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Statement for the Record before the Committee on the Judiciary, United States House of Representatives, on Lessons from the Mueller Report

Carrie Cordero, Robert M. Gates Senior Fellow, Center for a New American Security

Chairman Nadler, Ranking Member Collins, Members of the Committee, thank you for inviting me here today to support the committee's efforts to bring greater public awareness to the factual information and findings contained in Special Counsel Robert S. Mueller III's *Report on the Investigation Into Russian Interference in the 2016 Presidential Election*.¹ The report covers the Special Counsel's investigation into Russian interference in the 2016 election, its investigation regarding any connections between the Russian government and Trump 2016 campaign, and related matters, including but not limited to potentially obstructive acts related to the Special Counsel's investigation itself.

In addition to some preliminary observations about the release and scope of the report, this statement and my testimony today will focus primarily on the significance to our national security and democratic institutions the activities described in Volume I of the report, in particular:

- The Special Counsel's exposure of a sustained, systematic intelligence operation by the government of Russia to interfere in the 2016 election;
- Lessons we can draw from the report to ensure that foreign interference in our democratic institutions can be looked back on as an aberration, and not an accepted part of American elections and public discourse going forward; and
- The report's description of the conduct by Trump campaign officials in 2016 with respect to their willingness to accept Russian-government sponsored offers of assistance, and the imperative that such activity not be repeated by any American political campaign.

As you know, I had no involvement in the Special Counsel's investigation or preparation of the report. The views I am here to express today are based on my own read of the report, accompanying correspondence between the Attorney General and Special Counsel, the Special Counsel's delivered remarks on May 29th, and related materials that are publicly available. My views are informed by my prior professional experience as a national security attorney at the Department of Justice and Office of Director of National Intelligence where I worked on counterintelligence and counterterrorism operational law and policy matters, and continued engagement since leaving public service through teaching, research, writing and speaking on the

¹ <https://www.justice.gov/storage/report.pdf>.

law and policy governing the intelligence community and U.S. national security. I am also a co-founder of Checks & Balances, an organization of conservative and libertarian lawyers dedicated to core constitutional principles and the rule of law; principles that are highly relevant to the Congress' consideration of the matters contained in the report.²

The Report's Release

Given that much of the Special Counsel's report is now public, one may question why hearings are necessary to explain what the report says, and why it is significant. First, at 448 pages, the report is long, and dense with investigative details and legal analysis. Most Americans do not have the time to spend reading the report cover to cover. Second, and more significantly, however, the early reporting and reaction to the report was skewed as a result of specific actions taken by the Attorney General. In short, even though, eventually, much of the report has been made publicly available (even if not required under the regulations), the early narrative regarding some of the report's main findings was not correct, and caused confusion among members of Congress, the general public, and informed observers alike.

The report was provided to the Attorney General on March 22, 2019. On that date, the Attorney General notified Congress that he had received the report. On March 24th, the Attorney General sent to Congress and publicly released a four-page letter purporting to describe the Special Counsel's principal conclusions. On March 25th, the Special Counsel sent the Attorney General a letter that enclosed introductions and executive summaries of each of the report's two volumes, prepared in a manner suitable for release.³ On March 27th, the Special Counsel wrote to the Attorney General stating that the Attorney General's March 24th letter "did not fully capture the context, nature and substance" of the Special Counsel's "work and conclusions."⁴ The Special Counsel further wrote that the Attorney General's March 24th letter had led to "public confusion about the critical aspects of the results" of the Special Counsel's investigation, which "threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations." The Attorney General did not release the introduction and summaries prepared by the Special Counsel's office, nor did he release or reveal the existence of the Special Counsel's March 27th letter. Instead, the Attorney General released a redacted version of the report to Congress and the public on April 18th.⁵ The existence and substance of the Special Counsel's March 27th letter was not released until April 30th, on the eve of the Attorney General's testimony before the Senate Judiciary Committee on May 1st.

