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“Combatting Malign Influence in 2020”

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John J. Hamre: Good afternoon, everybody. This is John Hamre. And I am really glad and delighted to welcome everybody for this very important discussion.

We're living in an unprecedented time. I mean, it's easy for all of us to say that, but we're living in a time where we have the privilege of meeting with you because of these powerful new collaboration tools that bring us together, but those tools also become the vector of threat and risk. And it's this combination of opportunity and risk that we have to start dealing with honestly.

And Suzanne Spaulding has been the leader for us at CSIS to explore this dimension on how we as a nation have to deal with, you know, dark, malevolent forces that want to damage America. And they're utilizing the same tools that, honestly, we all need right now to survive and to function. And this is a complex problem, and we're going to explore that today.

I'm going to let Suzanne introduce our speaker, but Deputy Attorney General Rosen, thank you. I just want to say how grateful I am that you're willing to serve at this time. It's a complicated, difficult time to be in public service, and we're all grateful for you doing it.

Let me turn to you, Suzanne, and let's open this up for a very interesting conversation. And thank you for organizing it.

Suzanne Spaulding: Well, Dr. Hamre, thank you so much for setting the stage so well for our conversation, and for your continued support for our Defending Democratic Institutions Project, and most importantly for your long career supporting and defending the Constitution while in public service on the Hill and at DOD, and having made it a central focus of your leadership here at CSIS. And I want to encourage everyone who's watching to subscribe to your latest initiative, which is a wonderful podcast called The Engine Room of Democracy in which Dr. Hamre discusses with former government officials and policymakers how the fundamental ideals of our constitutional democracy are applied every day and why these ideals need to remain the bedrock of our society. And I think it's such a relevant set of issues to our conversation this afternoon with another practitioner, who as the number two at the Department of Justice confronts these challenges every day.

Welcome, everyone, and thank you for joining us for this program with U.S. Deputy Attorney General Jeffrey Rosen. Foreign adversaries continue to use information operations to interfere in our elections, and more broadly to erode public confidence in our democracy and its institutions. Today, we will talk with the deputy attorney general about the history and the nature of these foreign malign influence operations and what the government is doing to address this ongoing threat.

Deputy Attorney General Rosen is the 38th U.S. deputy attorney general. He serves as the Department of Justice's chief operating officer. He advises and assists the attorney general in leading the entire department of over 110,000 employees. And most relevant for today's event, Mr. Rosen oversees the Federal Bureau of Investigation and the Department of Justice's National Security Division, which work closely together as well as with other interagency partners to provide federal

leadership on election security issues, which will be a central part of our discussion today.

He is a graduate of Northwestern University and Harvard Law School. And he started his public service career in 2003, when he became the general counsel of the Department of Transportation. In 2006, he moved to the White House Office of Management and Budget as senior policy advisor and general counsel, where he served from 2006 to 2009. Prior to joining the Justice Department last year, Deputy Attorney General Rosen served as the number two at the Department of Transportation, deputy secretary, from 2017 to 2019.

Like so many of us in Washington, particularly those of us who are lawyers, his public service career has been punctuated by stints in private practice, in his case with the prestigious law firm of Kirkland and Ellis, where he handled a wide portfolio of litigation, including cases involving antitrust, securities, contracts, RICO, business torts, trade secrets, government enforcement actions, and product liability class actions and regulatory matters. He has also served as chair of the American Bar Association's Section on Administrative Law and Regulatory Practice and as an adjunct professor at Georgetown University Law Center.

As I was preparing this introduction I spoke to a few folks who know you, Mr. Deputy Attorney General, and I want to share one story. It goes back to June 27th, 1988, when you were practicing law at Kirkland and Ellis, and you suggested to a fellow partner at 5 p.m. that evening on a whim to go and see Mike Tyson fight Michael Spinks for the undisputed heavyweight title. As the story goes, it was a particularly hot, humid Washington, D.C. evening. Right at rush hour you faced horrible snarled traffic, two hours, to get to what was then called the Patriot Center. You parked the car and ran on that hot, sweaty evening into the darkened arena. And as you arrived, a roar went up from the crowd as the fight started. And as those who are familiar with this and remember this fight will now know, 91 seconds later it was over – Mike Tyson knockout punch in 91 seconds. That was the end of the fight. And you turned to your colleague and said, oh, I guess we should go back to the office. And you were finally back at the office at 11:00 a.m. (sic; p.m.) that night.

So, Deputy Attorney General Rosen, I want to give you the opportunity to challenge this story as disinformation if you want. But I have it from a pretty good source. What I'd really be curious about, though, is whether you remember this as a gosh-I'm-glad-I-was-there story, or perhaps a what-was-I-thinking-when-I-decided-to-do-that lesson? And I will resist the temptation to ask you to compare that to your decision to move from the Department of Transportation to the Department of Justice in, as Dr. Hamre described, very challenging times.

In any event, I'm glad you've made the effort today to join us for this important discussion. And I will now turn it over to you for some opening remarks, and then you and I will have a conversation. Welcome.

Deputy
Attorney
General
Rosen:

Well, thank you so much for that overly kind introduction. And you're reminding me that I've always had this thing of liking to be a participant in some part of history; in that one the history of boxing, I guess. (Laughs.)

But I also want to thank CSIS, of course, for your hosting this event today. I'm very pleased to be here.

What I want to talk about is malign foreign influence in U.S. elections. Now, this might surprise some people, but 2020 happens to be a federal election year. So I wanted to start with some good news, which is that our election infrastructure – things like polling places and printed ballots – have been well protected. And that protection has improved over the last three years.

With regard to the most recent 2018 midterm elections, both DHS and DOJ jointly found that there was no evidence that foreign actors had had any material impact on the integrity or security of election infrastructure or political campaign infrastructure that was used in the 2018 midterm elections for the United States Congress. Likewise, as the Senate Committee on Intelligence reported, there's no evidence that any vote totals were altered or changed by any foreign actors in the 2016 presidential election.

But interference with infrastructure is not our only concern. We are also concerned about another threat that's known as malign foreign influence. And the key word is influence. Much of the time that means something like disguised propaganda. Other times it could mean the use of pressure tactics on influential people to try to have influence. It can also take the form of hacking and disclosing private emails or phone messages.

The point is, it comes in many different forms, all designed to influence how Americans think about issues and how they cast their votes. There's a list of these on the FBI and ODNI websites for those who are interested.

We cannot escape the reality that the opportunities for malign foreign influence on our elections are far-flung. So it remains a challenge for Americans as voters. That did not end in 2016. But it didn't begin in 2016 either. Malign-foreign-influence efforts have been a longstanding concern in American elections, and that historical context can teach us some lessons.

I'd like to use these remarks today and the conversation afterwards to discuss some of this historical context, then offer a few comparisons with what we've seen more recently, and finally to share a little bit of advice we can borrow from our historical predecessors.

To begin, I think it helps to clarify a few definitions to describe what we mean by malign foreign influence, as opposed to what we might consider just legitimate diplomacy or candid expressions of legitimate national interest that all nations share with one another in appropriate ways.

One definition that's easiest to remember is what we refer to as the three Cs framework – coercive, covert, or corrupt activities by foreign governments to influence U.S. policies, U.S. political sentiment, U.S. public discourse, or to interfere in our political processes themselves.

Under the three Cs framework, we recognize that foreign governments often have preferences about U.S. policies or even the outcomes of our elections. Sometimes those preferences are expressed openly. Our government sometimes has open preferences about other countries too.

When the preferences are open and attributable, no one is deceived or misled. But what we're concerned about is when foreign preferences manifest themselves through malign-foreign-influence activities that are, again, coercive, covert, or corrupt, whether their aim is specifically to influence our elections or to influence policymaking and public discourse more broadly.

So one thing that has not been much noted in recent years is that malign foreign influence in elections has been a concern going all the way back to the founding of our republic. Using the three Cs framework, I want to start with coercive activities.

So if we go all the way back to 1787 when the Founders were debating the merits of what was then our new Constitution, Thomas Jefferson told John Adams that he was, and this is a quote, "apprehensive of foreign interference, intrigue, influence." Adams also worried, and this is his quote, "As often as elections happen, the dangers of foreign influence recurs," close quote.

Nine years later, Adams and Jefferson squared off in the first contested presidential election in American history. The election of 1796 occurred while Britain and revolutionary France were locked in war. Adams favored the Washington administration's somewhat pro-British trade policy while Jefferson favored the French Republic.

A few months before the election, in his famous farewell address of 1796, President George Washington had issued a stern warning. Quote, "Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake."

Nonetheless, France tried to exert influence. The French minister to the United States, Pierre-Auguste Adet, told his superiors that he could "get out the vote for a man devoted to France." That's a quote. He suggested that France should adopt measures that will cause the merchants to fear for their property and to make them see the need to place at the head of the U.S. government a man whose known character would inspire confidence in the French Republic.

On the eve of that election, Adet sent the U.S. secretary of state a series of letters effectively threatening that France would begin to seize American merchant ships and trigger war unless Jefferson were elected. Adet had them published in the Philadelphia Aurora, which was one of the most widely circulated and partisan newspapers of that era.

The public threats, however, backfired. Adams, quote, "suspected they will have a contrary effect from what he intended," close quote. Adams was right. Jefferson's own confidante, James Madison, soon reported that Adet's action was an electioneering maneuver that could risk a perpetual alienation of the United States and France.

So Jefferson's supporters disowned this interference in the election while Adams' supporters resented it and saw it as an attempt to coerce voters, and Adams' colleagues reported the exertions against the candidate Mr. Adet was understood to favor became the more determined and the more vigorous. Jefferson, ultimately, lost that election by three electoral votes.

President Adams did not forget the risk that France's attempted coercion had posed. In his inaugural address, he implored the American people, "Never to lose sight of the danger that foreign influence, by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, presents to our free, fair, virtuous, and independent elections." That's a quote.

The next year Jefferson, too, objected to France's continuing coercive efforts to stir up American partisanship, telling his colleague, Madison, that he saw the efforts as very unworthy of a great nation. He felt that those efforts by France contributed to a mistaken presumption that Jefferson and his supporters' first passion was an attachment to France and hatred of Adams' party, when Jefferson felt the reality was that American voters' real passion was, quote, "the love of their country," close quote.

So coming forward, since the 20th century, as the United States evolved into a superpower, malign foreign influence has been less about coercion and more about deceptive or covert efforts, meaning that the foreign government has tried to disguise or conceal its role.

So in the 1930s, Nazi Germany, as an example, directed an extensive underground effort to influence U.S. public opinion. A German agent, for example, entered the United States claiming to be a clergyman and used Nazi funds to take over small established newspapers and some civic organizations until he was caught, indicted for failing to register as a foreign agent, and fled the country as a fugitive.

Congress had responded to some of these Nazi Germany efforts and similar activities by enacting the Foreign Agents Registration Act of 1938, known as FARA, and that's a law that requires disclosure of some foreign influence activities. The Justice Department successfully prosecuted some of Germany's most useful American agents who had tried to hide their activities.

Germany also targeted U.S. elections, including the 1940 election, which occurred while World War II was underway in Europe. Nazi leaders had viewed President Roosevelt as pro-British and interventionist. So they employed several schemes for influencing the outcome of our 1940 presidential election, as well as try and influence the platforms of the major political parties. One scheme entailed forging documents and fabricating stories that they hoped would capture the American public's attention.

In March 1940, the Nazis released diplomatic documents they had supposedly recovered from the Polish Foreign Office's archives when the Nazis captured Warsaw. The documents purportedly showed that the Roosevelt administration

had promised aid to Poland before the war and assured Poland that the United States would finish any war on the Allies' side.

Germany's top diplomat in the United States, a man named Hans Thompson, called the documents a bombshell, and there were two members of Congress who demanded a congressional investigation.

But most members of Congress and even the American press were more circumspect. They, largely followed the advice that President Roosevelt gave them when the story broke, which was to take all European propaganda at this time with a grain of salt, which he then amended to "stretch it to two or three grains."

In the days before the 1940 election, Germany continued to try to plant fabricated stories claiming they had evidence that Roosevelt had long been planning to intervene in Europe, even before 1939. But no mainstream newspaper would take the bait and Roosevelt, of course, was reelected.

After World War II, the Cold War produced a whole new set of challenges from malign foreign influence. The Soviet Union employed covert or deceptive tactics as part of its so-called active measures, a phrase that it used to describe malign influence activities like disseminating forgeries, disinformation, and other propaganda; and sponsoring front publications to try to undermine American interests.

Most active measures were actually directed abroad, such as when just a few weeks before the 1984 Olympics in Los Angeles the KGB mailed athletes from Africa forged letters supposedly from the Ku Klux Klan with threats against them, or when the Soviets published stories in dozens of Soviet-controlled publications around the world claiming that the AIDS epidemic was started by U.S. military experiments.

But the Soviets also used active measures to try to undermine confidence or influence public opinion in the United States, including covertly forging documents and funding conspiracy-mongering books that supposedly tied the FBI and the CIA to President Kennedy's assassination or supposedly tied FBI Director J. Edgar Hoover to the Ku Klux Klan.

And the Soviet Union also targeted U.S. elections specifically. For example, during the 1976 Democratic presidential primary, the KGB adopted a wide-ranging set of active measures to try to disparage Senator Henry "Scoop" Jackson, who was a well-known anti-Soviet hawk, by instructing their agents to use confidential contacts to try to find what they called dark spots in Jackson's background.

When they didn't turn up much, the Soviets sent a forged FBI memorandum dated in 1940 to the Los Angeles Times, the Chicago Tribune, and to Jimmy Carter's presidential campaign, and the forged memo purported to conclude that Senator Jackson was secretly gay. Neither the journalists nor the Carter campaign published the phony document.

After the 1980 election, Soviet leaders soon grew to loathe and fear President Reagan's administration, according to an ex-KGB defector, and they ordered the

KGB to weaken President Reagan's 1984 reelection bid. Intending to discredit President Reagan by trying to portray him as a McCarthyite, Soviet agents covertly sent American journalists a forged letter dated from 1947, supposedly from J. Edgar Hoover, that purported to show President Reagan, before he was president, colluding with the FBI to root out communists in Hollywood. But the FBI publicly denounced the document when it surfaced in January 1984, and they explained that it contained stylistic touches that Hoover wouldn't have tolerated and that it violated rules for FBI correspondence and was not authentic. That didn't stop the Soviets. They also covertly tried to develop contacts at the national party committees looking for ways to subvert the Reagan campaign, and they developed a package of narratives they tried to disseminate about Reagan to portray him as a corrupt warmonger subservient to the military-industrial complex and responsible for tensions with NATO allies. But all of the Soviets' efforts failed and President Reagan was elected – reelected in 1984.

So let me turn, then, to the third C of malign foreign influence, having addressed coercive and covert. Let me talk now about corrupt measures to influence elections.

One attempt was apparently made in 1968 when, according to the then-Soviet ambassador to the United States, Anatoly Dobrynin, quote, "The top Soviet leaders took an extraordinary step previously unprecedented in the history of Soviet-American relations" and ordered him to offer then-Vice President and Democratic nominee Hubert Humphrey secret financial aid for his campaign. But when Dobrynin asked Vice President Humphrey about his campaign's financial state, Humphrey replied that it, quote, "was more than enough for him to have Moscow's good wishes," close quote, and Dobrynin did not actually convey the offer. Six years later, Congress made it illegal for foreign nationals to make campaign contributions.

Fast forward just a little bit, a couple of decades. By the mid-1990s, that again became important when the People's Republic of China undertook a covert campaign to influence the U.S. political process through political donations and some other means during the 1996 election cycle. In that timeframe, over Beijing's strenuous objection, Taiwan's president had been granted a visa in 1995 to speak at his alma mater, which was Cornell University, after Congress had passed some resolutions supporting that trip. The People's Republic of China, unhappy about that, then implemented a plan to influence the U.S. political process to be more favorable towards pro-Beijing policies by this concept of making campaign donations through middlemen who could provide access to and seek to influence candidates and elected officials at all levels of government. The Justice Department prosecuted a number of the middlemen who were involved, and a 1999 congressional report identified that PRC conduct as a serious threat to our national security.

And more recently, with regard to the 2016 election, just last week some declassified FBI documents were released by the Senate Judiciary Committee which indicate that the Clinton campaign was warned about efforts by a foreign government to try to influence her through campaign contributions that, quote, "may come in a form outside established parameters for such contributions," close quote, from a foreign government. Again, we see the threat of corrupt malign influence activities requires ongoing and continuing vigilance.

So malign foreign influence efforts in our elections has been a perennial problem. Is there anything different? Well, though the general threat isn't novel, some of the challenges that we're facing now are somewhat different. As President Trump put it in Executive Order 13848, quote, "In recent years the proliferation of digital devices and internet-based communications has created significant vulnerabilities and magnified the scope and intensity."

Historically, malign influence operations were often limited by their reliance on third parties such as mainstream news outlets or popular magazines in order to reach – (inaudible, technical difficulties) – of the American public. For much of our history, the media were cautious about being used in this way. For example, many American journalists wrote exposés about Nazi propaganda in the United States, and at least by 1940 the press was largely immune to it. Decades later, the FBI in the 1980s – in 1986, specifically – told Congress, quote, "The American media is sophisticated and generally recognizes Soviet influence attempts," close quote.

But today the media environment is considerably different, and the internet and social media allow foreign actors to reach unprecedented numbers of Americans covertly, inexpensively, and directly without necessarily having to go through the traditional media, without even having necessarily to set foot on U.S. soil. We are all now familiar with the findings that in the 2016 election cycle the Russian Internet Research Agency, quote, "spent a total of about \$100,000 over two years on advertisements," close quote, on Facebook to promote social discord and division, and similarly placed disguised posts in tweets on several social media platforms.

While the tools of malign influence have proliferated, foreign governments such as Russia and China have also become more sophisticated and more bold. Back in 1986, the FBI told Congress that Soviet active measures had relatively little success in the United States because they were often transparent and sometimes just clumsily implemented. Forged government documents, for instance, could be exposed. But the arsenal of modern malign influence, like impersonating Americans on social media platforms or manipulating digital content through deep fakes, can be more difficult to detect and counter, though it's something we have to attempt to do.

As to the boldness issue, as FBI Director Wray recently pointed out, the People's Republic of China has been engaged in a highly sophisticated malign foreign influence campaign using bribery, blackmail, and other malign tactics to influence our year-round policymaking, which certainly has implications for our elections. Beijing's methods are not always as blatant as its illegal campaign finance efforts were in 1996. The PRC tactics are more subtle, more pernicious, more complex. Beijing, for example, works relentlessly to coopt seemingly independent middlemen who can influence members of Congress on a host of policies.

That takes me to the question, what is being done about all these malign foreign influence efforts? And rest assured, as this old problem takes on new looks, the Department of Justice has been responding to these challenges with our own tools. I'll mention five of them today.

First, the FBI has established a Foreign Influence Task Force that brings together cross-disciplinary and cross-regional expertise that encompasses counterintelligence, cyber, criminal, and even counterterrorism agency analysts who investigate and work to counter malign influence by China, Russia, Iran, and other foreign actors.

Second, the Department of Justice has been assisting social media companies, campaigns, and election officials in hardening and improving the resilience of their platforms, their networks, and their infrastructure against these kind of threats, and has been providing where appropriate defensive counterintelligence briefings and steps they can undertake to reduce vulnerabilities.

Third, the Department of Justice has strengthened compliance efforts for the Foreign Agents Registration Act, or FARA, in order to identify and expose foreign influence. FARA helps to ensure transparency by requiring persons who engage in certain foreign influence related activities to register with the Department of Justice and publicly disclose their activities. It doesn't prohibit any speech, but instead enhances the public's and the government's ability to evaluate foreign influence related speech by ensuring that the source is clear.

Fourth, where malign influence operations violate our federal laws – for example, as with something like hacking of email systems to make the contents public – the Department of Justice has brought criminal charges. The department remains prepared to bring criminal charges where they're warranted.

And fifth, the department has supported the administration's broader efforts to counter malign foreign influence for – as one example, the sanctions regimes. For example, the administration has imposed financial sanctions for Russian efforts to sow discord in connection with the 2016 election and imposed further sanctions in the last 12 months for Russia's additional influence operations since then.

In short, the Justice Department and our colleagues in government have been adapting to foreign actors' malign activities, and actively combating and defending against them.

Okay. At this point I want to touch briefly on the current threat landscape as we head towards another election day. The Department of Justice, the Department of Homeland Security and other federal agencies have engaged in unprecedented levels of coordination with and support to all 50 states and numerous local officials to ensure that their election infrastructure is secure. We have yet to see any activity intended to prevent voting or to change votes. And we continue to think it would be extraordinarily difficult for foreign adversaries to change vote tallies.

We do, however, continue to see malign-foreign-influence efforts that are relevant to the 2020 election. Some foreign actors are covertly trying to undermine confidence in our elections because they're authoritarian governments who are opposed to representative democracy. And the Office of the Director of National Intelligence, or ODNI, recently made public, in an August 7th public announcement, some foreign governments have preferences about our elections and have taken or planned malign activities in support of their preferences, including efforts by China

and Iran to undermine President Trump and his administration's policies and efforts by Russia to undermine former Vice President Biden.

The Intelligence Committee – I'm sorry – the intelligence community, including the FBI, have briefed Congress as well as both presidential campaigns about these issues. And the ODNI has also taken unprecedented steps to educate the public about these threats to better inform Americans so they can play a critical role themselves in safeguarding how our election works.

We are working to counter all these influence activities. But it is important to remember that there are times when drawing attention to the threats can be precisely what the bad actors want, to generate concern and distrust, division, and discord. And as Americans, we do need to avoid the temptation to seek political advantage from the revelation of influence activities that were explicitly meant to divide us.

Instead, the right response is for our electorate to be knowledgeable and careful about the sources of information they rely on, to look for accurate information to inform ourselves about the candidates, and to cast our ballots accordingly. In the words of Thomas Jefferson, quote, "I know no safe depository of the ultimate powers of the society but the people themselves," end of quote.

So let me offer some final thoughts about what the historical record tells us that Americans can do to protect ourselves from the malign-influence efforts of foreign governments, in addition to the very strong measures being taken by the Justice Department and our colleagues across the government.

First, we just need to be aware that malign-foreign-influence efforts have always existed and they still do. It's one of the warnings, as I said, that President George Washington shared when he counseled Americans, against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake.

Second, this means we should not take information from foreign governments or questionable sources at face value. Information from countries or regions that have a history of propaganda should be taken with a grain of salt, if not two or then three grains, as President Franklin Roosevelt said.

We've been warning the public that some foreign governments have a track record of spreading fabricated stories, disinformation, and propaganda to try to shape voter perceptions. And the intelligence community continues to share information about what those governments are doing in 2020. All Americans can control what information they rely on and can exercise care by evaluating that information with a critical eye.

Finally, while we must always remain vigilant, Americans should not be deterred by participating in elections by concerns of malign-foreign-influence efforts. All Americans, in the end, can control who they vote for. Foreign propaganda and other influence activities have been concerned since the founding of our republic, but they've challenges – they are challenges that we've been successfully navigating for

more than 200 years. The measures I've outlined today can help us to do so once again this year.

And with that, I look forward to a discussion with Suzanne Spaulding.

Suzanne Spaulding: Thank you very much, Deputy Attorney General, for that fascinating review of the history of foreign malign operations; a reminder that they are nothing new, but the recognition that technology today has vastly increased our vulnerabilities and the opportunities for our adversaries, that they have become bolder and more effective.

You are a very busy person as the number two at the Department of Justice, with a wide portfolio. And I've noticed that you don't do a lot of public speaking, and yet you were gracious enough to carve out time to come talk with us today about this issue. And I'm – so my first question would be why did you feel it was so important to make this address today and help inform the American public?

Deputy Attorney General Rosen: Well, there's really two answers to that question. You know, first, this is an area in which the Department of Justice has a major responsibility. And I thought it would be both useful and timely to address it publicly. As we head into another election season this fall, it seemed appropriate that the Justice Department should address this topic that's been one of significant public interest.

And then, secondly, I felt that there are some aspects of the topic that I really hadn't seen addressed elsewhere and I thought should be addressed, especially the historical experience that I've walked through here, and also that there is a distinction between voting infrastructure and the somewhat more elusive malign-influence activities. And I did want people to understand that there are both things being done about it by the government but that the American voter has a big role to play in being the ultimate ones who decide what information they rely on and how they cast their votes.

Suzanne Spaulding: And you used one of my favorite quotes from Thomas Jefferson. I'm a graduate of the University of Virginia, undergraduate and law school, so I'm obligated to quote from Thomas Jefferson whenever I can. And that quote – despite all of his flaws – and that quote is really, I think, you know, one of my favorites. And it goes on.

So, you know, you quoted I know of no safe depository of the public power in a society other than the people themselves. And then he goes on to say, and if we think them not enlightened enough to exercise that power with a wholesome discretion, the remedy is not to take it from them but to educate, to inform that discretion.

And so I think getting this information out to the public is so important, as you say, because they are ultimately our front line of defense. And the DNI has put out a couple of statements of, you know, trying to get information out to the public about what's going on, about what our adversary nations are doing in trying to sway voters in the 2020 election, that this is ongoing.

The Congress got a briefing this week. And the vice chairman of the Senate Intelligence Committee, Senator Mark Warner, has suggested that there's important

information on this threat that has not yet been shared with the American public. And is the department working on and is the administration working on trying to get that information to a place where it can be shared publicly with the American people?

Deputy Attorney General Rosen: So a couple of thoughts about this. The Office of the Director of National Intelligence has actually put out a couple of pretty significant recent statements, one in July – I think it was July 24th by Mr. Evanina – and then one on August 7th. Mr. Evanina also delivered some public remarks, I think just last week, that were not in the form of a statement but were more of a Q&A kind of discussion.

And so I think the ODNI has been coordinating information from across the intelligence community, including the FBI and the Justice Department. And, you know, I think those are useful and important things for the public to have.

I think I'd also refer to – it's not quite as recent, but FBI Director Chris Wray, on July 7th, spoke at the Hudson Institute in some pretty extensive remarks, including a section specifically about malign-influence activities by China, that I would refer to.

We continue to, you know, participate in an interagency process with our intelligence-community counterparts and the Office of the Director of National Intelligence. And I do anticipate that the DNI will take the lead in providing additional information when it's timely and warranted. I don't want to get in front of the activities and assessments they make. I'm really going to defer to them on that score.

The one thing I – the one thing I will say is that I think the things I outlined in my comments, both as – in terms of the actions by the government and also the steps that the American public can take to protect their own consumption of information, are things that apply really to all of these various foreign malign actors, if you will. So I would hope that some of what I had to say today will prove helpful in that regard.

Suzanne Spaulding: Great.

You also talked about the distinction between malign influence operations around our elections and our concerns there and the things we're doing and traditional threats to our election infrastructure, which the entity that I used to lead at DHS, you know, has a very significant role in working with state and local election officials. But the DNI statement made clear the relationship between these two. And we certainly saw it in 2016, that traditional cyber – malicious cyber activity like hacking into voter registration databases could be part of – and hacking and releasing of emails – part of an information operation. And so state and local election officials are left having to deal with both sets of issues at the same time, and it's a – it's a major task as they get ready for the elections. And you talked about the Justice Department's work with these officials, and I'm wondering if you can give us a sense of how are we doing, how are they doing, and do they have what they need to be able to ensure the integrity of our elections.

Deputy Attorney General Rosen: So I think what I can say is that state, local, territorial, and tribal governments have been pouring very significant resources into election security efforts, especially the election infrastructure, but also resiliency to malign influence activities, over the last three-plus years. And I think from our vantage point they're engaged with us in an unprecedented level of coordination with the federal government, and I'm thinking both of your old organization at the Department of Homeland Security and the agency that's now called CISA – Cybersecurity and Infrastructure Security Agency – in particular, as well as FBI and other parts of the intel community.

And we've had really good working relationships, and I think at this point, as I said in my remarks, I'm confident – we've dealt with all 50 states and then a large number of local jurisdictions. The number of voting jurisdictions in the United States is very large. I don't remember the exact number, but I want to say it's a little in excess of 2,000. And so we've had a lot of dealings – the FBI in particular has developed a number of joint briefings, online initiatives, and some guidance to raise the election officials' awareness of what the threats are and how to mitigate them. And then, as I said, it's significant how much resource has gone into this both at the state and local levels, but also federal resources.

From the federal side, I think most folks will know but I'll just underscore we have U.S. attorneys in 94 districts around the United States. We have FBI field offices in 56 districts around the United States. And these are really the frontlines of our election security efforts. Obviously, the intelligence side is hugely important, but in terms of the question you're asking me about our collaboration with state, local, territorial, and tribal, it's really our U.S. attorneys and our FBI field offices. And we work very closely, and I think we, you know, generally feel very positive about where that stands.

Suzanne Spaulding: You know, we're all I think appropriately focused on the security and integrity of our elections. But as you noted in your remarks and as – you know, as we have certainly seen in our work at CSIS, foreign malign influences, particularly from Russia, are much broader than just focused on our elections; and again, particularly with regard to Russia, focused on undermining public trust and confidence in democracy writ large and in its institutions. And for the last three years at the Defending Democratic Institutions Project, we have focused on the ways in which those information operations look to undermine public faith and confidence in our justice system as another process and pillar in our democracy that is so dependent on public trust and confidence in the legitimacy of its process, right? And what we've seen in the messaging is an effort to undermine the idea of an independent and impartial justice system. How important – how worried should we be about that? How important is it that the American public continue to have faith and confidence in the independence and impartiality of our justice system?

Deputy Attorney General Rosen: Well, I think the point you just made, that anyone would try to undermine it, is a testament to how important and successful it's been. I think it's vital that we have trust in the independence and impartiality of our justice system because we're a rule-of-law nation. We're a country where the rule of law governs. We're not one where courts can proceed on the basis of arbitrariness, skew, whims, bias, political affiliations. Quite the contrary: Our system uses an independent judiciary to apply laws made with the consent of the governed. We resort to courts to decide cases

based on the merits of the facts and the law. We're not a system of might makes right. So while no system administered by humans will ever be perfect, the judicial system that we have in place in our country for more than 200 years now I would argue is the most successful system in the history of mankind, at least going back to the biblical rein of King Solomon.

And having said that, I don't mean it cannot be improved. One of the great attributes of the judicial system that we have and that our founders and their predecessors before them began to put in place is that it has been regularly improved over the arc of American history. And some mistakes and errors, important ones, have been corrected. And in individual cases we acknowledge mistakes can still occur in any system run by humans. But we have checks on that. We have rights of appeal, pardon authority, and other checks in the system. And over time, ours has proven to be a society that looks to correct the blemishes and flaws that we find. So even when there are very legitimate frustrations with a particular court or a particular case - and of course, there are some of those - we can't lose sight of the crucial role that the judiciary plays in the preservation of a representative democracy that protects our liberty, our property, and our fundamental rights and freedoms. And I guess I should say, given today's topic, an independent and impartial judiciary is certainly one of the things that distinguishes us from a communist or other kind of authoritarian system.

Suzanne Spaulding: And this was a point that your predecessor, Deputy Attorney General Rod Rosenstein, made when he met with us in February, I guess that was, of 2019, and it's such an important point. But I think equally important is the point that you make about the fact that our institutions are not perfect, but that they are capable of change. Certainly, what we've seen is that part of the pernicious foreign messaging is intended to convince Americans to give up because the system is irrevocably broken, that it cannot change, and that is the difference between those who are protesting in the streets for reform against racial injustice and the pernicious messaging that comes out of our adversaries. The former believe that change can happen, and it's one of the reasons we're pursuing pushing for greater civics education in this country. We need to understand not just that there are three branches of government, but that we as individuals can hold them accountable, and to equip us to be more effective agents of change.

And part of that is a recognition that perception can be as important as the reality, right? And in this notion of an independent and impartial justice system, it's not only important that it be independent and impartial, but that it be seen as independent and impartial in order for it to function properly. And it's no secret that the Justice Department today has come under fire for things that people perceive as getting it more involved in politics than it should, and I'm wondering if this perception of independence and impartiality is something that you and your colleagues talk about and consider when you're, you know, looking at decisions and actions of the department.

Deputy Attorney: So I guess I have two quick thoughts about that.

General Rosen: One is because our legal system over recent decades has been called upon to address issues of such fundamental importance to our society, there is this tendency that sometimes occurs to think that implementing the laws – albeit laws that are about important issues, whether it's civil rights, violent crime, terrorism, and so forth – because the laws deal with issues of social importance, there can be a misperception that in implementing the laws that the Justice Department is a political institution. I've seen this, actually, now as a criticism across multiple administrations in recent decades. And it goes back to a little bit the theme of my remarks, that we need to be aware of history on these issues.

So I think it is important that the Justice Department adhere to its role in implementing the laws that Congress has enacted, and that's what we aim to do. We try to do it on the basis of the actual merits and the legal merits and with the exercise of the best judgment we have.

There's a second aspect, which is the Justice Department is a Cabinet agency and there are times, such as the – proposing legislation, let's say, in which it does have a role in advocating this president's priorities and past administrations'/previous presidents' priorities. And there is sometimes a conflation or a confusion of the role in advocating for legislative change or sometimes regulatory change versus the implementation and application of the law.

And so I think one of the things that we – that we have to do is try to get across to people that the administration of the law, the implementation of the law, that is not done on a political basis. Where there are separately policy questions, as I say, such as legislation, to the extent there are – there are administration-wide objectives, that's perfectly appropriate and has gone on since the first attorney general. So I don't know if that fully answers your question, but it's – what I'm getting at is I do feel that the Justice Department functions as a legal organization in the way it's supposed to, but these larger concerns about the role of law in our society are unavoidable.

Suzanne Spaulding: That's really helpful for the public to understand the difference between the role, for example, that the attorney general might play in a policy discussion at the White House and the role the attorney general should play when acting in his capacity as the chief law enforcement officer –

Deputy Attorney General Rosen: That's right.

Suzanne Spaulding: – and how important over history it has been to maintain those distinctions.

We're almost out of time. I want to – one last question for you. We focused today on foreign malign influence operations and very much appreciate your, you know, bringing us up to speed on those. But I'm wondering if there are things that you think the American public ought to know, as well, about domestic – the threat from domestic disinformation.

Deputy Attorney General Rosen: So that's a complicated topic for the simple reason that, as the Supreme Court has said, the First Amendment doesn't apply to foreign actors outside U.S. territory, but it obviously does apply to domestic sources of information. And so that's a big subject.

I think in the context of today's discussion, one of the – one of the difficulties we face is that sometimes we can't tell if the source is domestic or foreign. This is particularly a problem on social media, but not limited to social media. And as you say, that was something I was trying to allude to in my remarks. And I think either way if we don't know the source, some of the suggestions that I was making as lessons from history would apply either way, which is that the public should do what they can – be careful, be skeptical, be knowledgeable, get informed. Comes back to the quote that you and I both like from Thomas Jefferson that a free society has to ultimately rely on the people themselves. And as I said in my own remarks, in the end every American can control who they vote for, and so they should participate.

Suzanne Spaulding: That's a great way to end our conversation. We all keep saying, you know, final words, get out there and vote, right, and make sure you're doing it in an informed way.

Deputy Attorney General Rosen, I want to thank you again for making time out of your incredibly busy schedule to come and have this conversation with us and for your public service. Thank you.

Deputy Attorney General Rosen: Well, thanks so much for having me and for the great programs that you hold regularly. I'm glad to have a chance to do this one.

Suzanne Spaulding: Thank you very much.

Thanks, everybody, for tuning in.

(END)