

RICHARD C. SHELBY, ALABAMA, CHAIRMAN

MITCH McCONNELL, KENTUCKY
LAMAR ALEXANDER, TENNESSEE
SUSAN M. COLLINS, MAINE
LISA MURKOWSKI, ALASKA
LINDSEY GRAHAM, SOUTH CAROLINA
ROY BLUNT, MISSOURI
JERRY MORAN, KANSAS
JOHN HOEVEN, NORTH DAKOTA
JOHN BOOZMAN, ARKANSAS
SHELLEY MOORE CAPITO, WEST VIRGINIA
JAMES LANKFORD, OKLAHOMA
STEVE DAINES, MONTANA
JOHN KENNEDY, LOUISIANA
MARCO RUBIO, FLORIDA
CINDY HYDE-SMITH, MISSISSIPPI

PATRICK J. LEAHY, VERMONT
PATTY MURRAY, WASHINGTON
DIANNE FEINSTEIN, CALIFORNIA
RICHARD J. DURBIN, ILLINOIS
JACK REED, RHODE ISLAND
JON TESTER, MONTANA
TOM UDALL, NEW MEXICO
JEANNE SHAHEEN, NEW HAMPSHIRE
JEFF MERKLEY, OREGON
CHRISTOPHER A. COONS, DELAWARE
BRIAN SCHATZ, HAWAII
TAMMY BALDWIN, WISCONSIN
CHRISTOPHER S. MURPHY, CONNECTICUT
JOE MANCHIN, III, WEST VIRGINIA
CHRIS VAN HOLLEN, MARYLAND

SHANNON HUTCHERSON HINES, STAFF DIRECTOR
CHARLES E. KIEFFER, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

May 8, 2018

The Honorable Dan Coats
Director of National Intelligence
Washington, DC 20511

Dear Director Coats:

Following the announcement of the President's intent to nominate Gina Haspel, the Central Intelligence Agency has become increasingly involved in efforts to build public support for this nomination. Official resources of the CIA have been used for an extensive public relations campaign to newspapers and other media outlets to generate favorable coverage of Ms. Haspel's nomination, including the following items:

- A press release on March 19 titled, "Bipartisan support for Gina Haspel's nomination to be CIA Director from distinguished national security leaders."
- A press release on March 23 titled, "ICYMI: CIA introduces Gina Haspel to the American people," which included links to three favorable news articles on the nomination. This release was followed by 14 Twitter posts on CIA's official account which were based on the release.
- A Twitter post on March 25 titled, "Gina Haspel joined CIA in the waning days of the Cold War & for the past three decades she has quietly devoted herself to serving on the front lines of our mission."
- A Twitter retweet on March 29 of a *Washington Examiner* opinion article titled, "Why, in their own words, CIA professionals love Gina Haspel."
- A Twitter retweet on April 3 of a *Cipher Brief* opinion article titled, "Gina Haspel Stands Ready to Break the Glass Ceiling. Let her."
- A Twitter post on April 9 titled, "A bipartisan group of more than 50 former national security officials sent a letter to the Senate Select Committee on Intelligence today supporting the nomination of Gina Haspel to be Director of CIA."
- A Twitter retweet on April 11 of an endorsement of the nomination by Senator Rubio
- A Twitter posts on April 20 of a *Washington Examiner* opinion article titled, "The parade of falsehoods about CIA Nominee Gina Haspel."
- A Twitter post on April 20 titled, "CIA releases report clearing Haspel in destruction of waterboarding tapes."

These efforts to promote a national security nomination appear to be without precedent in recent history. The nomination of John Brennan in 2013 produced a single statement from Acting Director Michael Morell on January 7, 2013, congratulating Mr. Brennan on the nomination. The Department of Defense issued a single statement from Secretary Ash Carter on December 2, 2016, congratulating James Mattis on his nomination. The State Department

appears not to have issued any press releases on the nomination of Mike Pompeo prior to his confirmation as Secretary of State.

The perception that the CIA has engaged in robust efforts to promote Ms. Haspel's nomination is confirmed by CIA spokesman Ryan Trapani, who is quoted in an April 20th article in *The New York Times* saying, "If it appears C.I.A. is being more robust than normal in supporting this nomination, that's because we are."

Congress has enacted several laws that prohibit the use of appropriated funds to attempt to influence congressional action on legislative matters. While these laws do not specifically apply to nominations, I urge you to consider the role of the intelligence community in the formulation of policy, whether in the Legislative or Executive Branches. Our intelligence agencies and our intelligence officers have the duty to provide objective intelligence to inform the policy making process.

To the extent that intelligence agencies promote specific policies – whether on legislation, foreign policy, or nominations – the line between informing policy makers and lobbying them becomes blurred. The need for intelligence agencies to remain on the right side of this line requires a standard of conduct that, in my judgment, exceeds the standards we may expect of other agencies with policy making responsibilities.

I urge you to consider whether the CIA's efforts to promote this nomination are in keeping with the best interests of the intelligence community, and whether additional steps are warranted to review the public affairs postures of each component of the intelligence community.

Sincerely,



Richard J. Durbin
Vice Chairman
Subcommittee on Defense