² The views expressed in this written statement and accompanying testimony are mine alone and should not be attributed to any employer, current or former, nor to any organization with which I am affiliated.

³ Letter from Robert S. Mueller to Attorney General William Barr, March 27, 2019, <https://apps.npr.org/documents/document.html?id=5984399-Mueller-Letter-to-Barr>.

⁴ Letter from Robert S. Mueller to Attorney General William Barr, March 27, 2019, <https://apps.npr.org/documents/document.html?id=5984399-Mueller-Letter-to-Barr>.

⁵ Statement of Attorney General William Barr, <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-release-report-investigation-russian>.

This chain of events left the public with an initial impression of the report's work and findings between March 24th and April 18th that was not accurate. Informed observers wondered out loud why the Special Counsel did not make a prosecutorial recommendation on obstruction. The Attorney General's March 24th letter left a reader with the impression that the most likely explanation was that the Special Counsel's office was unable to formulate a prosecutorial recommendation based on the sufficiency of the available evidence, and the applicability of that evidence against the elements of obstruction.

That turned out not to be the case. Volume II of the report explains that the reason the Special Counsel did not make a prosecutorial recommendation as to whether the president's conduct satisfied the elements of obstruction was because it assessed it could not lawfully do so under pre-existing Department of Justice legal opinion that a sitting president cannot be indicted.⁶ Moreover, the Special Counsel assessed that the doctrine of fairness precluded accusing one of a crime who will not have the opportunity to defend against that charge in a trial setting. As a result, the Special Counsel did not attempt to determine whether a prosecutable case against the president was feasible. The report states:

[I]f we had confidence after a thorough investigation of the facts that the President clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable legal standards, however, we are unable to reach that judgment. The evidence we obtained about the President's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred. Accordingly, while this report does not conclude that the President committed a crime, it also does not exonerate him.⁷

Special Counsel Mueller repeated this in his prepared remarks delivered at the Justice Department on May 29th.⁸ In short, the Special Counsel's report does not exonerate the president of engaging in obstructive conduct; instead, it recites a pattern of potentially obstructive behavior intended to derail the FBI's and later the Special Counsel's investigation into Russian interference and related cases involving former administration, campaign and Trump organization official(s).⁹

The Special Counsel's report alone is not, in my judgement, a complete narrative of Russian interference in the 2016 election and related matters. A more complete narrative would require an assimilation of this report, the related indictments, pleading and sentencing documents; the forthcoming report of the Senate Select Committee on Intelligence (SSCI); congressional

⁶ Volume II at 1-2.

⁷ Volume II at 2.

⁸ Full Transcript of Mueller's Statement on Russia Investigation, May 29, 2019, <https://www.nytimes.com/2019/05/29/us/politics/mueller-transcript.html> (“[I]f we had had confidence that the president clearly did not commit a crime, we would have said so. We did not, however, make a determination as to whether the president did commit a crime.”)

⁹ Volume II, at 3-7 (factual summaries of potentially obstructive acts investigated).

testimony before several committees of Congress related to this investigation; additional redacted, classified and investigative information; and information from foreign governments and foreign persons that is likely out of reach from American investigators. The Special Counsel's report on Russian interference in the 2016 election is not parallel to the 9/11 Commission Report, the authoritative accounting of the investigation into the September 11, 2001 attacks. This is not at all a criticism of the Special Counsel's report; instead, it is a recognition of the limitations that were placed on that office's mandate and scope of work as they were constituted under Department of Justice regulations.

