

United States Senate

WASHINGTON, DC 20510

April 13, 2021

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave. NW
Washington, D.C. 20535-0001

Dear Director Wray:

We write to request that the Federal Bureau of Investigation (FBI) immediately investigate whether Dr. Colin Kahl, President Joe Biden's nominee to be Under Secretary of Defense for Policy, after leaving government employment: (1) publicly disclosed classified information and controlled unclassified information; (2) discussed classified information and controlled unclassified information with U.S. government officials; or (3) solicited U.S. government officials to provide, or otherwise received, classified information and controlled unclassified information. Some of these actions were outlined in a March 18 letter to the Senate Armed Services Committee with questions to Kahl (*see* attachment 1), and require further investigation for the reasons outlined below. But since then, we have discovered additional public communications that likewise warrant immediate investigation, including social media posts in which Kahl publicly shared internal military plans and deliberations.

We believe an FBI investigation is warranted given Kahl's evasive written response on March 23, 2021 (*see* attachment 2), to questions conveyed to the nominee by the Chairman and Ranking Member of the Senate Committee on Armed Services on March 18, 2021 (*see* attachment 1), regarding Twitter posts by Kahl in which he appeared to publicly disclose classified information and expressly state that he had received classified information from officials in the Executive Branch.¹ Indeed, Kahl's March 23 written response raises more questions than it answers and may even further implicate him in the mishandling of classified information and controlled unclassified information.

Kahl's March 23 response suggests that a news article in the *Washington Post* on March 1, 2017,² was the source of his Twitter posts that day in which he appeared to disclose details of a classified National Security Council (NSC) Deputies Committee meeting held on January

¹ *See* Senator Bill Hagerty, letter to the Chairman and Ranking Member of the Senate Committee on Armed Services on questions related to the nomination of Colin Kahl to be Under Secretary of Defense for Policy, March 18, 2021, <http://www.hagerty.senate.gov/wp-content/uploads/2021/03/20210318-Hagerty-Letter-to-SASC-Chairman-and-Ranking-on-Kahl-USDP-Nominee.pdf>.

² *See* Missy Ryan and Thomas Gibbons-Neff, "A raid in remote Yemen and a SEAL's death still reverberate for Trump," *Washington Post*, March 1, 2017, https://www.washingtonpost.com/world/national-security/a-raid-in-remote-yemen-and-a-seals-death-still-reverberate-for-trump/2017/03/01/0adc7b32-fd08-11e6-8ebe-6e0dbe4f2bca_story.html.

26, 2017, concerning a U.S. counterterrorism operation in Yemen.³ That March 1 *Washington Post* news article does not, however, account for all of the sensitive information that Kahl tweeted, including unreported comments made by the Deputy National Security Advisor during the classified NSC Deputies Committee meeting and Kahl's representation that he personally elicited such classified details from U.S. government officials: "*I have confirmed with 4 separate staffers in the room. Sorry to disappoint you*" (emphasis added).⁴ Nor does it explain Kahl's earlier series of tweets dated February 2, 2017—almost one month before the March 1 *Washington Post* news article—in which he both disclosed details and confirmed leaked details related to the January 26 classified NSC Deputies Committee meeting as well as to earlier classified NSC and interagency planning and deliberations related to potential counterterrorism operations in Yemen that took place during his service in the Obama Administration.⁵

We also have subsequently discovered additional Twitter posts by Kahl that deserve greater scrutiny. In a series of Twitter posts on December 20, 2017, the nominee not only appeared to publicly confirm leaked classified information and controlled unclassified information contained in a news report on how senior members of the Executive Branch were deliberating plans for military options with respect to North Korea, but also publicly claimed to have personally confirmed the accuracy of this leaked classified information and controlled unclassified information with "multiple" U.S. government officials then serving in the Executive Branch. In particular, Kahl tweeted on December 20, 2017: "This report should be taken very seriously. There is a contingent at the White House that believes a limited strike is viable and the US can control escalation by threatening regime change if Kim Jong Un retaliates. Very dangerous thinking"; and: "You're not wrong. Not a terribly reliable source by itself, but *I've heard this separately from multiple sources inside Administration [sic]*" (emphasis added).⁶ By publicly sharing internal military plans and deliberations, Kahl appears to have exposed U.S. national security interests.

The Under Secretary of Defense for Policy plays a key role in matters crucial to America's national security and should be held by a person of sound judgment and temperament—someone who understands and respects the need to safeguard classified and controlled unclassified information and to keep national security affairs distinct and separate from

³ On March 1, 2017, Kahl tweeted: "I heard Yemen portion of 1/26 Deputies mtg (held AFTER Trump approved raid) lasted <30 min, ending w/KT McFarland saying 'saddle up' 2/2". See <https://twitter.com/ColinKahl/status/837135525857398790>.

