



# NSA Directors: The Selection and Confirmation Process



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**Cover:** LTG Paul M. Nakasone, Washington, DC, March 1, 2018<sup>1</sup>

# **NSA Directors: The Selection and Confirmation Process**

**A History and Lessons Learned Study**

**Trumbull D. Soule**



**Center for Cryptologic History**  
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## The Confirmation Process

Since the National Security Agency's establishment in 1952, the Department of Defense has selected 18 generals and admirals to serve as the Agency's director. What first was a rather relaxed Executive Branch practice with little Congressional oversight is now a formal United States Senate confirmation process. So how has it evolved, and how is an NSA director selected now, as the Agency approaches its 70th anniversary? This booklet provides a history of how NSA directors are selected; how the past and current confirmation processes have worked; an explanation of the processes and requirements for the position; historical findings about how those processes played out in real life; and recommendations for the future. It is based on both historical research and the author's personal experience.

NSA Directors have all been career officers of the army, navy, or air force. To date, no marine or coast guard officers have ever held the position. All have had significant leadership experience, and in recent decades, most have had significant experience in intelligence in general, and cryptology and cyber in particular.

ADM Michael S. Rogers, USN, was the first navy director of NSA to come out of the cryptologic skill community, although he had never served previously at NSA headquarters. Other naval officers had a more general intelligence background. VADM Laurence H. Frost, USN, and VADM William O. Studeman, USN, both had served as Director of Naval Intelligence.<sup>2</sup> Many NSA directors had a background in the Central Security

Service (CSS), leading CSS components. For example, GEN Keith B. Alexander, USA, was Commander of the US Army's Intelligence and Security Command. Both Lt. Gen. Kenneth A. Minihan, USAF, and Gen. Michael V. Hayden, USAF, were commanders of the Air Intelligence Agency. ADM Rogers was Commander of Tenth Fleet and Fleet Cyber Command. Some, like Frost, GEN Paul M. Nakasone, USA, Minihan, and VADM John M. "Mike" McConnell, USN, had held leadership assignments at NSA headquarters earlier in their career.<sup>3</sup> For example, Nakasone, while a colonel, was Commander of the Meade Operations Center.<sup>4</sup> While there is no set service rotation, usually when an officer of one service departs, the Department of Defense (DoD) names an officer from another service as replacement. A complete list of past NSA directors appears in Appendix A.

National Security Council Directive 6 mandates a military director and civilian deputy director. Prior to 1972, it was less standardized, and in fact, initially NSA had a military vice director rather than a civilian deputy director.<sup>5</sup>

#### **4. The National Security Agency**

**a. There is established under the Secretary of Defense and subject to his authority and control a National Security Agency with a Director who shall be head thereof and a Deputy Director who shall act for, and exercise the powers of, the Director during his absence or disability. The Director and Deputy Director shall be designated by the Secretary of Defense subject to the approval of the President. The duration of their appointments shall be at the pleasure of the President. The Director shall be a commissioned officer of the armed services, on active or reactivated status and shall enjoy not less than three star rank during the period of his incumbency. The Director shall have a Deputy who shall be a career civilian with SIGINT experience.**

*Excerpt from National Security Council Directive 6.<sup>6</sup>*

NSA directors have held terms of various lengths. Lt. Gen. Samuel C. Phillips, USAF stayed at the Agency for only a year while GEN Keith B. Alexander, USA served for over eight years. Most directors stayed three or four years, and several retired from active duty at the end of their tour. At the end of every director's tour, DoD chose a new director. However, the Senate taking an active role in the

process is a modern development. Historically, the Senate nominally approved each director, but often exercised minimal oversight in the nomination process. One director was included in a massive list of nominations considered in a single day.<sup>7</sup> However, in 2014, the Senate mandated that every future Director of the National Security Agency be confirmed with the advice and consent of the Senate,<sup>8</sup> meaning formal hearings and an up-or-down vote on the nomination. The 2014 change meant that the confirmation of the NSA director faces the same standard as the confirmation of the Director of National Intelligence and the Director of the Central Intelligence Agency, albeit in a less political position.

Under the US Constitution, the president nominates and appoints and the Senate confirms “officers of the United States.”<sup>9</sup> The first 10 directors only required Senate confirmation in their role as officers. Records on the nomination of directors from LTG Ralph J. Canine, USA, through Lt. Gen. Lincoln D. Faurer, USAF, are scarce. A search of the Congressional Record shows no evidence of any debate in the Senate about these nominations. The first three directors (Canine, Lt. Gen. John A. Samford, USAF, and Frost) were all appointed when Congress was not even in session.<sup>10</sup> In 1960, the Congressional Record mentions remarks by then-RADM Frost on “the world situation” before Frost took office, but nothing about him as NSA Director. The Congressional Record does highlight that in 1972 Congressman Teno Roncalio (D-WY) praised Phillips, a Wyoming native, at the time of the “announcement that Defense Secretary Laird has named ... Phillips ... to be Director of the National Security Agency effective August 1,” 1972.<sup>11</sup> The congressman used the phrase “named” rather than “nominated,” a key distinction. “Nominated” would have implied that the Senate had a say, while “named” is simply “announced.” Apparently Secretary Laird did not feel a need to ask for the Senate’s approval. Lt. Gen. Phillips was again mentioned in 1973 when he was selected for his follow-on assignment at the rank of general. In fact, the only action the Senate took on these nominations by name was to approve Lt. Gen. Faurer’s retirement.

“By and with the Advice and Consent of the Senate [the President] shall appoint ... all other Officers of the United States.”

*US Constitution, Article II, Section 2*

Directors from LTG William E. Odom, USA, to Rogers, as lieutenant generals, generals, vice-admirals, or admirals, required Senate approval for their moves and/or promotions to a “position of responsibility” under a 1980 law (Title 10 US Code, Section 601) that took effect the following year.<sup>12</sup> Only rarely were hearings held, and in some cases, such as Minihan, the confirmation process took only a few days.<sup>13</sup>

Two committees in the Senate have historically had a role in overseeing and authorizing NSA activities. The Senate Armed Services Committee (SASC), one of the most powerful committees in the Senate, has long had oversight of the entire Department of Defense. SASC’s origin goes back to 1816, and its current form dates from 1947,<sup>14</sup> before the creation of NSA. It has broad purview over the DoD, and for six decades has passed an annual National Defense Authorization Act with bipartisan support. The Senate Select Committee on Intelligence (SSCI), created in 1976, was formed following the Church and Pike Committees, and is meant to delve deeply into intelligence and have access to sources and methods.<sup>15</sup> When United States Cyber Command (USCYBERCOM) was created, its commander was given a dual hat, as both Commander of USCYBERCOM and as Director of NSA. Therefore, the nominee must report to overseers on both committees. SASC is the primary oversight committee for USCYBERCOM, while SSCI is the primary oversight committee for NSA. The Senate Appropriations Committee’s Subcommittee on Defense (SAC-D) oversees both USCYBERCOM and NSA, and appropriates funds for both, but using totally different funding streams.