The Russian Intelligence Operation to Affect the 2016 American Presidential Election

The Russian government's activities to influence the 2016 U.S. presidential campaign and election was a foreign intelligence operation. The Special Counsel's report states that it started as an information warfare operation intended to affect the election generally, and by 2016 was actively working to help Trump win.¹⁰ According to the report, the operation involved two main efforts. The first was a social media operation intended to influence Americans' public opinion. The effort was successful in reaching millions of Americans through social media engagement, false online personas, and ad buys, including those that "overtly opposed the Clinton Campaign."¹¹ According to the report:

[T]he IRA had the ability to reach millions of U.S. persons through their social media accounts.... Facebook estimated the IRA reached as many as 126 million persons through its Facebook accounts...Twitter...notified approximately 1.4 million people Twitter believed may have been in contact with an IRA-controlled account.¹²

We still do not have a definitive understanding of the extent of the manipulation of U.S. technology platforms, however, as the companies that complied with the review conducted by the SSCI provided only snapshots of data of varying format and comprehensiveness.¹³ An independent review commissioned by the SSCI found that the Internet Research Agency (IRA) had created a "manipulation ecosystem" online.¹⁴

The second part of the influence campaign involved computer hacking to steal and then release information from the democratic campaign apparatus including the Hillary Clinton campaign, the Democratic National Committee, the Democratic Congressional Campaign Committee, and the

¹⁰ Volume I at 4, 14.

¹¹ Volume I at 25.

¹² Volume I at 14-15.

¹³ Philip N. Howard, Bharath Ganesh, Dimitra Liotsiou, John Kelly and Camille Francois, Computational Propaganda Research Project, "The IRA, Social Media and Political Polarization in the United States, 2012-2018" (Oxford-Graphika Report), (University of Oxford, 2018), 39, <https://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2018/12/The-IRA-Social-Media-and-Political-Polarization.pdf>.

¹⁴ Renee DiResta, Dr. Kris Shaffer, Becky Ruppel, David Sullivan, Robert Matney, Ryan Fox, Dr. Jonathan Albright and Ben Johnson, "The Tactics & Tropes of the Internet Research Agency," New Knowledge (December 17, 2018), 2, <https://www.newknowledge.com/articles/the-disinformation-report/>.

emails of campaign chairman John Podesta.¹⁵ There was arguably a third component, which the report discusses as part of the social media operation. This component often gets overlooked: Russian operatives caused real, unsuspecting Americans to organize rallies and gather for political purposes. The Russians pretended to be grassroots activists.¹⁶ These online operatives made contact with and interacted with Trump supporters and Trump campaign officials.¹⁷ Trump campaign officials “promoted dozens of tweets, posts and other political content created by the IRA.”¹⁸ The investigation “identified dozens of rallies organized by the IRA.”¹⁹ They organized pro-Trump rallies in New York, Florida and Pennsylvania.²⁰ Thus, the 2016 activities were a combination of social media engagement, criminal cyber intrusion and political organization on the ground in local American communities.

The hacking aspect of the Russian government operation released obtained information in two ways: through fake online personas and through a surrogate. The fake personas were DC Leaks and Guccifer 2.0, which were actually Russian agents posing as those online monikers.²¹ The surrogate was WikiLeaks.²² Russian operatives used these mechanisms to release material that was hacked and stolen, to communicate with reporters, to communicate with each other, and in some instances, to communicate with the Trump campaign. The WikiLeaks releases were unquestionably helpful to the Trump campaign and designed to hurt the Clinton campaign.²³ Victims of the Russian intelligence activities also “included U.S. state and local entities, such as state boards of elections (SBOEs), secretaries of state, and county governments, as well as individuals who worked for those entities.”²⁴

A key paragraph in the report that appears to contain more information regarding the Trump campaign’s understanding of WikiLeaks’ role is redacted, and I would encourage the committee to work with the Attorney General and intelligence community, as needed, to review this information, which is redacted because it is related to an ongoing matter.²⁵ Here is a screenshot of the relevant paragraph on p. 36 of Volume I:

¹⁵ Volume I at 4.

¹⁶ Volume I at 29.

¹⁷ Volume I at 4-5.

¹⁸ Volume I at 33.

¹⁹ Volume I at 29.

²⁰ Volume I at 31.

²¹ Volume I at 41.

²² WikiLeaks has long been revealed publicly to work against U.S. national security interests. There is a significant public interest in understanding WikiLeaks role vis a vis hostile intelligence agencies. See Carrie Cordero, “A Hard Transparency Choice: What is WikiLeaks,” Lawfare, April 5, 2018, <https://www.lawfareblog.com/hard-transparency-choice-what-wikileaks>.

²³ Volume I at 48 (“WikiLeaks released 33 tranches of stolen emails between October 7, 2016 and November 7, 2016” including 50,000 private emails of John Podesta.)

²⁴ Volume I at 50.

²⁵ None of the redactions in the report indicate one way or another whether they shield classified information; it is unclear, therefore, whether the information marked as redacted for “harm to ongoing matter” includes unclassified information, classified information or a combination of both depending on the specific redaction.

The Trump Campaign showed interest in the WikiLeaks releases and, in the summer and fall of 2016, Harm to Ongoing Matter [REDACTED] After HOM [REDACTED] WikiLeaks's first Clinton-related release HOM [REDACTED], the Trump Campaign stayed in contact HOM [REDACTED] about WikiLeaks's activities. The investigation was unable to resolve Harm to Ongoing Matter [REDACTED] WikiLeaks's release of the stolen Podesta emails on October 7, 2016, the same day a video from years earlier was published of Trump using graphic language about women.

In fact, much of the information regarding the campaign's contacts with WikiLeaks is redacted.²⁶ Although it is impossible to verify given the redactions due to ongoing matters, the report appears to suggest that Manafort, the campaign chairman, communicated to Rick Gates, his deputy, that someone "wanted to be kept apprised of developments with WikiLeaks and separately told Gates to keep in touch with" that someone "about future WikiLeaks releases."²⁷

It is this section – the section pertaining to what the Trump campaign knew about WikiLeaks releases, that demonstrates the limits of the use of criminal laws to judge whether activity was "coordinated." The Special Counsel, to find "coordination" required there to be "an agreement – tacit or express – between the Trump Campaign and the Russian government on election interference."²⁸ But although short of that prosecutive standard, the report shows that the campaign at least wanted to know more about what was coming from WikiLeaks. Even more, the report states that, "[a]ccording to Gates, by the late summer of 2016, the Trump Campaign was planning a press strategy, a communications campaign, and messaging based on the possible release of Clinton emails by WikiLeaks."²⁹ Much of this section is redacted, and, should be a priority for Congress to explore.

Given the harm that WikiLeaks has caused U.S. national security for approximately a decade, we should all be able to agree that regardless of meeting a criminal standard for prosecution, it is unacceptable - indeed, disqualifying - for a U.S. political campaign to willingly accept information and intend to craft a public relations strategy around – leaked information from WikiLeaks, or any similar organization that, according to Secretary Pompeo when he was CIA Director, "walks like a hostile intelligence service and talks like a hostile intelligence service."³⁰

²⁶ Volume I at 51-59.

²⁷ Volume I at 54.

²⁸ Volume I at 2.

²⁹ Volume I at 54.

³⁰ Prepared remarks of Mike Pompeo, Director of the Central Intelligence Agency, at CSIS, April 13, 2017, <https://www.cia.gov/news-information/speeches-testimony/2017-speeches-testimony/pompeo-delivers-remarks-at-csis.html>.

Russian activities to influence U.S. electoral processes and pit Americans against each other are ongoing.³¹ The activities are not limited to the U.S.; Russia has engaged in active measures throughout Europe, as well.³² It is happening today. Every presidential campaign, every component of election infrastructure, every government leader with responsibilities to administer elections must understand and take action to address this threat.

Foreign Influence

Foreign influence is not a new concept to American public policy; it just seems that we need to be reminded of it. Just over 80 years ago Congress passed the Foreign Agents Registration Act (FARA) in order to combat Nazi propaganda that was infiltrating American institutions. Meanwhile, the Russians – and former Soviet Union – have been conducting propaganda operations and disinformation campaigns for decades.³³ FARA, the law in place to address foreign influence, was built on a registration process, requiring that those acting on behalf of foreign interests register with the Department of Justice so that Congress and the public would understand when someone was writing, speaking, or conducting advocacy, on whose behalf they were doing so. Foreign influence is not limited to elections. As Senator Grassley observed in a recent *Wall Street Journal* piece, foreign countries aggressively seek to exert influence through lobbying and other covert means.³⁴ Foreign influence - when conducted behind the scenes or covertly – clouds the policy debate and impacts decisions about Americans while crowding out the voice of Americans.

Similarly, campaign finance law prohibits foreign nationals from contributing or donating money or a thing of value in connection with an election, and prohibits a person to receive such a contribution or donation.³⁵ World War II era history also informed the need to prohibit foreign

³¹ Interview by Susan Hennessey with FBI Director Christopher Wray, RSA Conference, March 2019, (malign foreign influence campaign has continued “virtually unabated”)

<https://www.rsaconference.com/events/us19/agenda/sessions/17824-The-FBI-At-the-Heart-of-Combating-Cyberthreats>.

³² See, e.g., Naja Bentzen, European Parliamentary Research Service, “Foreign influence operations in the EU,” July 2018,

[http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/625123/EPRS_BRI\(2018\)625123_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/625123/EPRS_BRI(2018)625123_EN.pdf) (“Moscow seeks to undermine unity, destabilise democracies and erode trust in democratic institutions”).

³³ Office of the Director of National Intelligence, Assessing Russian Activities and Intentions in Recent US Elections, January 6, 2017, https://www.dni.gov/files/documents/ICA_2017_01.pdf (“Russian efforts to influence the 2016 US presidential election represent the most recent expression of Moscow’s longstanding desire to undermine the US-led liberal democratic order, but these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations”); PBS Newshour, “The long history of Russian disinformation targeting the U.S.,” November 21, 2018, <https://www.pbs.org/newshour/show/the-long-history-of-russian-disinformation-targeting-the-u-s>.

³⁴ Chuck Grassley, “The Foreign Influence We’re Ignoring,” *Wall Street Journal*, June 9, 2019, <https://www.wsj.com/articles/the-foreign-influence-were-ignoring-11560108892>.

³⁵ 52 U.S. Code § 30121.

money in U.S. political campaigns.³⁶ But the campaign finance laws have limits in terms of their ability to prevent or even hold accountable benefits received as a result of a foreign intelligence activity. Again, updates can and should be made – such as bolstering reporting requirements or expanding the categories of assistance – but updating these laws will never be able to account for all the types of activity a hostile foreign service might engage in to affect an election. Currently, as the Special Counsel notes, opposition research “could constitute a contribution to which the foreign-source ban could apply[;]” but “no judicial decision has treated the voluntary provision of uncompensated opposition research or similar information as a thing of value that could amount to a contribution under campaign-finance law.”³⁷

Modifications to laws alone will not fully address the covert activities of a hostile foreign intelligence service. Foreign intelligence services conducting their activities abroad know they are violating the domestic law of the country they target; they are not necessarily dissuaded by the threat of accountability or civil liability or criminal justice. Which is why setting aside legality for a moment, it simply cannot be that it is acceptable for an American political campaign to accept foreign assistance in order to win an election.

We have not done a good enough job explaining to the American public *why* foreign influence matters: If we allow foreign interests to invade our thinking regarding our choice of candidates, to invade our media outlets through releasing stolen information without understanding where it is coming from, and to possibly invade our voter registration and other election infrastructure systems, we are not making decisions for ourselves. If we allow foreign countries’ leaders, whose interests are not necessarily aligned and in the case of Russia, specifically, has geopolitical interests adverse to ours, to influence how Americans look at each other, how we speak to each other, how we interact with each other online, we succumb to others’ interest, not our own. Wise leaders have warned of foreign influence since the birth of the republic.³⁸ Foreign involvement in our elections undermines our democracy.

