

Questions for Senator Dan Coats, Nominee for Director of National Intelligence



**The National
Security Program**

President Donald Trump nominated former Senator Dan Coats to be the next Director of National Intelligence, and his confirmation hearing is scheduled for February 28. Given the ongoing tensions between the President and the Intelligence Community, including the recent resignation of Michael Flynn, it will be important to probe how Senator Coats would navigate those tensions. This memo provides a brief biography and a list of questions senators could ask him during his confirmation hearing.

Biography

Senator Coats served in the United States Army from 1966–1968. He received his law degree from Indiana University’s Robert H. McKinney School of Law in 1971 and began practicing law in Indiana the following year. He was elected to the U.S. House of Representatives in 1980 and represented Indiana’s fourth congressional district until 1989. Once Dan Quayle was elected Vice President in 1988, Coats was appointed to fill his Senate seat, which he successfully defended in a 1990 special election. Coats served as a senator

until 1998 and, during his tenure, helped author the "Don't Ask, Don't Tell" law that banned openly LGBT individuals from serving in the military.

After retiring from the Senate, he briefly worked as Special Counsel for the law firm Verner, Liipfert, Bernhard, McPherson and Hand. From 2001 to 2005 Coats served as U.S. Ambassador to Germany and later served as co-chairman of a group of lobbyists for Cooper Industries—a manufacturing company based in Texas. While there, he helped block Senate legislation that would have closed a tax loophole worth hundreds of millions to the company. In 2010 he once again was elected to the U.S. Senate, where he served on the Intelligence Committee, but he later announced that he would not run for re-election in 2016. Early in the presidential campaign, Senator Coats said he would support Donald Trump if he became the Republican nominee.

Questions

Russian Hacking

President Trump has repeatedly denied that Russian operatives were involved in hacking the servers of U.S. politicians and interfering in the 2016 elections. However, the overwhelming consensus among the Intelligence Community is that Russian government agencies are the source of such efforts. Furthermore, President Trump has failed to criticize Russia for its election interference, its support for Assad in Syria, or its aggressive tactics in Ukraine. In recent weeks, President Trump even released a congratulatory letter he received from Russian strongman Vladimir Putin and expressed support for closer ties with an increasingly expansionist Russia. You, on the other hand, have been a fierce critic of Russia's bellicose behavior:

In 2014, while serving on the Senate Intelligence Committee, you co-authored a letter to President Obama urging the imposition of sanctions on a Russian arms exporter in retaliation for Putin's annexation of Crimea.¹

That same year you urged FIFA, the governing body of international soccer, to reconsider hosting the 2018 World Cup in Moscow.

In fact, your criticisms of the Kremlin have been so unwavering that you earned the distinction, along with other American patriots like Senator John McCain, of being banned by the Russian government from entering that country.

- Do you believe that Russia interfered in the 2016 election to disrupt the U.S. electoral system? Do you agree with the U.S. Intelligence Community's assessment that Russia interfered in the U.S. election to elect Donald Trump?
- What is a proportionate response to Russian interference in U.S. elections? Do you think that the U.S. intelligence agencies should respond to such Russian provocations? If so, how do you propose they go about doing so?
- What do you think of the President's previous choice to ignore the conclusions of the Intelligence Community regarding such Russian hacking? Is that a responsible action to take on the part of a man tasked with defending the United States?
- Given President Trump's disparagement—or some would even say overt antagonism—toward the Intelligence Community, how would you, as Director of National Intelligence, help ensure that our intelligence services remain apolitical?

Allegations of Trump Campaign Collusion with Russia

On January 6, the heads of the nation's intelligence agencies presented the President-elect with a summary of a dossier of serious, but unverified, allegations. Among the most serious allegations for our national security were that senior staff on the Trump campaign engaged in an ongoing exchange of information with the Kremlin and that one might have received payments from the Russians through an intermediary. These allegations, if true, could constitute

criminal violations of U.S. law, including a failure to comply with the Foreign Agents Registration Act and potentially the Logan Act.