The SASC regularized the confirmation process when it took up Odom’s confirmation in 1985. There is no record that the Committee discussed him at any length, and his was one of 6,504 nominations called out by name in the Congressional Record of May 3, 1985 that

were confirmed *en bloc*.<sup>16</sup> All directors from Odom to Rogers were confirmed through the SASC, which today handles approximately 50,000 civilian and military nominations per year.<sup>17</sup>

A 2014 Senate Resolution specifically called out the Director of NSA as a position of interest to the Senate, and gave new jurisdiction to SSCI, whereas before only SASC played a role. The change came about during a period when NSA found itself more in the public eye, following Edward Snowden's unauthorized disclosures of information in 2013, and the rise of cyber intrusions. An agency once known as "No Such Agency" saw its director on the Sunday television talk show, *This Week with George Stephanopolous*,<sup>18</sup> and found signals intelligence being discussed in presidential news conferences.<sup>19</sup>

Where once a Secretary of Defense could simply name a general officer to be director, now with formal Senate confirmation required, it likely will take months for a new director to be confirmed following the selection of a nominee.

#### Process for Confirming the Director of the National Security Agency

- 1952-1981: SECDEF selects, Senate confirms officer movements
- 1981-2014: SECDEF selects, Senate confirms for a "position of responsibility"
- 2014-Present: President nominates candidate for director, and nominee is subject to confirmation with the "advice and consent of the Senate"

Under the current construct, with the President nominating and the Senate being asked to provide advice and consent, there is now a fairly lengthy yet straightforward process to seek confirmation:

- The military services recommend candidates to the Secretary of Defense for nomination.
- The Secretary of Defense recommends the top Department of Defense candidate, and the administration, using whatever process it deems necessary, makes a final selection.



- The president formally nominates the individual.
- Upon receipt of the nomination, the Senate refers the nomination to the appropriate committees of jurisdiction. The 2014 resolution requires a nominee to be reviewed by both committees, whether or not the nominee is to be dual-hatted as Commander, USCYBERCOM and Director of NSA. By practice, the SASC has been involved in the nomination of every NSA director since Odom, approving all officer promotions. From a Congressional oversight perspective, the Senate previously viewed the selection as the movement of a senior military officer, and therefore under SASC's oversight. However, the 2014 resolution called out the specific position of Director of NSA, which is under the oversight of the SSCI. The resolution was silent about the prospect of the termination of the dual-hat arrangement. Additionally, it envisioned the possibility of a civilian director, and established procedures whereby SSCI would become the primary committee in the nomination process if a civilian is nominated, and would then refer the nomination to SASC.
  - If the nominee is military, the SASC receives the nomination, acts on it, and then sequentially refers it to the SSCI for its own process.
  - If the nominee is civilian, the SSCI receives the nomination, acts on it, and then sequentially refers it to the SASC for its own process.
- In advance of hearings, the nominee seeks courtesy calls with committee leaders.
- Committees request advance policy questions and background on the nominee, as well as ethics forms.
- If both committees desire, and they generally will, they hold confirmation hearings, and subsequently send follow-on questions, known as Questions for the Record (QFR), which the nominee must answer rapidly, before the committee votes.

- If the committee reports the nomination favorably, it is sequentially referred to the other committee of jurisdiction, which follows a similar process. If the second committee reports the nomination favorably, it goes to the Senate and is placed on the Executive Calendar, after which it can be brought to the floor of the Senate if there are no objections. Should any senator object to the nomination, a full debate could follow with a cloture vote to end debate, followed by a voice vote or roll call tally. Such a process can be lengthy, and could lead the administration to withdraw the nominee, although when Gina Haspel was nominated to be Director of the CIA, the full procedure was followed and she was eventually confirmed after a relatively close vote.<sup>20</sup>

## Nakasone Nomination

On January 5, 2018, media reports circulated speculating on ADM Rogers' pending retirement.<sup>21</sup> On February 8, 2018, President Donald J. Trump nominated LTG Nakasone, Commander, US Army Cyber Command, to be the 18th Director of the National Security Agency. Despite the requirement for the "advice and consent of the Senate," which involved two hearings and mountains of paperwork, the full Senate unanimously confirmed Nakasone 75 days after nomination.

GEN Mark A. Milley, then Chief of Staff of the US Army, told Nakasone in late 2017 that he would be the nominee to be Director of the National Security Agency.<sup>22</sup> The Chairman of the Joint Chiefs of Staff, Gen. Joseph F. Dunford, Jr., USMC, was not involved in informing Nakasone, although the two had worked together closely. Nakasone opined that "Gen. Dunford would see my notification as a service responsibility,"<sup>23</sup> not something for the Chairman of the Joint Chiefs even though this was for a joint position. Perhaps surprisingly, the Director of National Intelligence, Dan Coats, played little to no role in the selection of a top intelligence official. Nakasone's interaction with civilian political leaders was limited to meeting with Secretary of Defense James Mattis.<sup>24</sup> By contrast, President Barack Obama personally interviewed Rogers before nominating him to be DIRNSA,<sup>25</sup> undoubtedly because he wanted to know the person who would lead NSA in the aftermath of Edward Snowden's leak of classified material, which had raised NSA's profile.

After being promoted to major general, Nakasone spoke about his future career development with Rogers. “I recall subsequent to my promotion to major general that ADM Rogers indicated that I needed to go back to the Army, get promoted to three stars, so I might be considered to be CDRUSCYBERCOM / DIRNSA. Once I was nominated for promotion to lieutenant general and took over as CDRARCYBER, I recall several instances where GEN Milley, then Army Chief of Staff, would tell me I was going to be the Army’s nomination one day to lead CYBERCOM / NSA. ADM Rogers was very upfront with me at a holiday party at our house in December 2016 noting that he was likely going to stay until 2018 and then retire to ensure I could follow him... it was the first time I learned of his intent and timeline.”<sup>26</sup>

Nakasone’s nomination was the first such nomination after the change in the resolution in 2014. While in both cases the nominee needed to be confirmed by the full Senate, the 2014 resolution set a new bar, mandating review by two separate and distinct US Senate Committees: SASC and SSCI.

Because Trump nominated Nakasone as both Commander, USCYBERCOM and Director, NSA, the Joint Chiefs of Staff took the lead in the nomination process, as they would for any combatant command. However, they had limited experience with the SSCI, and needed NSA’s help, which they enlisted through the Undersecretary of Defense (Intelligence and Security) (USD [I&S]).

***RECOMMENDATION: NSA should be involved in the process from the beginning, and should be given lead responsibility for SSCI member courtesy calls (except those that overlap with SASC). NSA has existing relationships with SSCI members and staff that can be leveraged.***

Shortly after Trump nominated Nakasone, NSA’s Director of Legislative, State and Local Affairs Office (LSLA), Trumbull D. “Trum” Soule, named two legislative affairs officers to be the primary action officers on the nomination. Jean Brumbley<sup>27</sup> and Stacie Smarowsky<sup>28</sup> filled those roles. While neither had previously worked on a nomination, both had extensive experience in legislative

affairs. Brumbley had worked on Capitol Hill as a legislative fellow for Congresswoman Louise Slaughter (D-NY),<sup>29</sup> and Smarowsky had held several positions during two assignments spanning six years in legislative affairs.<sup>30</sup> Brumbley in particular felt surprised that the nomination was being managed by the Joint Chiefs of Staff, as the JCS had little daily interaction with NSA equities.<sup>31</sup> She and Smarowsky previously had a few dealings with the USD (I&S), which has more cognizance of NSA than the JCS. In the end, JCS enlisted USD (I&S), which reached out to NSA.

Brumbley and Smarowsky put together large briefing books for General Nakasone's use in preparation for confirmation. The books contained white papers on various topics including NSA authorities, history, and policies, generally presented at a high level.<sup>32</sup> Deputy Director George C. Barnes took an active role in reviewing these books, which allowed General Nakasone to be aware of issues he had not previously worked. Time was of the essence. With two hearings coming up, and materials needing to be developed, Smarowsky worked 0730-0015 (or 16.75 hours) on February 20, and then 0830-1630 and 1815-2100 on February 20.<sup>33</sup>

***RECOMMENDATION: Prep books should be broad rather than deep. Gives the nominee awareness of things across the board, but not too comprehensive. Start work on prep books as soon as current director announces intention to move or retire. Can then update until nominee identified.***

***RECOMMENDATION: Avoid informing nominee on contentious topics that they would not normally know in the course of their current job duties. This allows the nominee to say, "I am not currently aware, but if confirmed will look into it" on prickly subjects.***

The nomination process is often complex. While all that is constitutionally required is for the President to nominate a candidate and the Senate to confirm the candidate, in practice it is more complicated as the Senate asserts its oversight prerogative.

When the President formally sends a nomination to the Senate, the nomination is assigned to one or more committees of

jurisdiction. Each committee has its own publicly available process for nominations. The nominee receives a body of forms, including ethics forms and advanced policy questions.

In Nakasone's case, the Senate Select Committee on Intelligence asked him to articulate, in writing and in advance of the hearing, why he was qualified to be Director of NSA. He replied:

I am a career intelligence officer. For over three decades, I have served in intelligence positions across Joint and Army forces in peace and war. I understand how to produce timely, accurate, and valued intelligence, and what consumers demand of our intelligence products. During all of these tours I have benefitted from the intelligence produced by the National Security Agency.

Besides serving as a senior intelligence officer, I have also led and commanded large organizations, both Joint and Army, at every level of our military. I understand the importance of strategic vision, the criticality of placing people first, and the power of a mission centered on the defense of our Nation.

My service has also included formative assignments with the Joint Staff, Multi-National Forces Iraq, US Forces Afghanistan, and US Cyber Command. During these tours I have served with and under some of the finest civilian and military leaders our nation has produced. These experiences have afforded me insight into leadership at the strategic, operational, and tactical levels, with broadening exposure to the interagency, coalition partners, commercial industry, and academia.

Finally, I have served within the National Security Agency on three separate occasions. On each of these tours, I have admired the talent, the technological

and innovative spirit, and the tradecraft of this world-class intelligence organization. If confirmed, I believe my previous intelligence experience, my ability to lead large organizations, and my familiarity with the NSA mission and its people would serve as a firm foundation upon which to serve as its next Director.<sup>34</sup>

The Senate also required completion of the Office of Government Ethics Public Financial Disclosure Report (OGE Form 278) in advance of the hearing. This is the same financial disclosure that general officers and senior executives across government complete. The Committee uses it to determine if the nominee has any conflicts of interest. The forms require a detailed list of all holdings and debts and sources of income. The Committee apparently came across no concern in the forms, which were redacted before public dissemination. The Committee had the opportunity to address any conflict of interest, and could have required the nominee to divest certain assets. While personal wealth is a private matter, all NSA directors to date have spent a career in the military, meaning in general their own salary history is set by an established scale that is publicly available. If through other wealth, or that of their spouse or dependent children, the nominee has assets that would create a conflict of interest, a relatively little-known section of the Internal Revenue Code (26 US Code §1043) allows the nominee, if a Senate committee requests divestiture, to sell the holdings and put the proceeds in government securities, and defer capital gains taxes until he sells the government securities.<sup>35</sup> While this is not as likely for a military director, because the law now envisions the possibility of a civilian director, it is conceivable that a civilian, by virtue of past employment, might have holdings that need to be divested. For example, someone with experience in a defense contractor might need to divest holdings in that company before confirmation to avoid a conflict of interest.