What are our interests? Simply put, our interests are our security, our freedom and our values. They are ours, grounded in the Constitution, lived daily in our lives. Our constitutional principles assure us individual liberty, a free press, freedom from intrusive government activities, and equal protection under the law. When a foreign nation – with interests adverse to ours – seeks to interfere in our most fundamental exercise of our democratic system – our elections – they are trying to impose their influence over our society. This is why we need to openly, clearly, aggressively reject foreign interference in our campaigns and elections and in our democratic institutions.

³⁶ “How Nazis Tried to Steer U.S. Politics,” New York Times, July 23, 1997, <https://www.nytimes.com/1997/07/23/us/how-nazis-tried-to-steer-us-politics.html>.

³⁷ Volume I at 187.

³⁸ George Washington’s Farewell Address, 1796, (“history and experience prove that foreign influence is one of the most baneful foes of republican government”), https://avalon.law.yale.edu/18th_century/washing.asp.

The Russian government influence activities were intended to sow discord in the United States and to weaken an adversary: us. The Russian government also was conducting outreach to the Trump campaign, while helping them through its influence campaign, to change U.S. foreign policy as it relates to Russia.³⁹

Foreign Influence in American Elections Cannot Be Allowed to Become the New Normal

Here is what the report said about the Trump 2016 campaign's openness to receiving foreign assistance:

Although the investigation established that the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the Campaign expected it would benefit electorally from information stolen and released through Russian efforts, the investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government in its election interference activities.⁴⁰

The Special Counsel applied the principles of conspiracy law – a criminal statute – in making its assessment of whether the campaign “conspired or coordinated.”⁴¹ The Special Counsel considered whether campaign officials could be charged under Department of Justice prosecutive guidelines with violating the FARA, campaign finance laws, and/or conspiracy. The Special Counsel's office determined that no U.S. person, including any members of the campaign, could be prosecuted for conspiracy to defraud the United States, the overarching theory of the case as it pertained to the Russian activities, or these other potential violations of law. The report outlines, however, the campaign's willingness to receive foreign assistance, and/or to be the beneficiary of foreign assistance. In short, there may not have been a criminal conspiracy, but there was certainly mutually reinforcing behavior.

An American presidential campaign should not be openly willing to receive assistance from a hostile foreign government, or any foreign government. Nor should a campaign, its leadership or its personnel actively thwart U.S. government efforts to uncover foreign influence. And yet, the Special Counsel describes how Trump 2016 campaign officials:

- Accepted a meeting with Russian government surrogates for the purpose of obtaining derogatory information on the candidate's political opponent;⁴²

³⁹ Volume I at 157 (“Dmitriev told Gerson that he had been tasked (by Putin to develop and execute a reconciliation plan between the United States and Russia.”)

⁴⁰ Volume I at 5.

⁴¹ Volume I at 2.

⁴² Volume I at 110-120. As has been widely reported in the media, in response to an offer via email from publicist Rob Goldstone that the “crown prosecutor of Russia...offered to provide the Trump campaign with some official documents and information that would incriminate Hillary...[and] is obviously very high level and sensitive information but is part of Russia and its government support for Mr. Trump...” Donald Trump Jr. replied, “..if it's what you say I love it especially later in the summer” of 2016. Volume I at 113.

