

Congress of the United States
Washington, DC 20515

January 22, 2021

The Honorable Avril Haines
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Director Haines,

Congratulations on your Senate confirmation to serve as the Director of National Intelligence (DNI). I am confident that your depth and breadth of experience, as well as your record of speaking truth to power, will serve President Biden and the nation well.

The importance of speaking the truth and confronting the powerful over their misconduct is at the heart of bipartisan concerns over the year-long delay in ODNI's production of an unclassified report to Congress regarding Saudi Arabia's culpability for the brutal, premeditated murder of *Washington Post* journalist and U.S. resident Jamal Khashoggi. I greatly appreciated the commitment you made during your confirmation hearing that you will ensure that ODNI releases the unclassified report, and hope that you will do so without delay. This could most easily be accomplished by ODNI declassifying a "classified annex" that it provided to Congress in February 2020, with appropriate redactions that should not alter or obscure in any way the Intelligence Community's determinations, presentations of evidence, or identification of relevant persons, as required by the law.

As was noted during your confirmation hearing, Section 1277 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92) requires an unclassified report from the DNI that includes a "determination and presentation of evidence with respect to the advance knowledge and role of any current or former official of the Government of Saudi Arabia or any current or former Saudi political figure over the directing, ordering, or tampering of evidence in the killing of...[Mr.] Khashoggi." Additionally, Section 5714 of the FY 2020 NDAA provides for an unclassified report from ODNI on the death of Mr. Khashoggi, consistent with protecting sources and methods, including "identification of those who carried out, participated in, and ordered or were otherwise complicit in or responsible for the death of Jamal Khashoggi."

The FY2021 Consolidated Appropriations Act makes clear that it is the strong bipartisan view of Congress that the Intelligence Community should be able to comply with this requirement and release additional information about Saudi Arabia's culpability for Mr. Khashoggi's murder. As you know, a June 2019 investigation by the United Nations (UN) has already concluded that the killing was premeditated and that the mission was endorsed, planned, and overseen by high-level Saudi officials close to Crown Prince Mohammed bin Salman.

When she testified before the House Permanent Select Committee on Intelligence on September 11, 2020, Special Rapporteur Agnes Callamard entered the results of the UN's investigation into the Congressional Record and emphasized that the release of the ODNI's long-delayed unclassified report would serve the public interest by further demonstrating that no

person, no matter his or her status, is immune from accountability. Dr. Callamard also testified that she understood our Intelligence Community has access to the same information that was provided to the UN, and so the Committee does not foresee that any harm to U.S. national security would result from declassifying the findings contained in the DNI's classified annex, with redactions as necessary.

Whereas President Trump bragged to U.S. journalist Bob Woodward that he "saved" the Saudi Crown Prince from Congressional scrutiny for his role in Mr. Khashoggi's brutal murder, President Biden has made clear that "Jamal Khashoggi and his loved ones deserve accountability." I agree and look forward to working closely with you and President Biden to fulfill that commitment, as well as to Congress receiving the unclassified report, together with any additional assessment that Intelligence Community analysts have produced.

Thank you for your attention to this important matter and best wishes as you assume leadership of the Intelligence Community at this crucial moment for our country.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam B. Schiff". The signature is fluid and cursive, with the first name "Adam" and last name "Schiff" clearly legible.

Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence

