

June 30, 2020

The Honorable Marco Rubio
Acting Chairman
The Honorable Mark Warner
Vice Chairman
Select Committee on Intelligence
U.S. Senate
Washington, D.C. 20510

Dear Senators:

We represent eleven centers of former Members of Congress, both Democrats and Republicans, located in different states around the country. Our missions vary slightly, but we all hold in common the desire to extend the legacy of our former Members by promoting the importance of Congress as a co-equal branch of government and to advance the goals of a functioning and transparent democracy that inspires the confidence of our citizens.

To that end, we are writing to applaud your efforts in the production of the four-volume SSCI report on Russian interference in the 2016 election. These unanimously adopted reports that are well-documented and fact-based, address a matter of fundamental importance to the continuation of a healthy and viable democracy in the United States: the possible corruption of our electoral system by foreign entities. Such corruption can occur through disruptive fake social media, through hacking of campaign and candidate accounts, and through manipulation of voter registration and ballot records. The SSCI report confirms that Russia used each of these techniques in the 2016 election and continues to do so as we approach our 2020 election, stating in Volume 4, page 50, “Since January 2017, the Committee has discovered additional examples of Russia's attempt to sow discord, undermine democratic institutions, and interfere in U.S. elections.”

By exposing these practices, SSCI has performed an invaluable service to the people of the United States, and we thank you.

While much of Volume 4 is redacted, the SSCI did disclose “as both prediction and warning. . .the final analytic line of the ICA” (Intelligence Community Assessment) that “Moscow will apply lessons learned from its campaign aimed at the U.S. presidential election [in 2016] to future influence efforts in the U.S. and worldwide” and that “the Russian intelligence services would have seen their election influence [in 2016] as at least a qualified success because of their perceived ability to impact public discussion in the U.S. . . (Volume 4, p.119) It also warns that that “[t]he executive branch should be prepared to face an attack on U.S. elections in a highly politicized environment either from the Russia or from elsewhere.” (Volume 3, p. 44)

The Committee found that the Obama administration’s “decisions to limit and delay the information flow regarding the 2016 Russian active measures campaign, while understandable, inadvertently constrained the administration's ability to respond.” The Committee noted that “[s]everal administration officials told the Committee that they felt constrained by worries that

warning the American public would trigger the very thing they were trying to prevent: the public questioning the integrity of the election. (Volume 3, p. 4, p. 19)

Having found that the administration in 2016 was hesitant to disclose the intelligence that Russia was directly interfering in the election and that the delay damaged our country's ability to respond to the interference, the Committee recommended that:

-- There should be "a range of standing response options that can be rapidly executed, as appropriate if a clandestine foreign influence operation is directed at the United States." (Volume 3, p. 44)

-- "The DNI, as the country's senior intelligence representative, should provide a regular, apolitical assessment of foreign intelligence threats to U.S. elections, including clandestine foreign influence campaigns." (Volume 3, p. 44)

-- "Executive and legislative branch officials, regardless of party affiliation should jointly and publicly reinforce the DNI's findings, particularly if a foreign influence effort is directed at specific candidates seeking office." (Volume 3, p. 44)

-- "Once credible information is obtained about a foreign influence or active measures operation, that information at the appropriate classification level should be shared as broadly as appropriate within government, including Congress, while still protecting sources and methods. This information should also be shared with relevant state and local authorities, and relevant private sector partners, as appropriate. For operations specifically targeting election infrastructure and systems, federal engagement with state and local election officials, as well as relevant private sector partners, must be substantive and timely." (Volume 3, p. 45)

-- If foreign influence is "detected, the public should be informed as soon as possible, with a clear and succinct statement of the threat, even if the information is incomplete. Delaying the release of information allows inaccurate narratives to spread, which makes the task of informing the public significantly harder. Mechanisms for issuing public warnings related to threats to elections should be put in place to allow for any warning to be made in a timely and non-partisan manner." (Volume 3 p. 45)

The time has come to begin implementing these important recommendations. We urge you to take it upon yourselves to make unclassified information involving foreign interference in, or a threat to, the 2020 election known to government officials at all levels, relevant private sector partners, and the public as soon as possible and to seek the declassification of additional information that you believe should be available to the public. Having on-time information like this is critically important so the public can know the source and assess the veracity of the election-related information they are receiving. In addition, the success of any American response to foreign election interference would depend in large part on public confidence in its political neutrality, and your joint actions would foster that confidence.

Free and fair elections are fundamental to our democracy and any taint of foreign influence jeopardizes the public's trust in the results of our elections and risks the "consent of the governed." You can play an essential role in addressing those threats.

Thank you, again, for your bipartisan work. We look forward to hearing from you. If you have any questions, please contact Linda Gustitus, Levin Center at Wayne Law, linda.gustitus@wayne.edu.

Sincerely,

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cc: Members, Senate Select Committee on Intelligence

