

Center for American Progress



Memorandum to Members of Congress

Date: January 16, 2017

From: Center for American Progress National Security and International Policy Team

Subject: The Need for an Independent, Bipartisan Commission on Russian Interference in the 2016 Election

Russia's interference in the 2016 election was an unprecedented attack on American democracy.ⁱ As you know, the collective U.S. Intelligence Community has determined that Russia attempted to help Donald Trump in 2016.ⁱⁱ Now there are unconfirmed reports that Mr. Trump's team may have actively colluded with Russia to get elected.ⁱⁱⁱ

Russia's covert operation and propaganda efforts aimed at influencing our election raise fundamental questions about our democracy – how do we keep our elections immune from foreign interference? Members of Congress take an oath to protect us from enemies foreign or domestic. This is a case where that oath is tested.

The only way to determine what happened – and how to ensure it never happens again – is by getting the facts through a robust investigation. It needs to be carried out by an independent and impartial body operating outside the daily scramble of politics and with authority to examine the entire scope of what happened, not just what falls within the jurisdiction of a particular congressional committee.

That is why we believe that Congress must establish a bipartisan independent commission with its own staff, funding and subpoena power to carry out an impartial investigation and issue a public report.

While there will be many policy fights in the months ahead, there are few issues more important than determining precisely what the Russians did, why they did it, and how we stop it in the future. The integrity of our democracy and the credibility of our election results are at stake. Until we know how this happened, a cloud will hang over the 2016 election and threaten every election in our nation's future.

The independent commission should also examine the unwitting or witting furtherance of the Russian operation by others. Of course, investigations of any individuals for possible crimes in connection with Russian operations must be carried out by law enforcement. Given the extraordinary circumstances in this case, such a criminal investigation needs to be carried out by a Special Counsel as CAP recently outlined in a letter to the Attorney General.

Below are critical questions that need to be answered regarding the details of Russian interference; until such questions are fully answered, the public may well question the

legitimacy of this election, which is precisely why a commission is the most appropriate means to address these questions. Congressional committees and criminal investigations on their own will not address all of these issues.

Unanswered Questions

As a continuous stream of reports by the Intelligence Community and the media in recent months have made clear, the scope of Russia's interference in the 2016 election, how they did it, and with whom they collaborated, are far-reaching questions of the gravest nature for the United States.

Below are just a handful of the questions that need to be investigated to gain a fuller understanding of what happened, and to ensure that it never happens again:

- **What is the full scope of Russia's interference?** The report by the Intelligence Community makes clear that Russia engaged in a multi-faceted effort, including propaganda and cyber operations against individuals associated with Democratic and Republican parties. But serious questions remain: Were other political organizations targeted or hacked? Does the Russian government have stolen emails of individuals who are or will be in the government that it has not yet disclosed? What was the extent of the disinformation campaign in the United States? What was the role of organizations and individuals inside the United States in furthering the Russian efforts? Were there any members of any political campaign who were supporting these efforts?
- **Who was involved?** The Intelligence Community confirmed that Russia worked with outside actors like Wikileaks to spread information, but were others involved, including for example fake news operators overseas? A recent story^{iv} points to an unsubstantiated dossier of compromising information regarding Donald Trump that indicates Russian coordination with the Trump campaign. At least some of these allegations were deemed important enough by U.S. intelligence agencies to include them partially in a briefing to President Obama and President-elect Donald Trump. Therefore, it is imperative for the public to understand which parts if any are true. In light of newspaper reports about a FISA warrant being granted, the commission should also seek information about whether other individuals in America or elsewhere supported Russia's actions.^v
- **Why did Russia help Donald Trump?** One of the Intelligence Community's findings is that Russia "aspired to help President-elect Trump's election chances" – but why? What did Russia believe it had to gain by helping Donald Trump defeat Hillary Clinton? Do Russia's motivations go beyond undermining the U.S.-led liberal order and disparaging candidates hostile to the Kremlin? Is there some reason they had to think that Trump would further their aims?
- **What was the extent of Russian interference with election systems?** The Intelligence Community has stated that Russian interference did not alter the mechanics of vote tabulation, but that Russia did access state and local electoral boards. What did Russia do with that access? Were other aspects of local election processes affected by Russian interference?

