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Audience: [inaudible 00:00:01].

N. Asanchev: Good afternoon and welcome everybody. Thanks for coming today. I'm Nadia Asanchev, the executive director of the Georgetown Center on National Security and the Law. It's my pleasure to introduce today's panel, "Unpacking the Trump-Russia Investigations."

Two other notes. One is that on Monday, we have a career fair. If you're a student or any kind of potential employer of a Georgetown grad, you have any questions about that, it's Monday from 1 to 3:30 in Gewirz Hall, please flag me down. If you're interested in this kind of topic generally, in the spring semester, probably in February or March, we'll have another program. The working title is "The New Cold War: Unconventional Threats to US Security. Diving Deeper into the US-Russia Relationship."

Onto today's topic. The investigations into the 2016 presidential election and the Russian interference thereof continues to be at the front and center of the press and the politics. We are so happy to have a very distinguished panel.

It's my privilege to introduce Mrs. Tia Johnson. Tia served as the Assistant Secretary for Legislative Affairs in the US Department of Homeland Security from 2015 to 2017. She was instrumental in getting major legislation passed that enhanced the department's mission, authorized its components and codified new processes and organizations. Prior to her appointment, Ms. Johnson was the senior advisor to the director at US Immigration and Customs Enforcement. In this role, she developed strategies and plans to implement President Obama's 2014 executive actions on immigration. Ms. Johnson is a retired US Army Judge Advocate specializing in international and national security law. In 2002, she became the first ever African-American female to be selected to the rank of Colonel in the US Army's Judge Advocate General Corps. In her final assignment, she served as the senior military assistant to the Department of Defense as General Counsel. She has a J.D. from Temple University, LL.M.s from the Judge Advocate General's School and from University of Virginia School of Law. She is a fellow with the Georgetown Center on National Security Law and a distinguished lecturer from government this semester teaching a course on congressional investigations and her students are lucky to have her.

Thank you, Tia for leading this panel. I'll turn it over to you.

Tia Johnson: Thank you, Nadia. Thank you to the school and to the center for hosting this panel discussion today. It grew out of an idea, as Nadia mentioned, I'm teaching a course this semester on congressional oversight and investigations. When I first developed the course during the summer, I was going to use the Department of Justice fast and furious investigations as the case study.

That was just about the time the Russian investigation started to take off so I had to pull back the course proposal and revamp it. We've been looking at the Russia investigation all semester long. My students are very much on top of where we are, but what I've discovered in talking to people and this is how this panel came about is that most people don't understand the complexity of the investigations, what some of the underlying issues are, what the roles of Congress, what the pivotal role that the press has played in this. It was out of that idea that we decided to put this panel together. That's when my three panelists all represent.

Starting at my left, I have Adam Entous, who writes for the Washington Post. As I said to Adam outside, he and his colleagues have been doing incredible investigative journalism in this space. I want to Google how many bylines Adam has. I just stopped but almost every day, there's just searing, very important, very informative material to be found about this. I am honored that Adam took time out of his busy schedule to come join us and to discuss the role of the press in this process, in the course of this Russia investigation.

To his left is Mieke Eoyang. For our purposes, formerly a staffer on the Hill for over 10 years, but most specifically for me is that she was with the House Permanent Select Committee on Intelligence, which is one of the committees that is investigating this matter. We're going to look to her to provide the congressional perspective with regards to the investigations, the fact that we have multiple investigations ongoing. The fact that you have investigation that are congressional investigations as well as the special counsel's investigation and what the difference and the significance of that difference is.

Then, finally, last but not least, Carol Elder Bruce is here. Again, it's her past, not her current practice, which is civilian white-collar crime but her prior experience as a prosecutor that she's here on this panel. She's unique in that Carol has both been a staffer. She was a counsel to the United States Senate Select Committee on Ethics but more importantly for the purpose of our discussion today, she's been both an independent counsel, and she's going to talk about that a little bit, and a special counsel and what the significance of those roles are and how they differ from what Mr. Mueller is.

With that, I want to step back, I want to moderate. My intention as I've told all the panelists is that I want this to be conversational. I will ask them some questions. They'll answer it. I want the other panelists to jump in. Then, at about the 35 minute mark, we're going to cut off and we're going to open it to the floor. I hope you guys will be thinking about questions while we do this.

But I'm going to start off with Adam. Adam, as we discussed outside, I was at DHS, Department of Homeland Security, on that fateful day on October 7th, 2016, when the Secretary of Homeland Security, Jeh Johnson and the Director of National Intelligence, Mr. Clapper, issued their joint press release with that explosive admission that the Russians have been interfering in our electoral process and that we knew, although at that time, we didn't list the states but

that we knew that they had hacked into the externally-facing databases of several states, and that they were doing some other nefarious things.

That story lasted for about five minutes and was because it was totally overshadowed by the Hollywood Access film of now President Trump talking to Billy Bush in the back of a trailer about what he's done to women. The significance of that revelation was completely lost on many people but it clearly was not lost on the press. Pick up from that point, Adam and tell us the story. How did we get to where we are and what's going on currently?

Adam Entous: I would slightly take issue. I would say that the press did not appreciate the statement. Certainly, At the time, I was at the Wall Street Journal and when that statement came out, I think there was a fair amount of shrugging where ... I'm not sure. Maybe it's not working.

Tia Johnson: Oh, okay.

Adam Entous: Yeah. I was working at the Wall Street Journal at the time. When that statement came out, when ODNI DHS put out that statement, I think we were rather confused. I think we didn't really understand the gravity of it. Like you said, it was quickly overtaken by the more explosive and arresting audio of Trump talking about his ... Access Hollywood, about the way he was treating women.

Certainly, I feel like the Wall Street Journal, where I worked did not follow up as we should have at the time, at that revolution. Partly, I blame the intelligence community and the Obama administration for coming out with something that was so bland. They could have gone with something much more high profile if they really wanted to attract our attention but they went with something a lot less attention grabbing. There was very little follow-up from them at that point. What we now understand was that they were afraid that if they went with something too aggressive, it might push Putin to take a more aggressive stance in the run-up to the election by actually trying to intervene on the election day. That was part of their cost benefit analysis that they had to make in deciding to go with something that was a very brief statement that did not attract as much attention as it obviously should have.

Meanwhile, me and my colleagues were running around, writing stories about the emails, which were titillating also but at least we weren't giving it enough attention I think, the extent to which the Russians were acting to try to influence our politics at that point, even though ...

Tia Johnson: What caused it to change? What caused it to change?

Adam Entous: I think some of this is the structure with which news organizations cover these issues. You have your political reporters who are not the investigative reporters generally who are embedded with the campaigns and you have investigative reporters. In my case, I was writing a story about a six-month project working

about a woman named Robin Raphel, who was a diplomat was falsely accused by the FBI of being a spy. I approached the intelligence community's assessments with a measure of skepticism. I felt like they got that case horribly wrong and ruined this person's life.

This was not my beat when I first started. I was transitioning from the Wall Street Journal to the Washington Post, finishing up this story about Robin Raphel, who was wrongly accused of being a spy. Then, my sources start whispering to me that there were all these mysterious communications between Michael Flynn, who was then the National Security Advisor designate for Trump and the Russian ambassador, Kislyak.

Initially, I didn't know what to make of it. There were divisions within the newsroom. At that point, I'm at the Washington Post. There are divisions about this Why is it news that Michael Flynn is talking to the Russian ambassador? He should be talking to the Russian ambassador. He should be talking to him about saving the children of Aleppo, for example. There's no reason why he shouldn't be having that conversation. I was arguing internally that we need something more than just the fact that there was a conversation but I'm one of many reporters.

What happened was a columnist, David Ignatius wrote a story around the 12th of January, which revealed that Kislyak had been having these conversations with Flynn but it wasn't clear to Ignatius what the conversations were about. This is something a columnist can do, unlike me as a news reporter, he was able to just throw this piece of red meat out there and just say, "There was this conversation. What was it about?" I'm defending our decision not to run with this story earlier about just this flurry of questionable communications because I didn't think it was enough.

But what happened next is the story of the whole Russia story in a nutshell. The administration had not revealed this communication, these phone calls that happened between Christmas and New Year's between Flynn and Kislyak. Then, they started to offer explanations for what the conversation was about. According to officials, it was about holding a meeting in Astana between groups that were involved in the Syrian conflict. At other times, it was extending condolences. It was extending well wishes. This is what was delivered at the podium. People would ask, "Was it about the sanctions that the Obama administration had just imposed to punish Russia, the Obama administration did for its involvement in the election?" These were really slap on the wrist sanctions that were imposed, again, just at the tail end of the year of 2016.

The question was asked, what was discussed? Flynn, through various proxies, Sean Spicer some days, the chief of staff another day. Then, most importantly, Pence, the vice president-designate appears on one of the Sunday shows. He says that he spoke to Flynn directly and can assure you, they did not discuss the issue of sanctions.

That's when we knew we had our story because it really wasn't about him having a conversation in this arcane law known as the Logan Act, which has never been enforced, which prohibits a US person from trying to intervene in a way to counter the policy of an existing administration. It really is, again, like this is fundamental I think for journalists. It's where we do our best job. It's really fact checking. They said it was this. Okay. Let's find out. Is that true?

Tia Johnson:

Oh, I'm sorry. I would say that's a great pivot because near simultaneous with all of this happening, the intelligence community releases their assessment of the Russian interference in the election. It was a result of that assessment being released in January that then Congress got involved.

I'm going to pivot to Mieke because the Senate Select Committee on Intelligence at that point in January, 2017, following the intelligence community assessment launched its investigation of the Russian interference with the view of they're looking at it from a counterintelligence perspective. As soon thereafter then, the House Permanent Select Committee launches its investigation. For starters now, we have two committee investigating.

Question: Why not a joint investigation?

Mieke Eoyang:

Actually, I'm going to step back a little bit from that. I'll come back to that. It wasn't like this is something that surprised everyone after the election, all of a sudden we discovered that there was this series of conversations. All through the election, the way that Donald Trump had talked about Russia, had talked about Vladimir Putin, what his relationship was with them, there were signs of a favorable relationship between the Trump campaign and the Russians all throughout. There was the softening of the platform about Ukraine at the Republican convention. A couple weeks before the intelligence community came forward with that October 7th announcement, you remember that Congressman Schiff and Senator Feinstein issued joint statements saying that they were deeply concerned there had been Russian interference in the investigation and they were trying to push the intelligence community to confirm that and to release that.

Congress in this, the oversight body, the two intelligence committees are those committees that have access to highly classified information. They are the ones who sit in as the people's representatives to do oversight on things that are just too sensitive for the rest of us to know about. At that time, the two leading Democrats on those two committee said, "We've been receiving classified briefings and we are quite concerned about what is happening here. We think that we are quite concerned that Russia is trying to interfere in our election."

I think there was a lot of concern in the Obama administration, as Adam's noted, and others that this is very sensitive. You don't want to be seen as trying to make national security allegations that are not true in a way that is interfering in the election process going on but at the same time, if you do have a legitimate concern that a hostile foreign nation is trying to interfere in your

election process, you also don't want to not say anything. There were concerns on the committee even before the election that some of this information, that they were seeing signs of Russian interference beforehand.

After the election and as a result of the press stories that Adam and others worked so hard to get out there, the Republican Congress was in a position where they could not ignore it any longer and had to start some investigations. Both on the House and the Senate side, they had to go forward. At first, we had the House Permanent Select Committee on Intelligence, you may remember Chairman Devin Nunes saying that he was going to do something and racing off in the middle of the night to the White House and then coming back and holding a bunch of press conferences saying, "Aha! I have information that the Obama administration is improperly unmasked people," and leading to a breakdown on the House side between the democrats and the Republican about what the investigation was going to be.

Meanwhile, on the Senate side, Chairman Burn, ranking member Mark Warner took a very different approach, were determined to lock arms and do a true bipartisan investigation where they agreed on every step going forward, said that they were going to do that, said very little publicly until recently and took a view of the interference in the investigation that it was about trying to understand the counter-intelligence aspects to understand what the Russian did so they could stop them from doing it again. A much more limited scope.

At the same time, Devin Nunes was forced to recuse himself from the Russia investigation through he wasn't forced to step down from the committee itself. There's some constitutional concerns that I have about that, which I'm happy to get into. The investigation was then turned over to three Republicans who were lower down but it's primarily run day-to-day by Congressman Conway from Texas as a Republican and Congressman Schiff, who's the ranking Democrat, but yet we see Devin Nunes still continuing to be engaged in the Russia investigation in a way that is unclear what his ultimate goal is and in a way that is clearly not coordinated or consistent with the other two members of his committee but the congressional investigation has a very different set of goals and outcomes that I think the other big investigation that people are interested in hearing about.

I think, at that point, you want to ask Carol.

Tia Johnson: I will but when I shift to Carol and get to the [crosstalk 00:20:46].

Mieke Eoyang: Oh! Oh, I didn't answer your question.

Tia Johnson: Yeah but ... What was it?

Mieke Eoyang: The joint ...

Tia Johnson: Oh, yeah.

Mieke Eoyang: The reason why ...

Tia Johnson: Yeah. Will you explain why [crosstalk 00:20:53]? Explain that.

Mieke Eoyang: The Congress has only done joint investigations in a very rare number of circumstances. The joint inquiry into 9/11, where they set up a special commission to look into that. That was very clear that it was an attack on the United States and there was no partisan divide here. But in Congress right now, you basically have four investigations running into what happened in the election. You have the Senate Intelligence Committee looking at counter-intelligence in a bipartisan fashion.

You have two investigations running on the House Intelligence Committee, one that's a bipartisan investigation and one that is not and it's a one man band. The third investigation that you have running is the Senate Judiciary Committee inquiry into whether or not the firing of James Comey for his investigation into what happened with Russia is, in fact, obstruction of justice, which arises from this matter but is not exactly the same thing.

Because they all have such different goals, there's no way that they can come together on a joint investigation.

Tia Johnson: Okay. All right. No, because that was what I was going to get to, the obstruction of justice and Senate judiciary, which is going to cause me to pivot to Carol because it was the firing of James Comey that energized the Senate Judiciary Committee that took the position that they have oversight of Department of Justice. They have oversight of the FBI. Why are the intelligence committee taking a leap?

With that, I'm going to pivot to Carol Elder Bruce, who, as I said, was previously both an independent counsel and a special counsel. Talk to us about that. Explain to us the genesis of those two roles, this statutory differences and how that difference from Special Counsel Mueller?

Carol Bruce: Okay. First let me just correct the record a little bit. I was never a staffer on the Senate Ethics Committee. I was a special counsel to the Senate Select Committee on Ethics to investigate a sitting senator. They brought in an outside special counsel to investigate the senator. That's my most recent appointment.

Before that, through, and I think most importantly for your question, I was a federal prosecutor. I was an assistant United States attorney here in Washington DC for 10 years. Is this working? [crosstalk 00:23:11].

Adam Entous: Yeah. [crosstalk 00:23:12].

Carol Bruce: Okay. For 10 years, many moons ago. Actually, right after Watergate, I was a law student here in Washington. Hi, Georgetown [inaudible 00:23:21] T.W. in 1973

when Watergate was becoming the news of the day and Washington Post was doing a fabulous job of reporting on source information.

I say, "Fabulous job," with a tip of the hat to the press but from a prosecutor's perspective, I always had a closed-mouth approach to the press. The investigations are going on back then in Watergate were under the general delegation authority of the Justice Department, an authority that we have since returned to after the independent counsel statute.

I'll just briefly go through the history of it. In Watergate, you had the appointment of a special prosecutor, Archibald Cox, under the general delegation authority of the Department of Justice. For those taking notes, that's 28 US Code, the Judiciary and Judicial Procedure. Then, you go to part two, the Department of Justice, and Chapter 31, the Attorney General and Section 509, functions of the Attorney General. It's very simple. It's rule of law, very well spelled out that the attorney general can, and through other delegation authority provisions that I won't site now, appoint a special counsel to handle whatever he or she wants them to handle and can give them full authority to act in an independent fashion.

An interesting thing about that is exactly what happened ultimately when Archibald Cox was fired through the Saturday Night Massacre in October of 1973 by the president. Not the president. The president asked the Attorney General Elliot Richardson to fire him and Elliot Richardson said, "No," and resigned. Then, the Deputy Attorney General Ruckelshaus. He was told to fire him. He said, "No," and he resigned. The solicitor general who was then the acting attorney general Robert Bork willingly fired Archibald Cox. It took almost a month to get a new special counsel, a new special prosecutor is what they were called back then under that same delegation authority in the Justice Department that I was just referencing, appointed to be an independent special prosecutor and to take over the work that Archibald Cox had begun.

Years later, not many years later, just a few years later, the independent counsel statute was born. The reason the independent counsel statute came down was that the ADA and other organizations as well as members of Congress and the press and the public were thinking, "Whew! That was close." What happened, Watergate, we had a constitutional crisis, a special prosecutor was fired. It wasn't clear that Nixon was going to turn around on that. It took a while and finally he did. Thank god for Elliot Richardson and men of character. We then got another very good special prosecutor, Leon Jaworski.

Actually have a picture of me introducing him at our graduation as the speaker. I'm dating myself. Okay. Move on.

Then, after that and after the new independent counsel statute was developed, the independent counsel statute really did try to track, in many respects, what Richardson had done when he came into office and he promised to appoint in the first place in the special prosecutor. For those who know history, you know

that he was then the Secretary of Defense when Richard Nixon asked him to take down the role of Attorney General. When we went to become Attorney General, you then had the involvement of Congress. To me this is a perfect dance that was performed back in the day where Congress actually asserted itself quite nicely in saying, "Okay. We want a roll on this. We could read about these burglaries. We've been reading the Washington Post. We've been following what's happening. Something's rotten in Denmark. We really do need to get assurances that whoever you appoint is going to really be able to do the job." This is before the appointment of Archibald Cox.

They actually had confirmation hearings of Richardson in which Richardson had to promise the Senate committees that he would, in fact, appoint a special prosecutor. Then, they quibbled and argued over the terms of that appointment and that in the hearings and go back and look at the hearings. I've read the hearings. It's fascinating how deeply involved the senators got in trying to get the right guidelines for what would trigger an appointment, what would be the scope of that a special prosecutor would have, what kind of circumstances would lead to the special prosecutor's determination. All of this was all done ad hoc when Archibald Cox was appointed under that general delegation authority. That was Watergate.

You go forward to the independent counsel statute that the ABA and others argued for, many other provisions of the intelligence counsel statute came right out of those Watergate hearings. It's, again, fascinating history. The whole idea of having judges appoint an independent counsel came out of the Watergate experience where everybody was so traumatized by the fact that the attorney general had to resign so that he would not compromise himself. Then, his deputy resigns so that he would not compromise himself, and how close we came, as I said, to a constitutional crisis because, while Bork willingly fired Cox, there was a vacuum. The FBI went and sealed all of the offices out of the special prosecutor, all the files. No electronic files back in the day but all the hard copy files. Nobody was doing anything. The investigation's fault.

On the independent counsel statute, much was given to the fact that the attorney general could fire an independent counsel only for good cause. There were other provisions that were put in safeguards to trying to establish a system where an independent counsel be appointed by an apolitical body, meaning a three judge panel of the United States Court of Appeals.

I was, years later, appointed by that panel to be the independent counsel in the investigation of Bruce Babbitt, whose somebody you may remember, the Secretary of the Interior. Before that, I was appointed a deputy independent counsel in the investigation of Attorney General Meese. Both were sitting cabinet officers at the time of my appointments. That was, again, after I'd already served 10 years as a federal prosecutor, mostly on the federal side of the US attorney's office.

Tia Johnson: Okay. Thank you. That law allow that law to expire. Now, everything old is new again. We're back to the attorney general's general delegation authority, which is how Robert Mueller was appointed although was the deputy attorney general that had to do it. Congress' concern again is that he can be fired, that he is not totally independent.

Carol Bruce: It's worse because under the general delegation authority, there isn't really much discussion about the terms of when somebody can be removed but what we have here is a hybrid because there's a much longer story than the short of it is, is that that general delegation authority that existed way back when, back in Watergate, still exists but now there's a competing set of regulations, I call them competing set of regulation. That's under ...

Tia Johnson: Twenty-eight CFR?

Carol Bruce: Six hundred, yeah. Those regulations were designed by Janet Reno's Department of Justice after she had appointed a number of independent counsel including the independent counsel of Ken Starr and the Whitewater investigation and a number of other independent counsels. When that independent counsel statute expired in 1999, she and her staff came up with regulations that they've approved. Those regulations are just generally refer to as Section 600 regulations.

Now, I have a real problem with those regulations because they do have, when you get to the provisions of ... And they apply here with Mueller. They don't have to but Rod Rosenstein specifically said in his appointment of Mueller that they do apply. By saying that they do apply, these are the regulations, this is what could happen. "The special counsel may need discipline and remove from office only by the personal action of the attorney general. The attorney general may remove the special prosecutor for misconduct, dereliction of duty, incapacity, conflict of interest, or for other good cause including violation of departmental policies."

Tia Johnson: Yeah. And Congress is very concerned about that. Senate Judiciary had held a hearing a couple of months ago looking at that. Several bills have been proposed to protect the special counsel and because they are concerned about having another Saturday Night Massacre.

Carol Bruce: Right.

Tia Johnson: That potentially since the attorney general is accused, the deputy attorney general has oversight of the special counsel and there's concern that he could be fired and the president could just work his way down to find someone, the solicitor general's someone doing it in him who then would fire special counsel Mueller. Yeah, there's legitimate concern on the part of Congress. As I said, they've introduced several bills to try to protect the special counsel. We'll see where those go.

Carol Bruce: May I just, want one footnote, though?

Tia Johnson: Okay. Go.

Carol Bruce: The footnote is that didn't have to be the way it is now. Rod Rosenstein, who I have a lot of respect for. I've known him for many years, he could have followed Comey's example. When James Comey was deputy attorney general, back in 2003 and he was acting as the acting attorney general, he appointed Patrick Fitzgerald, who at that time was the US Attorney for the Northern District of Illinois, as a special counsel to investigate the unmasking of the CIA employee. He very specifically said in that appointment that he was doing it out of the authority of the general delegation authority of the attorney general, not another Reno. Very explicitly said, he was doing not under the Reno rules.

Tia Johnson: Regulations, mm-hmm (affirmative).

Carol Bruce: Although he didn't say that explicit thing in his appointment letter itself, a year later when there was some question raised, he made it quite clear that the special counsel is not limited by that.

In other words, not only was there firing authority there's very broad under the Reno rules but also there's reporting obligations under the Reno rules to the assistant attorney general in charge of criminal division and to others within the Department of Justice. That didn't happen with me. I had no reporting obligations to the Department of Justice as an independent counsel. We did confer often with Justice Department lawyers at different levels to make sure that we were following Justice Department policy and you want an intelligence counsel to do that. You want them to have the freedom to do that if they want to do that but we didn't have to. Yet, here under the Reno regs, you have to confer and you have to give permission, especially from the attorney general if something's controversial that you're doing.

Tia Johnson: Thank you. Now, before we open them up to the floor, one last question. What crimes are we talking about? We have Congress investigating, we have at least, as you said, three official investigations going on. I'm not quite sure how to characterize Chairman Nunes. We have ranking member Cummings from House Oversight on Government Reform who has been doing yeoman's duty on another front.

I was former military so you know the whole flank thing is in my mind. He's flanking. He's doing incredible job flanking on issues like security clearances and financial disclosure forms and all of those things that you think are administrative but he's getting a lot of traction on that.

But from both my congressional perspective and for you I'm thinking about Facebook. I'll come back to you on Facebook because that's been a huge development as in this investigation but let's just start off. What are the crimes

we're talking about here? Everyone talks about collusion. Is that a federal crime?

Carol Bruce: No. Conspiracy is, though. If you're a fellow prosecutor and Bob Mueller has been both a federal prosecutor and an independent counsel now, the first thing you do is look at the crimes that you should be investigating, the allegations. You know what the allegations are, then you think, "Okay. Well, is that a crime?"

He hasn't publicly identified the crimes that he's investigating but he's clear, from the excellent reporting again of the news media, that there are financial crimes that are being investigated, there's the Foreign Agents Registration Act. There is the Logan Act, that that is such an obscure statute. No one has been prosecuted. I think a couple of people have been indicted under it but no one has been prosecuted. That wouldn't stop me as a federal prosecutor, as an independent counsel, advise help that the terms of the statute were appropriate. Here very well may be appropriate, if some of the people who were apparently under investigation but we really don't know what you're guessing at what the crimes are. I'm guessing based upon, again, the excellent reporting and what public statements have been made, that we are probably looking at some very, very major financial ones.

Tia Johnson: Yes, and what's been telegraphed and, again, as resulting in your great reporting, the fact that special counsel Mueller has partly with the New York State Attorney General, who was already investigating Paul Manafort for some of his financial dealings, primarily with the Ukraine government, the special counsel has taken over the grand jury investigation involving Mike Flynn. Again, financial dealings. Then, of course, the special counsel already was investigating the obstruction of justice pitted the next front in this investigation. Again, the stories breaking in the news, Facebook, social media, what the Russians did in those platforms. Again, my storytelling. Can you explain to us what happened and what did the Russians do in social media?

Adam Entous: Yeah. I think for the first part of 2017, the focus was on exposing lies. Then, the second phase was the beginning of the obstruction of justice effort. Then, we had a series of stories that I think raised more questions than answers, which were about squirrely meetings, as I would call them. Meetings that take place where you don't really have a full picture of what the intent was of the participants but there are a lot of questions about those meetings.

Tia Johnson: You were talking about adoptions.

Adam Entous: Yes, exactly but in reality, we just don't have a full picture of the nature of those meetings.

Facebook, it's for a journalist who's looking for things that are pretty clear cut, this was a remarkable story that came about about maybe it was six weeks ago

where Facebook had been not coming to terms with the way it's platform had been used by the Russians.

Keep in mind, the Soviet Union was using other means to deliver similarly divisive messages during earlier elections, fueling the culture wars during the Soviet period, using flyers and organizing meetings, having people on the ground taking out advertisements in newspapers. The objective wasn't different, wasn't new in this case.

What was new was the technology. The technology has evolved so rapidly on social media, where it's like in the old days where you would drop a dumb bomb on a target. Now, you can target people, whether it's a terrorist or just a customer who's on social media, you can target them with the equivalent of a Hellfire, really zero in on them. If you ever fooled around with Facebook's advertising platforms, for just a few dollars, you can really target communities that you want to get messages to. It's very cost effective. Then, you get access to Facebook's analytics to see whether or not your messages are being passed to the people that you intended on reaching.

Basically, what happened is that the Russians took advantage of the Amazon model. The thing that when you look on Amazon and you see a pair of shoes but you don't buy it and then when you check your Facebook feed, suddenly, that same pair of shoes will pop up on your feed. That's exactly what the Russian were doing. They were taking advantage of something that's commercially available here. It's such a brilliant system that they employed.

Attribution is one of the most difficult things for the intelligence community to reach a high confidence assessment in. Imagine if you're Facebook and you've got these guys who are creating accounts. They're using a Tor browser in order to disguise their locations. They are opening accounts and then they're pushing out very legitimate messages no different from messages anybody in this room might push out. It's political speech but the people who are opening accounts are illegitimate.

But how do you know who's illegitimate and who's not? What we found is that Facebook basically singled into a single troll farm that had been publicly identified out of St. Petersburg. From that, they were able to basically pick off what I would consider to be the low-hanging fruit. These were the trolls, the Russian operatives, who made no effort to disguise who they were. They did not use software to try to cloak where their location was. In some cases, they put the exact location in their application for the accounts.

Tia Johnson: They paid for it with Rubles.

Adam Entous: In some cases, they paid for it in Rubles. I don't think we have a full understanding of the various ways that this was paid for but obviously there are many ways that it can be done that would be harder to detect. In this case, it

was not hard for Facebook to detect. This is really the tip of the iceberg that has come out in terms of the extent to which this Russian operation was relying on Facebook, Twitter, Google, and other social media platforms in order to deliver their messages and obviously for a company like Facebook that monetizes this in a huge way to make their company the ... I would hate to get their numbers wrong but obviously a hugely profitable company and this challenges the whole basis under which we assume that what we're seeing has any basis in fact or is not just being manipulated by outside forces.

This is also an incredibly difficult problem for not only Facebook but frankly the intelligence community to address. I'll just give an example. When Islamic state was advertising, when it would want to post propaganda videos, they would put it online. You'd have the ISIS logo in their videos. Facebook was able to write an algorithm that would identify those flags. The algorithm then would identify content that was questionable. Then, a pair of human eyes would look at those and decide whether that's an actual ISIS propaganda video. ISIS is making no attempt to disguise attribution. In fact, they want to get credit for their advertisement because they want people to support them and not Al-Qaeda. It's a branding exercise on their part.

What happened in the Russian cases is how do you write an algorithm that is going to pick out illegitimate actors who are pushing legitimate free speech issues or candidates that they support or memes or images of candidates that they support? It's a huge problem. Like I said, I think we're just scratching the surface. If you ask me, this will be the big story for next year and this actually may be ... Who knows what's going to happen with Mueller's investigation but if something is done about this problem, then something good came out of all of this regardless of what the results of this investigation are.

Tia Johnson: That's the perfect pivot to, on your right, to Mieke. Facebook, social media. Releasing the app. Issues as Congress is trying to grapple with data.

Mieke Eoyang: Let me just pick up on what Adam was saying and two big things. First, I want to talk a little bit about how we're defining this problem on social media but then, I also want to talk about and I'll get back to Tia's question about what the privacy issues about Facebook and releasing the apps but I want to talk a little bit also about what Russia goals are in all of this because I think it's really important to understand what that is in order to understand what's happening here and what the shape of the elephant that the blind men are stumbling around and trying to uncover.

But first to come to this. One of the ways in which we define this problem and this is a conversation that I've actually had with Facebook. They've defined the problem in three big buckets. We've seen three big buckets of Russian interference in social media in the election. One is actual hacking of the platform, breaking in, stealing people's private emails, things that they think are going to be embarrassing and releasing them to the public. That's where we saw the John Podesta hack, which was very early on in the process, released on

WikiLeaks done by, as the intelligence community's assessed, Russian intelligence agents unit called Cozy Bear and Fancy Bear.

Social media platforms now have to protect the people who are using them and there's particular group who are more vulnerable than others in campaigns from having their internal communications hacked in an embarrassing way so all the little snarky things they say to each other coming out there in the public. That's category one, hacking the platform.

Category two is what Adam is talking about in these fake news mills. It's the creation of content or people putting content on the platforms that are favorable to Russian or potentially fake news. There was this story about how a Clinton campaign official had met with Loretta Lynch, the attorney general, that turned out to be fake. Those two people had never known each other but that story was widely disseminated on social media.

Then, the third category that they're trying to deal with on social media is the amplification of narratives that they want to spread that happen to fit a particular way that they want America to understand itself. This comes to Russia goals. They are trying to increase division. They're trying to diminish people's trust in their government. They're trying to diminish people's trust in each other.

For example, RT, Russian television here in the US, Russian networks, they had some of the most aggressive coverage during the election cycle of the Black Lives Matter movement. That's real news but they covered it more than everyone else because it is a focus on a story that highlights division.

That's not to say that America doesn't have problems and things that we need to address but they are interested in their editorial selection in focusing on things that highlight the differences among us, not the things that bring us together. This goes to what are Russia's goals in this. It's not just about America. They are actually on a combined campaign against democracies in the West and the idea that people can choose their own government and hold them accountable and those governments will act in the best interest of their people. They are trying to undermine people's faith in the governments that they have. They increase stories about corruption in other countries.

You may not have seen, there was a coup in Montenegro. On Russian media, the talk about this as a corrupt Montenegrin president rather than what the Montenegrins and our intelligence agencies understand this as, a Russian-backed coup to overthrow a legitimately-elected leader.

They also provide financial and other support to separatist movements around the world. Russia has hosted in Russia conferences of various separatist movements. Scottish independence, California independence, Texas independence, Basque, all of these movements will come to Russia and they will

get together. Some of this movements and the coverage of what's happening with the Catalan independence, you may wind up eventually seeing that there is, in fact, Russian linkage there. You see them also supporting far right parties. The Russian government has invited those parties in Europe that are interested in pulling away from Europe, the UK Independence Party, the Northern League in Italy, the Nationalist Front in France and Lavrov has welcomed them even though they are opposition parties to the current government.

There is this comprehensive Russian effort to try and tear apart Western democracies from within and try and weaken NATO, which is the primary force against it. All of these things, as we think about the little details about how they're manipulating social media about the Trump campaign's favorable, the way they talk about Putin, you have to remember, it's all up against this Russian view of how they want the world to be. When people ask this question, why is it a problem that Kislyak is having these conversations with Flynn, we should be. The US government does have to talk about Russia about a whole variety of foreign policy issues. The intelligence community has always tried to keep Russia at arm's length because of Russia orientation and what their goals are about the West.

I think it's really important to remember that, that it is not like having conversations with the Norwegians or having conversations with the British. There are countries with whom we share values and we share alliances. Russia is not one of those countries. When we think about conspiracy and collusion, there's a very different orientation because of what Russia's goals are, which puts us in the category of looking at crimes like espionage and treason, whether or not the elements for those will be made. It's very narrow and very difficult. That's a problem.

But to come back to Tia's narrow question on Facebook and why the controversy over their sharing the advertisements. The Russian created these advertisements with these troll farms. Then, after the election's over, shut down the troll farms, deleted the accounts. The information now only exists in Facebook's files. There is some question about legally whether or not Facebook is able to share that information with Congress in the absence of a subpoena or whether or not there is some statutory reason under the Electronic Communications Privacy Act for why Facebook would not be able to share that information with Congress. Personally, I think that is probably bad politics, small P for the social media companies to lean on this very legalistic interpretation of the legal status of advertisements in this particular statute to say that they will not help Congress in their investigation by fully turning over whatever information Congress asks for but there are privacy advocates who are arguing that Facebook and others social media companies should not be turning this information over, absence a judge-issued warrant.

In congressional investigations, Congress doesn't get warrants for information. That's a prosecutor's thing. Congress issues subpoena's for the information if necessary but in most congressional investigations, information's turned over

voluntarily. We will see an upcoming very technical legal battle about this coming up but it seems to me that the social media companies are best served by trying to figure out how to cooperate with Congress in its demands for information rather than fighting them, giving all the other things that Congress regulates about these social media companies.

Tia Johnson: Thank you. Then, with this, open up to the floor.

Adam Entous: I just want to say one quick thing, which is we can point the finger certainly at Facebook but really, what is the US government done to try to address this? I have seen almost nothing, in fact. They can't even decide who's responsible for working with these companies to try to address this issue, which is a huge problem.

Tia Johnson: Good point. Questions? Yes.

Jules Zacher: Any ...

Tia Johnson: Could you state your name? I'm sorry.

Jules Zacher: Sure.

Tia Johnson: Could everyone state their name? Thanks.

Jules Zacher: My name is Jules Zacher. I'm an attorney in Philadelphia. This is addressed to the entire panel. Do you think that the Russians did not directly interfere with the election of 2016? If so, why do you think that? Talking about actually effecting the election.

Tia Johnson: They did not or you think they did?

Jules Zacher: They did.

Tia Johnson: Yeah. Let's define that. When you say, "Did not interfere," you add the external-facing databases that might be the voter registration things. Then, you have the systems that actually count votes.

Mieke Eoyang: I would say, largely speaking, the Russian preference after the warning from the head of the CIA was not to hack the machines themselves. They said, "Don't hack the machines." People have said that the vote count is accurate. That said, the Russian did try to hack our brains.

I think that there is one particular place where it is unclear whether or not Russia actually directly interfered in our election. I had voter protection in North Carolina on election day and the number of people who reported to the polling place that they had always reported to and were told that they were not actually listed at that polling place and had shown up at the polling place where

I was in frustration, saying they had tried two or three other polling places to try and vote. Given how close North Carolina was, I don't have confidence that the polling place locations and the voter rolls at those polling places were, in fact, correct. I don't know that anyone's looked at that yet but that's not to say that the number of people who voted at that particular polling place isn't an accurate count. I think that that's probably true but you can drive someone away from voting out of frustration by telling them that they don't actually have a legitimate location to vote.

Tia Johnson: That was a great question.

Any other questions? Yes, mm-hmm (affirmative).

Kenneth Jost: Kenneth Jost, Supreme Court Yearbook and my blog is Jost on Justice. Was Facebook blind to latent violation of federal law prohibiting foreign entities from interfering in federal elections? Is that a correct statement of law? Was Facebook blind to such a violation or is there a legal gap that needs to be plugged?

Mieke Eoyang: I would just say on that, I think there is a legal gap that needs to be plugged. Like federal election law prohibits foreign entities from contributing directly to campaigns. The Trump campaign has a little bit of trouble at one point because they solicited donations to a list that included foreign nationals but the regulation of political speech on social media platforms as distinct from television and radio, which are governed by the FCC, is unclear at this point. It's unclear what the social media obligations were to reporting. This is something that Senator Warner has said that he wants to fix but it's also unclear what the regulatory basis would be for saying that Congress has the authority to regulate speech on this basis. It can clearly regulate political advertising but how do you distinguish what is candidate-centered advertising from issued-centered advertising from other things that might be advertising but might be pushing a divisive narrative that don't have anything to do with the election itself?

Kenneth Jost: At the same terms, the same distinction between magic words or no magic words?

Mieke Eoyang: There's not an even a statue about social media in this ...

Kenneth Jost: Right.

Tia Johnson: That's the gap part that, when it goes to and Mieke pointed to that distinction. When it comes to foreign dollars or monies in advertising in elections, television, radio, they have to announce who paid for the ad so you know this has been an endorsed by, but those same rules don't apply to social media because digital wasn't in vision the time the law was enacted.

Yes, Senator Warner on the Senate Select Committee has specifically said he's looking at that. He wants to fill the gap. They want to try to fill that gap.

I know that's a great question. He's very concerned, obviously, because you have elections in Virginia coming out there in less than a month.

Other questions? Yes.

Gerald: Mm-hmm (affirmative). Gerald [Onick, Rating Group 00:59:22]. The Russians have independent reasons for how they want to do like [inaudible 00:59:27]. They obviously have lots of experts about American politics. Is there any reason to believe that they needed and perhaps obtained assistance from Americans, perhaps the Trump campaign or others in helping them direct their Facebook ads, et cetera or did they probably have adequate knowledge that these are key states, these are key constituencies, et cetera?

Adam Entous: Obviously, it's something that the investigators are interested in. What's interesting, one of the issues with Facebook is that you can decide to target your ads based on the names, email addresses, phone numbers, a list. You can submit a list.

When we were trying to figure out where did Facebook get that list, we thought that that might be that area where this could come into play. It turned out that what they did was they set up web pages and that when you visited those web pages, it would put a little program that would identify you that would allow them to then follow you across the internet.

Gerald: Their own list.

Adam Entous: Exactly. I don't know if we're ever going to find any evidence to suggest that they got domestic help. Certainly, Hillary Clinton, some people who were involved in her campaign have made that allegation, arguing that the Russians didn't have the sophistication to do this direct targeting.

I don't know. I'm not an expert on campaigns. I think it's pretty clear from census data, if you wanted to get certain communities riled up and if this was mostly a voter suppression effort, you don't have to necessarily be that sophisticated in terms of targeting. I honestly just don't know the answer to that but obviously that's a key question.

Gerald: Thank you.

Tia Johnson: Yes, in the white-ish, tan-ish jacket.

Female: I have two questions. One is to Carol. I was just wondering what the current mood in the Department of Justice, how insulated is Bob Mueller and his team from pressures that other people in [inaudible 01:01:51] like that with ...

Carol Bruce: How insulated is he?

Female: In other words, how protected is he from pressure technically?

Then, the second question I have is to add on, there's quite a bit of evidence that Russia spends a lot of resources in messaging in the very, very far right, alt-right and that this is a long-term plan. It's a long-term agenda, lots of resources, very sophisticated messaging, which then bleeds into Breitbart news. Two things, how effective are they in the mainstream. Second, is any of this criminal? Can this be criminal?

Tia Johnson: You want to take the first one, Carol?

Carol Bruce: Yeah. I'll take the first one. I'm not even sure where Bob's offices are. I don't know. Do you know where they are?

Adam Entous: I don't know.

Carol Bruce: I hope, for his sake, that they are in the Department of Justice building, just so that he doesn't have to do what independent counsel had to do. We had to go out and work with GSA, to grant office space. Then, all of that overhead was attributed to us so to be far better if he would have existing government office space but my impression is, just from around town, because yes, I am a white-collar criminal defense attorney. I do not represent anyone in the Mueller investigations so I feel comfortable saying that it's just word on the street with my colleagues that he and it's also just my belief having known of him, not been personally acquainted with him over the years but having known of him, I was quoted by Politico when he was appointed as saying that he was selected right out of Central Casting. He has a fabulous record of integrity. Any pressure from anyone is not going to be felt in the toward way by him.

The only pressure he'll feel and he probably feels is the pressure of wanting to do a thorough yet expeditious job. That's always the pressure of a good fellow prosecutor feels in and independent counsel feels, is doing a thorough yet expeditious job. Today is five months to the day from his appointment. That's just a teeny, teeny bit of time. From everything we understand so far about some of the aggressive but appropriate moves he has taken to obtain search warrants for places as well as I'm sure he's obtained other financial records through grand jury subpoenas.

I remember the day that it was announced that he had taken over the grand jury, as if that was a momentous occasion. That is exactly what he should be doing is convening a grand jury, assuming responsibility for a pre-existing grand jury if it's relevant to his mandate as set forth by Rod Rosenstein and he has a relatively broad mandate as set out by Rod Rosenstein.

No. He's only feeling those twin pressures of wanting to really do a good job. He's hired some amazing Justice Department lawyers, making them Justice Department lawyers as well as others outside of the Justice Department, former DOJ lawyers, most of them, especially the appellate lawyers. I was really interested to see those hires right in the start, the high level appellate lawyers. Those other lawyers will help him, remember what I said before, frame the legal context of the investigation so that at all times, you keep yourself focused, you keep your eye on the law. Is this a violation of law, because if it's not, what are we doing here? Let's move onto the next subject. That's, I'm sure, is what he's done.

Tia Johnson: Thanks, Carol.

Who's going to do that? Adam's going to do it? Okay. [crosstalk 01:05:47].

Adam Entous: Yeah. On the second question, can it be deemed criminal? I'm probably the only non-lawyer up here. I have no idea if that's criminal. They worked on both the right and the left.

For example on Facebook, they would promote membership in Black Lives Matter, send out ads encouraging people to join. Then, at the same time, then target other communities that would be threatened by the growth of Black Lives Matter to say, "Oh, my god. It's growing." That's the way they did it on Facebook.

On Twitter, it's very interesting when you look at the way RT did it's messaging. You could buy ads on Twitter where you're following other groups of people that are following certain things. RT would follow people who are following at New York Times, at Washington Post, mainstream media. They wanted to inject their counter narrative or another version, in some cases, it's not fake. It's just a take, if you will, on an event. They wanted people who are following at Washington Post to see that message. They are not following at Breitbart people. They were not because they knew who their target audience was, the mainstream, to try to inject their version of events into conversations that otherwise they would not be a part of. Yeah.

Tia Johnson: No. I say, and again, going back to that Mieke did a great job of laying out the goals, if your ultimate goal is to sow discord, create chaos, plant the seeds of mistrust or distrust in your government, then yeah, you can play both sides of the field.

Adam Entous: Right. If that was their fundamental decades-long agenda, which is to divide the United States so that it's weaker both on the world stage so that Russia has the upper hand in these various conflicts. Think about where we are today. Yes, they did, according to the US intelligence assessment, they backed Trump but I think it's safe to say that their primary objective and their first objective was to increase discord, the culture wars in the United States. When you think about

when they're evaluating their priorities. Certainly, they did want and hoped for sanctions relief, would be one of the things that they might have gotten with Trump's victory but really, that was always a secondary objective to creating, sowing doubt about US leadership, sowing doubt about the exceptionalism of the American system. I think we can attest to that every day that that was an overwhelming success as an operation.

