

Hickey, Adam (NSD)

From: Hickey, Adam (NSD)
Sent: Thursday, September 29, 2016 4:53 PM
To: Lan, Iris (ODAG)
Subject: FW: Russia Cover
Attachments: Russia Cover.pdf; wMassimo_released.pdf

Have not read.

From: Laufman, David (NSD)
Sent: Thursday, September 29, 2016 4:51 PM
To: Toscas, George (NSD); Hickey, Adam (NSD)
Subject: FW: Russia Cover

fyi

From: Calabresi, Massimo - Time U.S. <massimo.calabresi@time.com> [<mailto:massimo.calabresi@time.com>]
Sent: Thursday, September 29, 2016 4:43 PM
To: Laufman, David (NSD); Raimondi, Marc (OPA)
Subject: Russia Cover

David, Marc,

I'll drop off some copies of the magazine tomorrow, but in the meantime, attached are pdfs of the cover image and the story. I hope you find it interesting.

Best,

Massimo

--

Massimo Calabresi
Time Magazine

(b) (6)

TIME

Russia wants to undermine
faith in the U.S. election.

Don't fall for it.

By Massimo Calabresi



HACKING

WHAT'S BEHIND RUSSIA'S EFFORT TO INFLUENCE THE U.S. ELECTION

BY MASSIMO
CALABRESI

THE

THE LEADERS OF THE U.S. GOVERNMENT, including the President and his top national-security advisers, face an unprecedented dilemma. Since the spring, U.S. intelligence and law-enforcement agencies have seen mounting evidence of an active Russian influence operation targeting the 2016 presidential election. It is very unlikely the Russians could sway the actual vote count, because our election infrastructure is decentralized and voting machines are not accessible from the Internet. But they can sow disruption and instability up to, and on, Election Day, more than a dozen senior U.S. officials tell TIME, undermining faith in the result and in democracy itself.

The question, debated at multiple meetings at the White House, is how aggressively to respond to the Russian operation. Publicly naming and shaming the Russians and describing what the

intelligence community knows about their activities would help Americans understand and respond prudently to any disruptions that might take place between now and the close of the polls. Senior Justice Department officials have argued in favor of calling out the Russians, and that position has been echoed forcefully outside of government by lawmakers and former top national-security officials from both political parties.

Unfortunately, it's not that simple. The President and several of his closest national-security advisers are concerned about the danger of a confrontation in the new and ungoverned world of cyberspace, and they argue that while the U.S. has powerful offensive and defensive capabilities there, an escalating confrontation carries significant risks. National Security Council officials warn that our critical infrastructure including

the electricity grid, transportation sector and energy networks is vulnerable to first strikes; others say attacks on private companies, stock exchanges and the media could affect the economy. Senior intelligence officials even worry about Russia exposing U.S. espionage operations in retaliation. And while U.S. officials have "high confidence" that Russia is behind what they describe as a major influence operation, senior U.S. officials tell TIME, their evidence would not yet stand up in court.

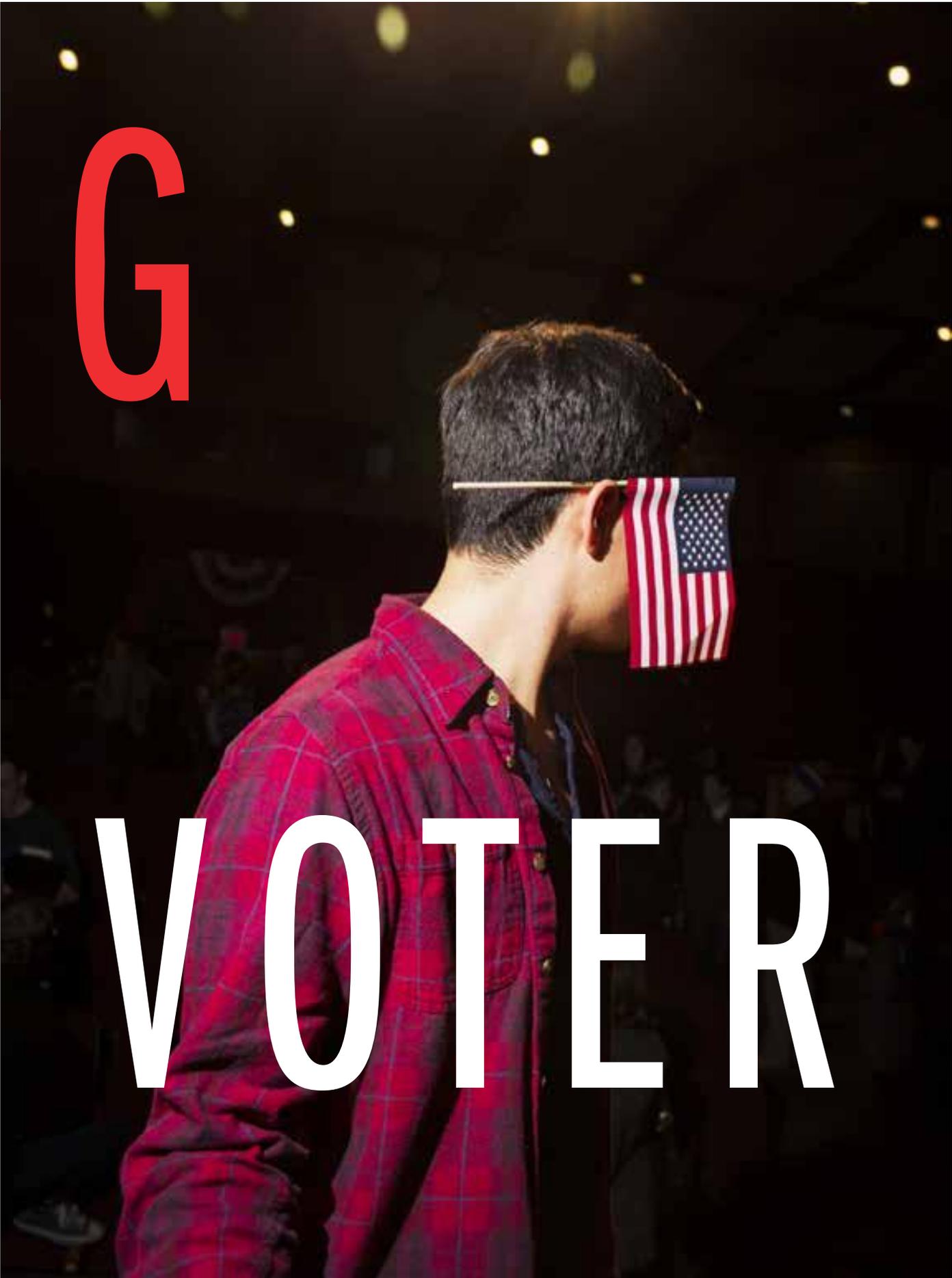
And so with five weeks to go, the White House is, for now, letting events unfold. On one side, U.S. law-enforcement agencies are scrambling to uncover the extent of the Russian operation, counter it and harden the country's election infrastructure. On the other, a murky network of Russian hackers and their associates is stepping up the pace of leaks of stolen documents

PHOTOGRAPH BY LONDON NORDEMAN FOR TIME

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VOTER



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designed to affect public opinion and give the impression that the election is vulnerable, including emails from the computers of the Democratic National Committee (DNC). Meanwhile, the FBI alerted all 50 states to the danger in mid-August, and the states have delivered evidence of a “significant” number of new intrusions into their election systems that the bureau and their colleagues at the Department of Homeland Security “are still trying to understand,” a department official tells TIME.

All of which makes Donald Trump’s repeated insertion of himself into the U.S.-Russia story all the more startling. Trump has praised Putin during the campaign, and at the first presidential debate, on Sept. 26, he said it wasn’t clear the Russians were behind the DNC hack. But the U.S. intelligence community has “high confidence” that Russian intelligence services were in fact responsible, multiple intelligence and national security officials tell TIME. Trump was informed of that assessment during a recent classified intelligence briefing, a U.S. official familiar with the matter tells TIME. “I do not comment on information I receive in intelligence briefings, however, nobody knows with definitive certainty that this was in fact Russia,” Trump told TIME in a statement. “It may be, but it may also be China, another country or individual.”

RUSSIA’S INTERFERENCE in the U.S. election is an extraordinary escalation of an already worrying trend. Over the past 2½ years, Russia has executed a westward march of election meddling through cyberspace, starting in the states of the former Soviet Union and moving toward the North Atlantic. “On a regular basis they try to influence elections in Europe,” President Obama told NBC News on July 26. With Russia establishing beachheads in the U.S. at least since April, officials worry that in the final weeks of the campaign the Russian cybercapability could be used to fiddle with voter rolls, election-reporting systems and the media, resulting in confusion that could cast a shadow over both the next President and the democratic process.

Obama’s decision not to call out the Russian espionage operation has so far left the effort to educate Americans about it to lawmakers and national-security experts.

On Sept. 22, the ranking Democrats on the Senate and House Intelligence Committees, California’s Senator Dianne Feinstein and Representative Adam Schiff, released an unusually blunt statement. “Based on briefings we have received, we have concluded that the Russian intelligence agencies are making a serious and concerted effort to influence the U.S. election,” they said. “At the least, this effort is intended to sow doubt about the security of our election.” Orders for Russian intelligence agencies to conduct electoral-influence operations, they added, could come only from very senior levels of government. “We call on [Russian] President [Vladimir] Putin to immediately order a halt to this activity.” The statement, though not endorsed publicly by the Administration, was cleared with the CIA.

To understand why Putin would want to undercut the legitimacy of the U.S. election, it helps to step back from the long and ugly presidential campaign and remember why we’re voting in the first place. Elections are the ultimate source of authority in our democracy. Because Republicans and Democrats have agreed for decades that spreading democracy is good for everyone, America has pushed for free and fair elections around the world. And many nations have embraced them: peasants in the Balkans put on their Sunday best to go to the polls, and burqa-clad women in Afghanistan brave terrorist attacks to stand in line for hours to cast their ballots.

Not surprisingly, quasi-authoritarian rulers in the former Soviet Union, latter-day communists in China and medieval theocrats in the Middle East, among many others, see America’s sometimes aggressive evangelism about the benefits of liberal democracy as a direct threat to their own claims to authority. Putin has taken particular umbrage, accusing the U.S. and former Secretary of State

THE REALIZATION THAT WE FACE A MAJOR CYBERINFLUENCE OPERATION HAS LIT A FIRE UNDER NATIONAL-SECURITY OFFICIALS



Hillary Clinton in particular of meddling in Russia’s presidential election in 2012. He has publicly questioned the validity of past U.S. presidential elections, saying, on June 17, of the Electoral College, “You call that democracy?” Now, experts say, Putin is expanding his anti-American campaign into cyberspace. “More than any attempt to get one candidate or another elected, this [Russian influence operation] is about discrediting the entire idea of a free and fair election,” says Dmitri Alperovitch, co-founder and chief technology officer of CrowdStrike, the cybersecurity company that did the analysis of the DNC hack.

No one knows that better than Arizona secretary of state Michele Reagan. One day in June she was in her backyard in Phoenix when she got a call from her chief of staff. “Are you sitting down?” he asked. The FBI had been monitoring a corner of the so-called dark web, the network of hidden sites used by criminals to buy and sell drugs, pedophilic pornography and stolen identities. A group of hackers known collectively as Fancy Bear, which the U.S. government believes is controlled by Russian military intelligence, was trying to sell a user name and password

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Dmitri Alperovitch is a co founder of CrowdStrike, which uncovered Fancy Bear's hacks of Democratic campaign committees last summer

capacity than anybody both offensively and defensively,” Obama said.

PUTIN’S HISTORY of using influence operations against opponents begins, appropriately enough, with himself. As he was rising quickly through the Kremlin ranks in 1999, one of his main opponents, Prosecutor General Yuri Skuratov, was caught on tape having sex with two women in a hotel room in what Skuratov later claimed was a Putin-run espionage operation traditionally known as a “honey trap.” Putin, who had risen from a Soviet-era KGB operative to head the country’s intelligence services, denied he was behind it but said on TV that his agents had confirmed that the man in the grainy video was Skuratov. Putin went on to win the presidency the next year. Skuratov, who ran against him, got less than 1% of the popular vote.

With the expansion of the Internet in the decade that followed, the Russians adopted cyberweapons as a standard tool of political meddling. Nowhere has their tactic of spreading chaos around a vote been clearer than in Ukraine, where three days before the presidential election on May 25, 2014, the computer systems of the Central Electoral Commission went dark. “The servers wouldn’t turn on. The links to the local election authorities were cut off,” says Victor Zhora, director of the cybersecurity firm Infosafe, which had been hired to defend the system. “Literally, nothing worked.”

As Zhora and his team worked successfully to restore the system in time for the vote, they became convinced that the collective behind the hack, known as CyberBerkut, was a front for Russian security services. The malware that crashed the system was not available on the market and had been built from scratch. And the effect of the attack supported Russia’s strategic goal of undermining the validity of the election. The hackers could have manipulated the outcome of the vote, Zhora says, but “their main goal was to take out the system itself, to destroy the data, to wipe out the hard drives before the elections started.” Moreover, the CyberBerkut efforts appeared to be coordinated with Russian state propaganda. Zhora and his team stopped a subsequent effort by CyberBerkut to post false voting results

that belonged to someone in an Arizona county election official’s office, which holds the personal data of almost 4 million people. “My first reaction was, Well, this is like the worst thing that you want to hear,” Reagan recalls.

Reagan and the FBI scrambled to figure out how the Russians had gotten into Arizona’s system and what needed to be done to secure it. It turned out that an election official in rural Gila County, pop. 54,000, had opened a Word document on her desktop computer that contained malicious software. Fortunately, while Fancy Bear had penetrated a local computer system, it hadn’t accessed the statewide registration database. Others weren’t so lucky. Fancy Bear’s electronic fingerprints were found on the hack into the DNC computers. In Illinois, the feds found that Fancy Bear had stolen 85,000 voter records from that state’s registration systems in mid-July. Later that month, the Democratic Congressional Campaign Committee (DCCC) revealed that it, too, had been hacked by Fancy Bear.

With other states now reporting intrusions of unknown origin, the government wants to reassure the public that the vote

count itself is safe. “We have confidence in the overall integrity of our electoral systems,” Homeland Security chief Jeh Johnson said on Sept. 16. “It is diverse, subject to local control, and has many checks and balances built in.” Each of the U.S.’s more than 9,000 polling places uses machines not connected to the Internet, precincts count and report their results independently, and most have paper or electronic backups in case a recount is needed.

The Administration has a message for Russia too. The U.S. has privately warned that any effort to sway the election would be unacceptable, intelligence and other Administration officials tell TIME. Secretary of State John Kerry delivered the message to his counterpart, Russian Foreign Minister Sergei Lavrov, in Laos on July 27. During a 90-minute meeting with Putin on the sidelines of the G-20 meeting on Sept. 6, Obama pulled Putin aside and discussed the cyberconcerns one-on-one, with no aides present, a White House official tells TIME. In a press conference later, the President called for restraint on all sides in the use of cyberweapons and issued a veiled threat about America’s cyberpowers. “Frankly, we’ve got more

STEPHEN VOSS FOR TIME

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on the election commission's website that would have showed a far-right militant ahead in the polls. But a screenshot of the fake web page appeared anyway on Russia's main state-run news network as the vote was still going on.

Russia has also meddled in the elections of major U.S. allies that have imposed sanctions on Russia for its invasion of Ukraine, and many of the Russian cyberoperations have benefited populist, anti-immigrant parties that oppose Western European unity in the face of rising Russian aggression. In August, a spear-phishing e-mail attack targeted German party officials, including some members of Chancellor Angela Merkel's Christian Democrats. The emails contained malware that bore the signatures of Fancy Bear, according to Germany's top cyberdefense official, Arne Schönbohm, who warned on Sept. 9 that the attack could be an attempt to manipulate parliamentary elections next year. Merkel had previously ordered German intelligence agencies to look into Russia's peddling of a false story about a Russian girl raped by migrants in Germany a story that has helped fuel the rise of the right-wing opposition party AfD. That party beat Merkel's Christian Democrats in a regional ballot in the Chancellor's home district in September.

Farther west, in France, a Russian bank with close ties to the Kremlin lent the far-right party of Marine Le Pen some 9 million euros in November 2014, helping it prepare for regional elections a year later, when it received its best results ever. Russia also tried a more subtle information operation designed to fuel the anti-immigrant and national-security fears that have contributed to Le Pen's rise. In April 2015, the programming of the French broadcaster TV5Monde was blocked by unknown hackers, and for 18 hours the channel's websites transmitted only the image of the signature black flag of ISIS. French intelligence officials and the British signals-intelligence agency, the GCHQ, found it was not ISIS but in fact Fancy Bear that was behind the hack, according to a Sept. 25 article by the London *Sunday Times* and U.S. officials.

Britain, too, has been targeted. The *Times* article quoted David Anderson, an independent watchdog appointed under

British law, as saying the GCHQ had blocked a Russian attempt to disrupt the May 7, 2015, general election there. The *Times* said Fancy Bear planned to target government servers and major TV broadcasters. But not all stations were to be hit. In the fall of 2014, the pro-Moscow RT network, which is funded by the Kremlin, launched a 24-hour news network in the U.K. aimed at British viewers. The message, Russia experts say, is that Western democracy is not so hot. "It's a cynical message: No one is democratic," says Peter Kreko, an expert on the European right and a visiting professor at Indiana University.

The most pessimistic Kremlin watchers worry how far Putin will go with the combination of psychological manipulation and cyberwarfare. They view the pattern of Russia's electoral meddling in the context of Putin's recent embrace of what is known as the Gerasimov doctrine, a nontraditional approach to military conflict named after the chief of the Russian general staff, Valery Gerasimov, that relies heavily on cyberwar and influence operations. "A perfectly thriving state can, in a matter of months and even days, be transformed into an arena of fierce armed conflict," Gerasimov posited in a now famous 2013 manifesto, through "political, economic, informational, humanitarian and other nonmilitary measures applied in coordination with the protest potential of the population."

That is how Putin stoked a separatist rebellion in eastern Ukraine in 2014. But the current and former senior intelligence and national-security officials interviewed for this story agree that the principal benefit Putin gains from his Western European and U.S. meddling is the leg up it gives him with his own political and diplomatic challenges at home. "In the long run, if people start to question the integrity

of our election system," says one senior U.S. intelligence official, "potentially to Russia that's a plus. But I would argue more strongly that this is as much about domestic constituents and his public," the official says. The more chaos in Europe and the U.S., the better.

PUTIN HAS SHOWN little sign of stopping, even when meddling is discovered. In April, the DNC suspected it had been hacked and called in the cyberforensics firm CrowdStrike, which was co-founded in 2011 by Alperovitch and employs a number of former government cybersecurity experts. CrowdStrike was familiar with Fancy Bear: it had previously found the group's hacks in Canada, Japan and the former Soviet republic of Georgia. It identifies the group based on the Russians' unique cybertradecraft, including nonpublic code in its malware, its infrastructure of servers around the world and the techniques that it uses to move and hide within the systems it penetrates. After inspecting the DNC computers, Alperovitch concluded that the hack was indeed executed by the Russians. And while CrowdStrike usually keeps its findings secret, the DNC told the company it was outraged that the Russians were trying to interfere with our political system, and "they wanted us to come forward," Alperovitch says.

Twelve hours after the DNC break-in was revealed in June, a hacker who insisted he was Romanian and who called himself Guccifer 2.0 popped up online and tried to discredit CrowdStrike's attribution to Russian military intelligence. Guccifer 2.0 started leaking information from the DNC hack in blog posts and on Twitter, but his professed identity wasn't very convincing. When reporters reached out to him online, for example, the responses he sent in Romanian were riddled with errors. U.S. government officials privately confirm that they believe Fancy Bear and Russian military intelligence are behind the DNC and DCCC hacks.

The pace of leaks has accelerated as the election approaches, revealing a murky network of actors. Around the time of the DNC hack, a website called DCLeaks.net was established by a group identifying themselves as "hacktivists." By June the group began posting hacked documents, including emails from retired General Philip Breedlove, the former

THE PACE OF LEAKS HAS ACCELERATED AS THE ELECTION APPROACHES, REVEALING A MURKY NETWORK OF ACTORS

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commander of NATO and U.S. forces in Europe, asking former Secretary of State Colin Powell how to persuade Obama to more forcefully oppose Russian meddling in Ukraine.

Initially, there was no evidence of a connection between DCleaks and Russian hackers, and even now it is not clear who is behind the site. In late June, however, Guccifer 2.0 contacted the website the Smoking Gun and provided it with a link to material from the DNC hack that DCleaks was preparing to publish. In recent weeks, DCleaks has published new emails belonging to Powell, which included damaging remarks about Clinton, even though the overall gist of his emails was supportive. And recently, the site published what purported to be a copy of Michelle Obama's passport.

The leaks tend to favor isolationist policies over ones aimed at confronting Russia. The Breedlove leaks showed an embarrassing and unsuccessful effort to build U.S.-led pushback against Russia in Ukraine. The DNC documents, which made their way to WikiLeaks through unknown channels, weakened Putin's old foe, Clinton, on the eve of the Democratic National Convention. And DCleaks claimed that its ability to obtain the First Lady's passport demonstrated U.S. vulnerability to terrorism.

Putin has done what he can to maintain deniability. Asked by Bloomberg TV on Sept. 2 whether Russia was behind the DNC hack, he said, "I don't know anything about that." But he seemed admiring, if not proud, of Fancy Bear's work. "They work so much like fine jewelers, so delicately, that they can leave their tracks, or someone else's tracks, at just the right place and just the right time in order to camouflage their work and make it look like the work of some other hackers from somewhere else, some other country."

In fact, it might take a real jewel thief or an army of them to rig the U.S. presidential election. Because they are not connected to the Internet and are controlled by thousands of independent precincts, U.S. voting machines are largely safe from meddling, says Merle King, executive director of Kennesaw State University's Center for Elections Systems. The feds have pushed out patches for known vulnerabilities in state computers and offered security scans. America's

IN TRUMP, PUTIN HAS FOUND AN ALMOST PERFECT, IF UNWITTING, ALLY FOR HIS INFLUENCE OPERATION

cyber and counterespionage forces will be looking "to see if there's anything coming from overseas or even domestically that looks like an effort to target election offices," says George W. Bush's Homeland Security chief, Michael Chertoff. The FBI has opened a formal investigation into the DNC, DCCC, Arizona and Illinois hacks

But with the election fast approaching, some experts in and out of government say the Administration is moving too slowly to publicize the Russian influence operation and explain it to Americans. A bipartisan group of former national-security officials that included Chertoff and others called on Obama in July to name the perpetrators of the DNC hack. Alperovitch says the U.S. is misreading the battlefield in cyberspace. "The U.S. government for the last 20 years was so focused on how to achieve kinetic effects in cyberspace, how to produce what they call cyberbombs, because that's what we're used to," he says. "But the Russians understand that the real power of this domain is in influence operations, psychological warfare, changing people's perceptions of what's truly going on."

FOR MUCH OF THE SUMMER, Trump made casting doubt on the validity of the U.S. electoral system a prominent feature of his campaign. "I'm afraid the election's gonna be rigged," Trump said in Ohio on Aug. 1. "I have to be honest." Trump backers who sign up to be "Trump Election Observers" are told the campaign will "stop crooked Hillary from rigging this election."

Asked at the first debate whether they would support the outcome of the vote, both candidates said they would. But Trump has a record of doing the opposite. As results came in on election night in 2012, he falsely tweeted that the Republican had won the popular vote and urged an uprising. "The phoney

Electoral College made a laughingstock out of our nation," Trump tweeted. "The world is laughing at us. More votes equals a loss ... revolution! This election is a total sham and a travesty. We are not a democracy!"

Clinton has said Putin is trying to get Trump elected; there is no evidence of that. Trump does have some ties to Russia. Trump's former campaign manager worked for Putin's proxy in Ukraine until the pro-Western uprising there, and Trump, his family and a foreign policy adviser have done tens of millions of dollars of business in Russia. The exact amount is unclear, and Trump has declined to disclose details of his Russian business partners.

The links worry even rock-ribbed Republicans. Chertoff led the Senate Whitewater investigation of Bill and Hillary Clinton's obscure Arkansas land deal in the mid-'90s and has been critical of the Democratic presidential candidate. But he is alarmed by Trump's talk of a rigged election. "This business about talking about rigged elections is very dangerous," Chertoff says.

On the ground in Arizona, Michele Reagan, a Republican, has been working to make the vote safe. She took the entire state voter database offline for 10 days after learning of the Fancy Bear hack to ensure the system was secure. In conversations with the FBI and her own cybersecurity team she has learned phrases like *SQL injection* and *dual factor authentication*. "Yes, we believe we're safe," she now says.

That doesn't mean she isn't worried about Russian attempts to undermine the credibility of the vote. "We know there's these bad actors out there that are coming in from other countries and they're trying to scare us," she says. "This isn't about stealing information or altering information. The entire conversation I believe needs to be shifted to what this is really doing to the confidence of the American electorate." Does she have a message for Americans on how to respond to Putin's effort? "Our job is to try to encourage people to get involved and to be connected in government, to go out and vote." *With reporting by SIMON SHUSTER/BERLIN and TESSA BERENSON, HALEY SWEETLAND EDWARDS and MAYA RHODAN/WASHINGTON* □

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	ISSUE DATE: 10/10/16	SECTION: WELL			IN PAGE

Raimondi, Marc (OPA)

From: Raimondi, Marc (OPA)
Sent: Friday, October 7, 2016 3:23 PM
To: Hickey, Adam (NSD); Carlin, John (NSD); Toscas, George (NSD); McCord, Mary (NSD); (b)(6) per NSD (NSD); Weinsheimer, Bradley (NSD); Laufman, David (NSD); (b)(6) per NSD (NSD); Hornbuckle, Wyn (OPA); Cheung, Denise (OAG); Gauhar, Tashina (ODAG); Axelrod, Matthew (ODAG); Lewis, Kevin S. (OPA)
Subject: Going out any minute. Here is the statement. And q and a. Very strong
Attachments: Election Security Statement and QAs - Vers 18 - CLEAN.DOCX; ATT00001.txt

The U.S. Intelligence Community (USIC) is confident that the Russian Government directed the recent compromises of e-mails from US persons and institutions, including from US political organizations. The recent disclosures of alleged hacked e-mails on sites like DCLeaks.com and WikiLeaks and by the Guccifer 2.0 online persona are consistent with the methods and motivations of Russian-directed efforts. These thefts and disclosures are intended to interfere with the US election process. Such activity is not new to Moscow – the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. We believe, based on the scope and sensitivity of these efforts, that only Russia's senior-most officials could have authorized these activities.

Some states have also recently seen scanning and probing of their election-related systems, which in most cases originated from servers operated by a Russian company. However, we are not now in a position to attribute this activity to the Russian Government. The USIC and the Department of Homeland Security (DHS) assess that it would be extremely difficult for someone, including a nation-state actor, to alter actual ballot counts or election results by cyber attack or intrusion. This assessment is based on the decentralized nature of our election system in this country and the number of protections state and local election officials have in place. States ensure that voting machines are not connected to the Internet, and there are numerous checks and balances as well as extensive oversight at multiple levels built into our election process.

Nevertheless, DHS continues to urge state and local election officials to be vigilant and seek cybersecurity assistance from DHS. A number of states have already done so. DHS is providing several services to state and local election officials to assist in their cybersecurity. These services include cyber “hygiene” scans of Internet-facing systems, risk and vulnerability assessments, information sharing about cyber incidents, and best practices for securing voter registration databases and addressing potential cyber threats. DHS has convened an Election Infrastructure Cybersecurity Working Group with experts across all levels of government to raise awareness of cybersecurity risks potentially affecting election infrastructure and the elections process. Secretary Johnson and DHS officials are working directly with the National Association of Secretaries of State to offer assistance, share information, and provide additional resources to state and local officials.

Background Questions

PAO (SMO)

From: PAO (SMO)
Sent: Friday, October 7, 2016 5:36 PM
To: PAO (SMO)
Subject: DOJ DAILY NEWS WRAP

**PUBLIC AFFAIRS DAILY NEWS WRAP
FRIDAY, OCTOBER 7, 2016**

*****FOR INTERNAL USE ONLY*****

Contact: Wyn Hornbuckle, Deputy Director, Office of Public Affairs, (202) 514-2007

EXPECTED NEWS STORIES:

Non-Responsive Record



Non-Responsive Record



Non-Responsive Record

Joint Statement From The Department of Homeland Security and Office of The Director of National Intelligence on Election Security (DHS/ODNI)

The U.S. Intelligence Community (USIC) issued a statement today that it is confident that the Russian Government directed the recent compromises of e-mails from US persons and institutions, including from US political organizations. The recent disclosures of alleged hacked e-mails on sites like DCLeaks.com and WikiLeaks and by the Guccifer 2.0 online persona are consistent with the methods and motivations of Russian-directed efforts. These thefts and disclosures are intended to interfere with the U.S. election process. The statement said the USIC believes, based on the scope and sensitivity of these efforts, that only Russia's senior-most officials could have authorized these activities.

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

Non-Responsive Record

MONDAY'S EXPECTED NEWS/EVENTS:

Columbus Day – there are no scheduled public events.

TUESDAY'S EXPECTED NEWS/EVENTS:

Non-Responsive Record



PLEASE DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

Gauhar, Tashina (ODAG)

From: Gauhar, Tashina (ODAG)
Sent: Monday, October 17, 2016 8:17 PM
To: Axelrod, Matthew (ODAG)
Subject: Fireside chat questions -CYBER(NSD,CRM,ODAG)
Attachments: Fireside chat questions -CYBER(NSD,CRM,ODAG).docx

<<Fireside chat questions -CYBER(NSD,CRM,ODAG).docx>>

Per our discussion attached is an electronic version of TP's for Cyber. (b) (5)

(b) (5) There is a hot topics for if needed. (b) (5)

Thanks.

Gauhar, Tashina (ODAG)

From: Gauhar, Tashina (ODAG)
Sent: Wednesday, October 19, 2016 1:42 PM
To: Yates, Sally (ODAG); Axelrod, Matthew (ODAG)
Cc: Mogil, Joshua (ODAG)
Subject: FW: hot topics for the DAG
Attachments: Hot Topics 10.12.16.docx

Hi – Per our discussion yesterday, attached is the latest copy of “hot topics” from OPA.

Thanks,
Tash

Axelrod, Matthew (ODAG)

From: Axelrod, Matthew (ODAG)
Sent: Wednesday, December 14, 2016 8:52 PM
To: Iftimie, Alex (OAG)
Cc: Werner, Sharon (OAG); Gauhar, Tashina (ODAG)
Subject: Re: If asked TPs

(b) (5) Happy to discuss. (b) (5)
(b) (5)

On Dec 14, 2016, at 8:22 PM, Iftimie, Alex (OAG) <aliftimie@jmd.usdoj.gov> wrote:

Hi Matt,

In case Russia comes up during tomorrow morning's POLITICO interview (the focus is not on national security, so we are hoping it won't), we put together the brief talking points below,
(b) (5) I wanted to make sure you had eyes on it as well. Let me know if you have any edits or concerns. (b) (5)

Thanks,
Alex

(b) (5)

Iftimie, Alex (OAG)

From: Iftimie, Alex (OAG)
Sent: Friday, December 16, 2016 8:27 AM
To: Axelrod, Matthew (ODAG)
Cc: Werner, Sharon (OAG); Pokorny, Carolyn (OAG); Gauhar, Tashina (ODAG)
Subject: POTUS on Russia

Matt,

NPR aired a portion of its exit interview with POTUS this morning, which focused heavily on Russia. Below is some of the coverage – I haven't seen a transcript yet, but the full audio is at the NPR link below.

Alex

http://www.npr.org/2016/12/15/505775550/obama-on-russian-hacking-we-need-to-take-action-and-we-will?utm_campaign=storyshare&utm_source=twitter.com&utm_medium=social

Obama On Russian Hacking: 'We Need To Take Action. And We Will'

NPR via YouTube

President Obama says the United States will respond to Russian cyberattacks that the intelligence community has concluded were part of an effort to influence the 2016 presidential election.

In an interview with NPR's Steve Inskeep that will air Friday on *Morning Edition*, Obama said, "I think there is no doubt that when any foreign government tries to impact the integrity of our elections ... we need to take action. And we will — at a time and place of our own choosing. Some of it may be explicit and publicized; some of it may not be."

Obama tells NPR "we will" respond to Russian hacking

U.S. intelligence officials have concluded that hackers working for Russia hacked into the Democratic National Committee's computer network, as well as the private email of John Podesta, a top adviser to Democratic presidential nominee Hillary Clinton.

With the question of Russia's ultimate motivation for the hack becoming increasingly divisive, Obama was careful to not endorse a CIA assessment, reported by NPR and other news outlets, that asserts that Russia's goal was to elect Trump.

"There are still a whole range of assessments taking place among the agencies," Obama told NPR, referring to an order he has given the U.S. intelligence community to conduct a full review of the cyberattacks before Inauguration Day. "And so when I receive a final report, you know, we'll be able to, I think, give us a comprehensive and best guess as to those motivations. But that does not in any way, I think, detract from the basic point that everyone during the election perceived accurately — that in fact what the Russian hack had done was create more problems for the Clinton campaign than it had for the Trump campaign."

"There's no doubt that it contributed to an atmosphere in which the only focus for weeks at a time, months at a time were Hillary's emails, the Clinton Foundation, political gossip surrounding the DNC," Obama said.

In fact, email had been a major focus since before Clinton formally entered the presidential race, owing to revelations first reported by the *New York Times* that she used a private email server during her tenure leading the State Department. Updates about the FBI's investigation of the server dripped out at intervals throughout the entire campaign.

The State Department also released Clinton emails at semi-regular intervals throughout the campaign, as did the conservative group Judicial Watch, which obtained them through a Freedom of Information Act lawsuit.

Obama didn't pin the blame for Clinton's loss on the leaked information, saying, "Elections can always turn out differently. You never know which factors are going to make a difference. But I have no doubt that it had some impact, just based on the coverage."

Obama said his goal is for a definitive White House report on the matter to be issued before President-elect Donald Trump takes office on Jan. 20. He was also careful to say that while the Russian hacks benefited Trump, he is not suggesting Trump's campaign helped coordinate the attacks or played any role in them, other than to exploit them for political advantage. "They understood what everybody else understood, which was that this was not good for Hillary Clinton's campaign," the president said.

Obama acknowledged that every "big power" spies and collects intelligence on each other, but, he said, "There's a difference between that and the kind of malicious cyberattacks that steal trade secrets or engage in industrial espionage, something that we've seen the Chinese do. And there is a difference between that and activating intelligence in a way that's designed to influence elections."

Obama discussed cybersecurity with Vladimir Putin during a 90-minute meeting on the sidelines of the G-20 summit held in China in early September. The president characterized the meeting at the time as "candid, blunt, businesslike."

While Obama is threatening to retaliate against Russia, he has only about five weeks left in the Oval Office. Trump has dismissed — in fact, mocked — intelligence assessments tying the DNC and Podesta hacks to Russia, and he campaigned on improving the U.S. relationship with the country.

In his interview with NPR, Obama appeared mystified by that stance.

"The irony of all this, of course, is that for most of my presidency, there's been a pretty sizable wing of the Republican Party that has consistently criticized me for not being tough enough on Russia," he said. "Some of those folks during the campaign endorsed Donald Trump, despite the fact that a central tenet of his foreign policy was we shouldn't be so tough on Russia. And that kind of inconsistency I think makes it appear, at least, that their particular position on Russia on any given day depends on what's politically expedient."

The president cited [a recent Economist-YouGov poll that found](#) Republican voters view Putin much more favorably now than they did before the 2016 presidential election.

"This is somebody, the former head of the KGB, who is responsible for crushing democracy in Russia, muzzling the press, throwing political dissidents in jail, countering American efforts to expand freedom at every turn; is currently making decisions that's leading to a slaughter in Syria. And a big chunk of the Republican Party, which prided itself during the Reagan era and for decades that followed as being the bulwark against Russian influence, now suddenly is embracing him."

NPR reached out to the Trump transition team for comment but has not received a response.

Iftimie, Alex (OAG)

From: Iftimie, Alex (OAG)
Sent: Friday, January 6, 2017 6:46 PM
To: Gauhar, Tashina (ODAG)
Subject: Re: ODNI Statement on Declassified Intelligence Community Assessment of Russian Activities and Intentions in Recent U.S. Elections

Will do.

On Jan 6, 2017, at 6:34 PM, Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov> wrote:

Thank you. If you talk to Marc, you can remind him to include me ☺

From: Iftimie, Alex (OAG)
Sent: Friday, January 06, 2017 3:59 PM
To: Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>
Subject: FW: ODNI Statement on Declassified Intelligence Community Assessment of Russian Activities and Intentions in Recent U.S. Elections

FYSA.

From: Raimondi, Marc A. EOP/NSC (b) (6)
Sent: Friday, January 6, 2017 3:55 PM
To: Iftimie, Alex (OAG) <aliftimie@jmd.usdoj.gov>; Laufman, David (NSD) <dlaufman@jmd.usdoj.gov>
Subject: FW: ODNI Statement on Declassified Intelligence Community Assessment of Russian Activities and Intentions in Recent U.S. Elections

From: Office of the Director of National Intelligence [<mailto:odni@service.govdelivery.com>]
Sent: Friday, January 6, 2017 3:47 PM
To: Price, Ned C. EOP/NSC (b) (6)
Subject: ODNI Statement on Declassified Intelligence Community Assessment of Russian Activities and Intentions in Recent U.S. Elections

<[image004.jpg](#)>

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

January 6, 2017

**Statement on Declassified Intelligence Community Assessment
of Russian Activities and Intentions in Recent U.S. Elections**

On December 9, 2016, President Barack Obama directed the Intelligence Community to conduct a full review and produce a comprehensive intelligence report assessing Russian activities and intentions in recent U.S. elections. We have completed this report and briefed President Obama as well as President-elect Trump and Congressional leadership. We declassified a version of this report for the public, consistent with our commitment to transparency

while still protecting classified sources and methods.

The Intelligence Community did not make an assessment of the impact that Russian activities had on the outcome of the 2016 election, and DHS assesses that the types of systems the Russian actors targeted or compromised were not involved in vote tallying.

This declassified version of the report is being released to the public and can be accessed via [IC on the Record](#).

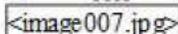
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**Background to “Assessing Russian Activities and Intentions
in Recent US Elections”: The Analytic Process and Cyber
Incident Attribution**

6 January 2017

Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution

“Assessing Russian Activities and Intentions in Recent US Elections” is a declassified version of a highly classified assessment that has been provided to the President and to recipients approved by the President.

- The Intelligence Community rarely can publicly reveal the full extent of its knowledge or the precise bases 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.
- Thus, while the conclusions in the report are all reflected in the classified assessment, the declassified report does not and cannot include the full supporting information, including specific intelligence and sources and methods.

The Analytic Process

The mission of the Intelligence Community is to seek to reduce the uncertainty surrounding foreign activities, capabilities, or leaders’ intentions. This objective is difficult to achieve when seeking to understand complex issues on which foreign actors go to extraordinary lengths to hide or obfuscate their activities.

- On these issues of great importance to US national security, the goal of intelligence analysis is to provide assessments to decisionmakers that are intellectually rigorous, objective, timely, and useful, and that adhere to tradecraft standards.
- The tradecraft standards for analytic products have been refined over the past ten years. These standards include describing sources (including their reliability and access to the information they provide), clearly expressing uncertainty, distinguishing between underlying information and analysts’ judgments and assumptions, exploring alternatives, demonstrating relevance to the customer, using strong and transparent logic, and explaining change or consistency in judgments over time.
- Applying these standards helps ensure that the Intelligence Community provides US policymakers, warfighters, and operators with the best and most accurate insight, warning, and context, as well as potential opportunities to advance US national security.

Intelligence Community analysts integrate information from a wide range of sources, including human sources, technical collection, and open source information, and apply specialized skills and structured analytic tools to draw inferences informed by the data available, relevant past activity, and logic and reasoning to provide insight into what is happening and the prospects for the future.

- A critical part of the analyst’s task is to explain uncertainties associated with major judgments based on the quantity and quality of the source material, information gaps, and the complexity of the issue.
- When Intelligence Community analysts use words such as “we assess” or “we judge,” they are conveying an analytic assessment or judgment.
- Some analytic judgments are based directly on collected information; others rest on previous judgments, which serve as building blocks in rigorous analysis. In either type of judgment, the tradecraft standards outlined above ensure that analysts have an appropriate basis for the judgment.

- Intelligence Community judgments often include two important elements: judgments of how likely it is that something has happened or will happen (using terms such as “likely” or “unlikely”) and confidence levels in those judgments (low, moderate, and high) that refer to the evidentiary basis, logic and reasoning, and precedents that underpin the judgments.

Determining Attribution in Cyber Incidents

The nature of cyberspace makes attribution of cyber operations difficult but not impossible. Every kind of cyber operation—malicious or not—leaves a trail. US Intelligence Community analysts use this information, their constantly growing knowledge base of previous events and known malicious actors, and their knowledge of how these malicious actors work and the tools that they use, to attempt to trace these operations back to their source. In every case, they apply the same tradecraft standards described in the Analytic Process above.

- Analysts consider a series of questions to assess how the information compares with existing knowledge and adjust their confidence in their judgments as appropriate to account for any alternative hypotheses and ambiguities.
- An assessment of attribution usually is not a simple statement of who conducted an operation, but rather a series of judgments that describe whether it was an isolated incident, who was the likely perpetrator, that perpetrator’s possible motivations, and whether a foreign government had a role in ordering or leading the operation.

This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.



ICA

INTELLIGENCE COMMUNITY ASSESSMENT

Assessing Russian Activities and Intentions in Recent US Elections

ICA 2017 01D | 6 January 2017

This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.

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Scope and Sourcing

Information available as of 29 December 2016 was used in the preparation of this product.

Scope

This report includes an analytic assessment drafted and coordinated among The Central Intelligence Agency (CIA), The Federal Bureau of Investigation (FBI), and The National Security Agency (NSA), which draws on intelligence information collected and disseminated by those three agencies. It covers the motivation and scope of Moscow's intentions regarding US elections and Moscow's use of cyber tools and media campaigns to influence US public opinion. The assessment focuses on activities aimed at the 2016 US presidential election and draws on our understanding of previous Russian influence operations. When we use the term "we" it refers to an assessment by all three agencies.

- This report is a declassified version of a highly classified assessment. This document's conclusions are identical to the highly classified assessment, but this document does not include the full supporting information, including specific intelligence on key elements of the influence campaign. Given the redactions, we made minor edits purely for readability and flow.

We did not make an assessment of the impact that Russian activities had on the outcome of the 2016 election. The US Intelligence Community is charged with monitoring and assessing the intentions, capabilities, and actions of foreign actors; it does not analyze US political processes or US public opinion.

- New information continues to emerge, providing increased insight into Russian activities.

Sourcing

Many of the key judgments in this assessment rely on a body of reporting from multiple sources that are consistent with our understanding of Russian behavior. Insights into Russian efforts—including specific cyber operations—and Russian views of key US players derive from multiple corroborating sources.

Some of our judgments about Kremlin preferences and intent are drawn from the behavior of Kremlin-loyal political figures, state media, and pro-Kremlin social media actors, all of whom the Kremlin either directly uses to convey messages or who are answerable to the Kremlin. The Russian leadership invests significant resources in both foreign and domestic propaganda and places a premium on transmitting what it views as consistent, self-reinforcing narratives regarding its desires and redlines, whether on Ukraine, Syria, or relations with the United States.

Assessing Russian Activities and Intentions in Recent US Elections

ICA 2017-01D
6 January 2017

Key Judgments

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.

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election. Russia's goals were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.

- **We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.** All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.
- Moscow's approach evolved over the course of the campaign based on Russia's understanding of the electoral prospects of the two main candidates. When it appeared to Moscow that Secretary Clinton was likely to win the election, the Russian influence campaign began to focus more on undermining her future presidency.
- Further information has come to light since Election Day that, when combined with Russian behavior since early November 2016, increases our confidence in our assessments of Russian motivations and goals.

Moscow's influence campaign followed a Russian messaging strategy that blends covert intelligence operations—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or “trolls.”

Russia, like its Soviet predecessor, has a history of conducting covert influence campaigns focused on US presidential elections that have used intelligence officers and agents and press placements to disparage candidates perceived as hostile to the Kremlin.

- Russia's intelligence services conducted cyber operations against targets associated with the 2016 US presidential election, including targets associated with both major US political parties.
- We assess with high confidence that Russian military intelligence (General Staff Main Intelligence Directorate or GRU) used the Guccifer 2.0 persona and DCLeaks.com to release US victim data

This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.

obtained in cyber operations publicly and in exclusives to media outlets and relayed material to WikiLeaks.

- Russian intelligence obtained and maintained access to elements of multiple US state or local electoral boards. **DHS assesses that the types of systems Russian actors targeted or compromised were not involved in vote tallying.**
- Russia's state-run propaganda machine contributed to the influence campaign by serving as a platform for Kremlin messaging to Russian and international audiences.

We assess Moscow will apply lessons learned from its Putin-ordered campaign aimed at the US presidential election to future influence efforts worldwide, including against US allies and their election processes.

This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.

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This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.

Russia's Influence Campaign Targeting the 2016 US Presidential Election



Russia's Influence Campaign Targeting the 2016 US Presidential Election

Putin Ordered Campaign To Influence US Election

We assess with high confidence that Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election, the consistent goals of which were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. When it appeared to Moscow that Secretary Clinton was likely to win the election, the Russian influence campaign then focused on undermining her expected presidency.

- We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.
- In trying to influence the US election, we assess the Kremlin sought to advance its longstanding desire to undermine the US-led liberal democratic order, the promotion of which Putin and other senior Russian leaders view as a threat to Russia and Putin's regime.
- Putin publicly pointed to the Panama Papers disclosure and the Olympic doping scandal as US-directed efforts to defame Russia, suggesting he sought to use disclosures to discredit the image of the United States and cast it as hypocritical.

- Putin most likely wanted to discredit Secretary Clinton because he has publicly blamed her since 2011 for inciting mass protests against his regime in late 2011 and early 2012, and because he holds a grudge for comments he almost certainly saw as disparaging him.

We assess Putin, his advisers, and the Russian Government developed a clear preference for President-elect Trump over Secretary Clinton.

- Beginning in June, Putin's public comments about the US presidential race avoided directly praising President-elect Trump, probably because Kremlin officials thought that any praise from Putin personally would backfire in the United States. Nonetheless, Putin publicly indicated a preference for President-elect Trump's stated policy to work with Russia, and pro-Kremlin figures spoke highly about what they saw as his Russia-friendly positions on Syria and Ukraine. Putin publicly contrasted the President-elect's approach to Russia with Secretary Clinton's "aggressive rhetoric."
- Moscow also saw the election of President-elect Trump as a way to achieve an international counterterrorism coalition against the Islamic State in Iraq and the Levant (ISIL).
- Putin has had many positive experiences working with Western political leaders whose business interests made them more disposed to deal with Russia, such as former Italian Prime Minister Silvio Berlusconi and former German Chancellor Gerhard Schroeder.
- Putin, Russian officials, and other pro-Kremlin pundits stopped publicly criticizing the US election process as unfair almost immediately

after the election because Moscow probably assessed it would be counterproductive to building positive relations.

We assess the influence campaign aspired to help President-elect Trump's chances of victory when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to the President-elect. When it appeared to Moscow that Secretary Clinton was likely to win the presidency the Russian influence campaign focused more on undercutting Secretary Clinton's legitimacy and crippling her presidency from its start, including by impugning the fairness of the election.

- Before the election, Russian diplomats had publicly denounced the US electoral process and were prepared to publicly call into question the validity of the results. Pro-Kremlin bloggers had prepared a Twitter campaign, #DemocracyRIP, on election night in anticipation of Secretary Clinton's victory, judging from their social media activity.

Russian Campaign Was Multifaceted

Moscow's use of disclosures during the US election was unprecedented, but its influence campaign otherwise followed a longstanding Russian messaging strategy that blends covert intelligence operations—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or "trolls."

- We assess that influence campaigns are approved at the highest levels of the Russian Government—particularly those that would be politically sensitive.
- Moscow's campaign aimed at the US election reflected years of investment in its capabilities, which Moscow has honed in the former Soviet states.

- By their nature, Russian influence campaigns are multifaceted and designed to be deniable because they use a mix of agents of influence, cutouts, front organizations, and false-flag operations. Moscow demonstrated this during the Ukraine crisis in 2014, when Russia deployed forces and advisers to eastern Ukraine and denied it publicly.

The Kremlin's campaign aimed at the US election featured disclosures of data obtained through Russian cyber operations; intrusions into US state and local electoral boards; and overt propaganda. Russian intelligence collection both informed and enabled the influence campaign.

Cyber Espionage Against US Political Organizations.

Russia's intelligence services conducted cyber operations against targets associated with the 2016 US presidential election, including targets associated with both major US political parties.

We assess Russian intelligence services collected against the US primary campaigns, think tanks, and lobbying groups they viewed as likely to shape future US policies. In July 2015, Russian intelligence gained access to Democratic National Committee (DNC) networks and maintained that access until at least June 2016.

- The General Staff Main Intelligence Directorate (GRU) probably began cyber operations aimed at the US election by March 2016. We assess that the GRU operations resulted in the compromise of the personal e-mail accounts of Democratic Party officials and political figures. By May, the GRU had exfiltrated large volumes of data from the DNC.

Public Disclosures of Russian-Collected Data.

We assess with high confidence that the GRU used the Guccifer 2.0 persona, DCLeaks.com, and WikiLeaks to release US victim data obtained in

cyber operations publicly and in exclusives to media outlets.

- Guccifer 2.0, who claimed to be an independent Romanian hacker, made multiple contradictory statements and false claims about his likely Russian identity throughout the election. Press reporting suggests more than one person claiming to be Guccifer 2.0 interacted with journalists.
- Content that we assess was taken from e-mail accounts targeted by the GRU in March 2016 appeared on DCLeaks.com starting in June.

We assess with high confidence that the GRU relayed material it acquired from the DNC and senior Democratic officials to WikiLeaks. Moscow most likely chose WikiLeaks because of its self-proclaimed reputation for authenticity. Disclosures through WikiLeaks did not contain any evident forgeries.

- In early September, Putin said publicly it was important the DNC data was exposed to WikiLeaks, calling the search for the source of the leaks a distraction and denying Russian “state-level” involvement.
- The Kremlin’s principal international propaganda outlet RT (formerly Russia Today) has actively collaborated with WikiLeaks. RT’s editor-in-chief visited WikiLeaks founder Julian Assange at the Ecuadorian Embassy in London in August 2013, where they discussed renewing his broadcast contract with RT, according to Russian and Western media. Russian media subsequently announced that RT had become “the only Russian media company” to partner with WikiLeaks and had received access to “new leaks of secret information.” RT routinely gives Assange sympathetic coverage and provides him a platform to denounce the United States.

These election-related disclosures reflect a pattern of Russian intelligence using hacked information in targeted influence efforts against targets such as Olympic athletes and other foreign governments. Such efforts have included releasing or altering personal data, defacing websites, or releasing e-mails.

- A prominent target since the 2016 Summer Olympics has been the World Anti-Doping Agency (WADA), with leaks that we assess to have originated with the GRU and that have involved data on US athletes.

Russia collected on some Republican-affiliated targets but did not conduct a comparable disclosure campaign.

Russian Cyber Intrusions Into State and Local Electoral Boards. Russian intelligence accessed elements of multiple state or local electoral boards. Since early 2014, Russian intelligence has researched US electoral processes and related technology and equipment.

- DHS assesses that the types of systems we observed Russian actors targeting or compromising are not involved in vote tallying.

Russian Propaganda Efforts. Russia’s state-run propaganda machine—comprised of its domestic media apparatus, outlets targeting global audiences such as RT and Sputnik, and a network of quasi-government trolls—contributed to the influence campaign by serving as a platform for Kremlin messaging to Russian and international audiences. State-owned Russian media made increasingly favorable comments about President-elect Trump as the 2016 US general and primary election campaigns progressed while consistently offering negative coverage of Secretary Clinton.

- Starting in March 2016, Russian Government-linked actors began openly supporting President-elect Trump’s candidacy in media

aimed at English-speaking audiences. RT and Sputnik—another government-funded outlet producing pro-Kremlin radio and online content in a variety of languages for international audiences—consistently cast President-elect Trump as the target of unfair coverage from traditional US media outlets that they claimed were subservient to a corrupt political establishment.

- Russian media hailed President-elect Trump's victory as a vindication of Putin's advocacy of global populist movements—the theme of Putin's annual conference for Western academics in October 2016—and the latest example of Western liberalism's collapse.
- Putin's chief propagandist Dmitriy Kiselev used his flagship weekly newsmagazine program this fall to cast President-elect Trump as an outsider victimized by a corrupt political establishment and faulty democratic election process that aimed to prevent his election because of his desire to work with Moscow.
- Pro-Kremlin proxy Vladimir Zhirinovskiy, leader of the nationalist Liberal Democratic Party of Russia, proclaimed just before the election that if President-elect Trump won, Russia would "drink champagne" in anticipation of being able to advance its positions on Syria and Ukraine.

RT's coverage of Secretary Clinton throughout the US presidential campaign was consistently negative and focused on her leaked e-mails and accused her of corruption, poor physical and mental health, and ties to Islamic extremism. Some Russian officials echoed Russian lines for the influence campaign that Secretary Clinton's election could lead to a war between the United States and Russia.

- In August, Kremlin-linked political analysts suggested avenging negative Western reports

on Putin by airing segments devoted to Secretary Clinton's alleged health problems.

- On 6 August, RT published an English-language video called "Julian Assange Special: Do WikiLeaks Have the E-mail That'll Put Clinton in Prison?" and an exclusive interview with Assange entitled "Clinton and ISIS Funded by the Same Money." RT's most popular video on Secretary Clinton, "How 100% of the Clintons' 'Charity' Went to...Themselves," had more than 9 million views on social media platforms. RT's most popular English language video about the President-elect, called "Trump Will Not Be Permitted To Win," featured Assange and had 2.2 million views.
- For more on Russia's past media efforts—including portraying the 2012 US electoral process as undemocratic—please see Annex A: Russia—Kremlin's TV Seeks To Influence Politics, Fuel Discontent in US.

Russia used trolls as well as RT as part of its influence efforts to denigrate Secretary Clinton. This effort amplified stories on scandals about Secretary Clinton and the role of WikiLeaks in the election campaign.

- The likely financier of the so-called Internet Research Agency of professional trolls located in Saint Petersburg is a close Putin ally with ties to Russian intelligence.
- A journalist who is a leading expert on the Internet Research Agency claimed that some social media accounts that appear to be tied to Russia's professional trolls—because they previously were devoted to supporting Russian actions in Ukraine—started to advocate for President-elect Trump as early as December 2015.

Influence Effort Was Boldest Yet in the US

Russia's effort to influence the 2016 US presidential election represented a significant escalation in directness, level of activity, and scope of effort compared to previous operations aimed at US elections. We assess the 2016 influence campaign reflected the Kremlin's recognition of the worldwide effects that mass disclosures of US Government and other private data—such as those conducted by WikiLeaks and others—have achieved in recent years, and their understanding of the value of orchestrating such disclosures to maximize the impact of compromising information.

- During the Cold War, the Soviet Union used intelligence officers, influence agents, forgeries, and press placements to disparage candidates perceived as hostile to the Kremlin, according to a former KGB archivist.

Since the Cold War, Russian intelligence efforts related to US elections have primarily focused on foreign intelligence collection. For decades, Russian and Soviet intelligence services have sought to collect insider information from US political parties that could help Russian leaders understand a new US administration's plans and priorities.

- The Russian Foreign Intelligence Service (SVR) Directorate S (Illegals) officers arrested in the United States in 2010 reported to Moscow about the 2008 election.
- In the 1970s, the KGB recruited a Democratic Party activist who reported information about then-presidential hopeful Jimmy Carter's campaign and foreign policy plans, according to a former KGB archivist.

Election Operation Signals "New Normal" in Russian Influence Efforts

We assess Moscow will apply lessons learned from its campaign aimed at the US presidential election to future influence efforts in the United States and worldwide, including against US allies and their election processes. We assess the Russian intelligence services would have seen their election influence campaign as at least a qualified success because of their perceived ability to impact public discussion.

- Putin's public views of the disclosures suggest the Kremlin and the intelligence services will continue to consider using cyber-enabled disclosure operations because of their belief that these can accomplish Russian goals relatively easily without significant damage to Russian interests.
- Russia has sought to influence elections across Europe.

We assess Russian intelligence services will continue to develop capabilities to provide Putin with options to use against the United States, judging from past practice and current efforts. Immediately after Election Day, we assess Russian intelligence began a spearphishing campaign targeting US Government employees and individuals associated with US think tanks and NGOs in national security, defense, and foreign policy fields. This campaign could provide material for future influence efforts as well as foreign intelligence collection on the incoming administration's goals and plans.

Annex A

Russia -- Kremlin's TV Seeks To Influence Politics, Fuel Discontent in US*

RT America TV, a Kremlin-financed channel operated from within the United States, has substantially expanded its repertoire of programming that highlights criticism of alleged US shortcomings in democracy and civil liberties. The rapid expansion of RT's operations and budget and recent candid statements by RT's leadership point to the channel's importance to the Kremlin as a messaging tool and indicate a Kremlin-directed campaign to undermine faith in the US Government and fuel political protest. The Kremlin has committed significant resources to expanding the channel's reach, particularly its social media footprint. A reliable UK report states that RT recently was the most-watched foreign news channel in the UK. RT America has positioned itself as a domestic US channel and has deliberately sought to obscure any legal ties to the Russian Government.

In the runup to the 2012 US presidential election in November, English-language channel RT America -- created and financed by the Russian Government and part of Russian Government-sponsored RT TV (see textbox 1) -- intensified its usually critical coverage of the United States. The channel portrayed the US electoral process as undemocratic and featured calls by US protesters for the public to rise up and "take this government back."

- RT introduced two new shows -- "Breaking the Set" on 4 September and "Truthseeker" on 2 November -- both overwhelmingly focused on criticism of US and Western governments as well as the promotion of radical discontent.
- From August to November 2012, RT ran numerous reports on alleged US election fraud and voting machine vulnerabilities, contending that US election results cannot be trusted and do not reflect the popular will.
- In an effort to highlight the alleged "lack of democracy" in the United States, RT broadcast, hosted, and advertised third-party candidate debates and ran reporting supportive of the political agenda of these candidates. The RT hosts asserted that the US two-party system does not represent the views of at least one-third of the population and is a "sham."



Messaging on RT prior to the US presidential election (RT, 3 November)

* This annex was originally published on 11 December 2012 by the Open Source Center, now the Open Source Enterprise.

This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.

- RT aired a documentary about the Occupy Wall Street movement on 1, 2, and 4 November. RT framed the movement as a fight against "the ruling class" and described the current US political system as corrupt and dominated by corporations. RT advertising for the documentary featured Occupy movement calls to "take back" the government. The documentary claimed that the US system cannot be changed democratically, but only through "revolution." After the 6 November US presidential election, RT aired a documentary called "Cultures of Protest," about active and often violent political resistance (RT, 1-10 November).



RT new show "Truthseeker" (RT, 11 November)

RT Conducts Strategic Messaging for Russian Government

RT's criticism of the US election was the latest facet of its broader and longer-standing anti-US messaging likely aimed at undermining viewers' trust in US democratic procedures and undercutting US criticism of Russia's political system. RT Editor in Chief Margarita Simonyan recently declared that the United States itself lacks democracy and that it has "no moral right to teach the rest of the world" (*Kommersant*, 6 November).

- Simonyan has characterized RT's coverage of the Occupy Wall Street movement as "information warfare" that is aimed at promoting popular dissatisfaction with the US Government. RT created a *Facebook* app to connect Occupy Wall Street protesters via social media. In addition, RT featured its own hosts in Occupy rallies ("Minaev Live," 10 April; RT, 2, 12 June).
- RT's reports often characterize the United States as a "surveillance state" and allege widespread infringements of civil liberties, police brutality, and drone use (RT, 24, 28 October, 1-10 November).
- RT has also focused on criticism of the US economic system, US currency policy, alleged Wall Street greed, and the US national debt. Some of RT's hosts have compared the United States to Imperial Rome and have predicted that government corruption and "corporate greed" will lead to US financial collapse (RT, 31 October, 4 November).



Simonyan steps over the White House in the introduction from her short-lived domestic show on REN TV (REN TV, 26 December 2011)

RT broadcasts support for other Russian interests in areas such as foreign and energy policy.

- RT runs anti-fracking programming, highlighting environmental issues and the impacts on public health. This is likely reflective of the Russian Government's concern about the impact of fracking and US natural gas production on the global energy market and the potential challenges to Gazprom's profitability (5 October).
- RT is a leading media voice opposing Western intervention in the Syrian conflict and blaming the West for waging "information wars" against the Syrian Government (RT, 10 October-9 November).



RT anti-fracking reporting (RT, 5 October)

- In an earlier example of RT's messaging in support of the Russian Government, during the Georgia-Russia military conflict the channel accused Georgians of killing civilians and organizing a genocide of the Ossetian people. According to Simonyan, when "the Ministry of Defense was at war with Georgia," RT was "waging an information war against the entire Western world" (*Kommersant*, 11 July).

In recent interviews, RT's leadership has candidly acknowledged its mission to expand its US audience and to expose it to Kremlin messaging. However, the leadership rejected claims that RT interferes in US domestic affairs.

- Simonyan claimed in popular arts magazine *Afisha* on 3 October: "It is important to have a channel that people get used to, and then, when needed, you show them what you need to show. In some sense, not having our own foreign broadcasting is the same as not having a ministry of defense. When there is no war, it looks like we don't need it. However, when there is a war, it is critical."
- According to Simonyan, "the word 'propaganda' has a very negative connotation, but indeed, there is not a single international foreign TV channel that is doing something other than promotion of the values of the country that it is broadcasting from." She added that "when Russia is at war, we are, of course, on Russia's side" (*Afisha*, 3 October; *Kommersant*, 4 July).
- TV-Novosti director Nikolov said on 4 October to the Association of Cable Television that RT builds on worldwide demand for "an alternative view of the entire world." Simonyan asserted on 3 October in *Afisha* that RT's goal is "to make an alternative channel that shares information unavailable elsewhere" in order to "conquer the audience" and expose it to Russian state messaging (*Afisha*, 3 October; *Kommersant*, 4 July).
- On 26 May, Simonyan tweeted with irony: "Ambassador McFaul hints that our channel is interference with US domestic affairs. And we, sinful souls, were thinking that it is freedom of speech."

RT Leadership Closely Tied to, Controlled by Kremlin

RT Editor in Chief Margarita Simonyan has close ties to top Russian Government officials, especially Presidential Administration Deputy Chief of Staff Aleksey Gromov, who reportedly manages political TV coverage in Russia and is one of the founders of RT.

- Simonyan has claimed that Gromov shielded her from other officials and their requests to air certain reports. Russian media consider Simonyan to be Gromov's protege (*Kommersant*, 4 July; Dozhd TV, 11 July).
- Simonyan replaced Gromov on state-owned Channel One's Board of Directors. Government officials, including Gromov and Putin's Press Secretary Peskov were involved in creating RT and appointing Simonyan (*Afisha*, 3 October).
- According to Simonyan, Gromov oversees political coverage on TV, and he has periodic meetings with media managers where he shares classified information and discusses their coverage plans. Some opposition journalists, including Andrey Loshak, claim that he also ordered media attacks on opposition figures (*Kommersant*, 11 July).

The Kremlin staffs RT and closely supervises RT's coverage, recruiting people who can convey Russian strategic messaging because of their ideological beliefs.



Simonyan shows RT facilities to then Prime Minister Putin. Simonyan was on Putin's 2012 presidential election campaign staff in Moscow (Rospress, 22 September 2010, Ria Novosti, 25 October 2012).

- The head of RT's Arabic-language service, Aydar Aganin, was rotated from the diplomatic service to manage RT's Arabic-language expansion, suggesting a close relationship between RT and Russia's foreign policy apparatus. RT's London Bureau is managed by Darya Pushkova, the daughter of Aleksey Pushkov, the current chair of the Duma Russian Foreign Affairs Committee and a former Gorbachev speechwriter (*DXB*, 26 March 2009; *MK.ru*, 13 March 2006).
- According to Simonyan, the Russian Government sets rating and viewership requirements for RT and, "since RT receives budget from the state, it must complete tasks given by the state." According to Nikolov, RT news stories are written and edited "to become news" exclusively in RT's Moscow office (*Dozhd TV*, 11 July; *AKT*, 4 October).
- In her interview with pro-Kremlin journalist Sergey Minaev, Simonyan complimented RT staff in the United States for passionately defending Russian positions on the air and in social media. Simonyan said: "I wish you could see...how these guys, not just on air, but on their own social networks, *Twitter*, and when giving interviews, how they defend the positions that we stand on!" ("*Minaev Live*," 10 April).

RT Focuses on Social Media, Building Audience

RT aggressively advertises its social media accounts and has a significant and fast-growing social media footprint. In line with its efforts to present itself as anti-mainstream and to provide viewers alternative news content, RT is making its social media operations a top priority, both to avoid broadcast TV regulations and to expand its overall audience.

- According to RT management, RT's website receives at least 500,000 unique viewers every day. Since its inception in 2005, RT videos received more than 800 million views on *YouTube* (1 million views per day), which is the highest among news outlets (see graphics for comparison with other news channels) (*AKT*, 4 October).
- According to Simonyan, the TV audience worldwide is losing trust in traditional TV broadcasts and stations, while the popularity of "alternative channels" like RT or Al Jazeera grows. RT markets itself as an "alternative channel" that is available via the Internet everywhere in the world, and it encourages interaction and social networking (*Kommersant*, 29 September).
- According to Simonyan, RT uses social media to expand the reach of its political reporting and uses well-trained people to monitor public opinion in social media commentaries (*Kommersant*, 29 September).
- According to Nikolov, RT requires its hosts to have social media accounts, in part because social media allows the distribution of content that would not be allowed on television (*Newreporter.org*, 11 October).
- Simonyan claimed in her 3 October interview to independent TV channel Dozhd that Occupy Wall Street coverage gave RT a significant audience boost.

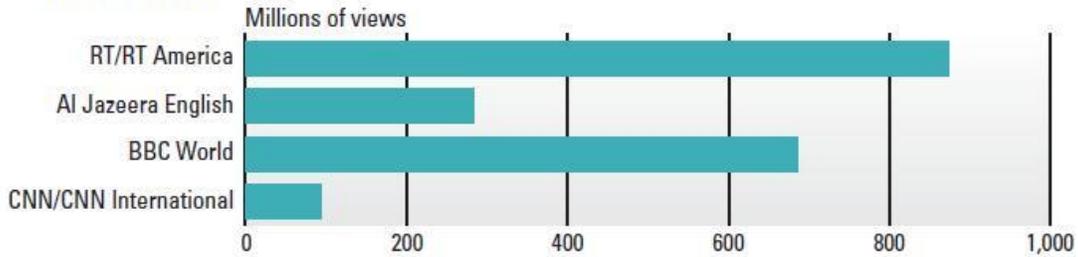
The Kremlin spends \$190 million a year on the distribution and dissemination of RT programming, focusing on hotels and satellite, terrestrial, and cable broadcasting. The Kremlin is rapidly expanding RT's availability around the world and giving it a reach comparable to channels such as Al Jazeera English. According to Simonyan, the United Kingdom and the United States are RT's most successful markets. RT does not, however, publish audience information.

- According to market research company Nielsen, RT had the most rapid growth (40 percent) among all international news channels in the United States over the past year (2012). Its audience in New York tripled and in Washington DC grew by 60% (*Kommersant*, 4 July).
- RT claims that it is surpassing Al Jazeera in viewership in New York and Washington DC (*BARB*, 20 November; RT, 21 November).
- RT states on its website that it can reach more than 550 million people worldwide and 85 million people in the United States; however, it does not publicize its actual US audience numbers (RT, 10 December).

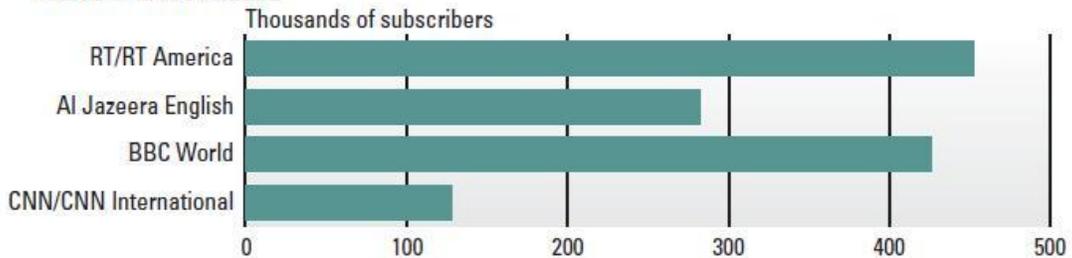
This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.

TV News Broadcasters: Comparative Social Media Footprint

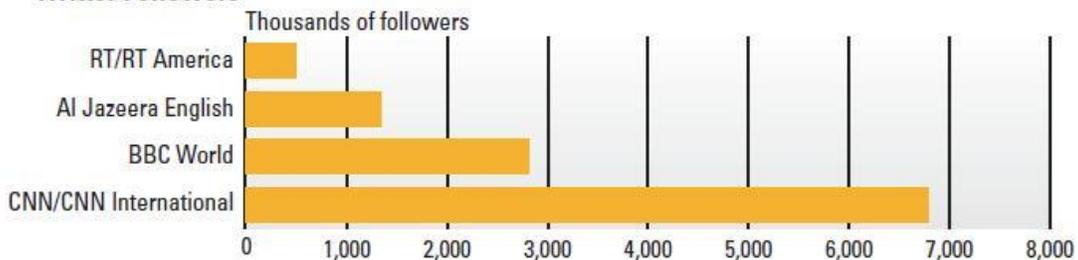
YouTube Views



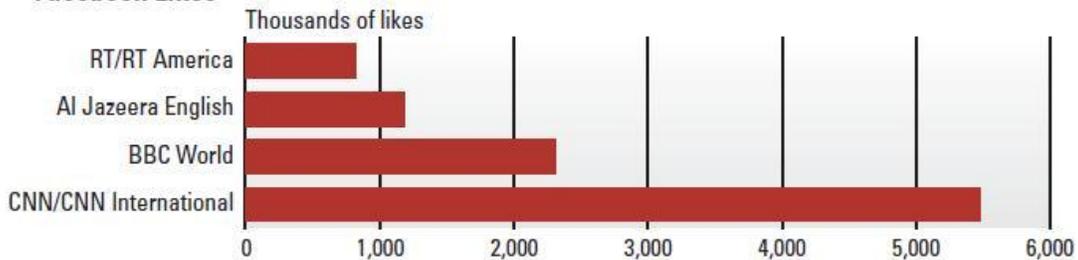
YouTube Subscribers



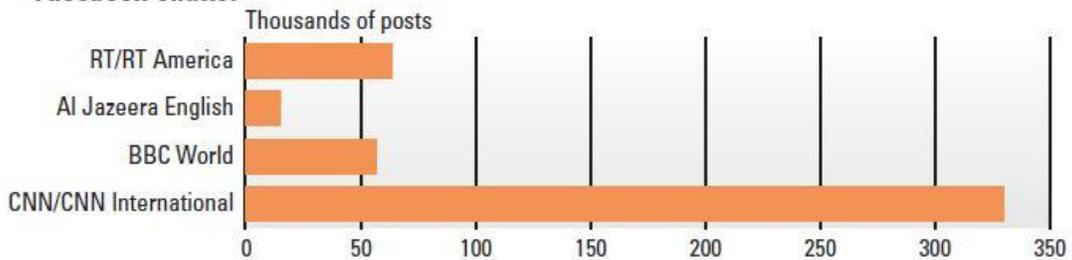
Twitter Followers



Facebook Likes



Facebook Chatter



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Formal Disassociation From Kremlin Facilitates RT US Messaging

RT America formally disassociates itself from the Russian Government by using a Moscow-based autonomous nonprofit organization to finance its US operations. According to RT's leadership, this structure was set up to avoid the Foreign Agents Registration Act and to facilitate licensing abroad. In addition, RT rebranded itself in 2008 to deemphasize its Russian origin.

- According to Simonyan, RT America differs from other Russian state institutions in terms of ownership, but not in terms of financing. To disassociate RT from the Russian Government, the federal news agency RIA Novosti established a subsidiary autonomous nonprofit organization, TV-Novosti, using the formal independence of this company to establish and finance RT worldwide (Dozhd TV, 11 July).
- Nikolov claimed that RT is an "autonomous noncommercial entity," which is "well received by foreign regulators" and "simplifies getting a license." Simonyan said that RT America is not a "foreign agent" according to US law because it uses a US commercial organization for its broadcasts (AKT, 4 October; Dozhd TV, 11 July).
- Simonyan observed that RT's original Russia-centric news reporting did not generate sufficient audience, so RT switched to covering international and US domestic affairs and removed the words "Russia Today" from the logo "to stop scaring away the audience" (*Afisha*, 18 October; *Kommersant*, 4 July).
- RT hires or makes contractual agreements with Westerners with views that fit its agenda and airs them on RT. Simonyan said on the pro-Kremlin show "Minaev Live" on 10 April that RT has enough audience and money to be able to choose its hosts, and it chooses the hosts that "think like us," "are interested in working in the anti-mainstream," and defend RT's beliefs on social media. Some hosts and journalists do not present themselves as associated with RT when interviewing people, and many of them have affiliations to other media and activist organizations in the United States ("Minaev Live," 10 April).

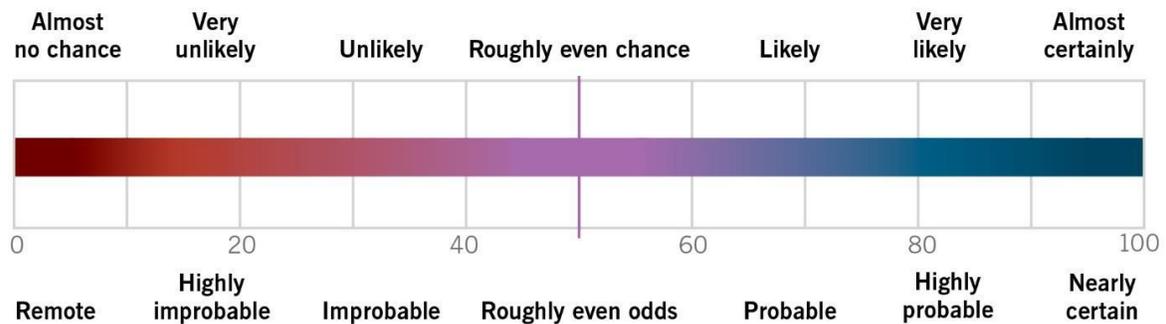
Annex B

ESTIMATIVE LANGUAGE

Estimative language consists of two elements: judgments about the likelihood of developments or events occurring and levels of confidence in the sources and analytic reasoning supporting the judgments. Judgments are not intended to imply that we have proof that shows something to be a fact. Assessments are based on collected information, which is often incomplete or fragmentary, as well as logic, argumentation, and precedents.

Judgments of Likelihood. The chart below approximates how judgments of likelihood correlate with percentages. Unless otherwise stated, the Intelligence Community's judgments are not derived via statistical analysis. Phrases such as "we judge" and "we assess"—and terms such as "probable" and "likely"—convey analytical assessments.

Percent



Confidence in the Sources Supporting Judgments. Confidence levels provide assessments of the quality and quantity of the source information that supports judgments. Consequently, we ascribe high, moderate, or low levels of confidence to assessments:

- **High confidence** generally indicates that judgments are based on high-quality information from multiple sources. High confidence in a judgment does not imply that the assessment is a fact or a certainty; such judgments might be wrong.
- **Moderate confidence** generally means that the information is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.
- **Low confidence** generally means that the information's credibility and/or plausibility is uncertain, that the information is too fragmented or poorly corroborated to make solid analytic inferences, or that reliability of the sources is questionable.

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This report is a declassified version of a highly classified assessment; its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.



Cruikshank, Andrew A. (OLA)

From: Cruikshank, Andrew A. (OLA)
Sent: Thursday, January 12, 2017 3:47 PM
To: Gauhar, Tashina (ODAG); O'Brien, Alicia C (OLA); O'Brien, Alicia (ODAG)
Subject: RE: Russian hacking schedule
Attachments: 2017-1-10 SSCI - Russian Activities.pdf

Tash,

I have spoken with FBI about the overall issue but not particular sessions. (b) (5)

(b) (5)

Attached is transcript of the open portion of the SSCI hearing.

Please let me know if you have any questions and if you would like to meet.

Thanks,

Andrew

Andrew A. Cruikshank
Attorney Advisor
Office of Legislative Affairs
Department of Justice

(b) (6)

From: Gauhar, Tashina (ODAG)
Sent: Thursday, January 12, 2017 12:17 PM
To: Cruikshank, Andrew A. (OLA) <acruikshank@jmd.usdoj.gov>; O'Brien, Alicia C (OLA) <aobrien@jmd.usdoj.gov>; O'Brien, Alicia (ODAG) <alobrien@jmd.usdoj.gov>
Subject: RE: Russian hacking schedule

Thanks, Andrew.

Are we getting a read out of the different sessions? Also, do we have a transcript of the public part of the session?

From: Cruikshank, Andrew A. (OLA)
Sent: Thursday, January 12, 2017 11:06 AM
To: O'Brien, Alicia C (OLA) <aobrien@jmd.usdoj.gov>; O'Brien, Alicia (ODAG) <alobrien@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>
Subject: RE: Russian hacking schedule

Alicia and Tash,

The all House briefing is tomorrow (Friday), 9:15 – 10:15 AM.

Please let me know if you have any questions.

Thanks,

Andrew

Andrew A. Cruikshank
Attorney Advisor
Office of Legislative Affairs
Department of Justice

(b) (6)

From: O'Brien, Alicia C (OLA)
Sent: Monday, January 09, 2017 12:38 PM
To: Cruikshank, Andrew A. (OLA) <acruikshank@jmd.usdoj.gov>; O'Brien, Alicia (ODAG) <alobrien@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>
Subject: RE: Russian hacking schedule

Thanks Andrew, much appreciated.

Alicia C. O'Brien
Deputy Assistant Attorney General
Office of Legislative Affairs

(b) (6)

Alicia.C.O'Brien@usdoj.gov

From: Cruikshank, Andrew A. (OLA)
Sent: Monday, January 09, 2017 12:13 PM
To: O'Brien, Alicia C (OLA) <aobrien@jmd.usdoj.gov>; O'Brien, Alicia (ODAG) <alobrien@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>
Subject: Russian hacking schedule

Alicia and Tash,

In case you are not aware, I wanted to let you know what I have been told is the latest schedule for the Russian hacking briefing and hearing Hill engagement. Briefings/hearing will be led by DNI Clapper and supported by Directors Brennan, Comey and Rogers. All sessions are principal plus one.

Tuesday January 10, 2017:

10 AM- 12 noon, closed, classified briefing to HPSCI.

1 PM open hearing for SSCI. DNI will provide an opening statement, however, there will not be a written statement for the record. Immediately following, there will be a closed, classified session. At the end there will be a brief statement by Comey regarding possible threats to the Inauguration.

Thursday January 12, 2017:

3 PM – 4:30 PM (hard stop for DNI): All members closed and classified briefing for the Senate.

The all House briefing is still being scheduled and Wednesday January 11 or Thursday January 12, 2017, are the possible days at this point.

Please let me know if you have any questions.

Thanks,

Andrew

Andrew A. Cruikshank
Attorney Advisor
Office of Legislative Affairs
Department of Justice

(b) (6)

Senate Select Intelligence Committee Holds Hearing on Russian Intelligence Activities

January 10, 2017

BURR:

I'd like to call this hearing to order.

I'd like to welcome our witnesses, Jim Clapper, the Director of National Intelligence; John Brennan, the director of the Central Intelligence Agency; Jim Comey, director of the Federal Bureau of Investigation; and Adm. Mike Rogers, director of the National Security Agency.

Directors Clapper and Brennan, while I've said this to you before in closed session, this is likely your last appearance before the committee, at least in your current role. And I want to thank each of you before you get out of here, for your many years of dedicated service both in uniform and out of uniform, Jim. John, in many different capacities.

You have served your country in an unbelievable way, both of you. And we want you to know how grateful we are to you, and how grateful the nation is to you for the service that you've provided.

We convene today to discuss the president's directed review of Russian activities and intentions in recent U.S. elections. While Russia and the Soviet Union have used active measures as tools of statecraft since the 1920s, recent actions by the Russian government represent, as you reported, a notion - a notable escalation.

I know that the public disclosure of these activities surprised many. And the notion that another state would attempt to interfere in our elections is quite troubling.

However, Russian active measures as a general topic is not new to the members of this committee. We've held more than 10 hearings and briefings over the last two years that have focused in whole or in part to better understand the scale and scope of these efforts and the intentions behind them.

Each of our witnesses has appeared before us in closed session to discuss this topic, and in response on a bipartisan and bicameral basis, this committee and its sister committee and the other body have put forward unclassified and classified proposals to address these activities.

Some work has been done. But to effectively address this challenge to the integrity of our system of government will require a whole of government approach. I look forward to hearing from our witnesses on the details of the intelligence community assessment.

Intelligence reporting over the last few years to include the classified and compartmented portions of this assessment gives me no reason to doubt the findings contained within the product. That said, we owe it to our colleagues and the American people to do an independent and a bipartisan review of the report and its conclusions.

I've therefore instructed committee staff to carry out an assessment of the sourcing behind this report. And we will be asking each of our witnesses to provide the committee access to the intelligence that contributed to this assessment.

I want to assure my colleagues on this committee and in this body that we will follow the intelligence wherever it leads. And we will conduct this review in a nonpartisan manner.

I also want to assure the witnesses before us today, as has long been our practice, the committee will treat the protection of these sources with the level of security and professionalism required. I'd also like to quickly thank the men and women of the intelligence community for their work in completing this review.

To each of our witnesses, please thank your respective staffs. I have no doubt that the president's directive, Jim, to you, and to others, ruined many's holiday plans. While this moment in our history is critical and the testimony before this committee in an open setting will, I hope, help the American people understand what Russia attempted to accomplish as part of its focused -- its focus on our 2016 elections.

I want to make this clear. Our democracy is not at risk. We can rest assured in the strength of the United States of America, have continued faith in the electoral process.

We must be alert, though, to the challenges that face us and the threats posed by those who seek to undermine Western democratic values, whether they're through interference in our elections, or relentless propaganda and active measures targeting our friends and our allies abroad. Our values are indeed under assault. The key differences between the efforts of the past and the attacks of today, however, is the tools being used to carry these out.

Gentlemen, thank you again for being here today. I look forward to your testimony, Gen. Clapper, and to the opportunity to query questions to the rest.

I will now turn to the distinguished vice chairman, the senator from Virginia.

WARNER:

Well thank you, Mr. Chairman. And I want to echo, first of all, your comments in terms of commending all of the witnesses, but particularly Dir. Clapper and Dir. Brennan for your great service to our country.

I also want to acknowledge one of the new members of our committee. Both new members here, Sen. Manchin and Sen. Harris. I know Sen. Cornyn will be joining us briefly. And while she's not here yet I want to acknowledge the great role that Sen. Feinstein has played both as chair and vice chair on this committee.

We're here today to discuss the intelligence community's comprehensive review into Russian interference on our 2016 presidential election. For me, one of the most serious events of my public life. Interference in American democracy and our electoral process by any outside power is unacceptable.

Now much of the press reporting and the conversation about Russian activities have focused on the hacks of the DNC and John Podesta. But as the report pointed out, the Russians also hacked systems associated with the Republicans. They just chose not to release that material yet. There's nothing that prevents them from doing so at a time of their choosing in the future.

While the target of this campaign was Sec. Clinton, any of us, Democrats or Republicans, including members of this body, could easily be the next target. What the Russians did was nothing less than attack on our political system and democracy itself. We can simply not allow it to stand.

The IC assessment is more detailed, but is in line with previous assessments from the intelligence community that Russian officials at the highest level, including President Putin, engaged in, your words, not mine, in an "unprecedented level of interference in our election." It concludes that these

actions had the goal of harming the candidacy of Hillary Clinton, and the boosting the candidacy of President-Elect Donald Trump.

We are not here to relitigate the results of the election.

At the same time, I'm committed to ensuring there's thorough, bipartisan and expeditious congressional investigation of Russia's role.

In my view the committee should focus on three broad areas -- the Russian hacking and released of stolen information. Russia's use of state-owned media and other means to amplify real and fake news to further the goal. And contact between Russian government and its agents and associate of any campaign and candidate.

I like you, Mr. Chairman, have written to all of the witnesses here today, asking them to cooperate with us in this investigation, and turnover as many documents and as quickly as possible.

I, like you, am reiterating that call today. It is equally important that the incoming administration, and those folks will take Director Clapper and Director Brennan's roles going forward will continue to cooperate in this effort.

Additionally, it is my hope, while we've made a first step, that we'll to try to declassify as much material as possible, while again protecting sources and methods.

The American people deserve to know as soon as possible that their elected representatives have taken a close look at the intelligence report that we're considering today. They deserve to know whether we concur or not with its conclusions, and that we're prepared to respond to the threats outlined in the assessment.

The actions the president took recently in response to Russian activities was an appropriate and first step. At the same time I still have questions why the Obama administration didn't further and didn't act sooner.

But as we look forward, preventing future attempts to undermine our democracy and our position in the world will require sustained response from the incoming administration and from this Congress.

I truly believe the strength of America's democracy will be measured in part on what actions we take to develop a robust and proactive cyberstrategy. Part of that strategy must include tools and capabilities to deter and capabilities to deter and effectively respond to future attempts by foreign actors to influence America's Democratic process. One of the things I've always valued about service on this Intelligence Committee is the tradition of leading partisanship at the door, oftentimes when they go into that skiff.

I look forward to working with you, Mr. Chairman, and all our members to complete this investigation as quickly and expeditiously as possible.

And, gentlemen, your agencies, the work that your agencies completed, underscores the importance of the role the nation's intelligence community plays, and the men and women who quietly work every day to keep our country safe. This report represents the best analysis of the men and women of the Intelligence Committee. These are professionals who have taken an oath of office to present the whole truth as they see it, faithfully to Republicans and Democratic administrations alike.

As a member of this committee and I think all of us who serve for some time, have seen first-hand the dedication of the men and women who work for you. I know that one of the most primary

missions of the intelligence professionals is to render the best professional judgment regardless of political considerations and always be willing speaking truth to power. I support them for their work.

Thank you, Mr. Chairman.

BURR:

Thank you, vice chairman.

For members, once Director Clapper has been recognized and completed his testimony, it is the intention of the chair to recognize members based upon seniority for five-minute questions. There is a vote that's scheduled right now for 2:30. It is the intent of the chair to complete our questions in open session by the conclusion of that vote, and it is the intent of the chairman to then move to a closed session which would start after the 2:30 vote.

If there's need to adjust that, we will make an adjustment on the way. Having said that, a reminder to all members that we are in open session and that you should take into account from the standpoint of the questions you asked and realize their unclassified and classified report.

And with that, Director Clapper, the floor is yours.

CLAPPER:

Chairman Burr, Vice Chairman Warner, and members of the committee, first, thank you for your gracious comments. (Inaudible) and me, as this should be our last hearing, although one never knows. It's still 10 days left.

But more importantly the comments about the work, dedication and patriotism of the women and men of the intelligence community, so we appreciate that. We're here today to present the intelligence communities assessment of Russian and intentions during the recent U.S. presidential election.

As you indicated, some aspects of our report involve very sensitive sources and methods that we can't discuss in this open, televised hearing, so obviously we're asking for your support and understanding as we need defer to a closed setting.

Our remarks today are based on a highly classified assessment that was produced by the three agencies represented here, the CIA, FBI and NSA at the request of President Obama, in which we, as you also indicated, released publicly in a declassified version last Friday afternoon.

The report covers the motivation and scope of Moscow's intentions regarding the U.S. election and Russia's use of cyber tools and media to influence U.S. public opinion. A runway clue that this report does not - repeat does not assess the impact of Russian activities on the actual outcome of the 2016 election or draw any conclusions in that regard one way or the other.

The IC's rule is to assess the intentions, capabilities and actions of foreign actors, not to analyze U.S. political processes or U.S. public opinion. We can say that we did not see evidence of the Russian's altering vote tallies.

We can't discuss the full range of classified information that supports our conclusions because of the extreme sensitivity of these sources. But the key judgments in the public and classified versions are the same.

I can say that the report draws on intelligence collected by all three of these agencies represented here, and some of which only came to light after Election Day. When the IC says "high confidence", we mean we have multiple high-quality sources of information that contribute to that assessment.

Intelligence comes from a wide range of sources including human sources, technical collection, and open-source information. The key judgments are based on cooperating (ph) sources that are consistent with our understanding of historical and current Russian behavior.

And while we cannot public disclose most of the information that backs up these judgments, we have briefed the report in detail to President Obama and his team, President-elect Trump and his team, and Congressional leadership, and this morning, the House Permanent Select Committee for Intelligence. They've all (ph) had (ph) the opportunity to explore the report and pose any questions they've had about the basis for our conclusions.

Both the classified and public versions of this report were written by seasoned nonpartisan intelligence professionals consistent with the highest standards of analytic objectivity and true (ph) craft (ph) that the NIC had refined over the last 15 years or so to ensure we provide policy makers the most accurate insights that we can. And I - I - I also need to add that this reflects the intelligence community's view, not that - that of the administration.

The treating (ph) of (ph) cyber operations is difficult but not impossible. Every cyber operation, malicious or not, leaves a tail.

IC analysts use this trail and - and are constantly growing knowledge base of malicious actors and their tools and methods to trace operations back to their source and determine their connections to foreign governments. And this is exactly what we did here.

Let me start by - with respect to the findings, is that we'll first address Russia's goals and intentions. We have high confidence that President Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election.

The goals of this campaign were to undermine public faith in the U.S. Democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. Putin and the Russian government also developed a clear preference for President-elect Trump. Russia aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publically contrasting her unfavorably to him.

Moscow's approach evolved over the course of the campaign based on Russia's (ph) understanding of the electoral prospects of each of the candidates. When it appeared to Moscow that Secretary Clinton was likely to win, the Russian influence campaign began to focus more on undermining her future presidency. Moscow's influence campaign blended covert intelligence operations with overt efforts by Russian government agencies, state funded media, third party intermediaries and paid social media users.

We're highly confident that the Russian intelligence services conducted cyber operations against people and organizations associated with the 2016 US Presidential election, including both major US political parties. Russian military intelligence or the GIU compromised the email accounts of Democratic Party officials and publicly released victim data using the (inaudible) 2.0 persona and DC Leaks.com and exclusives to media outlets, they also relayed material to WIKI leaks. Russia collected on some republican affiliated targets, but did not conduct a comparable disclosure campaign. Russian intelligence obtained and maintained access to multiple U.S. state or electoral boards. However, the Department of Homeland Security accesses these types of systems were not

involved in vote tallying. Russia's state room propaganda machine contributed to the influence campaign by serving as a platform for criminal messaging using Russian government funded outlets such as RT.

Moscow has long thought to undermine U.S. led liberal democratic order. Russia like its Soviet predecessor has a history of conducting covert influence campaigns focused on U.S. Presidential elections. They've used intelligence officers, influenced agents and press placements to discourage candidates perceived as hostile to the Kremlin. Moscow's behavior reflects Russia's more aggressive cyber posture in recent years, which poses a major threat to U.S. military, diplomatic, commercial and critical infrastructure networks as well as, as we see now, our elections. However, Russia's activities in 2016, demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations, and we expect Moscow will apply the lessons learned from the 2016 campaign aimed in the future to influence efforts worldwide including U.S. allies. I'd like to wrap up by saying I now I got just 10 days left in my 53 years or so, in the intel business and I've seen the ICA (ph) get things right and get things wrong. But I believe the level on (inaudible) trade craft and cross agency intelligence integration required to put this report together gives me great confidence that we've gotten it right here. With that, we'll open for your questions.

BURR:

Director, thank you for that full and concise testimony. Director Clapper, as I stated in my opening statement, I've instructed a select group of committee staff to complete an independent and bipartisan review of the reporting that underpins the intelligence community assessment for us today. Do I have your assurance that you will provide the access that they need for the reporting necessary to make their conclusions.

CLAPPER:

Yes.

BURR:

Director Comey, I want to talk about forensics for just a minute because the FBI has the expertise there and I know there is tremendous investigative value when the FBI is actually able to conduct their own forensics review on devices that have suffered cyber intrusions and attacks. I believe there's some confusion though, at least some conflicting reporting as to whether the FBI requested access to the DNC's services, the democratic congressional committee servers and John Podesta's personal devices. Did the FBI request access to those devices to perform forensics on them?

CLAPPER:

Yes, we did.

BURR:

And would that access have provided intelligence or information helping in your investigation and possible findings included in the intelligence community assessments?

CLAPPER:

Our forensic folks always prefer to get access to the original device or server that's involved, so it's the best evidence.

BURR:

Were you given access to do the forensics on those servers?

CLAPPER:

We were not, a highly respected private company eventually got access and shared with us what they saw there.

BURR:

But is that typical the way the FBI would prefer to do the forensics, or would you rather see the servers and do the forensics themselves?

CLAPPER:

We would always prefer to have access, hands-on ourselves, if that's possible.

BURR:

Do you know why you were denied access to those servers?

CLAPPER:

I don't know for sure. I don't know for sure.

BURR:

Was there one request or multiple requests?

CLAPPER:

Multiple requests at different levels and what was agreed to is that the private company would share with us what they saw.

BURR:

There's been much debate over the content released by WIKI Leaks. Director Clapper, I should say DC Leaks and what the intentions were behind those disclosures. Director Clapper you made it perfectly clear in your testimony that the community feels vote tallies were not altered.

CLAPPER:

That is correct.

BURR:

Do you believe there's any evidence that the DNC or the DCCC or the Podesta emails released publicly were altered in any way?

CLAPPER:

We have no evidence of that.

BURR:

Director Comey, do you have any intelligence that any Republican system that was targeted by these same groups was either successfully penetrated, or if penetrated and there was data exfiltrated, was there any exultation?

CLAPPER:

There were successful penetrations of some groups and campaigns, particularly on the state level on the republican side of the aisle and some limited penetration of old republican National Committee domains.

BURR:

Penetration was of those national committee domains?

CLAPPER:

Right, they were no longer in use.

BURR:

From the standpoint of Republican candidates that were running for President, were any of those campaigns targeted under this same effort by the Russians?

CLAPPER:

Campaigns themselves, not to my knowledge.

BURR:

Vice chairman. FEINSTEIN: Thank you, Mr. Chairman. Again, we thank you Director Clapper for your report and the point that you continue to make that it was not your job to analyze the affects, if it was the political campaign, I would. And any of us who are up who have ever been through a close election is that any small item can either be cause or harm. (inaudible) there was some information though, that was taken from the public affiliated entities. There was a great deal of information taken from Democrats, there was selective leaking that the director has indicated with the clear political intent. In process, one of the things I'm (inaudible) somehow this as soon as in the rearview mirror, don't the Russians have the capability of taking, even if its old information, about Republicans or other information about Democrats and selectively leak that prospectively?

CLAPPER:

Sure.

FEINSTEIN:

This is an ongoing threat to all of us and our electoral process, we have to be on guard and could you speak, or any other members of the panel speak about the fact that you expect to see similar tactics used by Russians in terms of the upcoming elections in Germany, France or the Netherlands?

CLAPPER:

Yes, we do.

FEINSTEIN:

Are our allies taking what's happened in America with significant enough importance and are they putting up new defenses trying to guard against these activities?

CLAPPER:

I can't say, maybe others can here to the extent to which they have reacted to this, but they are certainly aware. Europe has long been a target of Russian attempts to manipulate electoral processes so they will continue with that and certainly because of the controversy generated in our country, I think that will reinforce their desire to do that.

FEINSTEIN:

One of the things that I've seen other members of the committee raise, certain Russian activities, again just to note, go to the seriousness, not only retrospectively, but prospectively that I believe there was a Russian dissident in London where Russian agents, in effect planted false information in this person's individual file and then called law enforcement and said look at this person's file, and there was criminal child pornography placed there. Could you anticipate at some time Russia trying, if we don't take more aggressive actions, trying those actions against American public officials?

CLAPPER:

Russians might think they have no compunction about using tools and techniques available in their kit bag. So I wouldn't put it past them to do that or any of the other tools they've used. Such as paying people to participate in social media for example.

FEINSTEIN:

This has been describes as in fact the new normal for Russian doctrine, is that correct.

CLAPPER:

I believe yes.

FEINSTEIN:

And again we've seen our system, in your words, a significant escalation in all -- before us we had people with service in the ICA and the defense of our nation in hundreds of years -- in any of your careers have you seen this level of Russian interference in our political process? We'll start with Director Comey and just go down the line.

COMEY:

No.

(UNKNOWN)

I have none.

(UNKNOWN)

No.

(UNKNOWN)

No.

BURR:

We have a lot of members, thank you Chairman.

Senator Rubio.

RUBIO:

Thank you. Let me begin by saying I don't believe this thing has anything to do with

RUBIO:

Let me begin by saying I don't believe this thing has anything to do with - - but let me just begin by saying, I think the chairman's already asked. It's clear that there was no hacking of voting machines and the changes of tallies. And I would argue this has nothing to do with - - because this term hacking is thrown around, and it makes it sound like some sort of cyber specific situation. This cyber tools that were used as a means to an end. It isn't necessarily what we should be focused on here, what we're talking about here is active measures. The active measures taken by the government of Vladimir Putin to influence and potentially manipulate American public opinion of the purpose of discrediting individual political figures, sowing chaos and division in our politics, sowing doubts about the legitimacy of our elections.

So, when I - - if you look at the situation we now face, here's the aftermath. We had an election, where after some intrusions into some state databases, there was a leading - - one nominee for president warning about fraud in the election. Then after the election, we have some on the other side, questioning the legitimacy of the President-elect because of Russian interference. Then we have the President-elect questioning the credibility of the intelligence community because of its findings. This sounds like a pretty effective and successful effort to sow chaos, to undermine credibility of our leaders and of our government institutions. In essence, it sounds like they achieved what they wanted. To get us to fight against each other, over whether our elections were legitimate and - - and divide us in - - in the way that sows the sort of chaos that they sought to achieve.

My question is along the lines of what Senator Warner asked about a moment ago, because we see these active measures employed in the Baltic States, with the Russian speaking media outlets controlled by the Kremlin and the Dutch Referendum and the Brexit vote and the Italian Referendum. So, let me lay out a hypothetical, and you tell me if this is the kind of scenario we could face, because they don't limit this to elections. They target individual policy makers throughout many countries in Europe, particularly those in the former Soviet sphere. Hypothetically, imagine there's a U.S. Senator or Congressman who adopts a policy position that the Kremlin does not agree with, and so, somehow, through a phishing expedition they gain access to your personal computer network. And once they gain access to your personal computer network, they use it to fabricate and or actually conduct, use the child pornography example, I'd say, let's say money laundering activity, and then they call law enforcement and tip them off.

Congressman John So and So has been money laundering. And they go into your home, they seize your computer, and sure enough, it's sitting there on your network, because someone got into it and did it. And now you're arrested and you're charged and you're removed from the public discourse. Is

this not what we have seen the tactics that have been employed by Russian intelligence, on behalf of the government of Vladimir Putin and other countries around the world? Is that not a tactic they have used to discredit individual political figures? And isn't it true that that could very well happen here in the United States?

(UNKNOWN)

It is certainly with, well within their, both their technical competence and their potential intent to - - to do some things like that. The last two years running, in my threat presentations, I've cited that, I think the next (inaudible) trend, in the cyber business will be the compromise with the fidelity of information. And whether it's for a criminal purpose, or political purpose, so it is, this is well within realm, I think of possibility.

RUBIO:

In the context of what their goals were, ultimately, their ultimate goal, they may have or not, you know, I don't get into the whole thing about who they wanted to see win. But in the end, what they really wanted to see was Americans fighting against each other, bickering over these things, having questions about the legitimacy of the process, our leaders, etcetera. Was that not their goal? And if it was, have they not largely achieved that based on how this issued as been discussed since the aftermath of the election?

(UNKNOWN)

I think in the first instance, that was their goal. It was - - first - - as - - as I said in my prepared remarks, was to sow doubt about the ethicacy of our system, and to cast dispersions on our - - our political system.

RUBIO:

To create doubts about the credibility of our elections, the legitimacy of our leaders, etcetera?

(UNKNOWN)

All that. Yes.

RUBIO:

OK. And so my last point is, last time I checked Vladimir Putin is neither a registered Democrat nor registered Republican. And so what he is interested in, is achieving these measures in the United States for his own strategic purposes and therefore that (ph) is literally any political party should take this lightly. This should not be a partisan issue. This involves whether or not we are going to allow someone to actively interfere in our political discourse, and divide us as a nation against each other.

BURR:

Senator Wyden.

WYDEN:

Thank you very much Mr. Chairman. Gentlemen, thank you. And let me if I might begin with you Mr. Comey. After the election, as you know, the foreign minister, the Russian foreign minister was quoted in various news reports saying that the Russians had had contacts with people associated with the Trump campaign. Now that may or may not be true. There is however extensive press

reporting on the relationships between the Russians and individuals associated with both the Trump campaign and the incoming administration. My question for you Director Comey is, has the FBI investigated these reported relationships? And if so, what are the agencies findings?

COMEY:

Thank you Senator. I would never comment on investigations, whether we have one or not in an open forum like this. So I really can't answer it one way or another.

WYDEN:

We (sic) provide an unclassified response to these questions and release it to the American people prior to January 20th?

COMEY:

I'm sorry, you said will I?

WYDEN:

Yes. Will you provide an unclassified response to the question I've asked, and as I've said, it's been reported widely on the Reuters news service, widely reported. Will you provide an unclassified response to the question I asked and release it to the American people prior to January 20?

COMEY:

Sir, I'll answer any question you ask, but the answer will likely be the same as I just gave you. I can't talk about it.

WYDEN:

Well I will tell you, I think the American people have a right to know this. And if there is delay in declassifying this information and relating (ph) it to the American people, releasing it to the American people, it doesn't happen before January 20, I'm not sure it's going to happen. And that's why I'm troubled, and I hope that you will make a declassified statement with respect to the questions that I've asked public. Let me ask one other question if I might. The report has a brief description of Russian cyber intrusions in the state and local electoral boards. It reads, and I quote, "DHS assesses that the types of systems we have observed, Russian actors targeting or compromising are not involved in vote tallying." My question to you, and I think I'd like to have you involved in this too Director Clapper. Director Comey, Director Clapper, what systems, in your view, were compromised by the Russians and what was the nature and extent of those compromises?

COMEY:

There were intrusions, attempted intrusions at state level voter registration databases. That is, not containing of the voting mechanism, but who's registered to vote and the address and the particulars of that sort. What the purpose was of those intrusions is not clear to us at this point. And we saw no activity on election day that reflected that anyone had messed with those voter registration databases. But there's no doubt, that the Russians attacked, intruded and took data from some of those systems.

WYDEN:

Director Clapper.

CLAPPER:

I think that's a (inaudible) response. I don't have anything to add to that.

WYDEN:

And I hope you will also tell us in the days ahead, Director Comey, more about the nature of those systems, because it is very clear given what you found and reported in the declassified version. That we're going to be dealing with these issues coming up and I think we need to know more specifics and do it in a classified session about the nature of those system. Thank you Mr. Chairman.

BURR:

Senator Collins.

COLLINS:

Thank you Mr. Chairman. First, let me start by thanking Director Clapper and Director Brennan for your many years of service to your country. I also want to say that I appreciate the work that has been done by the intelligence community to produce this report, and I accept its findings. I do think that it's important that we understand more fully the extent of Russian intrusions into the electoral process to try to shape public opinion. And it is important to underscore two points that have been brought out already and that is that there is no evidence that voting totals were manipulated or changed. Or that emails that were released were manipulated or changed. Is that correct Director Clapper?

CLAPPER:

That's correct.

COLLINS:

The unclassified assessment states that Republican affiliated websites were hacked by the Russians. But the report does not go into detail about whether or not data were taken, stolen from those systems and whether information came from networks used by Republican candidates, whether that included the Trump campaign. Could you give us a fuller understanding of the hacking on the Republican side? Was the Trump campaign, for example, hacked by the Russians? Mr. Comey is the better person for this.

COMEY:

Thank you Senator. I want to be thoughtful about what I say in an open setting, but there was evidence that there was hacking directed at state level organizations, state level campaigns and the RNC, but old domains of the RNC. That is email domains that they were no longer using and the information was harvested from there, but it was old stuff. None of that was released. We did not develop any evidence that the Trump campaign or the current RNC was successfully hacked.

COLLINS:

Does the IC's conclusion that the Russians sought to assist President-elect Trump's campaign depend on an assessment then, that the Russians covertly collected information and from primarily Democratic sources but some Republican sources as well? But only chose to release the derogatory information from Democratic sources?

CLAPPER:
That is correct.

COLLINS:
And did -- I noticed --

COLLINS:
And I noticed, having looked at many IC assessments, that this one was produced by three agencies. And usually I'm used to seeing assessments where the entire intelligence community is involved. For example, the State Department's bureau, which was the bureau that was correct about the weapons of mass destruction, was not mentioned in the report. Is there a reason why it was -- did you only need the CIA, the FBI and NSA?

(UNKNOWN)
It had a lot to do with the sensitivity of the sources and who could actually contribute to the -- putting the assessment together. We can discuss all that in a closed session.

COLLINS:
Thank you.

Finally, I just want to underscore your point that we have talked a lot about the Russians' attempt to rule public opinion for our campaign. And as Senator Rubio so eloquently said, sew the divisions and the seeds of doubt that it has everyone questioning. And charges and counter charges, which are really not healthy in our democracy when a new administration is taking over.

But there's also an active Russian campaign to infiltrate, as you have said, military systems, defense contractor systems, critical infrastructure, commercial interests. Don't we need to take a broad look at all of the efforts by our adversaries to either control our critical infrastructure, for example, or influence a decision making in those arenas as well?

(UNKNOWN)
Well, if I understand your comment, Senator Collins, the point is valid that this was a multifaceted activity. And that it began with a rather broad gaged assault, if you will, attempt to infiltrate many entities across the board, which military, commercial, governmental, (inaudible) related.

And so yes, there -- they think of this holistically and use many tools, as they did in this case. Hacking was just but one of them.

COLLINS:
Thank you, Mr. Chairman.

BURR:
Senator Heinrich?

HEINRICH:

Thank you, Mr. Chairman.

I want to thank Senator Collins for her continued focus on critical infrastructure because that's something that in light of what we've learned I think we need to think through and realize what our exposures are. I want to thank all of our witnesses.

Attribution, obviously, of responsibility in cyberattacks is the first key step toward imposing a cost on those involved. Since a number of us wrote to the president in November asking that information on Russian interference and the presidential election be declassified, the four of you and your respective agencies have done some very important work in making as much of your findings public as possible. And I want to say I'm very grateful for that. The public needs to understand what is at risk here.

To those who criticize these investigations as partisan, I would remind them that Russia didn't do this to help the Republican candidate. Russia did this to help Russia and to weaken America. And therein lies the heart of why this is so important because in the next election the shoe could easily be on the other foot, and a foreign power could decide it wants the Democrat to win this time.

I think that both scenarios are deeply offensive. And foreign influence under our elections is intolerable, no matter which party benefits, in any given election.

The ongoing efforts of Russia to impact U.S. elections threatens to undermine faith in our democratic systems, which is precisely their goal. And I think it's critical that they pay a price for their actions.

I want to return to the issue of the Russians being able to obtain access to parts of our electoral infrastructure. Not the actual machines that count the votes, but the databases. And we've had a couple of questions on this.

But I want to ask, first of all, do we know if they would be able to manipulate the kinds of data that they had access to? So for example, if you have a voter database in a local county that was penetrated, would they be able to change the information within that database?

(UNKNOWN)

Potentially. And that was our concern at the time we discovered this. We saw no indication of that, but that's a definite possibility.

HEINRICH:

If that had happened and, for example, the FBI or other elements of the intelligence community were not looking for that, would the electoral boards have had indications that that data had changed?

(UNKNOWN)

Potentially not. They would have the indication when chaos erupted on Election Day. If someone shows up to vote and your address is different or your middle initial is different or some particular is different that creates delay, controversy, confusion.

(UNKNOWN)

So unfortunately, I think this tells us that we are vulnerable to future attacks and manipulation in this case. And I think that obviously you've laid out a scenario that would be very evident that also we could have very subtle impacts to the elections.

You could potentially have a scenario where someone's voter history, for example, is changed. And if they haven't voted for a certain number of years maybe they get purged from the rolls. Or you know many of us have had where we've seen flyers of our colleagues who've been criticized for missing the particular election. Maybe they didn't actually miss that election.

So I think it begs the question what can we do in concert with those local county and city and state entities to make sure that we are protecting this data the way that we should?

CLAPPER (?):

Part of our charge in this report was carried out by -- jointly by -- Dir. Comey speak to this, by the Department of Homeland Security and the FBI to come up with a set of sort of best practices for implicating greater degrees of cybersecurity.

DHS reached out (inaudible) Russia to the states. And I think ultimately about every state took advantage of the recommendations proffered by DHS.

Gentlemen, you want to add to that?

COMEY (?):

I think that's the answer is just understanding they're a target and availing themselves of the expertise and technology to try to protect themselves that we on the intelligence community side pushing to the indicators of the bad guys.

HEINRICH:

Dir. Clapper, I want to with my last question sort of change gears here for a moment. I asked you in the Armed Services Committee hearing last week about the role of Russian propaganda. Media outlets like RT.

I saw a comment from Gen. Flynn last August that sort of compared RT to CNN or MSNBC. Is it -- is that a fair analogy? Is there a structural difference between the way that RT exists within the media infrastructure and say, Fox News or MSNBC or CNN or CBS?

ROGERS (?):

To me, the major difference is the local funding for our team comes with the Russian government and the Russian government gives editorial direction on what RT is supposed to broadcast. I think that's a rulebook different in CNN.

HEINRICH:

And they seem to exercise that discretion?

ROGERS (?):

Yes they do.

HEINRICH:
Thank you.

BURR:
Senator Blunt?

BLUNT:
Director Clapper, does RT get any of its broadcast into the United States?

CLAPPER:
Yes it does, sir (ph). It does, its very prevalent in Europe and lesser so, I think there's an RT channel here.

BLUNT:
And that would be a channel that would be accessible here to some number of people here?

CLAPPER:
Yes.

BLUNT:
Lemme...

CLAPPER:
They (ph) didn't move the -- you know, the audience size RT but...

BLUNT:
I doubt if its -- I doubt if its very large, would be my guest. But I don't wanna defend RT, I think it's a propaganda arm of a government that is definitely not on our side. And we need to be aware of that, we oughtta (ph) -- need to be aware that I think you said at one point, that they I think at that point you meant the Russians, think this -- think about this holistically and use many tools.

But we've watched other countries, the Chinese particularly, that we also believe work holistically and use many tools. This is one of the topics as you know from our other meetings over the years, I'm very concerned about cyber generally.

I'm also concerned about our failure to secure federal records. I think we could certainly give advice to states as to how to secure their record since we've had intrusions into our personnel systems, since we've had hacking, into the clearance process that a significant number of Americans including all of you and most of us, have gone through, that are very detailed.

You know, I was the state election official, chief election official in Missouri at one time. And those records, while could be confusing on Election Day, I don't believe there's any evidence of polling places where people had lines that were backed up because there were record changes that were out of the ordinary.

I mean often, people show up and say oh, I know I sent my voter transfer in when they may or may not have. But Director Comey, we don't have any evidence of any disruption of the participation process because somebody got into local registration records, is that correct?

COMEY:

That's correct, senator.

BLUNT:

It's also my opinion that in any state I'm aware of, there's nothing in those records that's not publically available. You can go to the local registration office, you can often go directly into those records to access those records.

Frankly, we have lost a lot more secure records at the federal level than the relatively open voter registration records. That doesn't mean that we don't want to help state and local officials secure their records in every way.

But those are neither the most confidential records nor the hardest records to get into and I guess for purposes of this discussion, most importantly there's no indication that any effort to get into those records impacted Election Day.

And I think you've all repeatedly said absolutely no indication that anything -- any -- there was any intrusion into the vote counting process. I was a local election official when we first started counting ballots with computers, and one of my concerns always was that the security for how you verify that system was only really protected by how many of those systems were going on all over the country. The diversity of the system itself makes it fairly hard to manipulate. I don't know that we benefit by trying to standardize it either. But we will benefit by providing guidance on how to secure those important records.

No evidence, I think you said, Director Comey, that the Russians were able to get into Trump campaign e-mail or other records, or the current RNC records. Is that right?

COMEY:

That's correct.

BLUNT:

So since we don't believe they got in, the fact that they had nothing to release should not be a shock. (inaudible) have the records.

COMEY:

Yes.

BLUNT:

And we do believe they tried to get in?

COMEY:

I can't say with respect to the Trump campaign. With respect to the RNC, there's no doubt they hit an RNC domain. And so it could be they were aiming at the current one and just missed it and hit an old one. But I can't say for sure, sitting here.

BLUNT:

Well, I do know that the chairman of the RNC, I heard him say over the weekend he thought that they had done a better job securing their records. Whether that's true or not, I wouldn't know. I think I did read in one, more than one published account that the password to Mr. Podesta's e-mail was password one, with a couple variations of spelling, of using capitals or something in password. So hopefully lots to be learned here, and thanks to all of you for your efforts to help us learn.

UNIDENTIFIED MALE:

Mr. Chairman, could I just -- for the Senator, and it was in the public report, in terms of YouTube views and YouTube subscribers, RT actually has a bigger presence in the United States than the BBC.

BLUNT:

And the BBC's also funded by the government, right?

BURR:

Senator King.

KING:

Well, I'll just follow up on that point because this is in the ad -- this is in the annex to the published report. RT America, millions of views on YouTube, 850 million; BBC about two-thirds of that; CNN significantly lower. Same thing in YouTube subscribers, RT America 450 million. So, RT is a significant media presence.

And I think the important point with regard to RT is that we are talking about hacking, that's how this discussion is characterized. But this was a comprehensive strategy involving RT, trolls, paid bloggers, hacking, the whole -- the whole package. And in fact, General Clapper, this is exactly what the Russians have done throughout Eastern Europe for some years, isn't that correct?

CLAPPER:

That's correct. I assist (ph) as technology has progressed and the Russians have taken advantage of it for this purpose.

KING:

Just to -- I just want to make sure I heard correctly. Mr. Comey, did you answer Senator Wyden's question that there is an investigation underway as to connections between either the political campaigns and the Russian -- Russians?

COMEY:

I didn't say one way or another.

KING:
You didn't say that there was...

COMEY:
That was my intention, at least.

KING:
You didn't say one way or another whether even there's an investigation underway?

COMEY:
Correct. I don't -- especially in a public forum, we never confirm or deny a pending investigation. I'm not saying...

KING:
The irony of your making that statement here I cannot avoid, but I'll move on.

COMEY:
But we sometimes think differently about closed investigations. But he asked me if I had any pending investigations, and we're not going to talk about that.

KING:
All right. Is it my understanding that there are actually three reports, highly classified, that only went to certain individuals? Classified which this committee has seen, and the public report, but that the conclusions of those three reports are identical. Is that correct?

COMEY:
That's correct.

KING:
And the only issue -- the difference between them is sources and methods. Is that correct?

COMEY:
Largely.

KING:
And the reason you can't reveal sources and methods is that you would compromise future opportunities to gain information, and also compromise fragile sources?

COMEY:
Exactly.

KING:

It seems to me that trust is one of the issues, and I mentioned in the Armed Services Committee, my folks and they tend to be skeptical. Prove it. Speak to me for a moment about the difficulty of proving what you've concluded pretty unequivocally, without revealing sources. How do I convince my -- my barber in Brunswick that this is for real?

CLAPPER:

Well, that's why we have Intelligence Oversight committees, to represent the American people with whom we cannot share as fully and completely as we might like the evidentiary proof that we have and in which we're very confident. So, we're very dependent the given mutual intelligence work (ph) to start with, very dependent on you as our overseers to look at that yourselves on behalf of the electorate.

KING:

But I think it is important to make the point to the public why sources and methods needs to be -- need to be protected.

CLAPPER:

Well, we spend -- we need to chew (ph) the Congress appropriates. We literally spend billions of dollars gaining these accesses which we would -- we'd jeopardize. And of course this then impairs the support that we can render to the oncoming administration and successive administrations. And when we lose these accesses, it takes money and time to recover them. Not to mention putting potentially assets who work for us lives at risk.

KING:

Was there any political influence brought to bear on any of the three of you in the preparation of this report? Did the President tell you what he wanted to find, or was this somehow a politicized investigation?

CLAPPER:

Absolutely, not. The President asked us to compile all available information that we had, and when he was briefed on it, he made the point once again that he was not -- had not and was not going to give us any direction. That's why this is an IC product. It is not that of the current administration.

KING:

Mr. Comey, would you affirm that as well?

COMEY:

Yes. I hope I've demonstrated by now I'm tone deaf when it comes to politics, and that's the way it should be.

KING:

Thank you. Director Brennan, same conclusion?

BRENNAN:
Yes, absolutely.

KING:
Final, sort of technical question. I noticed that the October tenth -- I'm sorry, the October seventh statement was the IC, the community itself, implying the entire community, this one was FBI, CIA, and DNI. Is there any difference why wasn't the report that was just released that represent the entire 17-agency community?

CLAPPER:
Again, because the three exclusive contributors to this are represented here, and because of the sensitivity of the -- many of the sources, we made a judgment to restrict it to these three agencies.

KING:
So, there was no -- there was no elimination of other views?

CLAPPER:
No, there's was none that we felt -- again, because of the sensitivities of associated source, which we try to protect even within the intelligence community, to -- to cast the report from -- as from emanating from these three agencies.

KING:
Thank you. Thank you, Mr. Chairman.

BURR:
Senator Lankford.

LANKFORD:
Gentlemen, thank you. Thank you for your work and your service to the country, and the leadership you've brought.

I need to ask a couple of questions, some that you've heard before, and just for quick review, and I want to build on several things from the report. Just to clarify again, what does anyone know of any votes that were changed or an attempt to change votes.

CLAPPER:
We have no -- as we stated in -- in the report -- we have no evidence of any manipulation of vote tallies whatsoever.

LANKFORD:
Voter rolls?

CLAPPER:

No. There was reconnoitering, intrusion on certain voter rolls, but to the best of our knowledge no manipulation of them.

LANKFORD:

Give me a best guess. How many other countries is Russia currently or have, let's say in the last four years, tried to influence in their elections?

CLAPPER:

I think one of the annexes portrays that, the number of countries that in one degree or another Russia has expended effort to try to influence political views or opinions.

LANKFORD:

Fifteen countries, 20? Give me a ballpark.

CLAPPER:

A couple dozen maybe.

LANKFORD:

OK, so maybe 20 or so? You also make a comment in the report itself about previous U.S. elections and Russian engagement in previous U.S. elections, going all the way back to KGB, putting a person, recruiting a Democrat Party volunteer or activist -- you didn't give the details on it -- even on Jimmy Carter's campaign in the 1970s, moving forward.

Tell me about the differences in aggressiveness and style, if the Russian and then back to even the Soviets before, have been involved in our elections since the 1970s and before. Tell me the degree of difference in this one versus how they've been engaged in others.

CLAPPER:

The history of this goes back to the 60s. And when we say Russians attempted to fund certain candidates, parlay certain lines of opinion or lines of view, and of course they had in the day radio broadcast and that sort of thing they would do. And as the technology has increased, they've gotten more tools available to them. They've broaden the spectrum of things that they have done.

What is unique and what is disturbing, though, about this election, 2016, is the aggressiveness and the variety of tools they used in their activism in trying to convey information that they stole in an effort to influence the outcome of the election. That's different than any previous case.

LANKFORD:

So, additional tools, additional aggressiveness. They've been engaged in our elections before. This one was just at a much higher level?

CLAPPER:

Yes.

LANKFORD:

You mentioned as well about the Russians trying to hack into both Democrats computers and political operations and Republican. Democratic in computer and political operations. Between the, let's just say DNC and RNC, let's use loose terms -- I understand there's multiple other entities that are connected there. Between DNC and RNC, were they able to penetrate the same level to get the same quantity, quality, and type of materials, or was there a difference between what they were able to glean from the Democratic DNC or the RNC?

COMEY (?):

They got far deeper and wider into the DNC than the RNC.

LANKFORD:

Did they use similar methods with both? They were able to actually penetrate deeper, or why?

COMEY (?):

Hard to say. Hard to say in this forum, hard to say even in a closed forum because they didn't get into the RNC it's harder to see -- it makes it harder to answer. Similar techniques, the spear phishing techniques were used in both cases. But there is no doubt that they were more DNC deeper and wider than RNC.

Did hit some Republican affiliated organizations, but not the current RNC itself. They didn't get in.

LANKFORD:

So, we're getting to current information, basically?

(UNKNOWN)

Not on the RNC. They got at the state level some current information, but not RNC current.

LANKFORD:

OK, you also highlight several other ways that the Russians have been engaged in our nation, just as a whole. You mention not only the election and previous elections, but you also move and give two practical examples of how the Russians have been engaged in our political system.

One was an anti-fracking campaign that the Russians seemed to be engaged in. And another one was the Occupy Wall Street movement that the Russians were engaged in as well. Any additional highlights, or any additional details that you can give on that? I was interested(ph) that you highlighted those.

Can we tell the nature of -- for instance, with the Occupy Wall Street, the social media pages that were created to give communication capabilities to the occupy protesters, how those were used and if those were used?

LANKFORD:

Colonel(ph), I'll(ph) take(ph) that one for the record for -- just to be -- for the sake of accuracy just exactly what they did in those two campaigns. I -- I -- I don't have that off(ph) the top of my head.

(UNKNOWN)

OK, so they -- it was just in the report. I thought it was interesting just as a way of illustration in the report that there was an illustration to say that they've also been engaged in some of the anti-fracking and some of the Occupy Wall Street movement as well. Sir, I appreciate your work, thank you, yield back.

BURR:
Senator Manchin.

SEN. JOE MANCHIN:
Thanks, Chairman. I(ph) thank all of your for your service and if I might ask, was there -- was there any disagreements on the involvement that Russia has had -- or their attempts to have in this process of our elections by any of the intelligence community?

Did any of these have different takes on this or have to collaborate in order to come to one -- one conclusion?

(UNKNOWN)
There -- there was one aspect that the -- there was a difference in confidence levels held by NSA versus the rest of us on one single aspect. I'd be more comfortable discussing that in closed session.

MANCHIN:
OK. Any other countries that have been hacking us from a standpoint that brings a concern that you have with us(ph)? You're saying that no one's ever done this to this level in our political process but when(ph) you look at the espionage, sabotage, basically through military or industrial.

(UNKNOWN)
Well, there's a lot of espionage. Certainly collecting us(ph) with trading information. Obviously the Chinese come to mind. But in, very much a contrast between -- whether(ph) the passive collection -- the passive exploitation(ph) as opposed to the actively purloining(ph) information and using it for a political end. That's the difference here.

(CROSSTALK)

MANCHIN:
...sessions(ph) are unique.

(UNKNOWN)
Yes.

MANCHIN:
I think all of us have been very much concerned that the outcome of the election was altered and you had been very clear saying that it has not been altered, nor would the outcome of this election have been any different.

(UNKNOWN)

Well, I'd have to clarify one aspect of what you just said, Senator. We did not assess the impact on the electorate. We did not do public opinion polls because that's not our charter -- the intelligent community -- to do that. So, we can't just say about whether -- whether the release of the hacked information outright changed any voter's opinion, we don't know.

MANCHIN:

OK. (INAUDIBLE) What -- what recommendations of sanctions would you have? What sanctions recommendation do you think would deter Russia or any other country from continuing to hack us?

CLAPPER:

Well that's clearly a policy call, we got into that last Thursday at Senator Armed Services Committee and there are a range of tools that we could use and I think Admiral Rogers, in my view, is that we should consider the whole range of tools, not necessarily do a cyber for cyber reaction. And to look at all of them.

MANCHIN:

I'm thinking, what I'm trying to get to is if hacking is so serious and with technology that we have today can alter our lives, relatively very quickly, if that's all capability and possibilities of happening, shouldn't we have a broad - basically policy in the United States of America that any hacking internationally that's been confirmed and concurred by the intelligence community once you all basically authorize that this happened - as you've agreed right now, this happened in our electoral process that we should enforce the sanctions on any country that does this, so to determine (inaudible).

CLAPPER:

Well, I think is again the discussion we had in the Armed Services Committee Thursday was if your conducting espionage, then if we're going to punish - nation (ph) states (ph) are going to punish each other for conducting espionage which is a passive collection of (ph) information. That's - that's a pretty heavy policy call which I don't think any of us want to - want to make. When it's an activist campaign as it was here, that's a different proposition and again, I think it's not our call to decide what to do in response. Our only comment and I'll repeat it was, to consider the whole range of potential tools, or instruments of power - national power - to respond. The challenge you get into with cyber for cyber of course you have to also consider the counter retaliation to that. And while we spend a lot of time agonizing over precision and being very surgical the adversaries may not be quite as precise as we might but. So again, bottom line, consider all tools.

MANCHIN:

I'm just saying when we know it's (ph) states (ph) sponsor, article five of NATO treaty specifies that all NATO members will defend the sovereignty and territory integrity (ph) of our other allies if they're attacked. Has NATO intervened at all? Has any of the other countries intervened in this? Our (ph) NATO allies?

CLAPPER:

Well, I can't speak for each individual NATO member, what they may - may or may not have done to defend themselves or to retaliate against the perceived cyber attack. I don't -

MANCHIN:

Did we, as the United States defend any of them when they've been attacked?

CLAPPER:

Well, if the NATO alliance and member nation in invokes article five, I believe that's the provision. I'm getting out of my lane here, that's where attack against one is considered an attack against all. I don't know that that's ever been exercised. I don't think it has in the cyber context.

MANCHIN:

Thank you Mr. Chairman, my time as expired.

CLAPPER:

Senator Cotton.

COTTON:

I want to add my voice of gratitude to the many members of this committee who've expressed our gratitude for the men and women of our intelligence community. As President-Elect Trump said on Friday, he has tremendous respect for those men and women and I share that as well. Second, those men and women have concluded that Russia hacked into the DNC and John Podesta's e-mail. And while this committee, as the chairman said, will conduct a thorough inquiry into this matter, I have no reason to doubt those conclusions. Third, I don't doubt it in part because Vladimir Putin is (KGB). Always has been, always will be. Back in the Cold War, Russian intelligence used to refer to the United States as the main enemy and they still do today. Vladimir Putin undermined the United States and our interests for the same reason the scorpion stings the frog as it crosses the river. It's in his nature. And he's done much worse for the last 18 years across numerous domains.

(Inaudible) Donald Trump won this election fair and square. Vladimir Putin didn't hack into Hillary Clinton's calendar and delete rallies in Michigan and Wisconsin. Didn't hack into the speechwriter's computer and delete speeches that laid out compelling vision for the working class.

It's time to look into the mirror, say that Hillary Clinton lost this election not because of Vladimir Putin or Jim Comey or fake news or the Electoral College, but because she ran a bad campaign.

That brings me to a conclusion in the report about the clear escalation, Dir. Clapper, of the scope of the activities. That Russia has conducted these kinds of activities in recent years, but this was a clear escalation in the scope and the scale. Is that correct?

CLAPPER:

That's correct.

COTTON:

Why did they think they could get away with that kind of clear escalation against U.S. interests?

CLAPPER:

I think the challenge, particularly in the senator (ph) realm I'll say, is that there's kind of an insidious progression of aggressiveness. I've certainly seen in the last six years or so where other countries get progressively more -- as they develop more capability, they also have an intended willingness (ph) to try to use it.

And we're seeing these particularly with the second tier, meaning North Korea and Iran, who are -- don't have the cyber capability, we don't believe, of the level of sophistication of certainly the Russians or the Chinese. But they are progressing. And that's, to me, what's bothersome about this whole business of cyber. And when do you be of a mind (ph) to say you know enough's enough?

COTTON:

Let's move to the question of motive.

The report states that at first Russia, in the assessment of the IC, had a desire to undermine the U.S. democracy, to sew discord and confusion. Over time, though, as it viewed Hillary Clinton as the likely winner, to undermine her presidency. But over time it developed a clear preference, is the language, for Donald Trump. Can you tell us when Russia viewed Hillary Clinton as the likely winner?

CLAPPER:

I think that was in the summer timeframe, perhaps July, August or so.

COTTON:

Can you tell us when you believe that Vladimir Putin developed a clear preference for Donald Trump?

CLAPPER:

Sometime after that. I don't know that, and certainly not in this setting, we can pick a date when he shifted gears. But he clearly did.

COTTON:

Did he or the intelligence services ever believe that Donald Trump was a likely winner?

CLAPPER:

Initially, no. They thought he was a fringe candidate and didn't think that at all.

COTTON:

And if they had lied about the report over the weekend said something, I paraphrase, that Russian cyberattack aims to install Putin in White House. Would a more accurate headline perhaps be Russian cyberattack aims to undermine expected Clinton presidency?

CLAPPER:

I don't think you'll find a line like that in our report.

COTTON:

Your assessment of motive is based in part on the selective leaking and the relative levels of targeting Democratic material and Republican material on the one hand versus the other. Is that correct? So that more Democratic material was leaked, even though Russia...

CLAPPER:
Clearly.

COTTON:
Is it possible that they just leaked the Democratic material because they thought Hillary Clinton was going to win and they wanted to undermine her? They didn't view it as profitable to leak Republican material?

CLAPPER:
Well that's -- yes. I mean that would seem to be the logical observation, that they've -- the favored the president-elect and they wished to denigrate as much as possible Hillary Clinton. And had she won, their plan was to try to undermine her presidency.

COTTON:
One final question about the leaks that have happened in this case.

First, in December, before President Obama directed this review to occur. And then there were none until last Wednesday night when the Washington Post reported on what may be sensitive signals intelligence. Dir. Comey, have you received a crimes report from anyone in the intelligence community about these leaks?

COMEY:
I don't think yet as to the December leak or anything, obviously, this month. Not yet.

COTTON:
Mr. Chairman, I suggest that we should include those leaks as part of our inquiry.

BURR:
The chair and the vice chair are working on that right now.

Senator Harris?

HARRIS:
Dir. Clapper, your report states that "we assess Russian intelligence services will continue to develop capabilities to provide Putin with options to use against the United States, judging from past practice and current efforts."

You go on to write "immediately after Election Day we assess Russian intelligence began a spearfishing campaign targeting U.S. government employees and individuals associated with the United States think tanks and NGOs in national security defense and foreign policy fields. This campaign could provide material for future influence efforts."

And then you indicate that the "election operation signals a new normal in Russian influence operations." So indeed, this is troubling.

My question is, is the intelligence community supporting efforts to ensure that the computer, networks and personal devices of the president-elect and his transition team are protected from continued influence?

CLAPPER:

It's my understanding that they are very, very sensitive to this threat. And we've done what we can to educate the transition team about the pitfalls of mobile devices in secure areas and the like.

HARRIS:

Do you believe your education efforts have been successful?

CLAPPER:

You'd have to ask them I think.

HARRIS:

What about the president-elect's Twitter account? And in particular, what is being done to safeguard his phone and account given the potentially dire national security consequences of an infiltration?

CLAPPER:

Probably best left to closed environment to talk about that.

HARRIS:

OK.

And Dir. Comey, this is more of a comment than a question. But I want to echo the points made by Sens. Wyden and King.

I understand why the FBI cannot disclose and comment on ongoing investigations. However, it seems that despite past precedent, the new standard that was created over the summer and fall regarding investigation into Sec. Clinton's email server was that there was a unique public interest in the transparency of that issue.

Particularly given the findings of your report, I'm not sure I can think of an issue of more serious public interest than this one. This committee needs to understand what the FBI does and does not know about campaign communications with Russia. And I hope that we can follow up on this in closed session to have more of an idea of what the FBI knows and what we might do to prevent any further harm. Thank you.

BURR:

Sen. Cornyn?

CORNYN:

Thank you, Mr. Chairman. And thanks to each of you for your service to the country, and for the people you represent who faithfully discharge their duties daily, many times unheralded.

I wanted to ask, first of all. There seems to be a disparity between the RNC servers and the DNC servers in terms of their vulnerability.

Adm. Rogers, this sort of perhaps is a good question for you. But is good practice in terms of defenses important in terms of securing information like that, that was stolen in these hacks?

ROGERS:
Yes.

CORNYN:
Would this also be -- would your concerns about the vulnerability of the -- of a private server also extend to government officials using private email servers and engaging in the exchange of classified information on those private email servers?

ROGERS:
I would argue everyone needs to have an awareness of how they communicate, whether we're talking professional (ph) or at work. That's the nature of the world we find ourselves in now.

CORNYN:
And to do so in compliance with the law, the protocol of the federal government.

When did the Russians first begin to hack U.S. networks? Adm. Rogers?

ROGERS:
With respect to this particular issue?

CORNYN:
No. I'm just wondering how long has this been going on?

ROGERS:
Since the 1990s, off the top of my head.

CORNYN:
OK. So while this has certainly become much more visible and focused, given the focus of the effort, this clearly is a longstanding effort by nation-states, including Russia, to hack into our networks. Correct?

ROGERS:
Yes, we have seen longstanding efforts to hack into our network.

CORNYN:
This was perhaps unusual. Maybe I should ask you. In that there was a coordination between the hacking and the propaganda efforts of Russia in other -- in order to try to undermine the legitimacy of the election process. Dir. Clapper, do you agree with that statement?

CLAPPER:

Yes. Orchestrated by the intelligence services.

CORNYN:

And is this the first time in your experience where you've seen that sort of multilayered, multifaceted coordination between propagand efforts and hacking into our networks? Or is this a new...

CLAPPER:

Well, it's...

CORNYN:

... new zenith (ph)?

CLAPPER:

It's a progression of capabilities as they've acquired and used them. And certainly have longstanding practices like that against European countries.

CORNYN:

And what has the United States done since United States government -- or we'll start with U.S. government. What have we done to respond to the hackings that have been occurring in U.S. networks since the 1990s in order to discourage or deter that sort of activity?

CLAPPER:

Well, we've tried to up our game defensively. We have you know selectively responded. Sony Pictures attack comes to mind. And certainly there was a response to this case.

CORNYN:

But the issue, as I said earlier, is if nation-states are conducting espionage against one another, which we do as well, as many other nation-states, that's -- and if the standard is to punish when the - - because of the conduct of detected espionage, well that's another policy call.

As I recall during the (inaudible) about the Sony hack, there was a lot of discussion as to how do you characterize this. Was this an act of war? Or was this a commercial -- is there criminal activity involving the commercial enterprise. How do you -- how do you -- how do you think about that? Is that -- have we gotten better about characterizing the nature of the attack?

(UNKNOWN)

Well we -- we in the intelligence community and particularly the Bureau I think does an excellent job of attribution. And then of course the hard part is what if any thing to do about it? And again I would repeat what was said earlier about, was it against a cyber activity is the best response a counter cyber activity or not? In the end we -- there wasn't a case with the Sony attack. But there could be multiple options as I think you alluded to, it doesn't need to just be cyber for cyber, we can vote (sp) a multitude of ...

(CROSSTALK)

(UNKNOWN)

Military options -- that was -- yes sir that was a (inaudible). I think that Admiral Rogers and I are made to the Senate Arms Service Committee, where they had this discussion there Tuesday.

CORNYN:

And, perhaps this is heresy since I'm member of the intelligence committee but let me just give you my impression that we have so fractured the jurisdiction of oversight of cyber issues that (inaudible) still figure some better whole of government approach and I see Senator Rains (sp) smiling because of course the Arms Services committee has some involvement in this. Homeland Security and Government affairs. But we need to figure out some way I think to deal with it on a whole of government approach. So we're working as efficiently and effectively as possible. And, I know from what I read in the news paper of President Elect Trump is said he wants to commission a study to come back to him within 90 days, if I'm not mistaken with some recommendations in that regard. We would certainly welcome your insight and advice. Thank you.

BURR:

Senator Reed.

REED:

Thank you Mr. Chairman and gentleman thank you for your dedicated service to the nation for many many years. The non classified intelligence assessment which is available to the public concludes that quote Putin, his advisors and the Russian government developed a clear preference for President Elect Trump over Secretary Clinton, closed quote. In part because quote, Put has had many positive experiences working with western political leaders, who's business interests made them more disposed to deal with Russia, such as former Italian Prime Minister Silvio Berlusconi, and former German Chancellor Gerhard Schroeder. Either General Clapper or Director Comey, does the community have any intelligence to suggest that President Elect Trump or those close to him may have business interests that made them more disposed to deal with Russia?

COMEY:

The Russians just believed or came to the conclusion that because the President Elect is a business man that he would be easier to make deals with and -- than the Democrats.

REED:

Thank you. Director Clapper, at the Armed Service Committee hearing I asked you whether, given the scope and the difficulty of hiding all of the different aspects of this comprehensive campaign was this -- what's worse that Putin advised that there was a significant chance of being discovered and second, did he disregard that because he wanted to send a message as well as being disruptive of our process? And, you differed that response until after you'd briefed the President and President Elect. Can you add anything to that?

CLAPPER:

I'm sorry sir, that in the course -- would you repeat the question?

REED:

Given the multiple aspects of this campaign, the hacking, the trolling, the social media, the idea that this could become unnoticed and given the scale and the intent, would be unnoticed raises one question at least. Was he in any way advised that you're taking a risk here and second did he disregard that risk, not only to be disruptive but also to signal to the world that he is prepared to engage in this type of operation and send us a signal?

CLAPPER:

Well I think, as we've seen, he I think always feels that -- or felt that he had deniability. That -- and of course that's what -- that's what the both the Russian government and the Russian media are denying any culpability. And we're somewhat restricted because of our sources and methods concerns about showing our hand -- showing our deck here so to speak. And, what lead us to those conclusions that we feel so strongly about. So he knows that, he a professional intelligence officer and he probably understands our approach for the protection of sources and methods and so he can just deny it and get away with it.

REED:

And just a final point here ...

UNKNOWN:

If I could add Senator. When you said a break in the press in early August, I had a conversation with the Director of the FSB, Alexander Bortnikov and told him clearly that if Russia was doing this they were playing with fire and it would back fire and they would roundly condemned by the -- not only the U.S. government but also the American people. And he said he would relay that to Mr. Putin at the time. He denied any type of activity along these lines, but I made it very clear to him that basically we're on to them.

REED:

Final point. Everyone has indicated and the report indicates that there was an effort made against the Democratic political campaigns and Republican political campaigns but one was much more aggressive, frankly than the other in terms of finding ways into the servers of not only the DNC but to individual Democratic operatives. Given what you posit as a goal of the -- of Putin which was to discredit Secretary Clinton as much as possible, assuming she might be president or in some way disrupting her campaign. It seems to be -- at least to me logical that they would devote those kind of resources to one -- to going after Democratic computers rather than resources of republicans. Is that borne out by your analysis Director Clapper?

CLAPPER:

Yes.

REED:

Thank you very much. Thank you MR. ...

BURR:

Senator Risch.

RISCH:

Well, Mr. Chairman let me say that after sitting through this, it put this in perspective for the American people. Those of us who are involved intelligence matters at the dais here and for that matter at the table. I doubt there was any one who was shocked or even mildly surprised when these facts came out.

This hacking business is ubiquitous and it has been since the internet was set up. The question was asked when did Russia start this? I would expect it was the day that they hooked up to the internet. This is -- this goes on constantly and as we've been sitting here, there have been thousands of efforts against U.S. entities, U.S. computers, government, non government and this is just in the U.S. This is going on all over the world.

We've, those of us who engage in this and have watched these things and most of which never become public. On a scale of one to ten we've seen a number of 10's. This one doesn't come close to a 10. But the interesting thing is because it's been in the political -- it's in the political spectrum, it has caught the fancy of the media. It's caught the fancy of the American people.

Russia is not, in my judgment, the most aggressive actor in this business. I think there are other actors that are much more aggressive, and indeed I think much more dangerous. It isn't limited to state actors. There're state actors. There's non-state actors. And there's combinations. They go after everything. The criminal element is particularly troubling to a lot of people.

I just heard Dir. Clapper I think is the first time I've ever heard an admission by an intelligence person that the U.S. does espionage. By that I think he's inferring in the context were him that the U.S. does this. Now I'm not confirming that. I'll leave that to Mr. Clapper to do.

But nonetheless, the other interesting thing I found is I think I agree with Dir. Clapper entirely that you want to be careful here when you're talking about how you're going to respond to this and if it's responded to with a similar type of hacking. That escalates very, very quickly. And we've sat through actually getting out what would happen in a situation where we had an actual hacking, and then decided how we were going to respond to it and if we did how the other side would respond to it.

The good that has come out of all of this is that finally I think the American people are getting a picture of how big this is, how ubiquitous it is, how dangerous it is. And that something has to be done about it. Dir. Clapper I think is correct that our response has been to up our game as far as our defensive posture is concerned. And really that is where the focus needs to be.

And again, one would hope we could find the silver bullet where you could stand up a defense and say look, it's there. This can never be penetrated. Anything that happens behind this wall is just fine. I don't know if I'll live to see that day. I don't know if anybody will.

But in any event, it is good that we have this on the table. It's good that we're having the discussion about it. And I'm hoping that everyone will be patient with us, and will be supportive as we do our best to up our game, to defend on these things, particularly in the realm of most of the challenges that the government, that generally -- and the public generally doesn't hear about but the intelligence community does.

Thank you, Mr. Chairman.

BURR:

Thank you. Sen. Risch.

The vote has started. Sen. Warner would like a question and a clarification. I have a clarification. Do any other members seek anything in this open session? If not, I'll recognize Sen. Warner.

WARNER:

My question is this. I mean (inaudible) my colleague's comment. Many of us felt the conclusions were accurate. In many ways it was the president-elect until Friday who was questioning these results.

I believe -- and I go back to your comments in my first line of questioning. When all four of you, with literally hundreds of years of experience said you have never seen anything in your career that approaches this level of Russian activities. And you think (inaudible) is the most serious threat. But anyone that underestimates the seriousness of this Russian threat I think does so at their own peril.

I want to ask you, Dir. Comey, and then I want to get a clarification. If a thief came up to the DNC and broke in and stole all of the most valuable information, and that same thief then drove to the RNC. And because they had a better lock on the door was only able to break in and get some old information. Would both of those be crimes? And would both of those be prosecuted?

COMEY:

Sure. Yes.

WARNER:

Dir. Clapper, one thing that I wanted to clarify, because I think it was Sen. Collins. There might have been some ambiguity. The conclusion you reached that the Russian government at its highest levels was targeting Clinton and favoring Putin was not the result simply of...

(UNKNOWN)

Favoring.

WARNER:

I'm sorry, favoring Trump and disfavoring Clinton was not the result simply of more leakage on the Democratic side. But I believe, based upon page one of your unclassified report is that Putin most likely wanted to discredit Clinton since Republican blamed her since 2011 and in a series of other activities.

That conclusion of favoring Trump and not favoring Clinton was not simply the result of disproportionate leaking on the Democratic side. Is that correct? I just want to clarify that for the record.

CLAPPER:

I mean just by virtue of the hacking?

WARNER:

I was left with the impression that the reason you reached the conclusion that there was favoring of Trump over Clinton was because of the disproportionate releasing of information. I've seen in the non-classified report lots of evidence there was ongoing concerns between Putin and Clinton.

CLAPPER:

That's clearly one aspect of this. But we reviewed the totality of what they were doing. Whether by this means or by the multifaceted propaganda campaign, the use of social media tools, planning, fake news. There was a campaign, all of which clearly seemed to favor -- clearly favored...

(CROSSTALK)

WARNER:

Including after the elections...

(CROSSTALK)

CLAPPER:

... the president-elect over Sec. Clinton.

WARNER:

Including after the election, the fact that Russian efforts to discredit the electoral process in America stopped.

CLAPPER:

Well I think that was an overall objective throughout to accomplish that objective. And then as things moved on and progressed, clearly a proclivity for the president-elect and an attempt to denigrate Sec. Clinton.

COMEY (?):

If I might add, senator, that's the challenge of the unclassified forum. There's more behind that conclusion. We just can't talk about it here.

BURR (?):

Dir. Clapper, I think this is in the scope of an open session. You'll tell me if it's not.

Is there any intelligence that Russian leadership, specifically Putin, directed the GRU or the SVR to penetrate these political organizations? Or was the leadership involvement in this process triggered by what they were able to exfiltrate? And when the leadership saw the breadth of information they directed this information campaign to happen?

CLAPPER:

You said in your October statement there -- this came from the highest levels of the government. And I would assess that there was overall broad direction given with execution carried out by the services.

BURR (?):

So one can take the fact that this has been a continual fishing process on the part of the Russians that started in 2014. That from 2014 forward that was all directed by the highest echelons of Russian government?

CLAPPER:

Yes. And I -- again, I think it'd be best to get into the details of that in a classified setting.

BURR:

And we will do that.

Got a couple minutes left and a to vote. So actually we will reconvene in the committee room at closed session at the completion of that vote.

This open hearing is adjourned.

CQ Transcriptions, Jan. 10, 2017 **List of Panel Members and Witnesses**

PANEL MEMBERS:

SEN. RICHARD M. BURR, R-N.C., CHAIRMAN

SEN. JIM RISCH, R-IDAHO

SEN. MARCO RUBIO, R-FLA.

SEN. SUSAN COLLINS, R-MAINE

SEN. ROY BLUNT, R-MO.

SEN. TOM COTTON, R-ARK.

SEN. JAMES LANKFORD, R-OKLA.

SEN. MITCH MCCONNELL, R-KY., EX OFFICIO

SEN. JOHN MCCAIN, R-ARIZ., EX OFFICIO

SEN. DIANNE FEINSTEIN, D-CALIF., VICE CHAIRMAN

SEN. RON WYDEN, D-ORE.

SEN. MARK WARNER, D-VA.

SEN. MARTIN HEINRICH, D-N.M.

SEN. MAZIE K. HIRONO, D-HAWAII

SEN. CHARLES E. SCHUMER, D-NEV., EX OFFICIO

SEN. JACK REED, D-R.I., EX OFFICIO

SEN. ANGUS KING, I-MAINE

WITNESSES:

DIRECTOR OF NATIONAL INTELLIGENCE JAMES CLAPPER

CENTRAL INTELLIGENCE AGENCY DIRECTOR JOHN BRENNAN

NATIONAL SECURITY AGENCY DIRECTOR ADM. MICHAEL ROGERS

AND FBI DIRECTOR JAMES COMEY

Burton, Faith (OLA)

From: Burton, Faith (OLA)
Sent: Thursday, January 26, 2017 2:59 PM
To: Schools, Scott (ODAG)
Subject: Sessions Responses to QFR
Attachments: Sessions Responses to QFR Submitted 01172017.pdf

Scott, per our conversation, here are the QFR responses that are available so far. We understand that Leahy may have submitted more QFRs yesterday and we don't have any additional info about them.

As I may have mentioned, we've asked one of our attorneys to review the hearing transcript and organize the Senator's responses by topic so that it will be readily usable down the road.

Please let us know if you need anything further on this or anything else. Thanks. Faith

**Nomination of Jeff Sessions to be Attorney General of the United States
Questions for the Record
Submitted January 17, 2017**

QUESTIONS FROM SENATOR FEINSTEIN

1. News reports have indicated that President-Elect Trump's chosen National Security Advisor, Retired Army Gen. Michael Flynn, engaged in multiple communications with the Russian Ambassador Sergey Kislyak, on the same day that President Obama announced sanctions against Russia.

a. Have you communicated with President-Elect Trump about these communications to the Russian Ambassador? Have you spoken with anyone else on the transition team (including General Flynn) or President-Elect Trump's staff? If so, please specify who you communicated with, and when.

RESPONSE: No.

b. If confirmed, you will be interacting frequently with General Flynn in his capacity as National Security Advisor. Will you recuse yourself from any FBI or Justice Department investigation into whether Flynn's communications were permissible under the law, including the Logan Act? If not, why not?

RESPONSE: I am not aware of a basis to recuse myself from such matters. If a specific matter arose where I believed my impartiality might reasonably be questioned, I would consult with Department ethics officials regarding the most appropriate way to proceed. As I made clear at my confirmation hearing, I will always be fair and work within the law and the established procedures of the Department.

2. At your hearing, Senator Coons asked whether you would support legislation to strengthen and uphold sanctions against Russia for the cyber-attack it organized that was designed to influence the American elections. You responded that "That is something that is appropriate for Congress and the Chief Executive to consider. In other words, how do you respond to what is believed to be a cyber attack from a major nation? It is difficult just to say, well, we are going to prosecute the head of the KGB or some group that has participated in it no longer a KGB, of course. So in many ways, the political response, the international foreign policy response, may be the only recourse."

In fact, the federal criminal code contains numerous criminal statutes levying serious penalties that might be available in a case involving allegations of international hacking. In addition, the Department of Justice has used these to prosecute individuals in the past. In addition, the Department may be required to decide whether to bring criminal charges against any person who committed these hacks, aided and abetted these hacks, or conspired to commit these hacks.

- a. *The Department has charged similar cases against state-sponsored individuals associated with the Iranian government, as well as members of the Chinese military. Will you commit that the Department will take any and all steps necessary to enforce federal statutes that were violated, and not just rely on political diplomacy?*

RESPONSE: If confirmed, I will examine, and where appropriate, enforce, the federal statutes referred to above.

- b. *Have you reviewed either the classified or unclassified assessments by the Intelligence Community regarding Russian activities and intentions in recent U.S. elections?*

RESPONSE: No.

- c. *Do you agree with the Intelligence Community's assessments? If not, please specify those assessments with which you disagree.*

RESPONSE: I have not reviewed their assessments, but I assume I would have no reason to disagree with their assessments.

- d. *Given the extent of your involvement in President-Elect Trump's political campaign, will you recuse yourself from any decision regarding whether to bring federal criminal prosecutions in connection with Russian hacking of the election? If not, why not?*

RESPONSE: I am not aware of a basis to recuse myself from such matters. If a specific matter arose where I believed my impartiality might reasonably be questioned, I would consult with Department ethics officials regarding the most appropriate way to proceed. As I made clear at my confirmation hearing, I will always be fair and work within the law and the established procedures of the Department.

- e. *Please identify all persons with whom you have spoken who share your view that the U.S. response to Russian hacking should be limited to "the political response, the international foreign policy response."*

RESPONSE: My view is not that the response "should be limited" to a political or international foreign policy response. When I testified before the Committee, I was merely suggesting that in some cases, such a response may be the only recourse. As you point out, federal criminal statutes may be applicable. However, I am not privy to the facts or details of any ongoing investigations and my knowledge of the subject is limited to what is contained in public reporting, so I do not know what the appropriate response should be in this particular case.

Non-Responsive Record

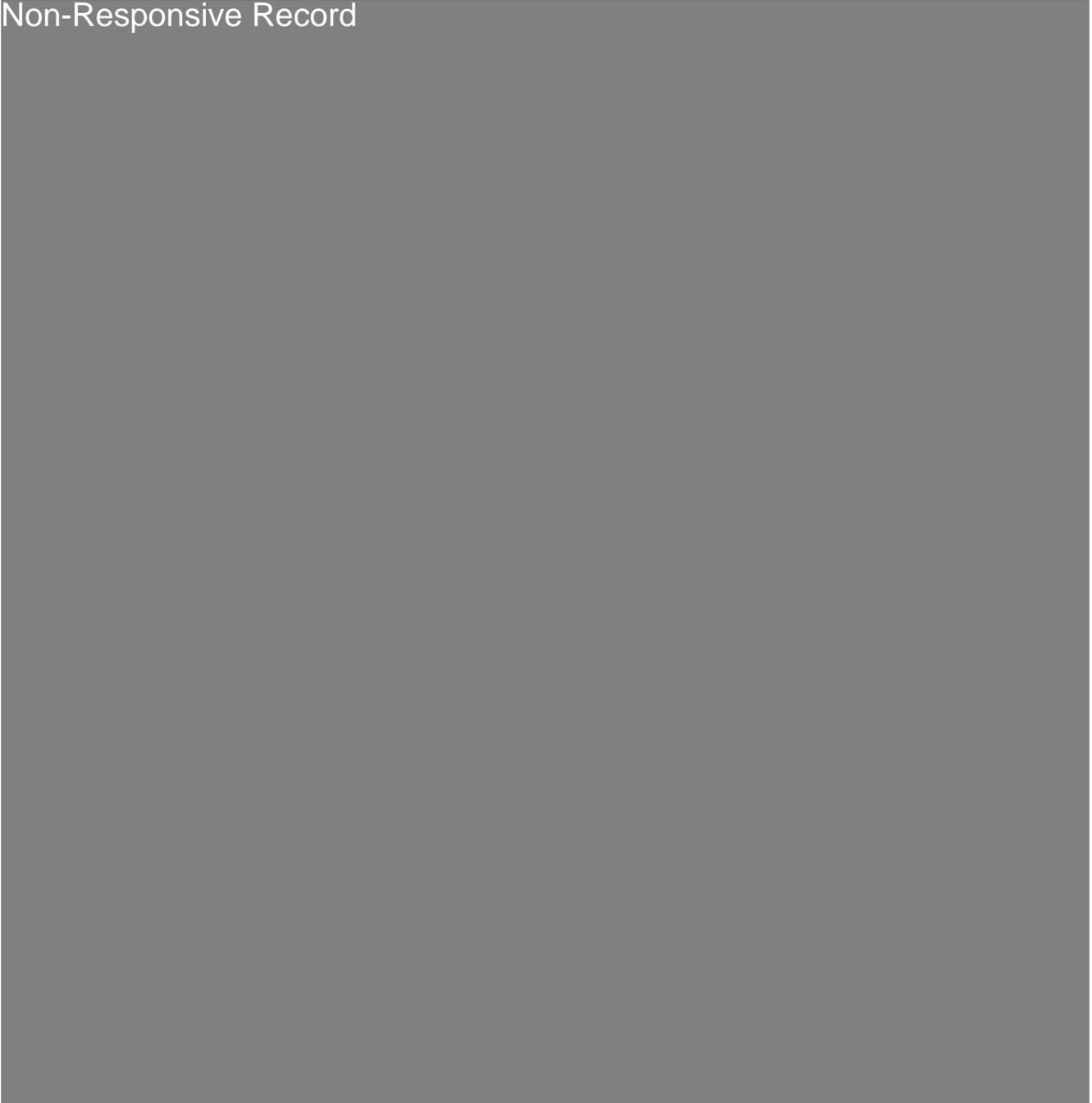
**Nomination of Jeff Sessions to be Attorney General of the United States
Questions for the Record
Submitted January 17, 2017**

QUESTIONS FROM SENATOR LEAHY

Non-Responsive Record



Non-Responsive Record



22. The intelligence community has concluded that Russia intervened in the 2016 election in an effort to help elect Donald Trump. The report is available at https://www.dni.gov/files/documents/ICA_2017_01.pdf. Russian interference in our elections is larger than any candidate or political party. This is about protecting our democracy.

a. Do you accept the conclusion of the intelligence community that Russia was responsible for the hack of the DNC and Hillary Clinton's campaign chair?

RESPONSE: I have not reviewed the report, but I have no reason not to accept the intelligence community's conclusion(s) as contained in the report.

b. Do you accept the conclusion of the intelligence community that Russia provided to Wikileaks the information that it stole?

RESPONSE: I have not reviewed the report, but I have no reason not to accept the intelligence community's conclusion(s) as contained in the report.

c. Do you accept the conclusion of the intelligence community that Russia engaged in these activities in order to interfere with the election in Donald Trump's favor?

RESPONSE: I have not reviewed the report, but I have no reason not to accept the intelligence community's conclusion(s) as contained in the report.

d. Do you consider this to be illegal behavior, and a threat to our democratic process?

RESPONSE: I have not reviewed the matter in any detail; therefore, I am not in a position to opine on it.

e. Several of the President-Elect's nominees or senior advisers have Russian ties. Have you been in contact with anyone connected to any part of the Russian government about the 2016 election, either before or after election day?

RESPONSE: No.

f. Attorney General Lynch has confirmed that career officials are investigating Russian interference in the 2016 elections. If confirmed, will you commit to allowing this investigation to move forward? What will you do if the White House directs you to end the investigation?

RESPONSE: I am unaware of any investigations beyond what is contained in public reporting. As such, I am unable to comment on the status of any such investigations except to say that I believe all investigations by the Department of Justice must be initiated and conducted in a fair, professional, and impartial manner, without regard to politics or outside influence. The Department must follow the facts wherever they lead, and make decisions regarding any potential charges based upon the facts and the law, and consistent with established procedures of the Department. That is what I always did as a United States Attorney, and it is what I will insist upon if I am confirmed as Attorney General.

Non-Responsive Record

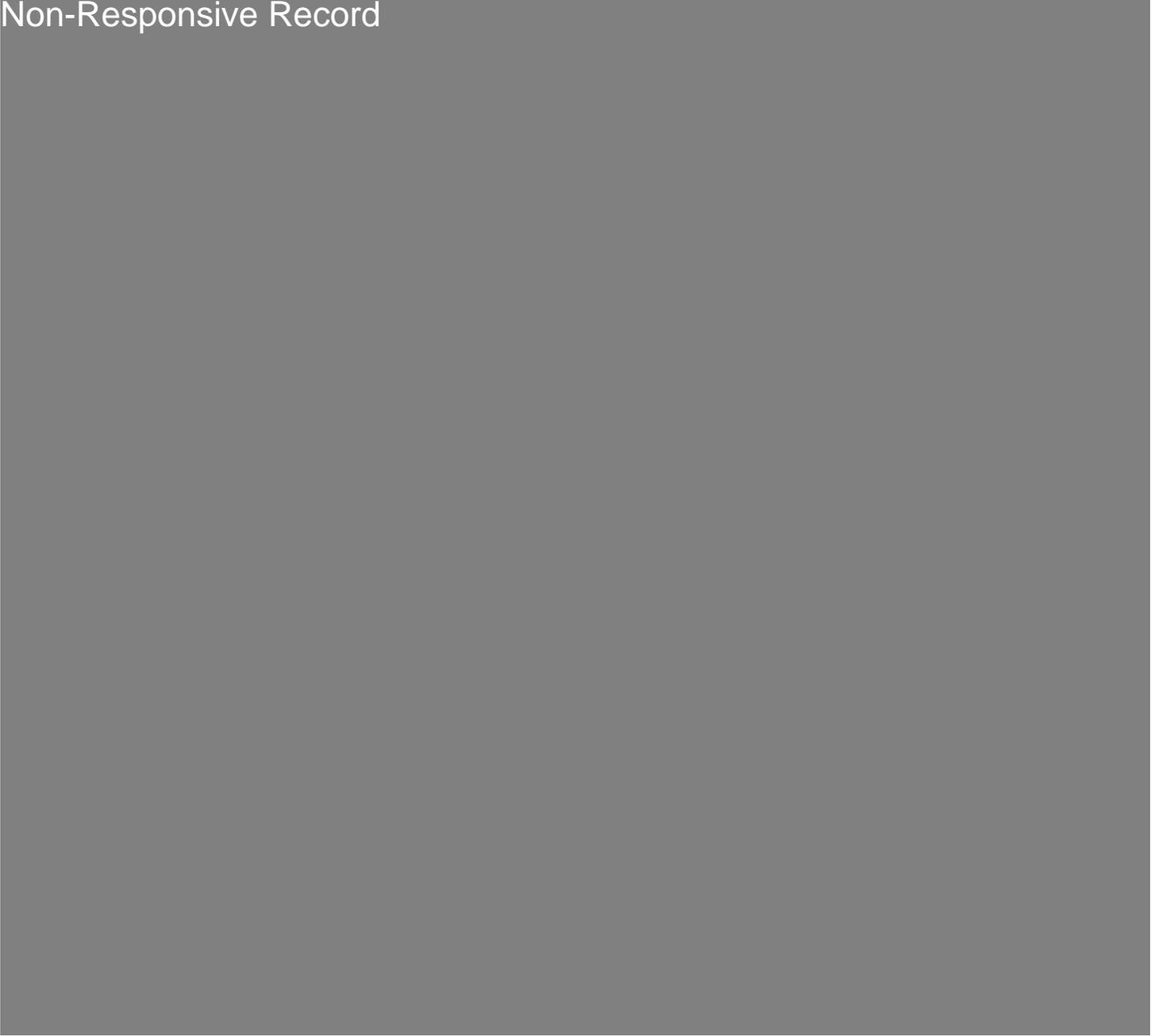
**Nomination of Jeff Sessions to be Attorney General of the United States
Questions for the Record
Submitted January 17, 2017**

QUESTIONS FROM SENATOR BLUMENTHAL

Non-Responsive Record



Non-Responsive Record



6. America's intelligence agencies agree that Russia attempted to disrupt the 2016 presidential election in a manner that violates U.S. laws against hacking. During both of the last Democratic administrations, you demanded that the Attorney General recuse herself rather than participate in an investigation with potential political ramifications. During your nomination hearing, however, you would not commit to recusing yourself from an investigation of alleged Russian hacking.

- a. **Will you commit to recusing yourself from any case regarding the Trump campaign – and, specifically, the investigation of Russian interference with the election? If not, why not?**

RESPONSE: I am unaware of any investigations beyond what is contained in public reporting. As such, I am unable to comment on the status of any such investigations except to say that I believe that all investigations by the Department of Justice must be initiated and conducted in a

fair, professional, and impartial manner, without regard to politics or outside influence. The Department must follow the facts wherever they lead, and make decisions regarding any potential charges based upon the facts and the law, and consistent with established procedures of the Department. That is what I always did as a United States Attorney, and it is what I will insist upon if I am fortunate enough to be confirmed as Attorney General.

I am not aware of a basis to recuse myself from such investigations. However, if a specific matter arose where I believed my impartiality might reasonably be questioned, I would consult with Department ethics officials regarding the most appropriate way to proceed. As I made clear at my confirmation hearing, I will always be fair and work within the law and the established procedures of the Department.

Non-Responsive Record



Gauhar, Tashina (ODAG)

From: Gauhar, Tashina (ODAG)
Sent: Friday, February 10, 2017 2:43 PM
To: Evans, Stuart (NSD)
Subject: FW: CNN story on Russian dossier

-----Original Message-----

From: Carr, Peter (OPA)
Sent: Friday, February 10, 2017 2:14 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>; Raimondi, Marc (OPA) <mraimondi@jmd.usdoj.gov>; McCord, Mary (NSD) <mmccord@jmd.usdoj.gov>
Cc: Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: CNN story on Russian dossier

Evan Perez called to say they are posting a story as early as this afternoon with new information on the Russian dossier that the intelligence community included in a briefing on Russian interference in the 2016 election.

The story will say that the intelligence agencies and FBI have confirmed that some of the foreign to foreign communications mentioned between two Russians have been confirmed. They have not confirmed the actual content of the calls, but they have reviewed surveillance intelligence and determined that the two individuals did speak to each other on the dates and times indicated in the dossier.

As of now we've (b) (5)

Thx,
Peter

Barnett, Gary (ODAG)

From: Barnett, Gary (ODAG)
Sent: Tuesday, March 7, 2017 3:36 PM
To: Crowell, James (ODAG); Terwilliger, Zachary (ODAG)
Subject: FW: House Judiciary Dems letter seeking info on WH contacts by 3/24
Attachments: Dems letter to Boente.pdf
Importance: High

FYI

From: Burton, Faith (OLA)
Sent: Tuesday, March 7, 2017 1:42 PM
To: Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>; Weinsheimer, Bradley (NSD) <braweinsheimer@jmd.usdoj.gov>
Subject: House Judiciary Dems letter seeking info on WH contacts by 3/24
Importance: High

From: McElvein, Elizabeth (b) (6)
Sent: Monday, March 06, 2017 4:59 PM
To: (b) (6), (b) (7)(C) (FBI) (b) (6), (b) (7)(C)
Subject: House Judiciary Dems letter

Attached, please find the follow letter from the House Judiciary Committee Democrtas.

Elizabeth H. McElvein
Professional Staff
Committee on the Judiciary
House of Representatives
202-226-(b) (6)

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Fifteenth Congress

The Honorable Dana J. Boente
Acting Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

March 6, 2017

Dear Acting Deputy Attorney General Boente:

We write to express our concern regarding a disturbing series of events this weekend concerning the ongoing review by the Department of Justice of efforts by the Russian government to unlawfully influence the U.S. presidential election in favor of Mr. Trump. These events include unsubstantiated claims by President Trump concerning surveillance by the prior Administration and related reports of improper contacts between the office of Donald F. McGahn, the White House Counsel, and the Federal Bureau of Investigation, concerning the FBI's ongoing review.

Early Saturday morning, President Trump took to Twitter to claim that "President Obama was tapping my phones in October, just prior to [the] Election!" He went on to ask: "How low has President Obama gone to tapp [sic] my phones during the very sacred election process. This is Nixon/Watergate. Bad (or sick) guy!"

No substantiation was offered for this accusation. Many believe it is based on charges raised by conservative radio host Mark Levin on Thursday evening, which were repeated in turn by *Breitbart* on Friday.¹ According to the *New York Times*:

[A] senior White House official said that Donald F. McGahn II, the president's chief counsel, was working on Saturday to secure access to what Mr. McGahn believed was an order issued by the Foreign Intelligence Surveillance Court authorizing some form of surveillance related to Mr. Trump and his associates.

The official offered no evidence to support the notion that such an order exists.²

¹ Joel B. Pollack, *Mark Levin to Congress: Investigate Obama's "Silent Coup" Vs. Trump*, *Breitbart*, Mar. 3, 2017.

In our experience, it is highly unusual for the White House to seek access to a government application to the Foreign Intelligence Surveillance Court. In almost any circumstance, it would be inappropriate to ask for that information if the President and his associates are related to the underlying investigation.

Perhaps more troubling, this reported contact between the office of White House Counsel and law enforcement officials comes on top of several other reports of similar contacts between the White House and both the Department of Justice and the FBI. For example, according to *CNN*, White House Chief of Staff Reince Priebus asked FBI Director James Comey and FBI Deputy Director Andrew McCabe to “publicly knock down media reports about communications between Donald Trump’s associates and Russians known to US intelligence during the 2016 presidential campaign.”³ Director Comey refused to do so—but reportedly agreed to let Mr. Priebus cite “senior intelligence officials” as part of his pushback, which Mr. Priebus did on national TV that weekend.

If these reports are accurate, then these communications are both inappropriate and in violation of Department of Justice guidance. Since the Carter Administration, the Department has had guidelines in place to limit communications between the White House and career investigators and prosecutors, “to insure, to the extent possible, that improper considerations will not enter into our legal judgments.”⁴ The standing policy, issued in 2009, states: “The Justice Department will advise the White House concerning any pending or contemplated criminal or civil investigations on cases when, but only when, it is important for the performance of the President’s duties and appropriate from a law enforcement perspective.”⁵ The sitting Attorney General is, of course, free to revise or replace this guidance—but Attorney General Sessions has not done so.

The independence of the Department of Justice and the FBI is a particular concern when individuals associated with both the Administration and the President’s campaign may be the targets of the investigation. As former DOJ Inspector General Michael Bromwich stated, “it’s quite inappropriate for anyone from the White House to have contact with the FBI about a pending criminal investigation, that has been an established rule down the road, probably since Watergate.”⁶

Accordingly, we request that you provide us with a description of any and all contacts or other communications (including phone contacts, emails, texts, voicemails, notes or other forms of contact, whether written, oral, or otherwise) between anyone employed by or associated with

² Michael D. Shear and Michael S. Schmidt, *Trump Offering No Evidence, Says Obama Tapped His Phones*, N.Y. TIMES, Mar. 4, 2017.

³ Jim Sciutto et al., *FBI refused White House request to knock down recent Trump-Russia stories*, CNN, Feb. 24, 2017.

⁴ Remarks by the Hon. Griffin B. Bell, Attorney General of the United States, U.S. Dept. of Justice, Sept. 6, 1978.

⁵ Memorandum from U.S. Attorney General Eric Holder, *Communications with the White House and Congress*, U.S. Dept. of Justice, May 11, 2009.

⁶ Adam Serwer, *When Does Contact between the FBI and the White House Cross the Line*, ATLANTIC, Feb. 24, 2017.

the White House and any official or representative of the FBI or the Department of Justice, relating to any investigation into Russian interference in the recent presidential election and any related matter. Please provide this information to us no later than March 24, 2017.

In addition, it has been reported that, subsequent to the Tweets by the President this weekend, Director Comey asked the Department of Justice to issue a statement refuting the President's assertion because the Director knows that "the highly charged claim is false and must be corrected."⁷ However, the Department has not done so as of this writing. We believe it is imperative that the Department issue a statement publicly addressing the accuracy of the President's assertion because of the seriousness of the claim that the Department was used as a political weapon during an election campaign. Of course, if Donald Trump or his associates were the subject of lawful electronic surveillance due to suspicions that they were acting as agents of a foreign power or otherwise acting unlawfully, Congress should be advised of that in an appropriate setting.

The honest, responsible professionals of the Department of Justice work to protect our Nation from a variety of threats of every day. We recognize their dedication, and it is unfortunate that they must now deal with these difficult circumstances generated by their own President. However, the charges made by the President and related contacts between the White House and the Department and the FBI are serious matters that should not be met with silence by the Department, lest there be the appearance that the Department is acquiescing to pressure and otherwise not doing the job the American people expect.

Thank you for your prompt attention to this matter.

Sincerely,

John Conyers Jr.

Jerrold Nadler

Mark Johnson

Karen Bass

David N. Cicilline

Alison L. DeLoach

⁷ Michael S. Schmidt and Michael D. Shear, *Comey Asks Justice Dept. to Reject Trump's Wiretapping Claim*, The New York Times, Mar. 5, 2017.

Dir. V. [Signature]

[Signature]

Ted W. Lee

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Jamie Raskin

[Signature]

[Signature]

cc: James Comey, Director, Federal Bureau of Investigation
Bob Goodlatte, Chairman, House Judiciary Committee

Sheehan, Matthew (ODAG)

From: Sheehan, Matthew (ODAG)
Sent: Tuesday, March 7, 2017 4:14 PM
To: Lan, Iris (ODAG)
Subject: FW: Nomination hearing - rough transcript and clips
Attachments: 2017.03.07 DAG & ASG Clips.docx; 2017 03 07 DAG Hearing.docx

FYSA

From: Carr, Peter (OPA)
Sent: Tuesday, March 7, 2017 4:09 PM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Raman, Sujit (ODAG) (JMD) <Sujit.Raman2@usdoj.gov>; Bressack, Leah (ODAG) <lbressack@jmd.usdoj.gov>; Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>; Mizelle, Chad (ODAG) <cmizelle@jmd.usdoj.gov>; Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>; Sheehan, Matthew (ODAG) <mshreehan@jmd.usdoj.gov>; Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov>; Ramer, Sam (OLA) <srmer@jmd.usdoj.gov>
Cc: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Nomination hearing - rough transcript and clips

Attached is a rough transcript of today's hearing, along with early clips from news stories.

Best,
Peter

Reuters: Pick for No. 2 at U.S. Justice cool to Russia probe special counsel (Joel Schectman)

<http://www.reuters.com/article/us-usa-trump-rosenstein-idUSKBN16E18V>

The prosecutor tapped to fill the No. 2 position at the U.S. Justice Department declined on Tuesday to commit to appointing a special counsel to oversee an investigation into Russian meddling in the 2016 presidential election.

If confirmed, Rod Rosenstein, nominated by Republican President Donald Trump to be deputy attorney general, would take control of the Russia investigation because Attorney General Jeff Sessions has recused himself from the case.

At his Senate Judiciary Committee confirmation hearing, Democrats pushed for Rosenstein to commit to assigning a special prosecutor to investigate, saying only a special counsel free from administration pressure could ensure acceptable results.

Democratic Senator Dianne Feinstein asked Rosenstein, "Do you support an independent, outside counsel?"

Rosenstein said since he was not yet in the role, he had not seen the evidence and had no basis to decide whether a independent counsel would be appropriate.

But he did signal skepticism toward the idea. Rosenstein noted that former Attorney General Loretta Lynch had not appointed a special prosecutor when the allegations first came to light, instead relying on career prosecutors to handle the case. "She had the information and I don't and she rejected the request," Rosenstein said.

Republicans argued that it was too soon to know whether a special counsel was appropriate in the Russia case, which involves allegations that members of the Trump campaign had contacts with Russian officials during the run-up to the 2016 election.

Sessions said last week he will stay out of any "matters that deal with the Trump campaign." He recused himself after admitting he met twice with Russian Ambassador Sergei Kislyak during the presidential campaign, despite previously testifying to the Senate that he had no contact with Russian officials.

Sessions said the deputy attorney general would be responsible for the Russia-related investigations.

U.S. intelligence agencies concluded last year that Russia hacked and leaked Democratic emails during the election campaign as part of an effort to tilt the vote in Trump's favor. The Kremlin has denied the allegations.

Rosenstein has experience working for a special counsel on investigations involving the presidency. In the mid-1990s he was part of independent counsel Kenneth W. Starr's team of prosecutors who investigated Bill and Hillary Clinton.

The 26-year Justice Department veteran is seen by many current and former department officials as a politically neutral pick. "Political affiliations are irrelevant to my work," Rosenstein said during his testimony Tuesday.

Named as Maryland's top prosecutor by President George W. Bush, Rosenstein stayed in office through the Obama administration.

"Mr. Rosenstein should commit to naming a special prosecutor to look into the Trump campaign's ties to Russia," said Democratic Senator Chuck Schumer in a statement.

###

Washington Post: Grilled on Russia probe, deputy attorney general pick sidesteps Democrats' calls for special prosecutor (Matt Zapposky, Sari Horwitz and Sean Sullivan)

https://www.washingtonpost.com/world/national-security/senate-begins-confirmation-hearing-for-nominee-to-be-deputy-attorney-general/2017/03/07/4bd4ae02-02b2-11e7-ad5b-d22680e18d10_story.html?utm_term=.ead448973022

Deputy attorney general nominee Rod J. Rosenstein refused to commit Tuesday to appoint a special counsel to oversee investigations of Russian meddling in the presidential election — though he stressed that he did not yet know the facts of the matter.

At his Senate Judiciary Committee confirmation hearing, Rosenstein said that he was “not aware” of any reason he would not be able to supervise such probes — but because he was not yet in the No. 2 role in the Department of Justice, he did not know the particular facts of any case.

Under questioning from Sen. Dianne Feinstein (D-Calif.), he noted that Loretta E. Lynch, the attorney general at the end of the Obama administration, had resisted requests to appoint a special prosecutor. He said either she or acting deputy attorney general Dana Boente could have appointed such a person — if it were necessary.

“If there were a need for a special counsel, [Boente] currently has full authority to appoint one,” Rosenstein said. “I don’t know at this point if Attorney General Lynch or acting deputy attorney general Boente are right or wrong, but I certainly wouldn’t be in a position to overrule them without having access to the facts that are the basis for their decisions.”

Although Rosenstein is a respected prosecutor who has served in both Democratic and Republican administrations, his confirmation hearing before the Senate Judiciary Committee turned tense at times as legislators sparred over whether a special counsel should be appointed to handle probes of the Trump campaign and Russian meddling in the presidential election.

Last week, Attorney General Jeff Sessions announced that he was recusing himself from any campaign-related probes after The Washington Post reported that he had met with the Russian ambassador twice during that campaign and had not disclosed that fact at his own confirmation hearing. That would mean supervision of such probes would fall to Rosenstein, were he to be confirmed.

Perhaps the most heated exchange came after Sen. Al Franken (D-Minn.) lambasted Sessions for not disclosing his meetings with the Russian ambassador. It was Franken who asked Sessions at his own confirmation hearing in January what he would do if it was found that anyone affiliated with the Trump campaign had communicated with the Russian government.

Sessions responded, “I have been called a surrogate a time or two in that campaign, and I didn’t have — did not have communications with the Russians.”

Franken posed the same question to Rosenstein, who responded, “If there is predication to believe that such communication was in violation of federal law, Senator, I would ensure an appropriate

investigation.” The Minnesota Democrat then criticized Sessions for his response and suggested that his letter to the committee Monday insisting it “was correct” was inadequate.

[In update to Congress, Sessions insists he was ‘correct’ to say he had no communication with Russians in campaign]

“He answered a question I didn’t ask, and for him to put this in his letter as a response is insulting, and he should come back and explain himself,” Franken said.

Senate Judiciary Committee Chairman Charles E. Grassley (R-Iowa) fired back that Franken had asked a “gotcha question,” eventually pounding his gavel to cut Franken off.

“It was not a gotcha question, sir,” Franken exclaimed.

“It was, from the standpoint that he didn’t know what you were asking about,” Grassley said.

Rosenstein said he would handle an investigation into Russian meddling “the way I would handle any investigation.” He said that throughout his career, he has spoken to lawyers and judges visiting from foreign countries at events, and that “it’s certainly possible there may have been Russian officials there.” But he said he did not “recall any such meetings” with Russian officials. He also said he has not talked with Sessions about Russian contacts, and he sought to assure legislators that he would act in the best interests of the United States.

“I don’t know the details of what, if any, investigation is ongoing, but I can certainly assure you if it’s America against Russia, or America against any other country, I think everyone in this room knows which side I’m on,” he said.

The panel also pressed Rosenstein on some of the President Trump-generated news of the week. Sen. Lindsey O. Graham (R-S.C.) grilled Rosenstein about Trump’s weekend tweet accusing then-President Barack Obama of wiretapping him before the election. Rosenstein responded: “I don’t think it’s appropriate for me to share my reaction, Senator. It has no bearing on my work.”

He later added: “If the president is exercising his First Amendment rights, that’s not my issue.”

In another tense exchange, Sen. Richard J. Durbin (D-Ill.) pressed Rosenstein to read the intelligence community’s assessment of Russian attempts to influence the election. Rosenstein said he had read media accounts.

“I respect the fact that you haven’t read this report. It’s 15 pages long and it’s on the Internet. And it’s not classified,” Durbin said.

Rosenstein also said he had not read the supplemental testimony Sessions submitted to the committee after he recused himself from any investigations of the Trump campaign. Durbin pressed him to read it and explain the extent of the recusal. Rosenstein pushed back.

“If I were to read it today, I would only know what you knew. I would not know the nature of the investigation,” he responded.

Durbin appeared to grow frustrated. “I’m not questioning the process. I’m just asking for clarity,” he said.

Grassley opened the hearing by declaring that any talk of a special counsel was “premature” and that Rosenstein was well equipped to handle sensitive investigations.

“There are times when special counsels are appropriate,” Grassley said. “But it’s far too soon to tell at this time. And even if there were evidence of a crime related to any of these matters, once confirmed, Mr. Rosenstein can decide how to handle that matter. I know of no reason to question his judgment, his integrity or his impartiality.”

Grassley and others, including Sen. Orrin G. Hatch (R-Utah), repeatedly brought up Lynch, noting that she did not recuse herself from an investigation into Hillary Clinton’s email practices, even after reports about a tarmac meeting she held with Bill Clinton.

“My Democratic friends have nothing to say about that,” Hatch said. He added: “This kind of double standard makes it look like partisan politics.”

Although Lynch stopped short of recusing herself, she did agree to accept recommendations in the Clinton probe from the career prosecutors and FBI agents leading that investigation.

Feinstein, the committee’s ranking Democrat, said that a fully independent investigation on Russia was needed to avoid “even the appearance of a conflict of interest.”

“To be clear, I do not say this because I question the integrity or the ability of Mr. Rosenstein,” Feinstein said. “I do not.”

She later warned: “There is a real danger, I believe, that the Justice Department could become politicized.”

Sen. Chris Van Hollen (D-Md.), who introduced Rosenstein, noted that he had called for a special counsel. He added that he had conveyed to Rosenstein that if FBI Director James B. Comey had asked the Justice Department to issue a statement rebutting Trump’s claim that Obama had ordered a wiretap of him before the election, “then the Justice Department has a duty to let the public know the truth.”

Under later questioning from Sen. Amy Klobuchar (D-Minn.), Rosenstein declined to address those particular events, though he said he would “certainly consider” the FBI director’s views in whether to issue a public statement.

Rosenstein is the sole holdover U.S. attorney from the George W. Bush administration. The longest-serving U.S. attorney, Rosenstein has worked on sensitive cases in the face of political pressure, according to attorneys he has worked with during his nearly three decades in the department.

A bipartisan group of 127 former U.S. attorneys, who were appointed by and served under various presidential administrations, sent a letter Monday to the Senate Judiciary Committee supporting Rosenstein’s confirmation.

Rosenstein, 52, a Philadelphia native, began working as a trial attorney in the public integrity section of President George H.W. Bush’s Justice Department in 1990 after graduating from Harvard Law School and clerking for Judge Douglas H. Ginsburg of the U.S. Court of Appeals for the District of Columbia Circuit. Soon afterward, President Bill Clinton’s deputy attorney general hired Rosenstein to be his counsel.

During the Clinton administration, Kenneth W. Starr tapped Rosenstein to be his associate independent counsel on the investigation into the business dealings of the Clintons and their associates in the Whitewater Development Corp. Rosenstein stayed on into the George W. Bush administration, and in 2005, Bush appointed him U.S. attorney for the District of Maryland, where he remained through the Obama administration.

As the Baltimore U.S. attorney, Rosenstein had many high-profile cases, including the successful prosecution of then-Prince George's County Executive Jack B. Johnson, who was sentenced to seven years in prison in 2011 for corruption.

Rosenstein was also tapped by then-Attorney General Eric H. Holder Jr. to oversee an investigation into the leaking of classified national security information, which led the former vice chairman of the Joint Chiefs of Staff, Gen. James E. "Hoss" Cartwright, to plead guilty to one felony count of lying to the FBI. Just last week, Rosenstein announced indictments against seven Baltimore police officers in a racketeering conspiracy.

Senators also considered the nomination of Rachel Brand on Tuesday to serve as associate attorney general, the third-highest position in the Justice Department.

###

Washington Post: This man could soon be handling America's most politically charged investigation (Paul Kane)

https://www.washingtonpost.com/powerpost/this-man-could-soon-be-handling-americas-most-politically-charged-investigation/2017/03/07/ba7841d0-0342-11e7-ad5b-d22680e18d10_story.html

Rod J. Rosenstein is, by most accounts, about as good a nominee for deputy attorney general as Democrats could hope for.

And if the Trump administration gets its way, he could soon be the man handling the most politically charged investigation in the nation.

The U.S. attorney for Maryland has sterling bipartisan credentials stretching back to the Clinton administration. The longest-serving U.S. attorney, Rosenstein was unanimously confirmed to his post, based in Baltimore, in 2005 after being nominated by then-President George W. Bush and winning support from the state's two Democratic senators.

He kept the job in 2009 when the Obama administration arrived, and on Tuesday, after the new Republican administration nominated Rosenstein to the No. 2 post in the Justice Department, Sens. Benjamin L. Cardin (D-Md.) and Chris Van Hollen (D-Md.) happily introduced him to the Judiciary Committee.

Yet Rosenstein might receive little Democratic support, and some have signaled that they intend to slow-walk his nomination and stretch out the confirmation process through the rest of the month because they want a special prosecutor to take charge of DOJ's investigation of Russia's meddling in the 2016 election and Trump associates' links to the Kremlin.

That's because, in recusing himself from any investigations of President Trump's 2016 campaign, Attorney General Jeff Sessions handed the case to whoever will be his No. 2 — meaning Rosenstein, if he is confirmed.

The situation has left Democrats wrapped inside their own paradoxical box: The price of their support for a speedy confirmation is Rosenstein promising to appoint a special prosecutor.

“If Mr. Rosenstein is unwilling to commit to naming a special prosecutor, or says that he needs to be confirmed and in his position before he can make an assessment — that is insufficient,” Senate Minority Leader Charles E. Schumer (D-N.Y.) said in a floor speech Tuesday morning. “The need for a special prosecutor is clear enough today to make that call.”

Justice Department nominee at center of partisan battle over Russia allegations

A little more than an hour after Sessions announced last week that he would recuse himself from any Trump-related cases, Sen. Richard J. Blumenthal (D-Conn.) said he would use “every possible tool to block” Rosenstein’s confirmation until the nominee committed to naming a special prosecutor.

But that is the sort of commitment that almost no nominee, to a Justice Department position or to be a federal judge, would ever make. That sort of answer would seem to prejudge a case before someone has reviewed the investigative material. It is typically considered a big no-no for judges and other executive branch nominees to key positions to tip their hands in confirmation hearings, leading to decades of answers by nominees with well-rehearsed lines about upholding the law without taking a formal stand.

That’s exactly what Rosenstein did Tuesday, deflecting questions about his view of the case by promising to follow the advice of Justice Department experts.

“I would evaluate the facts and the law [and] consider the applicable law,” he told Senate Judiciary Committee Chairman Charles E. Grassley (R-Iowa).

He promised to use “my best judgment” in handling the Russia investigation and vowed to take the “right course of action.” He noted that he has not been allowed to review the case because he has not been confirmed.

The standoff over Rosenstein sets up a scenario in which Democrats will continue to demand the appointment of a special prosecutor in a Trump-related Russia inquiry. Yet they will be holding up the confirmation of the one person who might actually make such an appointment.

Republicans are in what may be an even stranger position. They have almost uniformly rejected calls for a special prosecutor, saying that an investigation can be dealt with in the normal ranks of the Justice Department and in the congressional intelligence committees.

Grassley began the hearing by highlighting Rosenstein’s record handling sensitive cases, including a leak investigation in the Obama administration, and reminded Democrats of how a special prosecutor was not called to direct the investigation of Hillary Clinton’s treatment of classified information when she served as a secretary of state.

Yet in calling for Rosenstein’s speedy confirmation, Grassley and Republicans may be demanding the appointment of an official who might disagree with them and decide to set up a more robust, independent investigation of alleged Russian ties to the Trump 2016 campaign.

That’s the view of someone who has watched Rosenstein up close.

Cardin, a former member of the Judiciary Committee, recommended in 2009 that then-President Obama retain Rosenstein as the state's top federal prosecutor, telling the panel Tuesday that a broad cross-section of Maryland's legal community supported him.

"This was a welcomed nomination by President Trump," Cardin told the panel, recounting the "totally nonpartisan professional manner" Rosenstein adopted in his investigations.

Like his fellow Democrats, Cardin thinks a special prosecutor is needed in the Russia case. Unlike many Democrats, he is willing to support Rosenstein without a guarantee of such a move.

"I think Mr. Rosenstein is the right person at the right time," Cardin told his colleagues, predicting that the nominee's record would lead him to make the decision that Democrats want. "I am confident of his judgment on these issues."

Sen. Dianne Feinstein (Calif.), the ranking Democrat on the Judiciary Committee, agreed that Rosenstein is "well-qualified" but she highlighted the conflicts within the Justice Department in the early days of Trump's presidency. After the first travel ban was issued preventing visits from seven Muslim-majority nations, the acting attorney general, Sally Yates, refused to defend the executive order and was fired by Trump.

"This is about the integrity of the process," Feinstein said, noting that she feared Trump's West Wing would exert influence over the investigation. "There is a real danger, I believe, that the Justice Department could become politicized."

Blumenthal and other Democrats pointed to the 1973 confirmation of Elliot Richardson as attorney general, during which he vowed to appoint a special prosecutor to oversee the Watergate investigations. They want a similar pledge from Rosenstein — and are prepared to delay his confirmation as long as they can.

"This situation is extraordinary," Blumenthal said, "and he is a professional career prosecutor who knows that there is a need — who should know, should know — there is a need for independence and protection from political influence here."

###

New York Times: Democrats Seek Special Counsel to Investigate Russian Election Interference (Charlie Savage and Eric Lichtblau)

<https://www.nytimes.com/2017/03/07/us/politics/democrats-special-counsel-russia-election.html? r=0>

Democrats on the Senate Judiciary Committee called on Tuesday for the appointment of a special counsel to lead the criminal investigation into Russian interference in the 2016 presidential election, saying the appointment was necessary to shield the inquiry from the appearance of political interference by the Trump administration.

"This is about more than just one individual," said Senator Dianne Feinstein of California, the panel's ranking Democrat. "This is about the integrity of the process and the public's faith in our institution of justice."

But the Republican chairman of the panel, Senator Charles E. Grassley of Iowa, said he saw no need for the appointment of a special counsel as the panel took up the confirmation of Mr. Trump's nominee to be deputy attorney general, Rod J. Rosenstein.

"There are times when special counsels are appropriate," Mr. Grassley said. "But it's far too soon to tell here. And even if there were evidence of a crime related to any of these matters, once confirmed, Mr. Rosenstein can decide how to handle it. I know of no reason to question his judgment, integrity or impartiality."

Because Attorney General Jeff Sessions recused himself from overseeing any criminal investigation into 2016 campaign matters, Mr. Rosenstein would be in charge of that case if he is confirmed.

The circumstances that led Mr. Sessions to step aside — the revelation that he had spoken twice to the Russian ambassador last year, despite telling Senator Al Franken, Democrat of Minnesota, at his own confirmation hearing in January that he had had no contact with Russians — led to a heated moment.

Mr. Franken read from a letter Mr. Sessions sent to the committee on Monday that insisted his answer had been true because he understood Mr. Franken's question to be about Russian contacts in his role as a surrogate for the Trump campaign, not his role as a senator, and said he had not previously seen a need to correct or supplement that answer because no one had "suggested otherwise."

Rod J. Rosenstein, left, the nominee for deputy attorney general, testified on Tuesday during his confirmation hearing. Rachel Brand, right, is the nominee for associate attorney general, the third in command at the Justice Department. Credit Gabriella Demczuk for The New York Times
Mr. Franken called that "insulting" and demanded that Mr. Sessions be called back before the panel. Mr. Grassley, raising his voice, accused Mr. Franken of having asked Mr. Sessions a "gotcha question," and the two briefly shouted over each other.

In rejecting Democratic calls for a special counsel, Mr. Grassley noted that Mr. Rosenstein — the United States attorney for the district of Maryland — was a longtime prosecutor who served under Presidents George W. Bush and Barack Obama.

Ms. Feinstein, however, said her call was not related to Mr. Rosenstein's integrity, but the need to avoid even the appearance of a conflict of interest. She also said that the prosecutor should be a nonpartisan person who is appointed "independently" rather than by the attorney general.

However, the law that permitted the appointment of an independent counsel by a three-judge panel, rather than by the attorney general, has expired. Under Justice Department regulations for special counsels, Mr. Rosenstein, if confirmed, would essentially be the attorney general for the purpose of the Russia case since Mr. Sessions recused himself. It would be Mr. Rosenstein's decision to appoint a special counsel, who would answer to him.

The exchange came at a Judiciary Committee hearing on whether to confirm Mr. Rosenstein, as well as Rachel Brand, whom Mr. Trump has nominated to be the associate attorney general, the Justice Department's third-ranking official.

Throughout the morning, Mr. Rosenstein repeatedly parried questions about the investigation into Russian interference and whether he would appoint a special counsel to handle it, saying that he has not yet been briefed on any investigation the department may have into the 2016 election.

"I am simply not in a position to answer the question because I don't know the information," he said.

But Ms. Feinstein pointed to the decision in 2003 by James Comey, who was then the deputy attorney general and is now F.B.I. director, to bring in an outsider to investigate a leak of the C.I.A. operative Valerie Plame's identity that might be tied to the Bush White House. That case led to the conviction of I. Lewis Libby, a top aide to Vice President Dick Cheney, for making false statements to the F.B.I. (Mr. Bush later granted him clemency.)

Ms. Feinstein said cases like the Plame leak showed the need for independent, outside eyes to examine allegations of wrongdoing that might lead back to the White House — as she said could happen in the current controversy over Russia's election meddling.

She appeared to grow frustrated as Mr. Rosenstein explained the circumstances and legal issues that might influence his decision about whether to hold on to the investigation himself or bring in an outsider. "I'm trying to figure out what your bottom line is," she told him at one point.

And when Mr. Rosenstein pleaded ignorance about any investigation, Democrats repeatedly pointed to an unclassified intelligence report that concluded that President Vladimir V. Putin of Russia ordered an influence operation to harm Hillary Clinton's electability and potential presidency and to help Mr. Trump.

Mr. Rosenstein said that as a prosecutor the issue for him was "what I can prove in court," but that he had "no reason to doubt" what the intelligence agencies concluded. He also assured Senator Patrick J. Leahy, Democrat of Vermont, that he would not be on Russia's side.

"Senator, I don't know the details of what, if any, investigation is ongoing, but I can certainly assure you if it's America against Russia or America against any other country, I think everyone in this room knows which side I'm on," he said.

Mr. Rosenstein has served for nearly 12 years as the United States attorney in Maryland — longer than any other United States prosecutor. Despite the pressure from Democrats over his refusal to say whether he would appoint a special counsel, he remains likely to be approved by the Republican-led Senate as the deputy attorney general, which would make him the manager of day-to-day operations at the 115,000-employee department.

The Russia controversy dominated the hearing, but Republicans and Democrats questioned Mr. Rosenstein and Ms. Brand on other civil and criminal policies.

Several Democrats said they were particularly concerned about a series of civil rights stances that Mr. Sessions has taken to roll back Obama-era policies on transgender protections, voting rights and other areas. Mr. Sessions was scheduled to meet Tuesday afternoon with a group of civil rights leaders who planned to raise their concerns directly with him.

###

WSJ: Justice Nominee Won't Commit to a Russia Special Prosecutor (Aruna Viswanatha and Nicole Hong)

<https://www.wsj.com/articles/justice-nominee-wont-commit-to-a-russia-special-prosecutor-1488909977>

President Donald Trump's nominee to be deputy attorney general on Tuesday wouldn't commit to appointing a special prosecutor to investigate any Russian interference in the 2016 presidential election, saying he wasn't in the job yet and didn't know all the facts needed to make a decision.

If confirmed, Rod Rosenstein, currently the U.S. attorney in Maryland, would decide the course of any Russian probe because Attorney General Jeff Sessions last week recused himself from an investigation into the matter. That move followed a disclosure that Mr. Sessions had had contact with a Russian official during the Trump presidential campaign.

At his confirmation hearing Tuesday, Mr. Rosenstein, whom Mr. Trump nominated in January, said he trusted career prosecutors and investigators to reach appropriate conclusions in the matter.

“It’s my job to ensure that all investigations are conducted independently,” said Mr. Rosenstein, a longtime federal prosecutor who has worked for and generated support from both parties. He said the agency has “devoted public servants who conduct independent investigations 365 days a year.”

He also said part of his reluctance to commit to naming a special prosecutor was because it could hurt the nomination process for future deputy attorneys general who might be asked to make similar promises.

“I view it as an issue of principle that as a nominee for deputy attorney general, I should not be promising to take action on a particular case,” he said.

Mr. Rosenstein said his only knowledge to date about any investigations into Russia has come from media reports. The current acting deputy attorney general, Dana Boente, who served as a U.S. attorney in Virginia during the Obama administration, could appoint a special prosecutor now if he thought it was appropriate, Mr. Rosenstein said.

Mr. Rosenstein has had no communication with the White House or with Mr. Sessions about whether he would appoint a special counsel, he testified.

Lawmakers on the Senate Judiciary Committee used the hearing to argue about the need for a special prosecutor to investigate Russian interference and any potential ties between Russia and the Trump campaign. That dispute overshadowed the hearings for Mr. Rosenstein and for Rachel Brand, who would be the No. 3 official at the Justice Department.

“I think the case can be made for an independent special prosecutor,” said Sen. Dianne Feinstein of California, the committee’s top Democrat. “I do not say this because I question the integrity of Mr. Rosenstein. This is about more than just one individual.”

Democrats argued that given the involvement of Messrs. Trump and Sessions, the case required a special prosecutor from outside the Justice Department. Sen. Richard Blumenthal (D., Conn.) said Tuesday he couldn’t support Mr. Rosenstein’s confirmation if he didn’t commit to naming one.

Republicans rejected that call, describing any talk of appointing a special counsel as premature.

Sen. Chuck Grassley (R., Iowa), who chairs the Judiciary Committee, said Mr. Rosenstein was a logical choice to run such an investigation.

“Any insinuation that Mr. Rosenstein lacks the impartiality or professionalism necessary to handle these matters is out of line,” Mr. Grassley said, citing Mr. Rosenstein’s work under the administrations of George W. Bush and Barack Obama. “His independence is beyond reproach.”

In 2012, then-Attorney General Eric Holder tapped Mr. Rosenstein and another U.S. attorney to investigate leaks about a secret U.S. government hacking program directed at Iran’s nuclear program. As

a result of the investigation, retired four-star Gen. James Cartwright pleaded guilty to lying to investigators, though he was pardoned by Mr. Obama before sentencing.

In the mid-1990s, Mr. Rosenstein also served as associate independent counsel for the Clinton-era Whitewater investigation that led to multiple prosecutions.

When asked whether a president has the authority to unilaterally order wiretaps, a reference to tweets by Mr. Trump Saturday claiming he had been wiretapped by Mr. Obama, Mr. Rosenstein responded, "I don't know the details and I'm reluctant as a lawyer to comment on that. In a criminal investigation, the answer would certainly be no."

Asked about Mr. Trump's wiretapping tweets, Mr. Rosenstein declined to offer an opinion. "If the president is exercising his First Amendment rights, that's not my issue," he said.

Sen. Richard Durbin (D., Ill.) pressed Mr. Rosenstein on whether he would inform Americans if the Justice Department chose to close any investigation into Russian interference with the presidential election. Mr. Rosenstein said he would "if it's appropriate to release it."

###

CNN: Democrats call for special counsel during hearing for Sessions' would-be deputy (Tom LoBianco)

<http://www.cnn.com/2017/03/07/politics/rod-rosenstein-confirmation-hearing/>

Democrats aren't finished with Attorney General Jeff Sessions, and they're using the Senate confirmation hearing for his potential second in command as an opportunity to grill him on the Trump campaign's potential ties to Russia and the President's baseless claim of being wiretapped by his predecessor.

Democrats on the Senate Judiciary Committee pressed Rod J. Rosenstein, President Donald Trump's nominee for deputy attorney general, almost exclusively on the Russia investigation and whether Sessions told the truth in his own confirmation hearing when he said he had not met with any Russian officials.

In one very terse exchange, Sen. Al Franken, a Minnesota Democrat, said he was doing everything he could to not accuse Sessions of lying in his testimony before the committee. Franken had asked Sessions during his confirmation hearings how he would handle any potential contacts between the Trump campaign and Russian officials and Sessions responded, "I did not have communications with the Russians."

Sessions did not say that he met twice with the Russian ambassador to the US, Sergey Kislyak, which angered Democrats last week. But Sessions poured fuel on the fire Monday afternoon when he submitted a follow-up letter arguing that he had answered Franken's question truthfully.

"I think Sen. Sessions should come back. I think he owes it to this committee to come back. And he should explain himself," Franken said Tuesday. At the end of his comments, in which Franken dubbed Sessions' response "insulting," Senate Judiciary Committee Chairman Chuck Grassley accused Franken of stepping over the line.

Over the course of close to three hours Tuesday, Democrats pressed Rosenstein on whether he would recuse himself from any Russia investigations or appoint a special prosecutor.

Tuesday's hearing drew more attention because of the swirl of questions about Russia's contacts with the Trump campaign and Trump's own allegation that former President Barack Obama had the "wires tapped" at Trump Tower.

Sen. Lindsey Graham asked Rosenstein if he knew why Trump was accusing the former president of monitoring his phones during the campaign -- a claim for which the White House has not publicly presented any evidence -- but Rosenstein said he was unaware of any facts on the issue. Obama, though a spokesman, has denied doing so, as has his former director of national intelligence, James Clapper.

"If the President is exercising his First Amendment rights, that's not my issue," Rosenstein said.

Sessions' recent decision to recuse himself from any potential investigations related to the Trump campaign or transition has done little to stop Democrats from calling for a special counsel.

Grassley, a Republican, opened the confirmation hearing for Rosenstein by saying, "Any talk of a special counsel is premature at best."

"I can't help but notice the selective calls for a special counsel," Grassley then said, noting that then-Attorney General Loretta Lynch oversaw Hillary Clinton's email investigation and met with former President Bill Clinton at a Phoenix airport last year, though she said at the time she'd accept the findings of the FBI. "Where were the calls from the Democratic leadership for a special counsel?"

If confirmed as Sessions' deputy, Rosenstein would oversee any potential investigations or prosecutions into Trump surrogates and Russians -- including the key decision on whether to appoint a special prosecutor -- now that Sessions has recused himself.

Rosenstein assured Grassley that he has not had any contact with Russian officials that he knows of and would have to review the facts of any Russia investigation before deciding whether to recuse himself.

"As far as I'm concerned, every investigation by the DOJ is an independent investigation," Rosenstein said.

Democrats on the panel are using the hearing as a referendum on the conduct of Trump, whether Sessions lied under oath and how best to proceed with an investigation into Russia's alleged interference in the presidential election.

"I continue to strongly believe the case can be made for an independent special investigation," Sen. Dianne Feinstein, D-California, said in her opening statement, adding that although the nominee may be revered and well-liked, there are deeper problems with Russia and Sessions' involvement.

Rosenstein, a career prosecutor, currently serves as the US attorney for the District of Maryland. He won unanimous Senate confirmation to his current post in 2005 under President George W. Bush and stayed on as the top federal prosecutor in Baltimore under the Obama administration.

Rosenstein won broad bipartisan backing for his nomination to the Justice Department. His homestate senators, both Democrats, said they were supporting his nomination. (One of them, Sen. Ben Cardin, even called Rosenstein a "welcome nomination" from Trump.)

The committee will also hear from Trump's nominee for associate attorney general, Rachel Brand, who, if confirmed, will oversee the Civil Division, which defends the administration in the hotly contested lawsuits over the travel ban.

This story is updating while news is in progress.

###

USA Today: Dems press Justice nominee Rod Rosenstein to name Russia special prosecutor (Kevin Johnson)

<http://www.usatoday.com/story/news/politics/2017/03/07/dems-press-justice-nominee-rod-rostenstein-name-russia-special-prosecutor/98844550/>

Senate Democrats repeatedly pressed a top Justice Department nominee Tuesday to commit to appointing a special prosecutor to oversee the ongoing federal inquiry into Russia's intervention in the U.S. election as a further bulwark against possible political interference in the months-long investigation.

If confirmed as deputy attorney general, Maryland U.S. Attorney Rod Rosenstein would assume management of the investigation following last week's decision by Attorney General Jeff Sessions to recuse himself. Sessions' abrupt disqualification came after reports of meetings with the Russian ambassador to the United States that he twice failed to disclose to the Senate Judiciary Committee during his January confirmation hearing.

California Sen. Dianne Feinstein, the ranking Democrat on the Judiciary panel, said recent disclosures about communications between Russian authorities and Trump associates require the appointment of a "respected prosecutor" because the contacts demonstrate the "perception" of a conflict of interest.

"I do not say this because I question the integrity or the ability of Mr. Rosenstein, I do not," Feinstein said. "But this about more than just one individual."

Asked directly by Feinstein whether he would appoint an outside prosecutor, Rosenstein said he had not yet been briefed on the facts of the case and could not adequately respond.

"I'm not in a position to answer the question," Rosenstein said, adding later that he was "willing to appoint a special counsel whenever I feel it is appropriate."

"I should not be promising to act on a particular case," the nominee told Sen. Richard Blumenthal, D-Conn.

Maryland Democrats back Rosenstein

Maryland Democratic Sens. Chris Van Hollen and Ben Cardin, who expressed strong support for Rosenstein's nomination, said they also would urge an outside investigation. Yet Van Hollen went further, saying that he also would encourage the Justice Department to reject Trump's recent assertions that the President Barack Obama had ordered wiretaps of Trump's New York offices in the months before the November election.

FBI Director James Comey last weekend called on Justice officials to issue such a rebuke, but Justice has not acted on that request.

Having not yet been briefed on the matter, Rosenstein said he could not directly address the concern. Pushed to explain whether a president alone could order the electronic surveillance of another American without an appropriate warrant, Rosenstein said: "I would hope that would not happen."

Republicans refused to join Democrats in the call for an outside investigation, but moved to highlight the nominee's authority to manage the probe within the department.

Judiciary Chairman Chuck Grassley, R-Iowa said requests for a special counsel or special commission were "premature at best."

"Special counsel inquiries under the current department regulations are not the best way to ensure transparency and accountability," Grassley said. "There is no mandatory public report or other finding at the end of the investigation if no charges are filed. The investigations can just disappear without the public ever understanding what the facts were. So, the notion that somehow a special counsel will bring facts to light just isn't true."

If such an investigation fell to the deputy attorney general because of Sessions' recusal, Sen. Lindsey Graham, R-S.C., asked whether Rosenstein whether he was capable of leading such an effort, despite its potential political implications.

"Do you believe you can do that job?" Graham asked.

"Absolutely," Rosenstein answered.

Rosenstein's nomination to the second-highest ranking post at the Justice Department has drawn intense scrutiny as an increasing number of top aides to Trump have acknowledged meeting with Russian envoy Sergey Kislyak in the months prior to Trump's election and inauguration, including Sessions. A central part of the ongoing FBI investigation is the review of communications between Trump associates and Russian government officials.

While nominations of Rosenstein and Rachel Brand, the Trump administration's candidate for associate attorney general, were being weighed Tuesday, Sessions' now-disputed testimony before the same committee in January also loomed large.

At one point, Sessions' disputed testimony became the subject of a bitter exchange between Sen. Al Franken, D-Minn., and Grassley, when Franken demanded that Sessions return to the panel and clarify his statements.

"I think Sen. Sessions should come back," Franken said, breaking from his questioning of the witnesses. "I think he owes it to this committee to come back and explain himself."

It was Franken who asked Sessions in January what he would do if he became aware that "anyone affiliated with the Trump campaign communicated with the Russian government in the course of this campaign."

"I'm not aware of any of those activities," Sessions responded at the time. "I have been called a surrogate at a time or two in that campaign and I didn't have, have — did not have communications with the Russians."

It was disclosed last week that Sessions met with Kislyak in July at an event related to the Republican National Convention and in September in Sessions' Senate office.

Grassley on Tuesday called Franken's January inquiry a "gotcha question" and gaveled Franken's inquiry to a close.

On Monday, Sessions asserted that his confirmation testimony was "correct," saying that he did not disclose meetings with the Russian ambassador to the United States because he was not specifically asked about them.

Sessions stated in a letter to the committee that he always believed that he had answered the committee's questions "honestly" about Trump surrogates' contacts with Russian officials.

"I did not mention communications I had had with the Russian ambassador over the years because the question did not ask about them," Sessions said in a letter to the committee, explaining the disputed testimony.

###

AP/CBS News: Rod Rosenstein says he's "not in position" to make decision on special prosecutor yet

<http://www.cbsnews.com/news/russia-meddling-likely-focus-at-rod-rostein-doj-no-2-confirmation-hearing/>

Longtime federal prosecutor Rod Rosenstein is facing questions about a federal investigation into Russian interference in the presidential election as he appears before Congress Tuesday for a confirmation hearing for the role of deputy attorney general.

Under questioning from Sen. Judiciary Chairman Chuck Grassley, Rosenstein told the committee that he has had no conversations with Attorney General Jeff Sessions about Russian contacts with the Trump campaign. On the specific question of whether he would appoint a special counsel, he said that he would evaluate the facts and the law and exercise his best judgment "about what I believe is the right course of action."

What you need to know about appointing a special prosecutor to investigate Trump

Ranking member Sen. Dianne Feinstein told Rosenstein in the hearing that she wanted to see a special prosecutor appointed, arguing that it would be in the public interest. When she asked him whether he would appoint a special prosecutor, he responded that Obama Attorney General Loretta Lynch had been faced with a question on appointing a special prosecutor, and she rejected the request. She had confidence in the career attorneys at the Justice Department to look into the matter, he noted. Rosenstein also pointed out that the acting attorney general in the matter, Dana Boente. "He currently has full authority to appoint one," and he has not.

Asked whether that could be taken as a "no," Rosenstein said that he's "simply not in a position to make that decision." He also said, however, that he doesn't presume that Lynch and Boente are correct in not appointing a special counsel. If he were to determine they're wrong, "I would overrule them," he told the panel.

The No. 2 person at the Justice Department handles day-to-day oversight of the department and its component law enforcement agencies.

Much of the questioning before the Senate Judiciary Committee is likely to focus on a commitment by Attorney General Jeff Sessions last week to recuse himself from any investigation involving the Trump campaign. The recusal followed revelations of two previously undisclosed contacts Sessions had last year with the Russian ambassador to the United States.

That would leave such a probe in the hands of Rosenstein, if he's confirmed.

Some Democrats are threatening to block his nomination unless he turns the matter over to a special prosecutor.

“I will use every possible tool to block the nomination of Rod Rosenstein to be Deputy Attorney General unless he commits to appoint independent special prosecutor,” Sen. Richard Blumenthal, a Connecticut Democrat and Judiciary Committee member, said in a statement.

Grassley, an Iowa Republican, however, said in his opening statement that talk of a special counsel to investigate is “premature at best.” He also praised Rosenstein’s impartiality and professionalism. Earlier, Grassley had said in a statement that the flaw in appointing an independent counsel was that it was not the best way to ensure transparency since there is no mandatory public report at the end of the process unless charges are filed.

In his opening statement, Rosenstein assured the committee that “political affiliation is irrelevant” to his work. The nominee, who has served five presidents and nine attorneys general since 1990, summed up the job of the Justice Department attorneys in defending the Constitution as, “What can we do? What should we do? And how will we explain it?”

Rosenstein was appointed U.S. attorney for Maryland in the George W. Bush administration and served in the job for the entire Obama administration.

Rachel Brand, another former Justice Department attorney, also faces a confirmation hearing Tuesday for the job of associate attorney general, the No. 3 position.

###

Fox News: DOJ nominee pushes back on Dem calls for Russia special prosecutor (Christopher Wallace)

<http://www.foxnews.com/politics/2017/03/07/doj-nominee-pushes-back-on-dem-calls-for-russia-special-prosecutor.html>

President Trump’s nominee for deputy attorney general, at his confirmation hearing Tuesday, pushed back on Democratic calls to name an independent special prosecutor to oversee the Justice Department’s probe into Russian interference in the 2016 presidential campaign.

Democrats have shifted focus to nominee Rod Rosenstein in the wake of Attorney General Jeff Sessions recusing himself last week from any such investigations. If confirmed, Rosenstein would be the point person on the election interference investigation.

Sen. Dianne Feinstein, D-Calif., said at Tuesday’s hearing that Rosenstein has “impressive credentials” and she does not question his “integrity.” But she said, “We need steel spines and there is a real danger the Justice Department could become politicized.”

Rosenstein, though, said he is not aware of any circumstances that would demand his recusal, though he left the door open by saying he would become familiar with the evidence and reassess. But he would not commit to naming a special counsel.

“I’m not aware of any requirement for me to recuse at this time,” Rosenstein said, under separate questioning from Republican Sen. Charles Grassley.

Meanwhile, fellow Marylander, Democratic Sen. Chris Van Hollen, praised Rosenstein's record as U.S. attorney for Maryland and backed his nomination. But he also called for a special prosecutor and said Rosenstein should be "willing to put his job on the line to uphold the values of the Justice Department."

Interviews with former colleagues and attorneys who know Rosenstein professionally all say he is a prosecutor that will work to defend the integrity and the independence of the Justice Department. And they don't expect him to bend to political pressure, from either side of the aisle, on a special prosecutor with broad jurisdiction to investigate alleged Russian influence on the election.

"He may well decide to appoint a special prosecutor -- and if he does, it won't be because a senator demanded it during a confirmation hearing," said former DOJ attorney Jason Weinstein, who worked with Rosenstein during the Bush and Obama administrations. "And it won't mean he lacks confidence in DOJ's ability to do the investigation right. It would be because he concludes it's the right thing to do for the Department and for the public's confidence in the integrity of the investigation. This is a partisan minefield no matter what he decides, but partisanship won't be part of the equation for him."

In explaining why she's already calling for a special prosecutor, Feinstein said, "People have to trust ... this investigation does not have even the appearance of conflict of interest."

Republicans like Sen. John Cornyn of Texas were skeptical of the Democrats' intentions. "I'm confused that after praising Mr. Rosenstein's credentials, the Democrats immediately went on to call for an independent investigation," he said.

Rosenstein said he has not spoken with Trump or Sessions about the possibility of appointing a special prosecutor, but he's "willing to appoint a special counsel whenever I deem it appropriate based on the policies and procedures of the Justice Department."

Rosenstein has a long track record in high-profile cases that could bolster his reputation for independence.

As a young attorney in the 1990s, Rosenstein was tapped to join Kenneth Starr's team of prosecutors investigating shady Clinton real estate dealings in Arkansas.

Former Attorney General Eric Holder appointed Rosenstein to investigate who was leaking classified information about the Obama administration's role in cyberattacks against Iran. The DOJ later reached a guilty plea with retired Marine Gen. James Cartwright for making false statements about a covert cyberattack on Iran's nuclear facilities. The New York Times decried the result, saying it would have a chilling effect on government employees leaking to the press.

Outside the Beltway scandals, Rosenstein also has prosecuted local corruption cases, including against former Prince George's County Executive Jack B Johnson, who received a seven-year term for extortion and witness- and evidence-tampering. Rosenstein also has prosecuted allegedly corrupt Baltimore cops along with vicious gangs like MS-13.

"The Maryland criminal defense bar knows that knowing Rod will get you nowhere when it comes to trying to influence decisions in his office. He simply does what is right and just and does not take personal relationships into account," said Baltimore criminal defense attorney Steve Silverman, who has known Rosenstein professionally for years.

Weinstein said, "Regardless of his title and his position, he makes decisions the same way he did during his decades as a career prosecutor. That means following the facts wherever they lead, pursuing justice, and doing the right thing -- without regard for politics."

#

The Hill: LIVE COVERAGE: DOJ nominee on the hot seat over Russia (Katie Bo Williams)

<http://thehill.com/homenews/administration/322647-live-coverage-justices-secondary-leaders-face-senate-panel>

With Attorney General Jeff Sessions's decision Thursday to recuse himself from any investigations into Russia's connections to Donald Trump's presidential campaign, focus is turning to the Department of Justice's secondary leaders.

Deputy attorney general nominee Rod Rosenstein and associate attorney general nominee Rachel Brand will face the national spotlight Tuesday during their confirmation hearing before the Senate Judiciary Committee.

They are likely to face sharp questions about how they might handle investigations into Russia's interference in the 2016 election or ties to the Trump campaign, as well as the president's unsubstantiated accusation that former President Obama wiretapped Trump Tower during the campaign.

