
AMERICANS FOR
PUBLIC
TRUST

WRITTEN TESTIMONY OF
AMERICANS FOR PUBLIC TRUST

BY

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EXECUTIVE DIRECTOR

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION

FOR A HEARING ENTITLED

“AMERICAN CONFIDENCE IN ELECTIONS: PROHIBITING FOREIGN
INTERFERENCE”

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Chairman Steil, Ranking Member Morelle, and Members of the Committee:

My name is Caitlin Sutherland, and I am the founding Executive Director of Americans for Public Trust, a nonprofit, nonpartisan organization dedicated to restoring trust in government by holding politicians and political groups accountable. Since our inception, APT has devoted extensive resources to uncovering and publicizing outside money and influence in politics and policy, including tracing foreign dark money.

I thank you for the invitation and opportunity to again join you to discuss the important topic of foreign interference in U.S. elections.

The majority of Americans agree that foreign nationals should be prohibited from influencing our elections. In fact, that has been federal law for 40 years.¹ But unfortunately, federal law is inadequate when defining what foreign nationals can and cannot do. Essentially, foreign nationals are only prohibited from contributing to a candidate, committee, or Super PAC, or participating in a campaign's decision-making process. This means foreign nationals can largely still influence a whole host of other election-related vehicles with zero repercussions.²

It is currently legal for foreign nationals to pay for “get-out-the-vote” operations, voter registration, issue advocacy, voter education, ballot harvesting, door knocking – like how the UK’s Labour Party actively recruited British nationals to knock on doors to support Kamala Harris – and state and local ballot issue campaigns.³ Congress should act to close all these foreign influence loopholes.

The issue of foreign nationals influencing our elections is not a hypothetical one, but a real and ongoing threat, made easier when organizations like ActBlue have failed to put basic protections in place.⁴

As I’ve testified before, a significant source of foreign cash is flowing into our politics from Swiss billionaire Hansjörg Wyss, who “never felt the need to become an American,” and whose goal is to “(re)interpret the American Constitution in the light of progressive politics.”⁵ According to the *New York Times*, Mr. Wyss’ “political activism is channeled through a daisy chain of opaque organizations that mask the ultimate recipients of his money.”⁶

Mr. Wyss uses his two nonprofits – the Wyss Foundation, a 501(c)(3), and the Berger Action Fund (formerly called the Wyss Action Fund), a 501(c)(4) – to fund liberal groups across the nation. He has used these two nonprofit vehicles to pump over half a billion dollars into the U.S. political system.⁷ In his biography, Mr. Wyss’ sister also explicitly detailed his ability to “exert an influence on American domestic politics through his foundations.”⁸

In fact, the *Associated Press* described Berger Action Fund as “a nondescript name for a group with a rather specific purpose: steering the wealth of Hansjörg Wyss, a Swiss billionaire, into the world of American

¹ 52 U.S.C. § 30121.

² Federal Election Commission, Advisory Opinion 2004-26 (Aug. 20, 2004).

³ Emilio Casalichio, “Trump Allies Rage at UK Labour Help for Kamala Harris. There’s More to Come,” *Politico* (Oct. 18, 2024), <https://www.politico.eu/article/donald-trump-allies-rage-uk-labour-campaign-help-kamala-harris-keir-starmer-us-election>.

⁴ Jack Birle, “House Republicans Seek Details on ActBlue’s Donation Fraud Protection Services,” *Washington Examiner* (Dec. 10, 2024), <https://www.washingtonexaminer.com/news/house/3255905/house-republicans-letter-actblue-donation-fraud-protection-services>.

⁵ Giorgio V. Müller, “We Have Found A Good Home for Synthes,” *Neue Zürcher Zeitung (NZZ)* (June 11, 2011),

<https://www.nzz.ch/wir-haben-ein-gutes-heim-fuer-synthes-gefunden-ld.589550>; Hedi Wyss, *Hansjörg Wyss – My Brother*, eFeF-Verlag Wettingen, Page #50, (2014).

⁶ Kenneth P. Vogel, “Swiss Billionaire Quietly Becomes Influential Force Among Democrats,” *The New York Times* (May 3, 2021), <https://www.nytimes.com/2021/05/03/us/politics/hansjorg-wyss-money-democrats.html>.

⁷ Hans Nichols and Stef W. Kight, “Scoop: GOP Plan Targets Foreign Dark Money for 2024,” *Axios* (July 10, 2023), <https://www.axios.com/2023/07/10/gop-targets-foreign-dark-money-2024-election>.

⁸ Hedi Wyss, *Hansjörg Wyss – My Brother*, eFeF-Verlag Wettingen, Page #49, (2014).

politics and policy.”⁹ Through a detailed accounting of publicly available records, APT has been able to trace that at least a quarter of a billion dollars of this foreign money has been funneled from Berger Action Fund to Sixteen Thirty Fund.¹⁰ Sixteen Thirty Fund is a DC-based 501(c)(4) that is managed by Arabella Advisors.¹¹

Year	Berger Action Fund Grants to Sixteen Thirty Fund
2016	\$10,813,000
2017	\$48,483,333
2018	\$41,071,667
2019	\$34,907,000
2022	\$31,000,00
2021	\$42,450,000
2022	\$35,000,000

Sixteen Thirty Fund, the “indisputable heavyweight of Democratic dark money” according to *The Atlantic*, receives this foreign money and then turns around and bankrolls political battles all across the country.¹² Sixteen Thirty Fund, “a [clearinghouse] for the left” according to *Bloomberg*, backs efforts to elevate the Biden-Harris agenda, funds Supreme Court nomination fights, invests in massive voter turnout operations, and engages in issue advocacy campaigns against vulnerable Republican senators and representatives.¹³

Earlier this year under the trade name “Protect our Care,” Sixteen Thirty Fund launched a \$5 million issue advocacy campaign “boosting nine Democratic congressional incumbents by connecting them to legislation aimed at lowering drug prices.”¹⁴ Because these advertisements are classified as “issue advocacy,” and are not expressly political, they can be paid for by foreign dollars.¹⁵

In 2023, Sixteen Thirty Fund granted money to two 501(c)(4)s – \$3.5 million went to Empire State Voices and almost \$3 million to Unrig our Economy.¹⁶ After filling these groups’ coffers, they ran a series of attack ads targeting numerous Republican members of Congress. Empire State Voices engaged in a “year-long media effort targeting [Representative] D’Esposito,” while also attacking Representatives Molinaro and Williams.¹⁷ All three members lost re-election in November 2024.¹⁸ Again, because these advertising campaigns were “considered issue advocacy rather than electoral advocacy,” the prohibition regarding foreign dollars does not apply.¹⁹ Unrig our Economy, using trade names like Lower Costs California, Nebraska For

⁹ Brian Slodysko, “Group Steers Swiss Billionaire’s Money to Liberal Causes,” *The Associated Press* (Apr. 4, 2023), <https://apnews.com/article/dark-money-democrats-wysss-politics-elections-601d40cd01569190559d545418afe396>.

¹⁰ See Berger Action Fund, Form 990 (2016-2022).

¹¹ Arabella Advisors, “Delivering Impact Through Innovative Funding Vehicles,” Arabella Advisors: Ideas & Impact: Greater Good Blog (2024), <https://www.arabellaadvisors.com/blog/delivering-impact-through-innovative-funding-vehicles>.

¹² Emma Green, “The Massive Progressive Dark-Money Group You’ve Never Heard Of,” *The Atlantic* (Nov. 2, 2021), <https://www.theatlantic.com/politics/archive/2021/11/arabella-advisors-money-democrats/620553>.

¹³ Emily Birnbaum, “Meet the Swiss Billionaire Cast by US Conservatives as the ‘New Soros,’” *Bloomberg* (Jan. 25, 2024), <https://www.bloomberg.com/news/articles/2024-01-25/meet-the-swiss-billionaire-cast-by-us-conservatives-as-the-new-george-soros>; Scott Bland and Maggie Severns, “Documents Reveal Massive ‘Dark-Money’ Group Boosted Democrats in 2018,” *Politico* (Nov. 19, 2019), <https://www.politico.com/news/2019/11/19/dark-money-democrats-midterm-071725>; Scott Bland, “Liberal ‘Dark-Money’ Behemoth Funneled More than \$400M in 2020,” *Politico* (Nov. 17, 2021), <https://www.politico.com/news/2021/11/17/dark-money-sixteen-thirty-fund-522781>.