Tia Johnson: Yes. Mm-hmm (affirmative).

Danielle: Hi. My name is Danielle and I'm a student here at the Law Center. My question is for Ms. Bruce, specifically related to the special counsel investigation. It might be the case that there are no crimes, the evidence falls short of crimes or certainly may be related to some actors but not others fall short of crimes. I'm wondering statutorily in terms of the authority, is any of that information going to be able to become available either to Congress or additionally, given the partisan environment we're in, perhaps beyond Congress? Is there any way statutorily to have some of that information come out that might be very relevant, especially if it relates to the president, if it's not actually going to go for indictments.

Carol Bruce: Yes, there is probably, yes. It will be available. Here's why, because under the regulatory authority, the Reno regs as I refer to them, there's very explicit language about how it be into the investigation, the special counsel will make a report to the attorney general about the reasons for prosecution or the reasons for declination. That doesn't resemble, it's almost exactly like the independent counsel statute was. That was a provision in the statute, which some of us recall was somewhat controversial because, as white-collar criminal defense attorney, I'll speak for all the people whose names were mentioned in, let's just say, the Meese investigation.

We had to, under the statute, whenever we named a person in a report, not as a target or someone who was under investigation. They just had a role some way in the activities that are under investigation. That person had to be notified that they were named in the report. Then, they had an opportunity to review that section and to file their own report. You had all these multiple reports that were filed. Then, it was up to the court to decide the three judge panel, whether or not to release it. Yet, we had an obligation to file to Congress so that made it clear that it would be released.

Here, under the special counsel provisions of the Department of Justice regulations that Mueller is under, he has an obligation to make periodic reports. Again, I don't like that. You shouldn't have to be making periodic reports to the Justice Department but on budget matters, you should. You should be accountable on budget issues but not on substantive but at the end, he does have to make a report. It's going to be up to the attorney general and the statute had to go look as to whether or not that report is published and [crosstalk 01:11:35] always are, even if it's a declination.

Again, for a white-collar defense attorney's perspective, I'm not happy about declination reports being published because it's like, "Well, he's not guilty. We concluded that he is not somebody who will be prosecuted but these are all the bad things that we think the person did." Yet, on the other hand, as a citizen, I think there and something as highly visibility kind of case is this, that is important for people to hear in court. They will have the opportunity to hear from whoever's named in the report. Even though it's not explicit, I'm sure they'll have the opportunity.

Mieke Eoyang: Tia, if I could just jump in on that in term of ... Because you asked about whether or not Congress could get the information. Carol's laid out what the regulatory requirements are and the reporting requirements under the Department of Justice but the reach of Congress for deciding what is, in fact, a punishable behavior here is not actually limited by federal crimes. We're talking about potential impeachment and high crimes and misdemeanors. There may be activity that does not rise to the level of a crime for purposes of prosecution but does rise to the level of an impeachable offense. Congress has the ability to ask for all that information. In fact, there is federal case law on Congress issuing a subpoena to a federal agency and being able to get all of their files, not just what the agency wants to report out but all of the files on a subpoena without any particular statutory basis. In fact, the lack of a statutory authority for Congress to get the information is no bar to Congress actually requesting that information.

Carol Bruce: Except countless times that Justice Department and other agencies declined to produce information if there's a law enforcement reason.

Mieke Eoyang: If there's an active, ongoing law enforcement investigation but once he's made a determination to prosecute or to not prosecute, at that point, that Congress could ask for the files. Then, maybe the files related to other things that they might be interested in but also, those things Congress has deferred to the Department of Justice on and in fact, when Congress chooses to enforce a subpoena in the court, the courts have been quite deferential to Congress' oversight powers in being able to request information.

Tia Johnson: Thanks Mieke. Mieke read my mind because I was going to pick up from Carol's point and go in, say the impeachment word and ask those questions. I won't bother to ask the question about that anymore.

One last question because I'm getting signal from the back. One last question? Oh, I'm saying we going to close on impeachment? Okay. Do you have a short one?

Male: Yeah. Pretty ...

Tia Johnson: Okay. All right.

Male: All right. What would I say to somebody or how would you respond or how should I respond to somebody who says that this whole Russia investigation story and how the media portrays it is a red herring or is ...

Tia Johnson: [crosstalk 01:14:38].

Male: ... distracting for me, the agenda.

Adam Entous: I have been asked that. That's part of the reason why I think ... I'm concerned about overreach for sure, among reporters. That's part of the reason why, when we were doing those initial stories at the Post on Flynn and Sessions, it was really about fact checking statements and whether or not what they were saying was true regardless of whether there's collusion or not. I don't know the answers to those questions but whether or not the attorney general should have disclosed when he was asked his meetings with the Russian ambassador or whether Flynn should have sent the vice president on national television to lie to the public about his communications in context.

Keeping it narrowly focused on that, I feel good about how we try to keep it in these lanes. I do worry that we just have to be careful in the press not to go crazy. There certainly have been stories that I, not ones that I did but some that I have read that I wish weren't published. I do think that is a major problem because we want to be able to, at least I do in two years from now, look back at the stories and think that they stand the test of time because very often we are having to write with incomplete full picture of what's going on. That scares the shit out of me, frankly.

Tia Johnson: Mieke. Mieke want [crosstalk 01:16:28].

Mieke Eoyang: Just on that, what I say to people is these are very serious allegations. We are talking about the potential of a conspiracy with a hostile foreign power to subvert the will of the American people in the election. We don't know what the answer is yet so you cannot dismiss the investigation on what we know now as fake news because we don't have all the facts. We have some very thorough non-partisan investigators looking at this. Until such time as we have more facts, we cannot make a judgment about the ultimate outcome of this investigation.

Tia Johnson: That whisper in my ear was that we have extra time because the food's not here. I can take your question in the back.

Frank Kendall: Frank Kendall. I'm [crosstalk 01:17:15]. Really appreciate the panel. It's been sobering and informative. I want you to react to this. I feel that this is as a defense person almost is, existential threat to our democracy. How to pick up on ... You can't just say ... They just said. Do you agree with that? If so, what is it going to take to get the attention of the American people to that fact? The fact of the Russian interference in our election or their attempt to do so is not in dispute as far as I know. Could you just respond to that, please?

Tia Johnson: The entire panel?

Frank Kendall: Yeah.

Tia Johnson: Who wants to go first? Mieke? We'll pick up as soon you talking about that.

Mieke Eoyang: Frank, I agree with you. I think that this is, in fact, not just an existential threat to our democracy but an existential threat to the entire democratic system of government. This is a question of whether or not we actually can come together as people in a particular country, city, town, whatever and trust each other enough to make compromises to decide how we are governed. If we cannot trust ourselves enough to trust our neighbors and colleagues in other states and whatever enough to make decisions that say, "We believe in the legitimacy of our government and we believe in the legitimacy of this system," then we open ourselves up to the idea that it can just be the strong man who happens to be in charge of the time. I have tremendous fear that if we do not weather this appropriately and the American people do not figure out how to respond to this, that we may be witnessing the end of the American experiment of democracy.

Carol Bruce: I don't think she's being hysterical or your concerns are hysterical. I think that we should say this in this power of place that it's the rule of law that is at risk here more than anything. Yes, it's remarkable on a daily basis to see some of the new stories that are coming out and to think, "Does anyone care? Is anyone listening?" That's what you're saying. That is a concern and the only way ... I'm sorry. Go ahead.

