realDonaldTrump/status/1178477539653771264>.



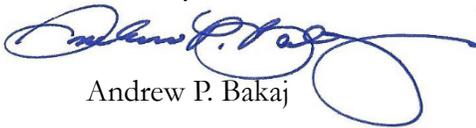
*before departments, agencies, and committees. Finally, reprisal against my client for cooperating with a congressional inquiry would be a violation of 18 U.S.C. § 1513, Retaliating against a witness, victim, or an informant.*

Let me be clear: should any harm befall any suspected named whistleblower or their family, the blame will rest squarely with your client.

I submit that it is in your client's best interest to cease and desist in calling for the public disclosure of my client's identity and to cease in rhetoric that may endanger their life and the lives of their family. Should anyone be physically harmed, my co-counsel, Mark Zaid, and I will not hesitate to take any and all appropriate action against your client. Those who are complicit in this vindictive campaign against my client, whether through action or inaction, shall also be responsible, be that legally or morally.

Thank you for your attention to this matter.

Sincerely,



Andrew P. Bakaj

Enclosures: None.

cc: Speaker of the House of Representatives  
Minority Leader of the House of Representatives  
Senate Majority Leader  
Senate Minority Leader  
House Permanent Select Committee on Intelligence  
Chairman and Vice Chairman  
Senate Select Committee on Intelligence  
Chairman and Ranking Member