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One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

August 23, 2024

Rachel Cotton
Deputy Counsel to the President
White House Counsel's Office
1650 Pennsylvania Avenue NW
Washington, DC 20502

Dear Ms. Cotton:

Upon taking the gavel in January 2023, I launched an overdue investigation into the catastrophic U.S. withdrawal from Afghanistan, which was ordered by President Biden on April 14, 2021. That withdrawal culminated in the Abbey Gate terrorist attack on August 26, 2021, which killed 13 U.S. servicemembers, wounding another 45, and killing more than 170 Afghan civilians. The Committee's investigation aims to provide accountability to the American people and inform legislative efforts to help ensure that such a catastrophe never happens again.

Over the course of the investigation, the overwhelming weight of witness testimony and documentary evidence has pointed to the National Security Council (NSC) as the nerve center for critical decision making regarding the withdrawal from Afghanistan. Accordingly, consistent with established precedent¹ and in reliance on the Biden Administration's vocal assurances of thorough cooperation with this investigation, I hereby request that NSC Advisor Jake Sullivan appear voluntarily before the House Committee on Foreign Affairs for a public hearing. The

¹ The following National Security Advisors have previously appeared before the Legislative Branch: Zbigniew Brzezinski, Assistant to the President for National Security Affairs, White House Office, appeared before the Senate Judiciary Subcommittee to Investigate the Activities of Individuals Representing the Interests of Foreign Governments on September 17, 1980, to discuss efforts by the President's brother, Billy Carter, to influence the federal government on behalf of the government of Libya; Samuel Berger, Deputy Assistant to the President for National Security Affairs, White House Office, appeared before the Senate Committee on Foreign Relations on May 3, 1994, to provide a briefing on United States policy toward Haiti; Samuel Berger, Assistant to the President for National Security Affairs, White House Office, appeared before the Senate Committee on Governmental Affairs on September 11, 1997, concerning campaign fund-raising practices in connection with the 1996 federal election campaign; Condoleezza Rice, Assistant to the President for National Security Affairs, after initially declining to testify, appeared before the National Commission on Terrorist Attacks Upon the United States on April 8, 2004, concerning the anti-terrorism efforts of the Bush Administration prior to the September 11, 2001, attacks upon the World Trade Center and the Pentagon. *Presidential Advisers' Testimony before Congressional Committees: An Overview*, EveryCRSReport.com (Dec. 15, 2014), <https://www.everycrsreport.com/reports/RL31351.html>.

families of the fallen U.S. servicemembers, the American public, and our Afghan allies deserve answers that only Mr. Sullivan is equipped to provide.

To date, the Committee has conducted 18 transcribed interviews with current and former U.S. Department of State and Department of Defense officials, the vast majority of whom have pointed to the NSC as the decision-maker on Afghanistan policy. Although the following list is not exhaustive, the many examples include:

1. Former White House Press Secretary Jen Psaki testified that she received her daily briefings regarding Afghanistan from the NSC and that NSC Advisor Sullivan would provide clarification on “fluid and ever-changing situations.”² She said that her press conferences before the American people were “based on information gathered through the NSC press process where the NSC press team put together talking points and answers to questions that were coming up in the briefing.”³ The investigation has shown her press conferences to include misrepresentations and materials omissions. She also testified the NSC and, particularly, Mr. Sullivan, was responsible for policymaking and decision-making leading up to the decision to withdraw from Afghanistan.⁴
2. Counselor to the State Department Derek Chollet testified he received instruction and direction from the NSC regarding Afghanistan policy, and, more specifically, from Mr. Sullivan, Deputy National Security Adviser Jon Finer, Senior Director for South Asia Sumona Guha, and Assistant to the President for Homeland Security and Counterterrorism Liz Sherwood-Randall.⁵
3. Former Acting Deputy Assistant Secretary for Afghanistan Mark Evans testified the NSC led the interagency Afghanistan policy review process “assess[ing] where we were in terms of Afghanistan policy with respect to all of the issues we've touched upon but more specifically to the situation on the ground in Afghanistan in terms of the security situation, the current situation with respect to the agreement with the Taliban, where we were in that process, and an assessment of the repercussions in both scenarios: first if we retain troops, and second if we did not.”⁶
4. Former Deputy Secretary for Management and Resources Brian McKeon testified that decision-making regarding Afghan populations eligible for evacuation “were made collectively by the interagency” which was led by the NSC.⁷ He testified further that the

² Transcribed Interview with Jen Psaki, Former White House Press Sec’y, White House, in Rayburn House Office Bldg., at 27 (July 26, 2024).

³ *Id.* at 159.

⁴ *Id.* at 118-19.

⁵ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State, in Rayburn House Office Bldg., at 22, 23, and 25 (Dec. 19, 2023).

⁶ Transcribed Interview with Mark Evans, Amb., U.S. Dep’t of State, in Rayburn House Office Bldg., at 79 (Aug. 23, 2023).

⁷ Transcribed Interview with Brian McKeon, Deputy Sec’y of State for Mgmt., U.S. Dep’t of State, in Rayburn House Office Bldg., at 148 (Nov. 29, 2023).

NSC led the decision-making to shutter and move the U.S. Embassy to Hamid Karzai International Airport after Kabul was surrounded by the Taliban.⁸

5. Senior Advisor to the Secretary of State and former State Department Spokesperson Ned Price testified the “NSC tends to be the focal point for engagement on the part of the State Department spokesperson.”⁹ He testified further, “the messaging points would arrive at [Price’s] desk having already been coordinated or cleared internally and within the interagency.”¹⁰
6. Former U.S. Embassy Kabul Chief of Mission, Ambassador Ross Wilson testified the NSC “drove” the Special Immigrant Visa process and took on “absolutely critical responsibilities.”¹¹
7. Former Acting Assistant Secretary for the Bureau of South and Central Asian Affairs, Ambassador Dean Thompson testified he received guidance on policy planning and decision-making regarding Afghanistan from the NSC.¹²
8. Former Special Representative for Afghanistan Reconciliation, Ambassador Zalmay Khalilzad referred to the non-combatant evacuation operation executed in August 2021 as an “NSC-centric period.”¹³

In addition, the State Department’s After-Action Review, led by Ambassador Dan Smith, which interviewed critical officials involved in the diplomatic planning and execution of the withdrawal from Afghanistan, found that the NSC was the key decision-making forum.¹⁴ General Mark Milley furthermore stated at a public committee hearing that the NSC led the interagency efforts regarding the “Doha Agreement” and coordination of the withdrawal.¹⁵ Finally, Mr. Sullivan’s own statements, appearances, and public engagement confirm the critical role that he personally played in planning for and executing the withdrawal.¹⁶

⁸ *Id.* at 33, 123.

⁹ Transcribed Interview with Ned Price, State Dep’t Spokesperson, U.S. Dep’t of State, in Rayburn House Office Bldg., at 13-14 (Dec. 12, 2023).

¹⁰ Transcribed Interview with Ned Price, State Dep’t Spokesperson, U.S. Dep’t of State, in Rayburn House Office Bldg., at 62 (Dec. 12, 2023).

¹¹ Transcribed Interview with Ross Wilson, Amb., U.S. Dep’t of State, in Rayburn House Office Bldg., at 125-26 (Oct. 24, 2023).

¹² Transcribed Interview with Dean Thompson, Amb., U.S. Dep’t of State, in Rayburn House Office Bldg., at 23 and 179 (Oct. 26, 2023).

¹³ Transcribed Interview with Zalmay Khalilzad, Amb., U.S. Dep’t of State, in Rayburn House Office Bldg., at 85-86 (Oct. 24, 2023).

¹⁴ See U.S. Dep’t of State, AFTER ACTION REVIEW ON AFGHANISTAN JAN. 2020-AUG. 2021 (published March 2022).

¹⁵ *An Assessment of the Biden Administration’s Withdrawal from Afghanistan by America’s Generals*, H. Comm. on Foreign Affairs, March 19, 2024, available online at <https://foreignaffairs.house.gov/hearing/a-strategic-failure-bidens-withdrawal-americas-generals-and-the-taliban-takeover/>; *Id.* at 25:58-26:50 (“Beginning in February ’21, the National Security Council conducted a 10-week interagency review of the Doha Agreement and various options were presented[.]”); *Id.* at 3:12:55-3:13:14 (“It was a coordinated effort. A coordinated interagency effort led by the National Security Council[.]”).

¹⁶ See, e.g. *Jake Sullivan: The Biden insider at the center of the Afghanistan Crisis*, THE GUARDIAN (Sept. 26, 2021), <https://www.theguardian.com/us-news/2021/sep/26/jake-sullivan-national-security-adviser-profile-afghanistan>; *Press briefing by Press secretary Jen Psaki and National Security Advisor Jake Sullivan*, THE WHITE HOUSE (Aug.

