

UNITED STATES SENATE COMMITTEE ON
FOREIGN
RELATIONS

On the Nomination of
Kelly Craft to be U.S. Representative
to the United Nations

Minority Report
Committee on Foreign Relations
U.S. Senate

July 2019

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I. Summary

The U.S. representative to the United Nations is a critically important position. The U.S. representative is charged with protecting and advancing U.S. interests in the UN Security Council and in other complex, multilateral fora; negotiating agreements with partners and adversaries; building hard-to-achieve consensus on the world's most intractable problems, and; navigating and nurturing long-standing diplomatic relationships and disputes. Domestically, the position occupies a key role in the president's national security and foreign policy team.

Those who have represented the United States in this role in the past brought with them diverse diplomatic and political experience that positioned them as skilled negotiators and diplomats—women and men who have the experience and qualifications to protect and advance U.S. interests on the world stage.

While any administration is entitled to select the representative of its choosing, the Senate must carefully administer its constitutional duty to advise and consent on such nominees. This includes a thorough examination of a nominee's background, as well as specific experience and skillset. In this case, Ambassador Kelly Craft's qualifications fall short: she does not have the knowledge, skills, qualifications, or experience to successfully lead the United States' efforts at the United Nations.

This appointment also comes at a time of increased hostility towards the United Nations and multilateral institutions more broadly. The president has spoken disparagingly about the role of the body itself; and under his administration, the United States pulled out of the UN Human Rights Council, withdrew from talks on the Global Compact on Migration before they had even finished, and referred to the International Criminal Court as "illegitimate." Balancing the views of this administration while effectively participating in the work of the UN is a challenging task for even the most skilled of diplomats. For a diplomatic novice, it risks being an insurmountable hurdle.

The United States needs a skilled and experienced leader to represent the nation's interests at the United Nations. This position requires someone who can stand up to the toughest of adversaries, who can deftly negotiate on a global stage without compromising our principles, and who can effectively advocate on behalf of those who do not have a sufficient voice in the world.

Regrettably, Ambassador Craft is not that individual. While the Senate may have deemed Ambassador Craft a fine emissary to serve as one of our ambassadors abroad, she lacks the qualifications to serve in this particular role, and in a position so crucial to the security of the United States and the world.

II. Kelly Craft: Not the Right Choice for U.S. Ambassador to the United Nations

In May 2019, President Trump nominated Kelly Craft to be the U.S. Ambassador to the United Nations, approximately seven months after the resignation of former Ambassador Nikki Haley. Ambassador Craft is not deserving of the Senate's confirmation for three main reasons: (1) she does not possess the requisite credentials, knowledge, or experience to effectively represent and defend U.S. interests and values at the United Nations; (2) her absenteeism as U.S. Ambassador to Canada demonstrates a failure of leadership, a lack of the understanding of the role of an ambassador vis-à-vis the embassy and host country, and a lack of commitment to government service; and (3) she has failed to demonstrate diligence in avoiding financial conflicts, even involving her husband, the CEO of a major coal company, in official government meetings related to energy matters.

A. Lack of Relevant Experience

Since October 2017, Kelly Craft has served as the U.S. Ambassador to Canada. Prior to that position, Ambassador Craft had no significant diplomatic or foreign policy experience.

In contrast, previous U.S. Ambassadors to the United Nations have had deep and proven experience upon nomination. They have been former senators and governors, accomplished scholars and diplomats, and included a former Supreme Court justice. When Thomas Pickering was appointed as ambassador to the UN, he had served in four previous posts as an ambassador, and held more than 15 years of experience in the State Department's foreign service. Richard Holbrooke had served as Ambassador to Germany and Assistant Secretary of two regional bureaus at the State Department. Charles Yost, who preceded former president George Herbert Walker Bush as U.S. Ambassador to the United Nations, had served more than 30 years as a career diplomat, including four ambassadorships. Prior to their appointments, Madeleine Albright and Samantha Power served at the National Security Council and as a professor of international affairs and a director of a human rights initiative, respectively.