- These allegations were deemed serious enough by one of your former colleagues, Senator McCain, to be handed directly to the Director of the FBI. Do you believe that campaign collusion with Russian intelligence is a serious charge?
- As the senior intelligence officer for the nation, you are responsible for coordinating counterintelligence policy to prevent foreign nations from subverting our own citizens. Do you believe that, if these allegations are true, the actions described would pose a serious counterintelligence risk?
- These allegations remain unverified by numerous media outlets and intelligence agencies, though the individual who produced the reports has been described as a reliable intelligence officer. Do you believe these allegations of collusion are serious enough to warrant further scrutiny?
- Will you support an objective, thorough, and independent investigation into these allegations to determine their veracity? Will you commit to informing this committee of the conclusions of such an investigation, especially as it affects counterintelligence concerns? Will you commit that political considerations will not drive your decision-making in this matter?

Trump's Distrust of the Intelligence Community

During a January 5, 2017 hearing before the Senate Armed Services Committee, your predecessor, James Clapper, in discussing the President's disparagement of the Intelligence Community, said, "I hardly think it [the disparagement] helps" with maintaining employee morale. During that same hearing, the head of the NSA, Admiral Mike Rogers, even raised the concern that the President-elect's demonizing of

intelligence professionals could hurt employee retention, fearing that the agency's workforce could "[decide] to walk."

- Given the hostile attitude adopted by President Trump toward the Intelligence Community, how will you and other intelligence leaders maintain employee morale, recruit more professionals, and retain talented individuals in the intelligence services?

During the same January 5 hearing, Senator Lindsey Graham discussed North Korea's current efforts to develop Intercontinental Ballistic Missiles (ICBMs) and emphasized that, if President Trump wishes to stop such efforts in the future, he will have to rely upon information provided by the Intelligence Community.² He also cautioned that the President's current rhetoric "undermines" the Intelligence Community and could make it harder to project American power against foreign threats.

- How will you and other intelligence leaders ensure that President Trump's demeaning remarks about the Intelligence Community do not undermine the credibility of your agencies, credibility that is absolutely essential for future actions to defend our nation from foreign threats?

Also during the January 5 SASC hearing, Director Clapper expressed his worries that President Trump's criticism of our Intelligence Community was undermining the confidence of our allies in the United States, stating, "I've received many expressions of concern from foreign counterparts about . . . the disparagement of the U.S. Intelligence Community."³ As former U.S. Ambassador to Germany, you have firsthand knowledge of the importance of U.S. alliances to our national security and intelligence-gathering efforts.

- How will you, as Director of National Intelligence, go about reassuring our allies who are worried about the President's disparagement of the Intelligence Community?
- Will you work to maintain vital intelligence sharing agreements with our key allies?

As the Director of Intelligence, you will be responsible for reviewing and coordinating intelligence activities across the 17 intelligence agencies. You've served on the Senate Select Committee on Intelligence, conducting oversight from this body. There are rumors that the White House has tasked Stephen Feinberg, an individual in private equity, to conduct a sweeping intelligence review.

- Do you intend to participate in an intelligence review once confirmed?
- What have you been told is the scope of Mr. Feinberg's review?
- Do you believe that one individual with no intelligence experience currently without security clearances will be able to conduct a thorough review of our intelligence programs?

Trump's Rhetoric Hindering Intelligence Gathering

The Intelligence Community leverages foreign nationals, commonly referred to as human intelligence, to gain crucial information about the operations of our adversaries. These human intelligence sources often risk the wellbeing of themselves and their families to provide us with valuable insights. Some former intelligence officials believe that President Trump's dismissiveness towards the Intelligence Community could make it harder for us to recruit and retain such sources, as they may view the risks they endure as being taken in vain.

- Do you believe that Trump's campaign rhetoric about Muslims and other groups in any way weakens the Intelligence Community's ability to gather human intelligence?

- How do you and other intelligence leaders plan on building and maintaining our store of human intelligence sources, especially if the President continues in his pattern of dismissing the conclusions drawn from their sacrifices and disparaging certain groups of foreign nationals?

Julian Assange

On January 4, 2017, President Trump published statements on Twitter that seemed to indicate his agreement with Wikileaks founder Julian Assange's critiques of the Intelligence Community's conclusions about Russian hacking.⁴ Julian Assange is notorious for his anti-Americanism, hosts a show on Russian propaganda outlet RT, and endangered the lives of hundreds of Afghans when he released unredacted information about their collaboration with American forces.