- Deleted or made otherwise unavailable evidence such as electronic communications;⁴³
- Refused to be interviewed by the Special Counsel⁴⁴ to assist in its investigation of Russian interference and related matters or lied to investigators when interviewed⁴⁵
- Sought to obtain what were believed to be deleted Clinton emails⁴⁶
- Pursued a financial opportunity that would have required Russian government approval (Trump Moscow) while running for president of the United States⁴⁷
- Provided internal campaign information, including polling data, to an individual the U.S. intelligence community assessed was linked to Russian intelligence⁴⁸

In addition, it is quite possible, if not likely given the timing, that candidate Trump's public statements encouraged Russian interference. The report:

On July 27, 2016, Unit 26165 targeted email accounts connected to candidate Clinton's personal office [redacted]. Earlier that day, candidate Trump made public statements that included the following: "Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing."⁴⁹

The report continues:

Within approximately five hours of Trump's statement, GRU officers targeted for the first time Clinton's personal office...After candidate Trump's remarks Unit 26165 crated and sent malicious links targeting 15 email accounts...⁵⁰

Until that day, these particular accounts had not been targeted by the Russian operatives.⁵¹

Role of Congress

Members of Congress have a duty to ensure that the government is protecting Americans' from foreign influence. We are only eighteen months away from the next election. Congress must do more to protect our elections and democratic institutions from foreign interference. Congress'

⁴³ Volume I at 10, 155.

⁴⁴ Appendix C-2.

⁴⁵ Volume I at 191. The report stated, "[T]he investigation established that several individuals affiliated with the Trump campaign lied to the Office, and to Congress, about their interactions with Russian-affiliated individuals and related matters. Those lies materially impaired the investigation of Russian election interference." Volume I at 9.

⁴⁶ Volume I at 62.

⁴⁷ Volume I at 67-78. Nor should Americans be satisfied with a political candidate who views candidacy as an "infomercial" for family-owned-company-branded properties. Volume I at 72.

⁴⁸ Volume I at 136.

⁴⁹ Volume I at 49.

⁵⁰ Volume I at 49.

⁵¹ Volume I at 49.

role in this regard is one-part legislative and one-part leadership. Examples on the legislative front include but are not limited to:

- Election security legislation involving the administration of elections, for example, paper ballot backups and cybersecurity hardening
- Updating election commission reporting requirements regarding foreign contacts
- Expanding or more clearly defining the scope of prohibited activity under the election laws
- Social media ad financing disclosure requirements
- Cybersecurity training, guidelines and resources for state and locals
- Oversight & accountability for DHS election cybersecurity activities
- Reporting requirements for social media platforms to provide transparency about evidence of foreign influence on their platforms in connection with election seasons
- Intelligence community transparency requirements and oversight regarding election threat information

On the leadership front, the duty is rooted in members' oath of office and allegiance to the Constitution. This is also why the evidence in Volume I of the Special Counsel's report – in addition to the public statements made by the president and his most senior advisors – cannot be ignored. One cannot faithfully defend the Constitution and be open to receiving foreign assistance to win an election at the same time, and take actions to obstruct a federal investigation into the foreign interference efforts. The oath and those acts are incompatible. And they should be of grave concern to this body which carries its own Constitutional responsibilities. That concern is meaningless unless there is action accompanying it.⁵²

We cannot just write off what transpired in 2016, and what foreign threats against our democratic processes continue to exist. Right now, today, there is no whole of government strategy to counter foreign influence in elections and democratic institutions, no presidential leadership to secure our elections, and no legislation passed by Congress to address election security or foreign influence.

Instead, we have deflection, apathy and inaction.

We cannot ignore the information in the Special Counsel's report. We cannot not care. We have to care. And we have to act. We have to raise our expectations. Protecting Americans from foreign interference in our democracy needs to begin, here. Protecting our constitutional system of checks & balances, needs to begin, here. Protecting our shared values, free elections, and American interests needs to begin, here.

⁵² William Cohen, "When Will the Republican Silence on Trump End?" Washington Post, May 29, 2019, https://www.washingtonpost.com/opinions/2019/05/29/when-will-republican-silence-trump-end/?noredirect=on&utm_term=.3ba46e3797a9.