Existing precedent supports the Committee's need and authority to request Mr. Sullivan's testimony.¹⁷ Indeed, Congress's ability to conduct oversight is broad and far reaching.¹⁸ Despite the Committee's extensive investigation, critical information gaps remain that can only be resolved by Mr. Sullivan. After 18 transcribed interviews, seven public hearings, and analysis of thousands of pages of internal State Department and Department of Defense documents, the Committee has exhausted all other investigative options.¹⁹ Crucial questions remain, including the role of the NSC in usurping congressionally designated responsibilities of the State Department and Defense Department.

Evidence gathered by the Committee in this investigation points to Mr. Sullivan as the principal architect of Afghanistan policy. Accordingly, he has an obligation to appear before Congress and testify fully without raising any claims of executive privilege. The Committee is not interested in and does not intend to question Mr. Sullivan regarding communications he had with President Biden. Rather, the Committee has reason to believe that the NSC engaged in misconduct with Mr. Sullivan at the helm.²⁰

Please arrange by no later than Friday, August 30, 2024, for NSC Advisor Jake Sullivan to appear before the House Committee on Foreign Affairs for a public hearing on a mutually agreeable date in September 2024. If Mr. Sullivan chooses not to appear voluntarily, I am prepared to compel his testimony.

17, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/08/17/press-briefing-by-press-secretary-jen-psaki-and-national-security-advisor-jake-sullivan-august-17-2021/>; *Press briefing by Press Secretary Jen Psaki and National Security Advisor Jake Sullivan*, THE WHITE HOUSE (Aug. 23, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/08/23/press-briefing-by-press-secretary-jen-psaki-and-national-security-advisor-jake-sullivan-august-23-2021/>; *Transcript: National Security Adviser Jake Sullivan on "Face the Nation," August 22, 2021*, CBS NEWS (August 29, 2021), <https://www.cbsnews.com/news/transcript-national-security-adviser-jake-sullivan-face-the-nation-08-29-2021/>; Scott Wong and Amie Parnes, *Jake Sullivan Becomes Public Face of Biden's Crisis on Afghanistan*, THE HILL (Aug. 19, 2021), <https://thehill.com/homenews/administration/568483-jake-sullivan-becomes-public-face-of-bidens-crisis-on-afghanistan/>; Maegan Vazquez, Ellie Kaufman, and Mike Conte, *Biden's National Security Adviser Says Taliban Committed to Allowing Safe Passage for Civilians Looking to Escape Afghanistan*, CNN (Aug. 18, 2021), <https://www.cnn.com/2021/08/17/politics/biden-jake-sullivan-afghanistan/index.html>.

¹⁷ See *supra* note 1; see also Transcribed Interview with Robert O'Brien, held via Webex (Aug. 23, 2022); Manu Raju, *Exclusive: Rice told House investigators why she unmasked senior Trump officials*, CNN (Sep. 18, 2017), <https://www.cnn.com/2017/09/13/politics/susan-rice-house-investigators-unmasked-trump-officials/index.html>.

¹⁸ *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020) ("The congressional power to obtain information is 'broad' and 'indispensable.'" (quoting *Watkins v. United States*, 354 U.S. 178, 187, 215 (1957))); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) ("The scope of the power of [congressional] inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.").

¹⁹ *Mazars USA, LLP*, 140 S. Ct. at 2035-36 (2020) ("Congress may not rely on the President's information if other sources could reasonably provide Congress the information it needs in light of its particular legislative objective.")

²⁰ *Nixon v. Adm'r of Gen. Servs.*, 433 U.S. 425, 449 (1977) (The presidential communications "privilege is limited to communications 'in performance of [a President's] responsibilities,' 'of his office,' and made 'in the process of shaping policies and making decisions[.]'" (citation omitted); *In re Sealed Case*, 121 F.3d 729, 746 (D.C. Cir. 1997) (The deliberative process "privilege disappears altogether when there is any reason to believe government misconduct occurred.")).

Sincerely,

A handwritten signature in blue ink that reads "Michael T. McCaul". The signature is written in a cursive, flowing style.

Rep. Michael T. McCaul
Chairman
House Foreign Affairs Committee

CC:
Rep. Gregory W. Meeks
Ranking Member
House Foreign Affairs Committee