¹⁴ Ben Kamisar, “New \$5 Million Ad Campaign Boosts House Democrats on Health Care,” *NBC News* (Mar. 11, 2024), <https://www.nbcnews.com/politics/2024-election/new-5-million-ad-campaign-boosts-house-democrats-health-care-rcna142739>.

¹⁵ *Supra* note 9.

¹⁶ Sixteen Thirty Fund, Form 990 (2023), <https://www.sixteenthrityfund.org/wp-content/uploads/2024/11/2023-Sixteen-Thirty-Fund-Form-990-Public-Disclosure-Copy-bnjAVgQYK7xcQpgdvdYN.pdf>.

¹⁷ Rebecca C. Lewis, “New Policy Group Spends Big on D’Esposito Attack Ads,” *City & State New York* (Sept. 20, 2023), <https://www.cityandstateny.com/politics/2023/09/new-policy-group-spends-big-desposito-attack-ads/390436>.

¹⁸ Alisa Parenti, “New York Democrats Flip Third House Seat in Long Island Race,” *Bloomberg* (Nov. 7, 2024), <https://www.bnnbloomberg.ca/business/politics/2024/11/07/gops-desposito-ousted-in-ny-house-race-democrats-pick-up-seat>.

¹⁹ *Id.*

Us, and Michigan Families for Fair Care – all in an effort to make it seem like they are local organizations – also spent millions, this time attacking Representatives Calvert, Duarte, Bacon, and James.²⁰

Another important electoral tool that Sixteen Thirty Fund heavily invests in is state ballot issue campaigns. In the absence of laws restricting foreign nationals from contributing to them, Sixteen Thirty Fund has poured \$130 million into ballot issue campaigns in 25 states.²¹ Ballot issues, while an important democratic tool, are also used by political operators to drive voter turnout to influence candidate races, and often push the most extreme version of policies that would otherwise not withstand the legislative process.

During the 2024 election cycle, Sixteen Thirty Fund spent over \$37 million in foreign-backed cash targeting ballot issues in Alaska, Arizona, Florida, Missouri, Montana, Nebraska, Nevada, and Ohio.²² In Florida, over \$14 million in foreign-backed cash was spent on an effort to amend Florida’s constitution to enshrine abortion rights. The measure failed to pass because it did not pass the state’s 60% threshold to amend the state Constitution. In Missouri, Sixteen Thirty Fund spent \$4.5 million on a ballot measure to “guarantee abortion until viability,” and \$3.5 million on a separate amendment to raise the state’s minimum wage. Both measures passed.

One state that recognized and took action against this foreign interference was Ohio. However, the path to banning foreign money in ballot measures was long and complicated. Leaders in Ohio decided to ban foreign nationals from contributing to ballot issue campaigns “a year after cash tied to a Swiss billionaire boosted a successful effort to enshrine abortion rights in the solidly red state’s constitution.”²³ The legislation quickly passed the Ohio Senate, but “against the backdrop of a festering Republican leadership fight,” it stalled in the Ohio House.²⁴ Knowing the importance of banning foreign funding of ballot issues, Governor DeWine called at special session on May 23, 2024 to “pass legislation ensuring Mr. Biden [would appear] on the ballot, as well as legislation that would ‘prohibit campaign spending by foreign nationals.’”²⁵ Also on May 23, 2024, clearly sensing that a ban on foreign funding was imminent, Sixteen Thirty Fund wired \$6 million into an Ohio ballot issue committee organizing a pro-gerrymandering effort.²⁶ Once Ohio’s ban on the foreign funding of state ballot issues was signed into law, Sixteen Thirty Fund did not spend another penny in the state.

While the notion of rejecting foreign interference in state politics should be a bi-partisan one, it is worth noting that every single Democrat in the Ohio General Assembly voted *against* banning foreign funding. In fact, just weeks after the law was signed, Marc Elias and his law firm, Elias Law Group, sued the state and wholeheartedly defended and embraced the position that foreign nationals *should* be allowed to fund ballot issue campaigns.²⁷ Fortunately, the Sixth Circuit Court of Appeals ruled that the law could go into effect.²⁸ In their decision, the court found:

The state of Ohio passed a law restricting the ability of foreign nationals to contribute to state campaigns and make independent expenditures related to state ballot initiatives. Concerns about

²⁰ Eli Okun, “Playbook PM: The Biden Pressure Campaign Hits A New Level,” *Politico* (July 18, 2024),

<https://www.politico.com/newsletters/playbook-pm/2024/07/18/the-biden-pressure-campaign-hits-a-new-level-00132333>.

²¹ Americans for Public Trust, *Foreign Influence in State Ballot Issues: How Sixteen Thirty Fund’s Pipeline of Foreign Cash Impacts State Politics*, Americans for Public Trust (Oct. 18, 2024), <https://americansforpublictrust.org/uncategorized/late-october-2024-update-foreign-backed-spending-in-state-ballot-issue-campaigns>.

²² *Id.*

²³ Julie Carr Smyth, “Fight Over Foreign Money in Politics Stymies Deal to Assure President Joe Biden is on Ohio’s Ballot,” *The Associated Press* (May 8, 2024), <https://apnews.com/article/election-2024-biden-ballot-ohio-0bef3376ec6abbad9cb324e725a1e3a2>.

²⁴ *Id.*

²⁵ Chris Cameron, “Ohio Governor Calls Special Legislative Session to Ensure Biden is on Ballot,” *The New York Times* (May 23, 2024), <https://www.nytimes.com/2024/05/23/us/politics/biden-ohio-ballot-special-session.html>.

²⁶ Ohio Secretary of State, *Citizens Not Politicians Semiannual (July) Report* (Filed July 31, 2024).

²⁷ Julie Carr Smyth, “Lawsuit Challenges Ohio Law Banning Foreign Nationals from Donating to Ballot Campaigns,” *The Associated Press* (June 28, 2024), <https://apnews.com/article/foreign-nationals-donation-ban-lawsuit-ohio-8720e7a90bec26eddb03caf37c42e8b6f>.

²⁸ Samana Sheikh, “Federal Court Backs Law Banning Foreign Contributions to Statewide Ballot Issues,” *Spectrum News 1* (Oct. 11, 2024), <https://spectrumnews1.com/oh/columbus/politics/2024/10/10/ballot--foreign--nationals>.

foreign interference in American politics aren't new. And Ohioans and their representatives have a compelling interest in regulating such influence. We can't interfere with their judgment unless the First Amendment demands it. And here, it doesn't.²⁹

Sixteen Thirty Fund also heavily invests in Super PACs, with their total giving approaching \$90 million over the last four cycles.³⁰ During this year's elections, nearly \$18 million went to Super PACs financing competitive elections, including U.S. House races in Colorado, Iowa, Michigan, Montana, New York, and Wisconsin. Additionally, their millions went to supporting a so-called Independent U.S. Senate candidate in Nebraska, as well as propping up a Libertarian presidential candidate to act as a spoiler to Donald Trump.

GROUP RECEIVING SIXTEEN THIRTY FUND MONEY	TOTAL AMOUNT	TARGETED RACES
Your Community PAC	\$6,730,364	Presidential (Support Kamala Harris); MT Senate (Support Sen. Jon Tester); OH Senate (Oppose Bernie Moreno); IA-3 (Oppose Rep. Zach Nunn); WI-3 (Oppose Rep. Derrick Van Orden); MT-At-Large (Support Monica Tranel)
Future Forward PAC	\$3,000,000	Presidential (Support Kamala Harris/Oppose Donald Trump)
Retire Career Politicians	\$2,000,000	Presidential (Support RFK Jr. and Libertarian Chase Oliver); NE Senate (Support Independent Dan Osborn/Oppose Sen. Deb Fischer)
Civic Truth Action	\$1,900,000	Presidential (Support Libertarian Chase Oliver and Constitution Party Randall Terry)
House Majority PAC	\$1,100,000	Numerous Targets
Mainstream Colorado Fund	\$860,000	CO-8 (Support Rep. Yadira Caraveo/Oppose Timothy Evans)
Rocky Mountain Values PAC	\$611,269	CO-3 (Oppose Ron Hanks and Jeff Hurd); Presidential (Oppose Donald Trump)
Open Democracy PAC	\$550,000	Numerous Targets
Straight Talk Politics PAC	\$450,000	Presidential (Oppose Donald Trump)
Campaign for a Family Friendly Economy	\$325,000	Presidential (Support Kamala Harris); MT Senate (Support Sen. Jon Tester); OH Senate (Oppose Bernie Moreno); MI Senate (Support Elissa Slotkin); NM

²⁹ *OPAWL-Building AAPI Feminist Leadership et al v. Yost et al*, No. 24-3768, 20 (6th Cir. 2024), <https://www.opn.ca6.uscourts.gov/opinions.pdf/24a0229p-06.pdf>.

³⁰ Federal Election Commission, "Individual Contributions: Sixteen Thirty Fund" (2018-2024), https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=sixteen+thirty+fund.

		Senate (Oppose Nella Domenici); WI Senate (Support Sen. Tammy Baldwin); MI-10 (Support Carl Marlinga); NY-22 (Support John Mannion)
American Bridge	\$50,000	Presidential (Oppose Donald Trump)
Railroaders for Public Safety	\$50,000	NE Senate (Support Independent Dan Osborn/Oppose Sen. Deb Fischer)
Project Democracy	\$45,000	Presidential (Support Kamala Harris/Oppose Donald Trump)
Moving Montana Forward	\$25,000	MT Senate (Support Sen. Jon Tester)

Outside of funneling foreign money through Sixteen Thirty Fund, Mr. Wyss has bankrolled other notable groups through his Berger Action Fund and Wyss Foundation.³¹

SELECTED GROUPS RECEIVING WYSS MONEY	TOTAL
Fund For A Better Future/Climate Power	\$95,698,000
New Venture Fund	\$80,512,200
League of Conservation Voters Network	\$22,652,100
Center for American Progress	\$10,305,000
Washington Center for Equitable Growth	\$7,955,000
Planned Parenthood Network	\$5,995,200
Indivisible	\$5,455,000
National Redistricting Action Fund	\$5,000,000
DEMOS	\$4,275,000
States Newsroom	\$2,140,000

Indivisible, known for disrupting Congressional townhalls, has received at least \$5.5 million in foreign cash. In November 2024, they “unveiled an action plan for revving up political organizing on the left and resisting former President Trump’s agenda during his second term.”³² Eric Holder’s National Redistricting Action Fund, which works to skew congressional maps in order to favor Democrats, has received at least \$5 million in foreign cash. Climate Power, which ran television ads backing Biden’s Build Back Better agenda, and is now seeking to torpedo the nomination of Governor Doug Burgum for Interior Secretary, has received tens of millions in foreign money.³³ And millions of foreign money has gone to States Newsroom, a political operation masquerading as a newsroom. States Newsroom has set up local-sounding “papers” in every state to publish politicized articles favorable to Democrats under banners like *Wisconsin Examiner*, *Florida Phoenix*, *Georgia Recorder*, *New York Focus*, *NC Newsline*, *Oklahoma Voice*, *Ohio Capital Journal*, and *Virginia Mercury* just to name a few.³⁴

³¹ See Berger Action Fund, Form 990 (2016-2022); Wyss Foundation, Form 990 (2002-2023).

³² Julia Mueller, “Indivisible Unveils Action Plan for Second Term,” *The Hill* (Nov. 18, 2024), <https://thehill.com/homenews/4995866-indivisible-unveils-action-plan-for-second-term>.

³³ Brian Slodysko, “Group Steers Swiss Billionaire’s Money to Liberal Causes,” *The Associated Press* (Apr. 4, 2023), <https://apnews.com/article/dark-money-democrats-wyss-politics-elections-601d40cd01569190559d545418afe396>; Thomas Catenacci, “Foreign-Funded Green Groups Lead Charge Against Trump Interior Nominee Doug Burgum,” *Washington Free Beacon* (Dec. 6, 2024), <https://freebeacon.com/politics/foreign-funded-green-groups-lead-charge-against-trump-interior-nominee-doug-burgum>.

³⁴ States Newsroom, “The Latest News In Your State: Browse Our Newsrooms By Region” (2024), <https://statesnewsroom.com/newsrooms/>.

Any vehicle that broadly influences the electoral process – from door knocking to ballot issues – should not be paid for by foreign dollars. These are simple, commonsense loopholes to close, and I think we can all agree foreign billionaires, the UK's Labour Party, and CCP officials should stay out of our politics.

I look forward to discussing ways to prevent foreign influence in our elections. Thank you.