The Hill will be providing updates from the Senate Judiciary hearing here.
Calls for Sessions to return sparks spat

12:25 p.m.

Several Democrats took the opportunity to hammer Sessions for his corrected testimony on whether he had any contact with Russian officials during the campaign — earning a hurry-along from the chair in the process.

"I think Senator Sessions should come back. I think he owes it to this committee to come back and explain himself," Franken said in an extended summary of Sessions's confirmation testimony and subsequent correction. "He answered a question I did not ask. I bent over backward not to say that he lied. He needs to come back."

"If you're making a statement, please make it very quickly," Grassley cut in.

Later, Grassley pushed back more strongly, touching off a brief brushfire between the two lawmakers.

"I would like to comment on what Sen. Franken just said," Grassley said, characterizing Franken's initial question to Sessions regarding Russian contacts, during his confirmation hearing, as a "gotcha" question.

"It was not a gotcha question, sir," Franken said.

"It was from the standpoint that he didn't know what you were asking about," a visibly angry Grassley said, gaveling for order repeatedly as Franken attempted to respond to him.

"Look at the tape, Mr. Chair —" Franken said.

"Senator Tillis — Senator Tillis —" Grassley pressed, insisting the hearing move on.

"I know what I read in the newspaper"

12:09 p.m.

Pressed repeatedly by Democrats for a series of confirmations — including how he interpreted the scope of Sessions's recusal, whether he would publicly announce the close of a probe into Russian involvement in the election, whether he believed a special counsel was needed, whether he knew about the existence of an ongoing investigation — Rosenstein walked a careful tightrope.

Repeatedly, he declined to speculate, insisting that it would be inappropriate for him to offer a firm opinion when the extent of his knowledge is "what I read in the newspaper" — a position that at times appeared to frustrate Democrats.

Throughout the back-and-forth, Brand sat quietly. She was occasionally asked brief questions unrelated to Russia — but her answers were largely lost in the tense exchanges with Rosenstein.

"I'm going to ask Ms. Brand a question. Mr. Rosenstein, feel free to space out on this one," Sen. Al Franken (D-Minn.) joked at one point.

Rosenstein declines to endorse — or condemn — a special prosecutor

11:04 a.m.

In an occasionally tense exchange with Feinstein, Rosenstein declined to weigh in on the need for a special counsel, arguing that he doesn't know the underlying facts as the current acting deputy attorney general does and therefore cannot make a determination on whether such a role is needed. Feinstein was unsatisfied, arguing that she interpreted his answer as a "no."

Rosenstein pushed back gently.

"I'm simply not in a position to answer that," he said.

Later, pressed on the same subject by Sen. Patrick Leahy (D-Vt.), he affirmed: "I will appoint a special counsel whenever I determine it's appropriate based on the policies and procedures of the Department of Justice."

Rosenstein sees no reason for his own recusal

10:52 a.m.

Pressed by Grassley on any conversations he has had with Sessions about investigations into Russian interference, Rosenstein said not only did he not recall any conversation on that topic, he expected to treat any such investigation no differently than any other. Roseinstein affirmed that he was "not aware of any" reason why he would need to recuse himself from such an investigation.

"The bottom line is that it's my job to make sure all investigations are conducted independently."

Grassley pushes back on need for independent counsel

10:14 a.m.

In a jam-packed committee room where attendees sat shoulder-to-shoulder — hinting at the level of interest in what would normally be a routine confirmation hearing — committee chair Sen. Chuck Grassley (R-Iowa) kicked off proceedings with a fierce rebuttal of calls for an independent prosecutor in any ongoing investigation into Russian interference in the election.

"The notion that somehow a special counsel will bring facts to light just isn't true," Grassley said.

Sessions's recusal last week means that Rosenstein will command any such investigation.

Ranking member Sen. Dianne Feinstein (D-Calif.) was careful to note that her calls for an independent prosecutor were not related to Rosenstein's professionalism or integrity, as Grassley had suggested.

"Any insinuation that Mr. Rosenstein lacks the impartiality and professionalism to handle these kind of matters is out of line," Grassley said, referring to calls for such an office from Democrats generally. "His independence is beyond reproach."

#

Huffington Post: Trump Nominee For Key DOJ Post Open To Appointing Special Counsel In Russia Probe (Ryan J. Reilly)

http://www.huffingtonpost.com/entry/rod-rosenstein-trump-doj-russia_us_58bdb60be4b09ab537d588a3

Several Senate Democrats on Tuesday backed a longtime federal prosecutor nominated by President Donald Trump to fill the No. 2 position in the Justice Department, where he'd oversee the federal investigation into connections between the Trump campaign and the Russian government.

Rod Rosenstein, currently the top federal prosecutor in Maryland, told the Senate Judiciary Committee on Tuesday morning he is open to appointing a special counsel to investigate Russian interference with the 2016 presidential election if necessary.

"I'm willing to appoint a special counsel ... whenever I determine that it's appropriate based upon the policies and procedures of the Justice Department," Rosenstein told the committee.

However, he didn't commit to appointing a special counsel and said, at this point, he didn't see a specific reason he couldn't oversee such an investigation.

If confirmed, Rosenstein would become deputy attorney general, a crucial role just under Attorney General Jeff Sessions. Last week, Sessions recused himself from any investigations connected to Trump's presidential campaign, meaning the probe of connections between Trump associates and Russian officials would fall to Rosenstein.

Rosenstein, 52, is a Harvard Law graduate who served as U.S. attorney in Maryland under Presidents George W. Bush and Barack Obama. Rosenstein would replace former Deputy Attorney General Sally Yates, who was fired by Trump while serving as acting attorney general because she refused to defend Trump's travel ban.

At this point, Rosenstein's confirmation as deputy attorney general seems like a pretty sure thing. He was introduced to the Senate Judiciary Committee by two Maryland Democrats, Sens. Benjamin Cardin and Chris Van Hollen. Cardin said he was "confident" of Rosenstein's judgment, and Van Hollen said Rosenstein would uphold the public trust.

Still, many Democrats had questions for Rosenstein about how he'd handle the ongoing Russia investigation. Saying political affiliation was "irrelevant" to his work, Rosenstein told the committee that he would ensure there were independent prosecutors conducting any investigation, including the Russia probe.

"I know this is the issue du jour on Capitol Hill, but I anticipate that if I were the deputy attorney general, we'd have a lot of matters coming to the Department over time, and I would approach them all the same way," Rosenstein said. "I would evaluate the facts and the law, consider the applicable regulations, consult with career professionals in the Department, and then exercise my best judgment if I were acting attorney general or provide my best advice to the attorney general if he were not recused about what I believe is the right course of action."

Rosenstein, who said he had not had any conversations with Sessions about the Russia issue, said he is not yet in a position to decide whether a special prosecutor is necessary. But Rosenstein said he'd be willing to appoint a special counsel if necessary, based on the procedures at the Justice Department.

"If it's America against Russia or America against any other country, I think everyone in this room knows which side I'm on," Rosenstein said during the hearing.

Sen. Dianne Feinstein (D-Calif.), the ranking member of the Senate Judiciary Committee, said she believes a special prosecutor is necessary. "There is a real danger, I believe, that the Department of Justice could become politicized," Feinstein said.

But Sen. Chuck Grassley (R-Iowa), who chairs the Senate Judiciary Committee, said Tuesday it is "far too soon to tell at this time" whether a special counsel is necessary.

###

U.S. News & World Report: Rosenstein Won't Commit to Special Prosecutor on Russia (Alan Neuhauser)

<https://www.usnews.com/news/national-news/articles/2017-03-07/rosenstein-wont-commit-to-special-prosecutor-for-russia-probe>

The Justice Department nominee who would oversee federal investigations involving Russia's meddling in the 2016 election refused Tuesday to commit to recusing himself and appointing a special prosecutor to lead such inquiries.

U.S. Attorney Rod Rosenstein, who was nominated by President Donald Trump to become deputy attorney general – the No. 2 spot at the Justice Department – testified at his confirmation hearing that he would "defend the integrity and independence" of the department.

But he said he lacked the information needed to determine whether an independent prosecutor was necessary.

"If I were confirmed, I would need to familiarize myself with the facts, I would need to consult with experts in the department," Rosenstein, the top federal prosecutor for Maryland, told the Senate Judiciary Committee. "I'm not aware of any requirement for me to recuse at this time. But as a lawyer I would need to know what I am recusing from."

Attorney General Jeff Sessions recused himself from any investigations related to last year's presidential campaigns under bipartisan pressure last week, after reports revealed that he had at least two previously

undisclosed meetings with Russia's U.S. ambassador during the 2016 campaign. Sessions, a former GOP lawmaker from Alabama, was the first sitting senator to endorse Trump.

The developments spurred congressional Democrats' calls for an independent special counsel that would place distance between the Justice Department and the Trump team regarding a probe of Russian activities.

"It's vitally important that the American people have trust in this investigation and that there is not even the appearance of a conflict of interest or political influence," Sen. Dianne Feinstein of California, the Judiciary Committee's top Democrat, said in her opening remarks Tuesday. "I do not say this because I question the integrity or the ability of Mr. Rosenstein. I do not. But this is about more than just one individual. This is about the integrity of the process and the public's faith in our institutions of justice."

Congressional Republicans, meanwhile, have been more circumspect, though a chorus pushed for Sessions' recusal.

For example, Sen. Lindsey Graham of South Carolina – a senior Republican on the Judiciary Committee – allowed last week ahead of Sessions' announcement that a special prosecutor may be needed depending on whether the FBI finds evidence of illicit connections between the Trump campaign and Russian officials. But he stopped short of calling for one outright.

Rep. Darrell Issa of California, a member of the House Oversight and Government Reform Committee, went further, making headlines late last month when he told Bill Maher that a special prosecutor should investigate Russian interference in the election.

Rosenstein on Tuesday hinted that he may not choose to recuse himself. Former Attorney General Loretta Lynch, he pointed out, resisted calls in the final weeks of Obama's presidency in January to appoint a special counsel to investigate Russian interference.

"My understanding is that at least one of your colleagues called for a special counsel for something related to this matter while the attorney general was in office in early January, and she rejected the request," Rosenstein said in response to a question from Feinstein. "She said what I said, that she had confidence in the career professionals in the department."

He added that "if there was a need for a special counsel," Acting Deputy Attorney General Dana Boente, an Obama administration appointee, "has full authority to appoint one."

Rosenstein continued, "The answer is I'm simply not in a position to answer the question" about whether to appoint a special prosecutor.

"When I am in that position, I don't presume that Attorney General Lynch and Acting Deputy Attorney General Boente weren't correct," he said, noting that if he felt they did make a mistake, however, he would overrule them.

Rosenstein said that he has not had any communication with Sessions since the former senator became attorney general, and that the pair last spoke Nov. 28, when he received a call from Sessions.

###

NBC: Who Is Rod Rosenstein? Trump Pick for Deputy Attorney General Would Oversee Russia-Ties Investigation (Kalhan Rosenblatt)

<http://www.nbcnews.com/politics/justice-department/who-rod-rosenstein-trump-pick-deputy-attorney-general-would-oversee-n730126>

President Donald Trump's nominee for deputy attorney general was scrutinized during a contentious confirmation hearing on Tuesday while appearing before the Senate Judiciary Committee.

The hearing had an extra level of tension baked in as Rod Rosenstein will be tasked with either leading the investigation into Russian interference in the 2016 U.S. presidential election and Moscow's relationship to Trump's campaign or appointing a special prosecutor

Rosenstein faced an onslaught of questions pertaining to Russia and the recusal of U.S. Attorney General Jeff Sessions during his confirmation hearing for the deputy position.

Trump nominated Rosenstein — who is described as a nonpartisan straight shooter who has worked for both Democratic and Republican presidents — for the position in January, before his would-be boss was embroiled in any Russian-related controversy.

Currently the U.S. attorney for the District of Maryland, Rosenstein, 52, has worked for the U.S. Attorney's Office and the Department of Justice for 26 years, according to the Department of Justice website. He was unanimously confirmed as U.S. attorney in 2005 after being appointed by President George W. Bush, and was then retained by President Barack Obama.

Rosenstein is the only U.S. attorney appointed by a previous administration to last all eight years of the Obama administration, according to the New York Times.

A graduate from Harvard Law School — where he edited the Harvard Law Review — Rosenstein started his career with the Department of Justice in 1990. He then served as counsel to Deputy Attorney General Philip B. Heymann in President Bill Clinton's first term.

Rosenstein was nominated by President George W. Bush to be Maryland's United States Attorney in May 2005, and was confirmed unanimously by the senate a month later.

In 2012 he was appointed by then-Attorney General Eric Holder to oversee a federal investigation into sensitive leaks that resulted in Retired Marine Gen. James E. Cartwright pleading guilty to making false statements about a covert U.S. cyber attack on Iran's nuclear program.

A decade earlier, Rosenstein was also a part of the Whitewater investigation into President Bill Clinton's real estate dealings in Arkansas, which resulted in three convictions.

And just this month, his office was involved in prosecuting and indicting seven Baltimore police officers for federal racketeering crimes.

U.S. Attorney for the District of Maryland Rod J. Rosenstein, right, speaks at a news conference in Baltimore, Wednesday, March 1, 2017, to announce that seven Baltimore police officers who worked on a firearms crime task force are facing charges of stealing money, property and narcotics from people over two years. Patrick Semansky / AP

During the first stretch of his confirmation hearing on Tuesday, Rosenstein was asked if he had made a decision on whether to select a special counsel to investigate Russia's attempt to influence the election.

He said he is "not in a position to answer" that question because he has yet to read the intelligence community's report on its findings regarding Russian interference. He added if he thought current officials were wrong in not bringing about special counsel he would "overrule them."

Rosenstein told Sen. Dianne Feinstein, D-California, that he wasn't aware of any reason why he would be unable to oversee the investigation.

During the hearing he also said he had "no reason to doubt" the findings of the 17 U.S. intelligence agencies that Russia influence the presidential election, but Sen. Al Franken, D-Minnesota, said he found it "very disturbing" that Rosenstein said he hadn't read the declassified report.

Franken also said Sessions owed it to the committee to "come back," and stressed that he "bent over backwards" not to say that Sessions lied.

Some Democrats had threatened to block Rosenstein's nomination if he declined to commit to appointing a special prosecutor to investigate Russian interference into the election and its connection to the Trump campaign.

"I'll use every possible tool to block DOJ Deputy AG nominee unless he commits to appoint independent special prosecutor," Sen. Richard Blumenthal, D-Connecticut, tweeted on Sunday.

###

Washington Times: Deputy AG nominee Rosenstein: No need for recusal in Russian probe (Andrea Noble)

<http://www.washingtontimes.com/news/2017/mar/7/rod-rosenstein-deputy-ag-nominee-no-need-recusal/>

The federal prosecutor nominated for the second-highest position in the Justice Department said Tuesday that he had not knowingly met with any Russian officials in the time since he was first contacted about the position in November and was not aware of any reason why he should recuse himself from any related investigation.

Rod Rosenstein, the nominee for deputy attorney general, pushed back against Senate Democrats' assertions that he should appoint a special prosecutor to oversee any investigation into Russian meddling with the 2016 election.

"It is my job to make sure all investigations are conducted independently," Mr. Rosenstein said at the outset of the hearing before the Senate Judiciary Committee. "Political affiliation is irrelevant to my work."

As a result of Attorney General Jeff Sessions' announcement last week he would recuse himself from any investigation involving the presidential campaign, Mr. Rosenstein, the longest-serving U.S. Attorney in the country, would inherit any DOJ investigations into the presidential campaign.

Asked by Sen. Dianne Feinstein whether he would appoint a special prosecutor, Mr. Rosenstein said it was too soon to make that kind of determination because he is not currently privy to the type of information that he would need to review as part of any assessment.

"The answer is I am simply not in a position to answer that question because I am not in the position to know," said Mr. Rosenstein, who has served as the U.S. Attorney for the District of Maryland since 2005.

But he later said he would be open to the possibility of appointing a special prosecutor in instances where it was appropriate and warranted.

“It is vital the American people have trust,” Mrs. Feinstein, California Democrat, said at the outset of Tuesday’s nomination hearing. “I do not say this because I question the integrity or the ability of Mr. Rosenstein. This is about more than one individual.”

Asked whether he had met with any Russian officials, Mr. Rosenstein said that to his knowledge he had not, “at least not recently.”

Mr. Rosenstein said he was first contacted about serving as deputy attorney general when Mr. Sessions called him on Nov. 28. He also indicated that in his conversations with Mr. Session about the nomination that he had not ever spoken with the attorney general about Russian contacts with the Trump campaign.

Mr. Sessions, who supported President Trump during the campaign, disclosed last week that he had met twice with Russian Ambassador Sergey Kislyak during the course of the campaign — a contradiction to testimony he gave during his own confirmation hearing.

The push from Democrats to get a special prosecutor appointed was met with stiff resistance from Republicans on the judiciary committee who said they had every faith in Mr. Rosenstein’s ability to independently oversee an investigation.

“Any insinuation that Mr. Rosenstein lacks the impartiality or professionalism necessary to handle these matters is out of line,” said Sen. Charles Grassley, Iowa Republican and the chairman of the judiciary committee. “He’s a career civil servant who has served with distinction during both the Bush and Obama administrations. His independence is beyond reproach.”

Mr. Sessions announcement of his recusal came last week after it was disclosed that he met with Mr. Kislyak once at his Senate office in his capacity as a member of the Senate Armed Services Committee and a second time in a group setting with other ambassadors following a Heritage Foundation speech at the Republican National Convention.

Beyond those two meetings, Mr. Sessions said he did not believe that he had been in contact with anyone else working on behalf of the Russian government.

But his statement at a January confirmation hearing that he had not had communication with Russian officials, he said, was focused on the question of whether there had been constant contact between Trump campaign surrogates such as himself and Russian intelligence officers.

“I was taken aback a little bit about this brand-new information, this allegation that a surrogate — and I had been called a surrogate for Donald Trump — had been meeting continuously with Russian officials,” he said. “It struck me very hard, and that’s what I focused my answer on.”

He said that in retrospect he should have “slowed down” and acknowledged the meeting with one Russian official outside campaign activities.

###

Slate: Trump’s Pick for Deputy AG Says He Can’t Commit to Appointing Special Prosecutor to Investigate Russia Ties (Leon Neyfak)

http://www.slate.com/blogs/the_slatest/2017/03/07/rod_rosenstein_doesn_t_commit_to_appointing_special_prosecutor_for_russia.html

Donald Trump's nominee for deputy attorney general, who would serve as second-in-command in the Justice Department if confirmed, told the Senate Judiciary Committee on Tuesday morning that he cannot commit to appointing a special prosecutor to investigate Russian efforts to interfere in the 2016 election or the Trump campaign's possible complicity in those efforts.

Rod Rosenstein, currently the U.S. attorney for Maryland, would be in charge of deciding whether to appoint a special prosecutor, because Attorney General Jeff Sessions announced last week that he would recuse himself from any investigation into the Trump campaign.

Rosenstein was asked by Sen. Dianne Feinstein whether, given "the strong potential" that an investigation into Russian interference in the election "will in fact involve individuals associated with the White House," and "the heightened level of distrust on all sides," he supports the "appointment of an independent special counsel to look into" the situation.

Rosenstein replied by saying he is not in a position to weigh in at this point because he doesn't know all the relevant facts and cannot possibly know them until he familiarizes himself, in his capacity as deputy AG, with whatever investigation might be taking place. He noted that Dana Boente—a U.S. attorney who was appointed acting deputy attorney general after Trump fired Obama holdover Sally Yates—currently has the authority to call for a special counsel and has not done so. "I wouldn't be in a position to overrule" Boente's judgment, Rosenstein said, before "having access to the facts" that judgment is based on.

Rosenstein did say that he doesn't presume Boente's judgment is correct and is open to arriving at a different one when he is confirmed.

Later in the hearing, Sen. Pat Leahy brought up the 1973 confirmation hearing of Attorney General Elliot Richardson, noting that he committed to appointing an independent prosecutor to investigate the Watergate scandal if confirmed. Leahy asked Rosenstein whether it would "raise challenges" for him if, while conducting an investigation into Russian meddling in the election, he turned up "communications between those under investigation and your own boss."

Rosenstein replied, "Yes, it would, senator."

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Slate: Chuck Grassley Yells at Al Franken Over the Jeff Sessions Controversy During Senate Hearing (Leon Neyfakh)

http://www.slate.com/blogs/the_slatest/2017/03/07/video_al_franken_and_chuck_grassley_yelling_match_during_rod_rosenstein.html

A one-sided shouting match broke out during a congressional hearing Tuesday, as Sen. Chuck Grassley criticized Sen. Al Franken for asking Attorney General Jeff Sessions a "gotcha question" during his confirmation hearing in January.

The blow-up, which you can watch above, occurred during the confirmation hearing of Rod Rosenstein, Donald Trump's pick to serve as Sessions' second-in-command at the Justice Department. When it came time for him to ask Rosenstein questions, Franken took the opportunity to revisit his now-famous exchange with then-Sen. Sessions, and to call on Sessions to testify before the committee a second time.

During that Jan. 10 exchange, Franken cited a breaking CNN report about communications between the Trump campaign and Russian intelligence officials, and asked Sessions what he would do in response to evidence that such communications took place. As part of his answer, Sessions said, “I did not have communications with the Russians”—an assertion that turned out to be false when the Washington Post revealed that Sessions had met with the Russian ambassador twice in 2016.

“My question was not answered honestly,” Franken said Tuesday, as Rosenstein, Sessions’ likely deputy, listened.

Franken continued, “I think he owes it to this committee to come back and to explain himself.” At this point he was addressing Senate Judiciary Committee Chairman Grassley directly: “I have bent over backwards not to say that he lied. ... I have given him the benefit of the doubt, but he has to come back.”

Grassley replied with fury in his voice, chastising Franken for asking Sessions a question based on news that had just been reported and that Sessions had not had a chance to review. “I don’t expect Senator Franken to act like I would towards our witnesses, but as I remember Senator Franken asking his question of Senator Sessions, he referred to something that had just come on CNN,” Grassley said. He continued: “You probably should have given him a chance to get the information you had and reflect on it and give an answer in writing.”

Grassley then turned to Rosenstein and Rachel Brand, who is Trump’s nominee for associate attorney general and is also being questioned Tuesday. “I said this to you when you were in the privacy of my office: If I was going to ask you a gotcha question, I was going to tell you about it ahead of time,” he said. “And I consider what Senator Franken asked Sessions at that late moment, [when] that story had just come out, as a gotcha question.”

Franken broke in to say, “It was not a gotcha question, sir.” Grassley replied with a roar: “It was. He didn’t know what you were asking about.” As Franken began to reply, Grassley slammed his gavel on his podium and ended the discussion.

###

BuzzFeedNews: Top DOJ Nominee Won’t Commit To Having An Outside Counsel Look Into Russian Influence (Zoe Tillman)

https://www.buzzfeed.com/zoetillman/top-doj-nominee-wont-commit-to-having-an-outside-counsel-loo?utm_term=.cc9JKlp0bk#.gcWagQqKRw

The nominee for a top Justice Department job, who likely would oversee any investigation into Russian influence in the 2016 campaign if he’s confirmed, would not say on Tuesday if would appoint a special counsel to investigate the matter.

Rod Rosenstein, appearing before the Senate Judiciary Committee on his nomination for deputy attorney general, said that he could not make such a commitment without having access to all the facts. He did, however, defend the department’s ability to carry out independent investigations on its own.

Rosenstein, who would have the number two job at DOJ if confirmed, noted that former Attorney General Loretta Lynch rejected calls for an special counsel to investigate Russian influence in the 2016 election while she was still head of the Justice Department.

But, acknowledging that the special counsel issue was the hot topic on Capitol Hill, Rosenstein said that, if confirmed, he would approach all matters the same way: He would evaluate the facts and the law, consult with career experts at the department, and then exercise his judgment about how to proceed.

“It’s my job to make sure that all investigations are conducted independently, and whether it’s a law or a statute or some other mechanism, I would ensure that every investigation is conducted independently,” Rosenstein said.

The Independent Counsel Law, which most people know for its role in leading the investigation that ended with President Clinton’s impeachment, expired in 1999. No replacement law has ever been passed, but the attorney general does maintain, under Justice Department regulations, the ability to appoint a special counsel.

A special counsel, a lawyer from outside of federal government, can be appointed by the attorney general — or a person acting as attorney general — to investigate or prosecute a case in which the Justice Department has a conflict of interest or in which it is in the public interest to do so. Many Democrats have called for a special counsel to be appointed to handle any campaign-related investigation.

Attorney General Jeff Sessions announced last week that he would recuse himself from any investigation about Russian contacts during the 2016 campaign. Sessions’ recusal announcement came after revelations that he met with Russian ambassador Sergey Kislyak during the campaign, despite testimony at his confirmation hearing that he did not have communications with Russians during the campaign.

Sessions has defended his testimony, however, saying that he didn’t discuss the campaign during those conversations and met with Kislyak in his capacity as a senator, not on behalf of the campaign. In announcing his recusal, Sessions said he was not confirming that there was any investigation at the moment.

With Sessions recused, though, the next highest Senate-confirmed Justice Department official takes over under a succession order that Trump signed in February. Until Rosenstein is confirmed, that job falls to acting deputy attorney general Dana Boente, who is also the US attorney for the Eastern District of Virginia.

Senate Judiciary Committee Chairman Chuck Grassley kicked off Tuesday’s confirmation hearing with a series of questions about the special counsel issue. Democrats have called for a special counsel to oversee decisions about an election investigation; Grassley said in his opening remarks that a special counsel-led investigation was “not the best way to ensure transparency and accountability.”

Grassley asked Rosenstein if he’d ever met with representatives of the Russian government. Rosenstein said that he was not aware of having done so. Rosenstein also said that he’d never spoken with Sessions about the issue of Russian contacts with Donald Trump’s campaign, and wasn’t aware of any reason that he’d have to recuse himself from handling decisions about investigating Russian influence in the election if he’s confirmed.

The committee’s ranking member, Sen. Dianne Feinstein, asked if Rosenstein supported appointing a special prosecutor. Rosenstein said that, without knowing all the facts, he wasn’t in a position to answer the question or to say if decisions made by Lynch or Boente were right or wrong. Asked by Sen. Dick Durbin if he would tell the public if the department decided to close or end any investigation into the election, Rosenstein said he would if it was appropriate.

Sen. Lindsey Graham, a leading Republican proponent of a bipartisan congressional inquiry into Russian influence in the election, asked Rosenstein if he could assure the committee that any DOJ investigation is overseen by a lawyer who is independent. Rosenstein said he believed that was his responsibility in every case.

Rosenstein has spent the bulk of his career at the Justice Department and has served as the US attorney for Maryland since 2005 — a job that he kept throughout the Obama administration, making him the rare political appointee to carry over across presidents.

In 2012, then-Attorney General Eric Holder Jr. tapped Rosenstein and Ronald Machen, the US attorney for the District of Columbia at the time, to lead an investigation into national security leaks. In the questionnaire that he submitted to the Senate Judiciary Committee, he listed a criminal prosecution that came out of that investigation as among the most significant cases he had handled in his career.

The Senate Judiciary Committee also heard on Tuesday from Rachel Brand, Trump's nominee for associate attorney general, the third-ranking official at the Justice Department.

The Guardian: Senators seek Rod Rosenstein pledge to name a special prosecutor on Russia ties (Lois Beckett)

<https://www.theguardian.com/us-news/2017/mar/07/rod-rosenstein-confirmation-hearing-trump-russia>

Will Trump's nominee for deputy attorney general pledge to appoint an independent special prosecutor to investigate "the Trump campaign's ties to Russia"?

That's the question Democrats will be asking Rod Rosenstein during his confirmation hearing on Tuesday morning. Chuck Schumer, the Democratic Senate minority leader, said on Monday that this was "far and away the most important question" that Rosenstein would need to answer.

Richard Blumenthal, one of the Democrats on the Senate judiciary committee, pledged again on Monday to use "every tool, every power available" to slow Rosenstein's confirmation if he would not promise to appoint a special prosecutor.

Schumer said a special prosecutor would have "greater latitude" to investigate Russia's interference in the election, as well as "greater independence" to conduct the inquiry, since he or she could only be removed from the investigation for "good cause" and would have the power "to prosecute not only the subject of an investigation but anyone who attempts to interfere".

The Republican chair of the Senate judiciary committee resisted these demands. "Nobody should be prejudging as to if there should or shouldn't be a special prosecutor," Beth Levine, a spokeswoman for Senator Chuck Grassley, said in a statement. "Mr Rosenstein should go into the job without any predeterminations and evaluate the necessity on the facts and the merits."

The FBI is reportedly investigating Russia's interference in the 2016 election, including scrutiny of links between Trump associates and Russia.

Under bipartisan pressure from Congress, the attorney general, Jeff Sessions, recused himself last week from overseeing any election-related investigations. Sessions failed to mention his election-year meetings with the Russian ambassador during his own confirmation hearing, despite a direct question about whether he had been "in contact with anyone connected to any part of the Russian government about the

2016 election”. Sessions later said he “should have” mentioned the meetings, but has also defended his response as appropriate given that he did not recall any conversations “regarding the political campaign on these occasions”.

Sessions’ recusal puts the deputy attorney general, the justice department’s second-highest ranking official, in charge of overseeing any investigations of Russian interference in the election.

Rosenstein, currently the US attorney in Maryland, is a widely respected career prosecutor with 26 years’ experience within the justice department. Former justice officials from Democratic administrations praised his skill and integrity, with one calling him a surprisingly non-partisan choice for a Trump administration appointee, and saying he was the “perfect” person to oversee a fraught political investigation that might touch on the White House itself.

Schumer and Blumenthal said they believed a special prosecutor should investigate not only Russia’s interference and any contacts between Moscow and Trump associates, but also whether members of the administration, including Sessions himself, had made “cover-up attempts” or tried to “meddle” in the investigation.

In a press conference on Monday, Blumenthal invoked the Watergate investigation of President Richard Nixon, when senators used the confirmation process to force the president’s attorney general nominee to promise to appoint a special prosecutor and guarantee him independence to carry out his investigation.

That same precedent should be followed in Rosenstein’s confirmation process, Blumenthal said.

Other Democrats on the Senate judiciary committee did not respond to requests for comment on Monday on whether they agreed with Blumenthal.

Democrats have acknowledged Rosenstein’s reputation as a “straight shooter” and “honorable” public servant, with Schumer calling him “a fair man”.

A CNN survey of about 1,000 American adults found that nearly two-thirds supported having a special prosecutor investigate links between Russia and Trump associates, including 43% of Republicans.

As a young Republican lawyer, Rosenstein was tapped to join Kenneth Starr’s independent Whitewater investigation into Bill and Hillary Clinton’s real estate dealings – an investigation that later pivoted to digging into Bill Clinton’s affair with a White House intern.

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