

United States Senate

WASHINGTON, DC 20510

March 18, 2021

The Honorable Jack Reed
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable James M. Inhofe
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Reed and Ranking Member Inhofe:

I am writing to express concern about the judgment and temperament of Colin Kahl, whose nomination to serve as Under Secretary of Defense for Policy is being considered by your Committee.

As you know, the Under Secretary of Defense for Policy plays a leading role in handling many of America's most important national security matters, including the National Defense Strategy and contingency plans for war. As U.S. Ambassador to Japan, I interacted regularly with the official in this position at the time on matters critical to our national security and consequently have an acute appreciation for the highly sensitive nature of this important position. This Senate-confirmed position therefore should be held by a person of sound judgment and temperament—someone who understands and respects the need to safeguard national security information and the need to keep national security affairs distinct and separate from partisan political activities. I am concerned that the nominee in this instance may have a record of failing to meet these important standards, and I believe that his record deserves further scrutiny through the questions suggested below.

Specifically, I am concerned that Kahl, in his capacity as a private citizen shortly after leaving senior government service, may have been knowingly leaking, or otherwise disclosing on Twitter, sensitive information, including classified information. The substance, meeting agendas, and schedules of the National Security Council (NSC), NSC Principals Committee, and NSC Deputies Committee are typically considered to be so sensitive that the NSC Executive Secretary classifies them, distributes them by courier or via classified networks to only a limited group of interagency offices, and classifies the summaries of meeting proceedings. Some of the information that Kahl appears to have publicly disclosed is of a category to which even Senators and Senate staff with the highest security clearances are almost always denied access.

As the National Security Advisor to then-Vice President Biden from October 2014 to January 2017, Kahl was a member of the NSC Deputies Committee and therefore would have been intimately familiar with the regulations and security protocols for handling national security

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information, as well as the security regulations relating to broader national security decision-making.

Examples of Kahl's concerning conduct following his government service include:

- **In March 2017, Kahl appears to have publicly disclosed details of a classified NSC Deputies Committee meeting held on January 26, 2017, concerning a U.S. counterterrorism operation in Yemen.** On March 1, 2017, the nominee wrote on Twitter: "I heard [the] Yemen portion of 1/26 Deputies mtg (held AFTER Trump approved raid) lasted < 30 min, ending w/[Deputy National Security Advisor] KT McFarland saying 'saddle up'."
- **In this instance, Kahl appears also to have solicited sensitive information from former associates who were still serving in the U.S. Government after his departure.** Apparently concerning his account of the meeting held on January 26, 2017, Kahl tweeted on March 2, 2017: "I have confirmed with 4 separate staffers in the room."
- **On numerous occasions in early 2017, Kahl appears to have publicly disclosed information about the internal processes of the National Security Council not readily available from any open source and therefore likely to have been solicited from his still-serving U.S. Government associates.** On January 31, February 2, and February 7, 2017, he wrote on Twitter information that he claimed to be "hearing" concerning the processes by which President Trump received his classified Presidential Daily Brief, by which President Trump prepared for his calls with other heads of state, and by which the National Security Council staff prepared issues for President Trump's decision.

By apparently disclosing these and other matters publicly on social media, Kahl was effectively revealing to America's adversaries details of Presidential decision-making and prioritization in national security affairs. This is knowledge of a kind that foreign intelligence services likely expend great resources to acquire, including through espionage. If Kahl disclosed this national security information as it appears he did, he would have been exhibiting either politically-driven and reckless disregard for security protocols or, at a minimum, serious negligence. By soliciting or otherwise receiving this sensitive information from U.S. Government officials serving in national security roles, Kahl may have also implicated others in his recklessness or negligence.

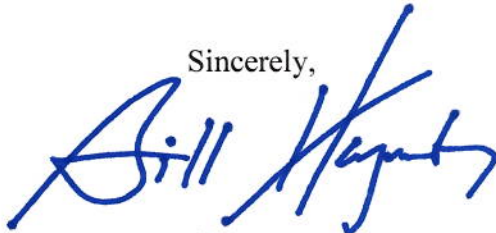
In light of these apparent actions by Kahl, which have not yet been included as part of your Committee's record, I urge your Committee to ensure that the nominee answers the following questions before the full Senate is asked to judge his ability to hold a position of high trust in the U.S. Department of Defense:

- Is @colinkahl your Twitter account, and did you make these disclosures via that account?
- If so, were you aware, at the time you made these disclosures on Twitter in 2017, that publicly disclosing classified information is illegal?

- If so, did you report these disclosures in accordance with your security agreement(s) with the Government of the United States?
- If so, are you aware that it is illegal for a non-U.S. Government employee to solicit or otherwise receive classified information from U.S. Government officials and then publicly disclose this information?
- If so, do you agree that the unauthorized public disclosure of classified or sensitive details concerning U.S. national security decision-making is harmful to U.S. national security interests?
- If so, in addition to your public disclosures of classified information on Twitter, did you at any time share classified information with members of the news media?

Thank you for your consideration of this matter of importance to the Senate and to U.S. national security interests.

Sincerely,

A handwritten signature in blue ink that reads "Bill Hagerty". The signature is fluid and cursive, with the first name "Bill" and last name "Hagerty" clearly legible.

Bill Hagerty
United States Senator