Frank Kendall: I say, we're having a national conversations about kneeling at football games.

Carol Bruce: I know. I know.

Frank Kendall: And about whether presidents call the parents of people, or family of people been killed or not, instead of a conversation about this. This is a critical business.

Carol Bruce: The part of me wants to say that it's almost a good thing that we don't talk about it too much right now. That may sound corny but it's because we have the rule of law working right now. What I would because if we have really just people, really intelligent people, really experienced people and apolitical who are investigate. As long as we have that in place, then let's go on with our lives. We can't sit here and wring our hands and worry and wonder. Just let them do their job.

When that job is done or is on the verge of being done, that's where I go back to what I said at the beginning of this conference. That is my worry about the authority of the attorney general or the president to fire Bob Mueller and what's going to happen when Mueller gets just a little too close. That will be

known within the camps of people who are under investigation. They'll know when the time is coming that he may actually be closing in on some very significant evidence and indictments. That's a worry I think we should have as a populace. Are we going to find ourselves back in 1973 when there was the Saturday Night Massacre and the special prosecutor was fired. At that time, it remedied itself, as I said, within a matter of weeks but only because of the press, Congress, and people rising up. They had more telegrams at Washington DC in the 10 days after he was over 450,000 telegrams as I recall the count, hit Washington DC, the White House, the congressional committees, the select committee, the Watergate committee and I forget the other recipient.

Now, those are two telegrams, right?

Frank Kendall: Telegrams!

Carol Bruce: But will people rise up if Bob Mueller is fired? What will it take? Have we all gotten so accustomed to the 24/7 news cycle that we shrug it off, a news story, after a day and a half or two days? Is that something that people will respond to? All I can say is, "I hope to god they will."

Tia Johnson: I'm saying, with that, I turn to Adam, Washington Post on the banner now has, "Democracy dies in darkness."

Adam Entous: Maybe there was a question asked of James Clapper last October, just to go back to your question, sir, which was "Mr. Clapper, did we ever do anything like this around the world?" Clapper says something to the effect of, "No comment sir but beware of living in glass house."

I do think it is important to be mindful that the Russians, aside from the hacks of the DNC, really didn't create this. This was already here. All they did was pour gasoline on the fire. There already were people pushing the fake news. It didn't take the trolls in St. Petersburg to do it. All they did was make it look like there were more people pushing it by filling up your feed on Twitter and making it trend. You don't need the Russian to do that. Anyway, so my only point is, yes, obviously I've spent the last year focused on the Russian intervention but I also do think that the prequel is our own incredible polarization, which I don't see getting better.

Obviously, it'd be great if there were systems in place to figure out whether or not these Russians are intervening using our social media or hacking or any of the other methods but we're really a mess. We're increasingly messed up internally. That just makes us so much easier targets for this.

That's the only thing I would like to add.

Carol Bruce: Can I just add something, though and actually take issue with something just said. I think just because our government may do nefarious things abroad to

influence public opinion, I'm not saying I'm okay with that but I'm saying that I expect and would hope that that would be in the service of democratization. Yes, some of you think, "Oh, you're just being political about it," but here, we're talking about the Russian government if it's the government. It's hard to discern who's an oligarch, who's the government, who's acting on who's behalf but that's the toughest part of this investigation is how they're going to develop that evidence about who the actual actors were in Russia.

But if they can't develop a tie between the Trump campaign and between American actors and the Russians, then it will be a case of financial crimes that don't have much to do with the Russian interference in the campaign. That's the way sometimes investigations end but if it does turn out that they can develop ties between the two, I don't care how divided we are as a country here in terms of Black Lives Matter or kneeling and football games or whatever the issue is that separates us, that is such an assault on our democracy, that to have one of our political parties cooperating, that's the evidence that one of our political candidates or candidate's campaign cooperating with it, that's a narrative that ends with espionage or other serious, serious treason prosecutions. That is something that's worthy of us to do the investigation to get to the end of it and to know that.

All the rest in terms of whether or not it's just the Russians doing their thing just like we do our thing, that's okay. You can deal with that in another forum. We can try to make new rules to protect our electoral process but it's like you say, it's just part of history but I think here, the biggest question obviously is did one of our campaigns ...

Adam Entous: Yeah. I don't know the answer to that, whether you have that collusion but our message is around the world through using similar techniques would be using Facebook ads, that kind of thing that we might do in North Africa and parts of the Middle East. The goal is to discourage people from joining ISIS, to discourage people from joining Al-Qaeda, to tell Sunnis and Shia and Kurd that they can live in a unified Iraq. These are messages of unity that are actually hard to sell compared to messages of division, which is what the Russians are generally selling. It's hard to compete with that message. We have not been effective at it.

A contact of mine said to me yesterday over coffee that it's easier to get permission from various agencies of the government to kill somebody overseas than it is to get permission to spread propaganda or to push a message of unity because we, for our system is really opposed to the US government doing that. Yet, we obviously project power in other ways, whereas the Russians are not conflicted. They don't have the lawyers group ...

Carol Bruce: [inaudible 01:28:10].

Adam Entous: ... assessing the legality of their operations on war zone, non-war zone. They don't have the fights between the information officers and the public affairs

officers and about the appropriateness of black ops versus white ops and all that. They have a mission and they just ran with it and used the backbone of our economy to do it. We were just frankly ill prepared and continue to be ill prepared to deal with it.

Tia Johnson: I'm saying this and that's a great way to wrap up because it goes back to and I agree with your question. I do believe it's an existential threat and that the reason why the Russians were not constrained goes back to and I forget whether it was Carol or Mieke who said the rule of law and that we are, in fact, a country that is ruled by the rule of law, at least that's our values.

My biggest concern with not just, and again, I understand, I'm coming from having been a career military officer, that not only did we have an adversary interfere with our democratic processes with the intent of undermining and delegitimizing them. That certainly is a concern but we also do have to look at then what is going to be our response and how we going to prevent this in the future? We must have confidence in the electoral process. If we don't have confidence in the electoral process, then yes, I think Mieke said this entire experiment, the American experiment may begin to unravel.

But again, that is why we had this discussion to make people aware of the issues. I hope that we informed you of the issues and how all the various strands come together and so that you can follow this. Yet, you can be that voice to the folks who are out there who ask the question, "Why should I even be concerned about this?" That's why, that ultimately that's the reason that we need to be able to preserve our democracy and ensure that our populace is not influenced by external forces to the detriment of the legitimacy of our government and our processes.

With that, thank you everyone for coming and [crosstalk 01:31:03].

Audience: [inaudible 01:31:11].

Mieke Eoyang: You going to run by Friday?

Adam Entous: I don't know. I'm working on Friday.

Mieke Eoyang: I know. Is Ellen going to run by Friday?

Adam Entous: Why would it ruin your Friday?

Mieke Eoyang: Because you [inaudible 01:31:26] stories like five o'clock on a Friday and I've just left the office. All of a sudden, it's like now! You get the calls, like talk about this, like spend the whole weekend.

Tia Johnson: Lord knows [inaudible 01:31:37].

Audience: [crosstalk 01:31:42].

Carol Bruce: It was a close one. I could not choose Applebee's. I needed to know what it was when we walked in the door, yeah.

Audience: [crosstalk 01:31:55].

Carol Bruce: Yeah. He was really [inaudible 01:32:05].

Audience: [crosstalk 01:32:09].

Carol Bruce: Yeah. That was one of my [crosstalk 01:32:18] Applebee's.

Audience: [crosstalk 01:32:24].

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