In addition to completing questionnaires and advanced policy questions, many nominees seek to meet members of the committee of jurisdiction in advance of a confirmation hearing. This is good

political practice, as it allows the senators to take a measure of the nominee. Nakasone noted that he “spent nearly a week on the Hill meeting with select Senators from both committees. This was time well spent.”<sup>36</sup>

Nakasone met with SSCI Chairman Richard Burr (R-NC) and Vice Chairman Mark Warner (D-VA) in advance of the SSCI hearing. He did not have the chance to meet every member of the Committee, as the courtesy calls were subject to the senators’ schedules. But for those who had time to meet him, the courtesy calls gave the senators the opportunity to size up GEN Nakasone as a person.<sup>37</sup> He did not meet with Senator Ron Wyden (D-OR) in advance of the hearing, and in retrospect felt his hearing questions gave him a taste of the Senator’s concerns as the Committee’s main critic of surveillance. SSCI Chairman Burr, in his courtesy call with Nakasone, told him that, “If a member asks you something you might not fully understand or are a bit confused on what to say, simply respond by saying, ‘I’ll follow the law.’”<sup>38</sup> GEN Nakasone thought “this was exceptional advice. Think about it, no one will ever question you if you say this.”<sup>39</sup>

Nakasone recalled that Senator Richard Blumenthal (D-CT) gave him good advice in advance of the SASC hearing. “Blumenthal told me specifically, he said: ‘read the passage on Internet Research Agency.’ There was an open source piece on Russian influence in the 2016 election. He gave me a very specific... ‘You need to be able to address this.’ And it was really helpful.”<sup>40</sup>

***RECOMMENDATION: Seek courtesy calls with SSCI and SASC members, and use them to generate good will. If members offer you suggestions for your hearings, take those suggestions on board.***

Prior to the hearings, the JCS convened a “murder board” or “white board,” a group of personnel who help the nominee prepare for difficult oral testimony. While JCS had background on murder boards for combatant commanders, they had no background on murder boards for the SSCI, which inherently asks different questions.



The JCS has extensive experience getting nominees confirmed. Nakasone found those boards particularly useful, and harder than the actual hearings.

The white boards are much more difficult than anything I faced in my confirmation. ‘Cause we had done them so often. We had done them both at the Joint Staff and NSA. And I do remember a particularly difficult one. They... the Joint Staff hires a series of outside folks to come in, led by a retired Marine two-star and it was a panel. And it was just... it was a blood-letting. I remember him telling me afterwards like “hey, if Senator McCain was still seated as the Chair, you’d have a very difficult time with confirmation.” I said to myself “whoa.” That was pretty sobering. But in general I think that what I learned was that it really is trying to communicate with your overseers. In this case the Senate Armed Services Committee or the Senate Select Committee on Intelligence. Finally, I think I figured out about a month out from the hearings that the most important thing I needed to do was get confirmed . . . not necessarily have deep, penetrating answers to questions. Bottomline: just get through the hearings and then figure out what you need to do once confirmed.<sup>41</sup>

***RECOMMENDATION: Murder boards/white boards, i.e. mock hearings, are an essential tool, and must include NSA personnel who can ask substantive questions about NSA, its authorities, and US person privacy issues.***

In those boards, Glenn Gerstell, who served as NSA General Counsel from August 2015 until January 2020,<sup>42</sup> spent considerable time peppering Nakasone with questions, and helping him tighten and refine his answers.<sup>43</sup> Gerstell opined that, in 2018, which was a highly partisan time, shorter answers were better. Similarly, US person privacy issues were paramount. And many senators try to get witnesses to speak about policy matters, which is not the role that

NSA directors play. Furthermore, Gerstell and Soule spent a lot of time helping Nakasone refine his answers. Gerstell felt Nakasone was a strong witness, but worked with him on how to deflect complex questions that, while posed as simple “yes or no” questions, in fact required more nuanced responses.<sup>44</sup>

In a deeply divided Washington, one of the few topics that the far left and the far right agree on is civil liberties. This was on display in Nakasone’s confirmation, both in formal hearings and later in letters exchanged with a senator days before the confirmation vote. In the hearing before the SSCI, Senator Wyden asked:

In 2001, then-President Bush directed the NSA to conduct an illegal, warrantless wiretapping program. Neither the public nor the full Intelligence Committee learned about this program until it was revealed in the press. Speaking personally, I learned about it from the newspapers.

So there is a lot riding on how you might address a similar situation, and we’ve already noted the history of your being here. If there was a form of surveillance that currently requires approval by the FISA Court and you were asked to avoid the court based on some kind of secret legal analysis, what would you do?<sup>45</sup>

GEN Nakasone replied to Senator Wyden, “I would say that there are two things that I would do: I would follow the law; and I would ensure, if confirmed, that the Agency follows the law.”<sup>46</sup>

This answer, which seems to have been in line with the guidance that Chairman Burr had provided, seemed to please Senator Wyden, who remarked, “You’ve told us now you’re not going to do anything illegal. That’s a plus. And you’ve told us that you would consult with us if you were ever asked to do something like that. So I appreciate your answer.”<sup>47</sup>

During the confirmation hearing, Republican senators probed Nakasone about the dual-hat arrangement, where the Commander of Cyber Command simultaneously serves as Director of NSA. Senator James Lankford (R-OK) also asked about whether there were walls between the two organizations.<sup>48</sup> Since Nakasone's confirmation, both NSA and USCYBERCOM have collaborated on election security, in 2018 with the advent of the Russia Small Group, which helped secure the 2018 mid-term elections, and a broader effort in the 2020 presidential election. SSCI understood what was done but will want oversight of NSA activities. The draft Intelligence Authorization Act for Fiscal Year 2022 called for a review of NSA and USCYBERCOM. The House and Senate Intelligence Committees wanted the Intelligence Community Inspector General and the Department of Defense Inspector General to conduct a joint review, which would focus on ensuring resources and missions are clearly delineated between the two organizations. Although the proposal has not yet made it into law, it shows a sentiment of the committees.<sup>49</sup>

***RECOMMENDATION: Thoughts on dual-hat separation will be expected, whether or not the decision has been made. Failing to answer would be unacceptable.***

***RECOMMENDATION: SSCI remains concerned about delineation between NSA and USCYBERCOM. Expect questions on separate funding streams.***

Following the hearing, senators had the chance to submit follow-on Questions for the Record (QFRs). LSLA and the Office of the General Counsel (OGC) worked on draft responses within 24 hours of the hearing. The hearing concluded on March 15 at 1107<sup>50</sup> and by 1735 on March 16 QFRs were being prepared for transmittal to GEN Nakasone for his final review.<sup>51</sup> The final QFR responses were provided to the SSCI in advance of the Committee's March 22 vote on the nomination.