- **What did the U.S. government do to respond?** There is information indicating that the FBI was aware of Russian attempts to hack the DNC as early as the fall of 2015, but it took the U.S. government until October 2016 to publicly identify Russian interference.^{vi} Exactly what happened during that year? When did the FBI first contact DNC leadership about the hacking? Why did they not contact anyone in DNC leadership until months later? What options were considered or undertaken to respond, and when?
- **How do we prevent this from happening again?** This is not just about what happened during 2016 – it’s about protecting American democracy and ensuring that we never suffer an attack like this again. We must look at what steps the United States can take to prevent future attacks: How do we protect election systems and campaigns? How do we stop the spread of disinformation? Do more costs need to be imposed on Russia to deter future action?

Why a Commission?

There are a series of questions that remain unanswered on an issue that affects the integrity of this election. A substantial portion of the public already questions the legitimacy of the outcome. We need an independent, bipartisan commission that can provide solid answers to the public on what happened.

The Intelligence Community has done an important job in focusing on the issue from an intelligence perspective. The issues and implications of what happened, however, go beyond the purview of the intelligence community. In addition, the unclassified report by the intelligence community only includes a portion of its findings, stating “The Intelligence Community rarely can publicly reveal the full extent of its knowledge of the precise basis for its assessments, as the release of such information would reveal sensitive sources or methods and imperil the ability to collect critical foreign intelligence in the future.”

Therefore, we need to broaden the scope beyond intelligence and the jurisdiction of the congressional intelligence committees. A bipartisan, independent commission – like the 9/11 Commission – can bring together eminent public servants and experts to conduct a comprehensive investigation that looks at all aspects of Russia’s interference. It can produce classified and unclassified versions of its findings that are as exhaustive and detailed as possible to ensure Americans get the facts.

An independent commission is necessary for the following reasons:

- **Credible and Above Politics.** A commission that is fully funded, has subpoena power and a broad mandate to investigate all aspects of the issue can do this in an atmosphere as much outside of politics as possible. Past experience shows that such commissions will work hard to come to consensus in order to publish a report agreed to by all members.
- **A Comprehensive Investigation.** The scope of a commission’s investigation will go beyond examining intelligence sources. Commission members will interview Administration officials, those involved with the campaigns, state and local

election officials, individuals who were hacked and experts on cyber and related issues.

- **Full-time.** A commission will have staff that is devoted full-time to investigating this issue. There will not be other distractions that committees have during the course of normal Congressional business.
- **An Independent Effort.** Strong bipartisan leadership by highly respected leaders at the head of the commission can provide prestige and impact to its work and its findings. The commission members will be responsible only to the American people and not to a political party.
- **Making Recommendations.** As with the 9/11 Commission, a Russian election interference commission can make broad recommendations that go beyond the intelligence community as to what can be done to protect American citizens and institutions in the future.

The complicated threat from Russia continues. The Intelligence Community also determined that “Moscow will apply lessons learned from its Putin-ordered campaign aimed at the U.S. presidential election to future influence efforts worldwide, including against U.S. allies and their election processes.” For the sake of every American, our nation’s security, and our democracy, Congress should establish an independent bipartisan commission with subpoena power immediately. The American people deserve nothing less to protect their constitutional democracy.

ⁱ Office of the Director of National Intelligence, “Assessing Russian Activities and Intentions in Recent US Elections”, January 6, 2017, available at https://www.dni.gov/files/documents/ICA_2017_01.pdf

ⁱⁱ Ibid

ⁱⁱⁱ Ken Bensinger, Miriam Elder, Mark Schoofs, “These Reports Allege Trump Had Deep Ties to Russia,” BuzzFeed, January 10, 2017, available at https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm_term=.ya9ndZz0J3#.tklXadmo64

^{iv} Ibid

^v Julian Borger, “How the Trump dossier came to light: secret sources, a retired spy and John McCain”, The Guardian, January 12, 2017, available at <https://www.theguardian.com/us-news/2017/jan/11/trump-russia-report-opposition-research-john-mccain>

^{vi} Eric Lipton, David E. Sanger, Scott Shane, “The Perfect Weapon: How Russian Cyberpower Invaded the U.S.”, The New York Times, December 13, 2016, https://www.nytimes.com/2016/12/13/us/politics/russia-hack-election-dnc.html?_r=0