Unlike these predecessors, Ambassador Craft's main qualification is that she, along with her husband, has been a substantial political donor, contributing more than a million dollars to Donald Trump's presidential campaign. Before she was confirmed to serve as the U.S. Ambassador to Canada, her only professional experience was running a small marketing consulting firm, Kelly G. Knight LLC. Her only prior foreign policy experience was serving for one session as an alternate U.S. delegate to the UN, a largely ceremonial role.

Ambassador Craft's performance in the confirmation process reflected this lack of knowledge and experience. For example, at her nomination hearing, Ambassador Craft displayed a lack of depth on key foreign policy issues. When asked about the most pressing issues the UN faces and how the United States can leverage the UN to pursue our national foreign policy priorities, Ambassador Craft did not mention the major crises or complexities

facing the United States today: North Korea's aggression or nuclear proliferation, threats from Iran, China's growing influence, Russia's malign influence, the political and economic meltdown in Venezuela, or the upheaval and turmoil in Libya. When asked about the two-state solution, which has been the cornerstone of U.S. policy concerning the Israeli-Palestinian conflict for years, she could not articulate a coherent or succinct viewpoint. In response to Senator Cardin's question about working globally on climate issues, she said that the United States does not "need to be a member [of the Paris climate agreement] in order to show leadership," but could not articulate any other compelling view of U.S. leadership on climate. While she acknowledged at her hearing that, "climate change needs to be addressed," she has previously said, "I believe there are scientists on both sides that are accurate."¹

Supporters of Ambassador Craft primarily cite her experience in Canada as evidence that she possesses the experience and preparation to be U.S. Representative to the United Nations. As discussed in detail below, however, Craft was absent from her post in Ottawa for a majority of her tenure. While the daily diplomatic back-and-forth at a major embassy would certainly be useful preparation to lead the U.S. Mission to the United Nations, Ambassador Craft was more often than not absent from her post.

B. Excessive Absences from Post

As Ambassador to Canada, Craft's primary obligation was to serve as the representative of the United States to Canada, and to build relationships in Canada with government, business, civil society, and others to advance the U.S.-Canada bilateral relationship. Serving as ambassador inherently involves engaging in face-to-face diplomacy. In the words of legendary diplomat and former U.S. Representative to the UN, Richard Holbrooke, "telephoning is necessary but not sufficient." Indeed, as chief of mission, an ambassador is responsible for a number of tasks that are often out of public view: forcefully representing U.S. interests with host-country interlocutors, coordinating among a long list of government agencies, overseeing and managing personnel, and staying abreast of political, economic, and social developments in the country. At the same time, ambassadors also have extensive ceremonial and public diplomacy duties, including representing the United States in person at host-country events. These duties require an on-the-ground presence in the host country; dialing-in from long distance is not sufficient.

The extent to which Ambassador Craft was away from the embassy—and indeed, outside the country—calls into question the seriousness with which she undertook the obligations of her job and undermines the notion that serving in Canada prepared her for the United Nations. If confronted with unexplained absenteeism, such as Ambassador Craft's, almost any employer would question her suitability for continued employment—promotion to a new job would be out of the question.

¹ Kashmira Gander, "'Both sides of the science': U.S. ambassador to Canada mocked for climate change stance—again," *Newsweek*, Dec. 7, 2018.

Ambassador Craft's inordinate amount of time away from the embassy and outside Canada was well documented by outside observers. According to an article in *Politico*, Ambassador Craft was viewed by some colleagues as an "absent ambassador" who often let deputies run the U.S. Embassy in Ottawa while she "attended to personal business and domestic politics in the United States."² A senior official at the embassy, speaking with the State Department's authorization, confirmed that Ambassador Craft had left the embassy in control of a deputy "more times . . . than perhaps at any other embassy." One Canadian TV journalist said in June 2018—eight months into Craft's tenure as ambassador—that "embassy sources whisper" that she "is barely engaged in diplomatic connecting and mostly flying south on her husband's private jet." Two Canadian members of parliament reportedly said that Craft "kept a lower profile than past ambassadors to the country and didn't seem as engaged as her predecessors."³

Following these questions about Ambassador Craft's time away from post, Committee staff reviewed Craft's work calendars, flight logs, and request and approval travel cables provided by the State Department, covering her tenure (from October 23, 2017 to June 23, 2019, totaling 608 calendar days). This review found the following:

- Half her time away from Canada: Craft spent nearly a full year, 357 days, away from Canada, just over 58 percent of her tenure. Despite Craft's representation at her confirmation hearing that her travel outside Canada was to participate in negotiations of the U.S.-Mexico-Canada trade agreement (USMCA), only a fraction—approximately 40 days—were due to USMCA meetings.
- Seven months in Kentucky and Oklahoma: Craft made over 43 trips to Kentucky or Oklahoma while Ambassador, spending 210 days (34.5 percent of her time) in states where she and her spouse have homes.
- Traveled without State Department approval: Although Craft said at her nomination hearing that she always requested and received approval for her travel, records show that she spent at least 11 days out of Canada without State Department approval, including one three-day trip to Kentucky and repeated unapproved extensions of existing trips to Kentucky or Oklahoma.
- Equivalent of one month in the Trump Hotel: During her trips to Washington D.C., Craft stayed in the Trump International Hotel for at least 29 days.

Craft's extensive absences from Canada during her tenure as Ambassador demonstrate a dereliction of her most basic duties as the President's representative to a foreign country. Given her absenteeism, Craft was unable to meet with senior Canadian officials or lead the efforts of the U.S. Embassy in Ottawa. This alone should disqualify her from serving as U.S. Representative to the United Nations.

² Lauren Gardner, "Trump's U.N. nominee was 'absent' ambassador," *Politico*, June 17, 2019.

³ *Id.*

C. Lack of Diligence in Avoiding Conflicts

As with any government official, avoiding the appearance and occurrence of any conflicts of interest, as required by federal law, is paramount. Each nominee before the Committee is required to submit completed forms detailing all personal assets, investments, and positions. This enables the agency, ethics officials, and the Committee to evaluate the existence of any potential or actual conflicts of interests. Nominees also submit an ethics agreement negotiated with the relevant agency. They are expected to know and understand the contents of their ethics agreements and, if confirmed, are required to abide by them.

Ambassador Craft's husband, Joe Craft, runs Alliance Resources Partners, LP—the second-largest coal producer in the Eastern United States—and has lobbied the U.S. government to roll back regulations against air and water pollution, among other environmental protections.⁴ Ambassador Craft provided all required documents and disclosures to the Committee, and her ethics agreement includes standard language regarding recusals involving Alliance Resources Partners.

However, those recusals depend in large part on Ambassador Craft properly knowing and understanding the extent of her assets and identifying that a potential conflict exists with Alliance Resources Partners or with regard to other assets. Statements by Ambassador Craft at her nomination hearing suggest that she has not sought to learn the full extent of those financial interests while in her current position, nor in preparation for the position for which she has been nominated. In particular, she was unaware of Alliance Resources Partners' holdings in oil and gas. When asked whether her family held any oil and gas interests, Craft replied that, "I am not aware. I do not—I do not know what our interest [is]." Yet Alliance Resources Partners has acquired multiple oil and gas interests over the last few years, and the company announced a \$145 million agreement to acquire additional oil and gas interests just days after Ambassador Craft's hearing.⁵

Equally troubling was Ambassador Craft's refusal to recuse herself from all matters related to fossil fuels or climate change, despite these vast interests. At her hearing, she said, "we are still waiting for clarity on the fossil fuels, for that conversation within our ethics agreement."

Craft's inability to answer basic questions about her ethical obligations is surprising and disturbing. As Ambassador to Canada, she has been subject to an ethics briefing and training. Upon her prior confirmation, she signed statements that she was fully aware of applicable federal laws governing financial conflicts of interest. Her apparent lack of knowledge about the extent of her interests in the energy sector raises questions about her ability to avoid conflicts of interest. Agencies and ethics officials rely on individuals to

⁴ Alliance Resources Partners, *About Us*, <http://www.arlp.com/about-us>; Steve Eder et al., "A Courtside View of Scott Pruitt's Cozy Ties with a Billionaire Coal Baron," *The New York Times*, June 2, 2018.

⁵ Alliance Resources Partners, "Alliance Resource Partners, L.P. Announces Agreement to Acquire Permian Basin Oil and Gas Mineral Interests," June 24, 2019.

disclose their interests and assets. If Ambassador Craft was unaware of her holdings, her subsequent ethics agreements may not have fully accounted for potential conflicts.

Further, while Ambassador Craft insisted to the Committee that her husband “plays no role whatsoever in official U.S. government business,” her email and calendar records call that claim into question. As Ambassador to Canada, Craft participated in more than a dozen meetings with executives of energy and oil companies—some of which her spouse attended.

According to Ambassador Craft’s calendars, Mr. Craft participated in a handful of meetings with U.S. and/or Canadian government energy and environmental officials. In February 2018, for example, Mr. Craft attended a meeting with the CEOs of the aluminum company Alcoa and mining group Rio Tinto, the Premier of Quebec, and the U.S. Deputy Secretary of Energy. The next month, March 2018, Mr. Craft joined his wife in a meeting with the COO of Suncor Energy in Houston, Texas, along with a State Department special adviser on energy and environment. In July 2018, he joined in meetings with the Canadian Association of Petroleum Producers in Calgary.

On at least one occasion, Ambassador Craft used Mr. Craft—while head of Alliance Partners—to assist her carry out a request from the Canadian government regarding an environmental project. Instead of using official government channels or embassy employees, she asked Mr. Craft to connect her to then-Administrator of the Environmental Protection Agency (EPA) Scott Pruitt. Mr. Craft was also included on a subsequent email.⁶

That Ambassador Craft could not clearly articulate her financial interests or recusal obligations does not inspire confidence regarding how seriously she takes the obligation to avoid potential conflicts of interest. Nor is it clear that she is willing or able to prevent such a conflict from arising given her lack of knowledge about Alliance Partners’ vast energy-related interests. Her reticence to recuse from *all* matters related to climate change or fossil fuels, despite these interests, is troubling. Based on what she has provided the Committee, there is little comfort she will take all necessary steps to avoid the appearance and occurrence of a conflict.

D. Conclusion

The U.S. Representative to the United Nations is charged with forcefully representing U.S. interests, negotiating with the toughest of adversaries, and cultivating strategic alliances, all on perhaps the most complex world stage. At a time when the Trump administration is already putting U.S. global leadership in jeopardy and testing the limits of our transnational

⁶ The Committee also obtained records of Ambassador Craft’s communications with EPA officials that come from a personal email account. Craft admitted that she has at times used personal email to conduct official U.S. government business, and on some occasions did not copy her official email, resulting in possible violations of the Federal Records Act. However, Ambassador Craft refused to provide any copies of communications in which she has used a personal email account to conduct official State Department business. Thus, the Committee was unable to evaluate the extent to which she may have used personal email to conduct official business or her compliance with the Federal Records Act.

relationships, the U.S. representative at the UN must be fully prepared to meet these challenges. Ambassador Craft's lack of relevant experience, the failure to carry out her most basic duties, and the questions surrounding her adherence to the highest standards regarding potential conflicts of interest raise serious doubts about her suitability for this position. Ambassador Craft has neither the experience nor the skillset to represent U.S. interests or challenge the world's most seasoned diplomats on the global stage. As such, she should not be our next representative to the United Nations.