After the Committee unanimously supported Nakasone, SSCI Chairman Burr formally reported the nomination to the full Senate, where it was placed on the Executive Calendar on March 22, 2018.<sup>52</sup> At this point, the Majority Leader, then Senator McConnell, could

bring the vote to the floor of the Senate. When meeting in Executive Session, the Senate considers nominations from the Executive Branch. However, in the tradition of the Senate, any senator can place a “hold” on a nomination, seeking information or promises from a nominee before allowing a vote to proceed. After successfully clearing two hearings and committee votes in the SASC and SSCI, Nakasone’s nomination was sailing along. It was at this point, however, that Senator Rand Paul, MD (R-KY), although not a member of either SASC or SSCI, placed a hold on Nakasone’s nomination until he received information he desired.

RAND PAUL  
KENTUCKY

## United States Senate

WASHINGTON, DC 20510

April 16, 2018

Lt. Gen. Paul Nakasone  
National Security Agency  
9800 Savage Rd., Suite 6272  
Ft. George G. Meade, MD 20755-6000

Dear Lt. Gen. Nakasone:

In consideration of your nomination to serve as Director of the National Security Agency (NSA), I am hoping to learn more about your views on a number of intelligence issues.

1. King George III’s use of generalized warrants to search anyone, anywhere, at any time without any kind of suspicion is one of the reasons our Founding Fathers fought the Revolutionary War, and later why they drafted the Fourth Amendment. Yet today, the NSA routinely monitors, collects, stores, and searches data on Americans without any kind of individualized suspicion or warrant. As Director, will you commit to end warrantless queries in all NSA databases on U.S. persons?
2. As Director, do you believe that NSA officers, employees, and contractors should be permitted to query Section 702 data for U.S. persons in purely domestic criminal cases (i.e., non-terrorism, non-proliferation, non-foreign intelligence)? If so, what limits, if any, would you place on such queries as Director? Would such limits include an individualized warrant?
3. There have been a number of reports that NSA employees have abused their privileges and searched intelligence data for personal reasons.<sup>1</sup> We are now also aware of political biases of FBI employees who likely still have access to highly sensitive and personal information on politicians.<sup>2</sup> As Director, will you do anything to analyze the searches of NSA officers, employees, and contractors to ensure they are not querying intelligence data for personal or political reasons?
4. In 2015, the Federal Bureau of Investigation (FBI) demanded that Apple unlock Syed Farook’s iPhone following the San Bernardino terrorist attack. Yes or no: as Director, would you ever advocate that a technology company should be compelled to allow access to encrypted devices if the NSA requests such access? If yes, under what authority? As Director, would you ever use the Foreign Intelligence Surveillance Act or any other authority (such as a “technical assistance” provision) to require a technology company to build a backdoor into their technologies so the U.S. government could use the backdoor for surveillance purposes?

<sup>1</sup> See, e.g., “NSA staff used spy tools on spouses, ex-lovers: watchdog,” available at <https://www.reuters.com/article/us-usa-surveillance-watchdog/nsa-staff-used-spy-tools-on-spouses-ex-lovers-watchdog-idUSBR198014G20130927>.

<sup>2</sup> “Strzok, Page and the FBI texting scandal explained,” available at <http://www.foxnews.com/politics/2018/03/29/strzok-page-and-fbi-texting-scandal-explained.html>.

He wrote to General Nakasone, on April 16, 2018:

King George III's use of generalized warrants to search anyone, anywhere, at anytime [sic] without any kind of suspicion is one of the reasons our Founding Fathers fought the Revolutionary War, and later why they drafted the Fourth Amendment. Yet today, the NSA routinely monitors, collects, stores and searches data on Americans without any kind of individualized suspicion or warrant. As Director, will you commit to end warrantless queries in all NSA databases on U.S. persons?<sup>53</sup>

That letter showed Nakasone the raw politics of a nomination. He had been traveling and, on landing at Washington's Reagan National Airport, had an email saying that Senator Paul was putting a hold on the nomination until he received Nakasone's views.

In the 48 hours that followed, he wrote, and the Department of Defense's Office of General Counsel reviewed and approved, a response.

I agree that the Fourth Amendment is central to our democracy and if confirmed, I will adhere to all Fourth Amendment legal requirements and be ever mindful of its intent. I will ensure that NSA continues a culture of compliance with the law and the Foreign Intelligence Surveillance Court-approved procedures regarding querying, including the requirements that this Congress recently enacted in the FISA Reauthorization Act of 2017.<sup>54</sup>

***RECOMMENDATION: Answering that you will follow the law cannot be faulted. If Senator Paul wanted a different law, it would be up to him to attempt to change the law.***

Senator Paul's office received the reply letter on April 20, 2018, a Friday, when the senator was at home in Kentucky for the weekend. The senator likely did not see it until the following Monday, April 23. That evening, Secretary of Defense Mattis was having a pre-planned dinner with Senate Majority Leader McConnell, and raised the Nakasone nomination with the majority leader. The next morning, Senator Paul lifted the hold, Senator McConnell took the Senate to Executive Session, and the Senate confirmed GEN Nakasone by unanimous consent on April 24, 2018. He became the first NSA director confirmed with the "advice and consent of the Senate." His Change of Command/Change of Directorship Ceremony took place on May 4, 2018, the same day that he was promoted to the rank of general.



**DNI Dan Coats passes flag to GEN Nakasone  
at the Change of Directorship, 2018<sup>55</sup>**

Following GEN Nakasone's confirmation and Change of Command/Change of Directorship Ceremony, NSA and USCYBERCOM jointly maintained an action tracker of all promises made during the confirmation process. For example, Senator Lankford

had asked GEN Nakasone extensive questions about the dual hat arrangement, and asked Nakasone to get back to him after studying the arrangement, and Nakasone promised to do so.<sup>56</sup> While most of the due outs were covered quickly, some lingered, and Brumbley and Smarowsky tracked them for NSA. On October 15, 2018, Nakasone recognized their work by presenting director's coins to the two, along with OGC attorneys Jonathan Lehner<sup>57</sup> and Scott Seitz.<sup>58</sup> By that time, all nomination work was effectively ended.

Until the Senate decides to change the law, all future directors will undergo a similar confirmation process.