⁴ See <https://twitter.com/ColinKahl/status/837343029296005123>.

⁵ See <https://twitter.com/ColinKahl/status/827277126860562433>, <https://twitter.com/ColinKahl/status/827277262923796480>, <https://twitter.com/ColinKahl/status/827277387234578433>, <https://twitter.com/ColinKahl/status/827277559612125184>, <https://twitter.com/ColinKahl/status/827277753485365252>, <https://twitter.com/ColinKahl/status/827277903041748994>, <https://twitter.com/ColinKahl/status/827278081660301313>, <https://twitter.com/ColinKahl/status/827278196777246720>, <https://twitter.com/ColinKahl/status/827278385541845003>, and <https://twitter.com/ColinKahl/status/827278460313690112>.

A month later, Kahl appeared in a televised interview on *PBS NewsHour* and stated information similar to what he had tweeted on February 2, 2017. See "On Yemen raid planning, where did the Obama administration leave off for Trump to pick up?" transcript, *PBS NewsHour*, March 1, 2017, at <https://www.pbs.org/newshour/show/yemen-raid-planning-obama-administration-leave-off-trump-pick>.

⁶ See <https://twitter.com/ColinKahl/status/943642467307540480> and <https://twitter.com/ColinKahl/status/943687136183832576>. The next day, on December 21, 2017, Kahl further tweeted: "*I've heard many confirmations that there is a segment, including McMaster and Trump himself, who believe a limited strike is viable*" (emphasis added). See <https://twitter.com/ColinKahl/status/943841305691598848>.

partisan political activities. Kahl's growing record of apparent mishandling of classified information and controlled unclassified information and his evasive response regarding this issue fall short of the standard required for holding one of our nation's top national security positions. By apparently soliciting or otherwise receiving classified information and controlled unclassified information from U.S. government officials serving in national security roles and repeatedly posting such information on social media websites, Kahl demonstrated disregard for security protocols that are designed to protect our national security interests.

We believe that his record requires additional investigation by the FBI, including a review of the incidents cited above, that seeks answers not only to the questions posed in the March 18 letter, but also to the following questions:

- After leaving employment in the U.S. government, did Colin Kahl disclose classified information and/or controlled unclassified information on social media, in his news media appearances, or to members of the news media or other persons, including by personally attesting to the existence or veracity of classified information?
- After leaving employment in the U.S. government, did Colin Kahl communicate with U.S. government officials regarding classified information and/or controlled unclassified information, including the internal processes or activities of the National Security Council or the National Security Council staff? If so, which U.S. government officials were involved?
- After leaving employment in the U.S. government, did Colin Kahl receive, whether solicited or unsolicited, any classified information and/or controlled unclassified information from U.S. government officials? If so, from which U.S. government officials did he receive such information?
- Did Colin Kahl violate, or otherwise engage in actions inconsistent with, his classified information nondisclosure agreement(s) with the U.S. government?

We believe that the FBI should immediately complete a comprehensive investigation into these and other related questions before Kahl's nomination is advanced in the Senate. Thank you for your consideration of this matter of importance to the Senate and U.S. national security interests.



Bill Hagerty
United States Senator

Sincerely,



Tom Cotton
United States Senator



John Cornyn
United States Senator



Marco Rubio
United States Senator



Marsha Blackburn
United States Senator



Ted Cruz
United States Senator



Steve Daines
United States Senator



Thom Tillis
United States Senator



Mike Braun
United States Senator



Roger F. Wicker
United States Senator



Cynthia M. Lummis
United States Senator



Roger Marshall, M.D.
United States Senator



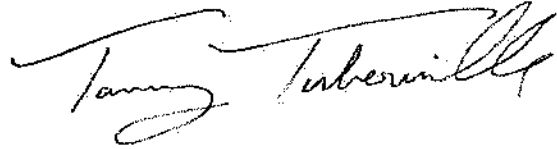
Rick Scott
United States Senator



Joni K. Ernst
United States Senator



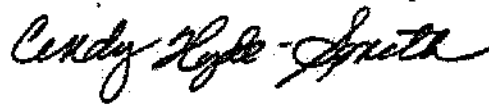
Josh Hawley
United States Senator



Tommy Tuberville
United States Senator



James Lankford
United States Senator



Cindy Hyde-Smith
United States Senator

Attachments:

- (1) Senator Hagerty's March 18, 2021, letter to Senate Committee on Armed Services
- (2) Kahl's March 23, 2021, written response to Senate Committee on Armed Services

CC: National Security Advisor Jake Sullivan