- Is Julian Assange a friend or foe of the United States? Do you think it wise for the President-elect to signal support for him?
- Do you believe that the President elect's tacit endorsement of Assange, who endangered U.S. intelligence sources in Afghanistan, will make it harder for us to recruit intelligence sources in Afghanistan and in other theaters in which we operate?
- Do you trust the assertions of Assange over the researched conclusions of our intelligence services?

Privacy and Security

Senator Coats, in the wake of the revelations by Edward Snowden of U.S. surveillance programs, technology companies have taken a more adversarial stance against the government. Further, our European allies have expressed great alarm and have seen multiple challenges to U.S.-EU data-sharing agreements. Many in the Trump Administration, including your colleague Director Pompeo, have expressed interest in broader surveillance efforts, and the Administration's request for social media passwords and

data upon entering the country have upset many, further undermining confidence in U.S. communications privacy.

- What steps will you take to reassure our allies, technology companies, and the American people that the U.S. will continue to respect privacy?
- Will you commit to retaining all the privacy reforms taken by the previous Administration at the recommendation of the bipartisan President's Review Group, including reforms to PPD-28?

Counterintelligence Priorities

The National Counterintelligence Executive, who has the responsibility of coordinating Intelligence Community efforts to protect our nation's secrets from foreign adversaries, will report to you. Russian intelligence services have a long history of trying to subvert U.S. officials and gain access to U.S. intelligence, either through witting or unwitting agents or technical means. We have seen Russian-backed hackers break in to DNC accounts. And the Russians continue to harbor an individual who revealed tremendous amounts of information about how the Intelligence Community conducts surveillance. We must do all we can to secure American security from Vladimir Putin and his cronies.

- Over the last few months, we have seen allegations that officials from the Trump campaign were in contact with Russian officials, including the former National Security Advisor, Lieutenant General Mike Flynn. Will you commit to a thorough investigation into the counterintelligence risk posed by these contacts and what may have been revealed to the Russians through those exchanges?
- Since the beginning of the Administration, both the Chief Information Security Officer at the White House and the Head of the Secret Service have left their jobs. Who is ensuring that appropriate security measures are being taken at the White House to prevent foreign adversaries from compromising the President's communications?

- Numerous technical experts have raised concerns about the President's continuing use of an Android phone to tweet throughout the day. If you find that his phone is a security risk, will you recommend that he give it up? What counterintelligence measures are being taken to preserve the integrity of the President's communications? You can reserve the second part of this answer for the closed session.

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END NOTES

1. Brian Naylor, "Trump Reportedly Picks Ex-Senator, Banned from Russia, as His Intelligence Chief," *NPR*, January 5, 2017. Accessed January 6, 2017. Available at: <http://www.npr.org/2017/01/05/508417418/trump-picks-ex-senator-banned-from-russia-as-his-intelligence-chief>.
2. United States, Congress, Senate, Committee on Armed Services, "Foreign Cyber Threats to the United States," Statement by Senator Lindsey Graham, 115th Congress, 1st Session, January 5, 2017. Accessed January 6, 2017. Available at: <http://www.armed-services.senate.gov/hearings/17-01-05-foreign-cyber-threats-to-the-united-states>.
3. Martin Matishak and Connor O'Brien, "Clapper: Trump Rhetoric on Intel Agencies Alarming U.S. Allies," *Politico*, January 5, 2017. Accessed January 6, 2017. Available at: <http://www.politico.com/story/2017/01/russia-hacking-us-response-john-mccain-233218>.

- 4.** @realDonaldTrump, "Julian Assange said 'a 14 year old could have hacked Podesta' - why was DNC so careless? Also said Russians did not give him the info!" *Twitter*, January 4, 2017. Accessed January 6, 2017. Available at: <https://twitter.com/realDonaldTrump/status/816620855958601730>; See also @realDonaldTrump, "'@FoxNews: Julian Assange on U.S. media coverage: 'It's very dishonest.'" #Hannity ' More dishonest than anyone knows [sic]," *Twitter*, January 4, 2017. Accessed January 6, 2017. Available at: <https://twitter.com/realDonaldTrump/status/816632793862176769>.