**(U//FOUO) GEN Nakasone presents a director's coin to Jean Brumbley for her work on the confirmation process. October 15, 2018**



## Future Confirmations: Possible Issues And Concerns

Since Nakasone's 2018 confirmation, the Department of Justice under President Trump initiated an investigation into the origins of the investigation regarding Russian election interference, which touched on surveillance by the Federal Bureau of Investigation (FBI). In the intervening years, where the justification for that surveillance was called into question, affiants are now alleged to have lied. If anything, Congressional angst over surveillance is higher today than in 2018. The 2021 arrest of Igor Danchenko, a key source behind the Steele dossier, which further connected Trump to Russia, for allegedly providing false information to the FBI that led to surveillance of US persons, will fan flames. Even though NSA and FBI use the Foreign Intelligence Surveillance Act (FISA) for foreign intelligence purposes, some overseers may continue to have concerns about FISA's privacy impacts and therefore senators are likely to co-mingle the agencies.

***RECOMMENDATION: Civil Liberties and Privacy was a theme in 2018, and will be a bigger theme in the next confirmation. It is important to highlight NSA's role as a foreign intelligence agency.***

NSA has always had a military director, but the 2014 resolution envisions the possibility of a civilian leading NSA. Since the position of director is defined in NSCD-6 and not enshrined in law, the Senate felt that creating a mechanism for confirming a possible civilian director was necessary.



Every NSA director who has faced a vote has been confirmed by unanimous consent of the Senate, not even a roll call vote. However, at CIA, where civilians generally are nominated, there is a mixed record. William Burns was confirmed by voice vote in 2021, but his predecessor, Gina Haspel, a career intelligence officer, was confirmed by a close 54-45 tally. Over 25 years ago, one Director of Central Intelligence nominee, Anthony Lake, was forced to withdraw.

At FBI, the past three directors have been confirmed with more than 95 votes each, with James Comey being the only one to have a senator vote against him, and in that case, over a demand for unrelated documents. When Chris Scolese, a civilian working for the National Aeronautics and Space Administration, was nominated to be the Director of the National Reconnaissance Office, he was confirmed by voice vote, just as Nakasone had been confirmed.<sup>59</sup>

As Washington becomes increasingly partisan, and with the far left and far right both concerned about surveillance, it is possible that if the choice is made to create a civilian director, it could be viewed as a political position.

***RECOMMENDATION: Track confirmation promises, such as “I’ll look into it”—Senators will expect follow-up.***

***RECOMMENDATION: The National Cyber Commission was created after the last confirmation. Expect questions on role of National Cyber Director. This is particularly relevant if the nominee is currently working in cyber.***

***RECOMMENDATION: OGC and LSLA should be closely aligned during the confirmation process. On short-fuse actions, it helps if a team from these two offices writes draft responses and sends them to others for editing, rather than tasking to others in total. This is one of the most important recommendations to ensure a smooth confirmation process.***

***RECOMMENDATION: Witness preparation is key, and must include preparation in answering questions while deflecting political topics. Action to OGC, LSLA, and, as necessary, Strategic Communications and Civil Liberties, Privacy and Transparency.***

Now that the Senate deems the nomination of an NSA director to be important, NSA will perhaps have extended periods with an acting director while the Senate moves through the confirmation process. Early preparation for the confirmation process, and rapid responses after the hearings, will be key to assuring a speedy confirmation for future nominees. Should the dual hat be terminated, the Joint Staff would likely handle the nomination of a future Cyber Command commander, while NSA would have sole responsibility for managing the confirmation of an NSA director.

## **Conclusion**

As NSA has grown in importance and stature in the US Intelligence Community, the Senate has put increased attention and emphasis on the selection of the director. The Congress rarely relaxes oversight, and will be actively involved in the confirmation of future directors in the years to come. By understanding the history of and processes for selecting directors, NSA can anticipate and prepare for confirmation and the transition between directors in the future.

## Appendix A

### Past Directors of the National Security Agency<sup>60</sup>



**MG Canine, First Director of NSA**

November 1952	MG Ralph J. Canine, USA (later promoted to LTG)
November 1956	Lt. Gen. John A. Samford, USAF
November 1960	VADM Laurence H. Frost, USN
January 1962	Lt. Gen. Gordon A. Blake, USAF
June 1965	LTG Marshall S. Carter, USA
August 1969	VADM Noel Gayler, USN
August 1972	Lt. Gen. Samuel C. Phillips, USAF
August 1973	Lt. Gen. Lew Allen, Jr., USAF
July 1977	VADM Bobby Ray Inman, USN
April 1981	Lt. Gen. Lincoln D. Faurer, USAF
May 1985	LTG William E. Odom, USA
August 1988	VADM William O. Studeman, USN
May 1992	VADM J. Michael McConnell, USN
February 1996	Lt. Gen. Kenneth A. Minihan, USAF
March 1999	Lt. Gen. Michael V. Hayden, USAF
August 2005	GEN Keith B. Alexander, USA
April 2014	ADM Michael S. Rogers, USN



**ADM Rogers, 17th Director of NSA<sup>61</sup>**

## Appendix B

### Standard Questions

The Chairman of the Senate Select Committee on Intelligence traditionally asks the following standard questions of all nominees.<sup>62</sup> They require a simple yes or no response for the record.

1. Do you agree to appear before the committee here or in any other venue when invited?
2. If confirmed, do you agree to send officials from your office to appear before the committee and designated staff when invited?
3. Do you agree to provide documents or any other materials requested by the committee in order for it to carry out its oversight and legislative responsibilities?
4. Will you ensure that your office and your staff provide such materials to the committee when requested?
5. Do you agree to inform and fully brief, to the fullest extent possible, all members of this committee on all intelligence activities, rather than only the Chair and the Vice Chair?

In addition, longtime SASC member Senator Mazie Hirono (D-HI) routinely asks two questions.

1. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?
2. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

## Appendix C

The following members of the Senate Armed Services Committee attended the confirmation hearing and asked questions of GEN Nakasone:

- Senator James Inhofe (R-OK), Chairman
- Senator Jack Reed (D-RI), Ranking Member
- Senator Dan Sullivan (R-AK)
- Senator Gary Peters (D-MI)
- Senator Ben Sasse (R-NE)
- Senator Mazie Hirono (D-HI)
- Senator David Perdue (R-GA)<sup>63</sup>
- Senator Kirsten Gillibrand (D-NY)
- Senator Lindsay Graham (R-SC) (present, no questions to Nakasone)
- Senator Angus King (I-ME)
- Senator Ted Cruz (R-TX)
- Senator Richard Blumenthal (D-CT)
- Senator Tom Cotton (R-AR)
- Senator Elizabeth Warren (D-MA)
- Senator Joe Donnelly (D-IN)

The following members of the Senate Select Committee on Intelligence attended the confirmation hearing and asked questions of GEN Nakasone:<sup>64</sup>

- Senator Richard Burr (R-NC), Chairman
- Senator Mark Warner (D-VA), Vice Chairman
- Senator Roy Blunt (R-MO)
- Senator Ron Wyden (D-OR)
- Senator James Lankford (R-OK)<sup>65</sup>
- Senator Angus King (I-ME)
- Senator Tom Cotton (R-AR)
- Senator Kamala Harris (D-CA)<sup>66</sup>

## Notes

- <sup>1</sup> US Army LTG Paul M. Nakasone testifies during a confirmation hearing before the Senate Armed Services Committee March 1, 2018 on Capitol Hill in Washington, DC, as part of his nomination to be a general and director of the National Security Agency, and chief of the Central Security Service and commander of United States Cyber Command if confirmed by the Senate. Photo by Alex Wong/Getty Images. Used by permission.
- <sup>2</sup> <https://www.history.navy.mil/research/library/research-guides/lists-of-senior-officers-and-civilian-officials-of-the-us-navy/directors-of-naval-intelligence.html>, retrieved December 16, 2021.
- <sup>3</sup> See CCH bios for Alexander, Hayden, Minihan, and McConnell.
- <sup>4</sup> See <https://journal.nsa.ic.gov/f74-travelblog/>, retrieved February 1, 2022.
- <sup>5</sup> See <https://www.nsa.gov/History/Former-NSA-CSS-Leaders/#vice-directors-the-national-security-agency>, retrieved February 1, 2022.
- <sup>6</sup> National Security Council Intelligence Directive No. 6, Signals Intelligence, February 17, 1972.
- <sup>7</sup> See Congressional Record (Senate), May 2, 1985, 10336.
- <sup>8</sup> S. RES. 470, 113th Congress, <https://www.congress.gov/bill/113th-congress/senate-resolution/470>, retrieved March 9, 2021.
- <sup>9</sup> US Constitution, Article II, Section 2.
- <sup>10</sup> See Index to the Proceedings of the Ninety-Seventh Congress, First Session, January 5, 1981 to December 16, 1981 <https://www.congress.gov/97/crecb/1981/12/16/GPO-CRECB-1981-pt25B-1.pdf>; Index to the Proceedings of the Ninety-Fifth Congress, First Session, January 4, 1977 to December 15, 1977 <https://www.congress.gov/95/crecb/1977/12/15/GPO-CRECB-1977-pt31-1.pdf>; Index to the Proceedings of the Ninety-Third Congress, First Session, January 3, 1973 to December 22, 1973 <https://www.congress.gov/93/crecb/1973/12/22/GPO-CRECB-1973-pt34-1.pdf>; Index to the Proceedings of the Ninety-Second Congress, Second Session, January 18, 1972 to October 19, 1972

<https://www.congress.gov/92/crecb/1972/10/18/GPO-CRECB-1972-pt29-1.pdf>; Index to the Proceedings of the Ninety-First Congress, First Session, January 3, 1969 to December 23, 1969 <https://www.congress.gov/91/crecb/1969/12/23/GPO-CRECB-1969-pt31-1.pdf>; Index to the Proceedings of the Eighty-Ninth Congress, First Session, January 3, 1965 to December 23, 1965 <https://www.congress.gov/89/crecb/1965/10/22/GPO-CRECB-1965-pt22-1.pdf>; Index to the Proceedings of the Eighty-Seventh Congress, Second Session, January 10, 1962 to October 13, 1962 <https://www.congress.gov/87/crecb/1962/01/10/GPO-CRECB-1962-pt18-1.pdf>; Index to the Proceedings of the Eighty-Sixth Congress, Second Session, January 6, 1960 to September 1, 1960 <https://www.congress.gov/86/crecb/1960/09/21/GPO-CRECB-1960-pt15-1.pdf>; Index to the Proceedings of the Eighty-Fourth Congress, Second Session, January 3, 1956 to July 27, 1956 <https://www.congress.gov/84/crecb/1956/07/27/GPO-CRECB-1956-pt12-1.pdf>; and Proceedings of the Eighty-Second Congress, Second Session, January 8, 1952 to July 7, 1952 <https://www.congress.gov/82/crecb/1952/07/07/GPO-CRECB-1952-pt12-1.pdf>, retrieved November 30, 2021.

<sup>11</sup> See Congressional Record (House), April 28, 1972, 14878, <https://www.congress.gov/bound-congressional-record/1972/04/28/house-section>, retrieved December 7, 2021.

<sup>12</sup> 10 US Code § 601.

<sup>13</sup> <https://www.congress.gov/nomination/104th-congress/848/allinfo?q=%7B%22search%22%3A%5B%22%5C%22Kenneth+A.+Minihan%5C%22%22%5D%7D&cr=1>, retrieved March 8, 2021.

<sup>14</sup> <https://www.armed-services.senate.gov/about/history>, retrieved February 1, 2022.

<sup>15</sup> <https://www.intelligence.senate.gov/about>, retrieved February 1, 2022.

<sup>16</sup> See Congressional Record (Senate), May 3, 1985, 10445, <https://www.congress.gov/bound-congressional-record/1985/05/03/senate-section>, retrieved April 15, 2021.

<sup>17</sup> <https://www.armed-services.senate.gov/nominations>, retrieved December 8, 2021.

- <sup>18</sup> <https://abcnews.go.com/Politics/week-transcript-nsa-director-gen-keith-alexander/story?id=19457454>, retrieved February 1, 2022.
- <sup>19</sup> <https://obamawhitehouse.archives.gov/the-press-office/2014/01/17/presidential-policy-directive-signals-intelligence-activities>, retrieved February 1, 2022.
- <sup>20</sup> <https://www.congress.gov/nomination/115th-congress/1857?q=%7B%22search%22%3A%5B%22haspel%22%2C%22haspel%22%5D%7D&sr=1&cr=2>, retrieved February 1, 2022.
- <sup>21</sup> “NSA’s Rogers to Retire This Spring,” *Politico*, January 5, 2018, <https://www.politico.com/story/2018/01/05/nsa-mike-rogers-to-retire-267634>, retrieved December 7, 2021.
- <sup>22</sup> GEN Paul M. Nakasone, interview by Trumbull D. Soule, November 3, 2021, NSA-OH-2021-78, transcript, Center for Cryptologic History, Ft. Meade, MD.
- <sup>23</sup> Nakasone interview, 2.
- <sup>24</sup> Nakasone interview, 2.
- <sup>25</sup> See video <https://xsmmedia.web.nsa.ic.gov/play/president-barack-obamas-address-to-nsa-and-cybercom/> President Barack Obama’s Address to NSA and CYBERCOM, September 11, 2015, retrieved November 17, 2021.
- <sup>26</sup> Nakasone interview, 2.
- <sup>27</sup> Jean Brumbley, email with author, permission to use name in association with NSA, February 2, 2022.
- <sup>28</sup> Stacie Smarowsky, email with author, permission to use name in association with NSA, February 7, 2022.
- <sup>29</sup> Jean M. Brumbley, interview by Trumbull D. Soule, April 26, 2021, NSA-OH-2021-27, transcript, Center for Cryptologic History, Ft. Meade, MD.
- <sup>30</sup> Stacie Smarowsky, interview by Trumbull D. Soule, April 27, 2021, NSA-OH-2021-36, transcript, Center for Cryptologic History, Ft. Meade, MD.



- <sup>31</sup> Brumbley interview, 5.
- <sup>32</sup> Smarowsky interview, 8-9, and Brumbley interview, 7-8.
- <sup>33</sup> Stacie Smarowsky, email to Trumbull D. Soule, December 8, 2021.
- <sup>34</sup> Select Committee on Intelligence, United States Senate, Questionnaire for Completion by Presidential Nominees, Paul M. Nakasone, February 22, 2018, <https://www.intelligence.senate.gov/sites/default/files/documents/q-pnakasone-031518.pdf>, retrieved November 30, 2021.
- <sup>35</sup> 26 US Code § 1043.
- <sup>36</sup> Nakasone interview, 4-5.
- <sup>37</sup> Nakasone interview, 5.
- <sup>38</sup> Nakasone interview, 8.
- <sup>39</sup> Nakasone interview, 8.
- <sup>40</sup> Nakasone interview, 5.
- <sup>41</sup> Nakasone interview, 3-4.
- <sup>42</sup> Glenn Gerstell, interview by Trumbull D. Soule, August 18, 2021, NSA-OH-2021-57, transcript, Center for Cryptologic History, Ft. Meade, MD.
- <sup>43</sup> Gerstell interview, 4-6.
- <sup>44</sup> Gerstell interview, 8.
- <sup>45</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018, <https://www.intelligence.senate.gov/hearings/open-hearing-nomination-lieutenant-general-paul-m-nakasone-be-director-national-security#>, retrieved March 9, 2021, 30.
- <sup>46</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018, 30.
- <sup>47</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018, 31.
- <sup>48</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018, 34.

- <sup>49</sup> See House Resolution 5412, Intelligence Authorization Act for Fiscal Year 2022, Section 716, <https://www.congress.gov/bill/117th-congress/house-bill/5412/text?q=%7B%22search%22%3A%5B%22H.R.+5412%22%2C%22H.R.%22%2C%225412%22%5D%7D&r=1&s=4>, retrieved November 30, 2021.
- <sup>50</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018, 53.
- <sup>51</sup> Trumbull D. Soule, Skype conversation with Beth A. Williams, March 16, 2018.
- <sup>52</sup> <https://www.congress.gov/nomination/115th-congress/1594/all-info?q=%7B%22search%22%3A%5B%22%5C%22paul+nakasone%5C%22+2018%22%5D%7D&r=1>, retrieved March 8, 2021.
- <sup>53</sup> Senator Rand Paul, MD, letter to Lieutenant General Paul Nakasone, April 16, 2018, 1.
- <sup>54</sup> Lieutenant General Paul Nakasone, letter to Senator Rand Paul, MD, April 20, 2018, 1.
- <sup>55</sup> NSA Daily, <https://home.web.nsa.ic.gov/daily/nsa-change-of-command-ceremony-4-may-2018/>, retrieved January 6, 2022.
- <sup>56</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018, 35.
- <sup>57</sup> Jonathan Lehner, email with author, permission to use name in association with NSA, February 2, 2022.
- <sup>58</sup> Scott Seitz resigned from NSA and has publicly acknowledged his past association with NSA. See <https://www.nixonpeabody.com/en/team/seitz-scott>, retrieved February 9, 2022.
- <sup>59</sup> <https://www.congress.gov/nomination/116th-congress/390?q=%7B%22search%22%3A%5B%22Scolese%22%2C%22Scolese%22%5D%7D&s=1&r=1>, retrieved January 25, 2022.
- <sup>60</sup> <https://www.nsa.gov/History/Former-NSA-CSS-Leaders/>, retrieved January 6, 2022.

<sup>61</sup> <https://home.web.nsa.ic.gov/daily/news/joint-message-for-the-us-cyber-command-and-national-security-agency-workforces/>, retrieved January 6, 2022.

<sup>62</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018.

<sup>63</sup> Defeated for reelection.

<sup>64</sup> Transcript of Senate Select Committee on Intelligence hearing, March 15, 2018.

<sup>65</sup> No longer on Committee.

<sup>66</sup> Elected Vice President of the United States and President of the Senate.

## Appendix D: About the Author



**Trumbull D. Soule**

**Retired Chief, Legislative, State, Local and Academic Engagement  
National Security Agency**

Trum Soule was the Chief of Legislative, State, Local and Academic Engagement (LSLA) at NSA from 2016 until 2021. He served in numerous liaison positions with Congress, including as Deputy Chief of Legislative Affairs from 2010-2013, and earlier on the investigation into the 9/11 attacks, and as NSA's primary liaison to the United States Senate. During his tenure as Chief of LSLA, Trum worked with the Senate on the nomination and confirmation of GEN Paul M. Nakasone to be NSA's 18th Director. He worked with the Congress on investigating Russian election meddling, on the bipartisan reauthorization of the Foreign Intelligence Surveillance Act Section 702 (a key intelligence authority), and on unauthorized disclosures of classified information. As NSA Deputy Chief of Staff, he concurrently served as Deputy Chief of the Agency's Media Leaks Task Force following Edward Snowden's unauthorized disclosure of classified information in 2013. He served at NSA from 1982 until his retirement in 2021. President Obama recognized him with the rank of Meritorious Executive.



