

**STATEMENT OF**

**JAMES R. CLAPPER  
FORMER DIRECTOR OF NATIONAL INTELLIGENCE**

**BEFORE THE**

**COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON CRIME AND TERRORISM  
UNITED STATES SENATE**

**CONCERNING**

**RUSSIAN INTERFERENCE IN THE 2016 UNITED STATES ELECTION**

**PRESENTED ON**

**MAY 8, 2017**

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Chairman Graham, Ranking Member Whitehouse, and distinguished Members of the Subcommittee, thank you for the invitation to appear before you today.

**I. INTRODUCTION**

I didn't expect to be before this Committee, or any other Committee in Congress, again so soon, since I thought I was all done with this when I left the government. But understandably, concern about the egregious Russian interference in our election process is so critically serious as to merit focus – hopefully bi-partisan focus – by Congress and the American people.

Last year, the Intelligence Community conducted an exhaustive review of Russian interference into our presidential election process, resulting in a special Intelligence Community Assessment, or ICA. I'm here today to provide whatever information I can – now as a private citizen – on how the Intelligence Community conducted its analysis, came up with its findings, and communicated them to the Obama administration, to the Trump transition team, to Congress, and – in an unclassified form – to the public. Additionally, I will briefly address four related topics that have emerged since the ICA was produced.

Because of both classification and executive privilege strictures requested by the White House, there are limits to what I can discuss. And, of course, my direct, official knowledge of any of this stopped on January 20<sup>th</sup>, when my term of office was, happily, over.

**II. INTELLIGENCE COMMUNITY ASSESSMENT (ICA) PROCESS**

As you know, the ICA was a coordinated product from three agencies – CIA, NSA, and FBI – under the aegis of my former office. Following extensive intelligence reporting about many Russian efforts to collect on, and influence the outcome of, the presidential election,

President Obama tasked us to do this in early December, and have it completed before the end of his administration.

The two-dozen analysts for this task were hand-picked, seasoned experts from each of the agencies. They were given complete, unfettered, mutual access to all sensitive raw intelligence data, and, importantly, complete independence to reach their findings.

## **1. Findings**

They found that the Russian government pursued a multi-faceted influence campaign in the run-up to the election, including aggressive use of cyber capabilities. The Russians used cyber operations against both political parties, including hacking into servers used by the Democratic National Committee and releasing stolen data to WikiLeaks and other media outlets. Russia also collected on certain Republican party-affiliated targets, but did not release any Republican-related data.

The Intelligence Community Assessment concluded, *first*, that President Putin directed an influence campaign to erode the faith and confidence of the American people in our presidential election process. *Second*, that he did so to demean Secretary Clinton. And, *third*, that he sought to advantage Mr. Trump. These conclusions were reached based on the richness of the information gathered and analyzed, and were thoroughly vetted and then approved by the directors of the three agencies, and me.

## **2. Briefings**

These Russian activities, and the resultant assessment, were briefed first to President Obama on the 5<sup>th</sup> of January, then to President-elect Trump on the 6<sup>th</sup> of January, and to Congress via a series of five briefings from the 6<sup>th</sup> through the 13<sup>th</sup> of January. The classified version was profusely annotated with footnotes, drawn from thousands of pages of supporting material. The key judgments in the unclassified version published on the 6<sup>th</sup> of January were identical to those in the classified version.

## **3. Quality of the ICA**

While it's been over four months since the issuance of the assessment, as Directors Comey and Rogers testified before the House intelligence committee on March 20<sup>th</sup>, the conclusions and confidence levels reached at the time still stand. That's a testament to the quality and professionalism of the IC personnel who produced such a compelling intelligence report during a tumultuous, controversial time, under intense scrutiny, and with a very tight deadline.

### **III. FOUR RELATED ISSUES**

Throughout the public dialogue about this issue over the past few months, four related topics have been raised that could use some clarification. I'd like to take a few moments to provide that clarification.

## **1. “Unmasking”**

First, I want to address the meaning of “unmasking,” which is an unofficial term that’s appeared frequently in the media in recent months and is often misused and misunderstood. It frequently happens that, in the course of conducting lawfully-authorized electronic surveillance on validated foreign intelligence targets, the collecting agency picks up communications involving U.S. persons. Under IC minimization procedures, the identities of these U.S. persons are typically “masked” in reports that go out to intelligence consumers, and are referred to as “U.S. Person 1”, etc.

However, there are cases when – to fully understand the context of the communication that has been obtained or the threat that is posed – the consumer of that collected intelligence may ask that the identity of the U.S. person be revealed. Such requests explain why the unmasking is necessary, and that explanation is conveyed back to the agency that collected the information. It is then up to that agency whether to approve the request and to provide the identity. And, if a U.S. person’s identity is revealed, that identity is provided only to the person who properly requested it, not to a wider audience.

This process is subject to oversight and reporting, and, in the interests of transparency, my former office publishes a report on the statistics of how many U.S. persons’ identities are unmasked based on collection that occurred under Section 702 of the FISA Amendments Act. In 2016, that number was 1,934.

On several occasions during my six-and-a-half years as DNI, I requested the identity of U.S. persons to be revealed. In each such instance, I made these requests so I could fully understand the context of the communication and the potential threat being posed. At no time did I ever submit a request for personal or political purposes, or to voyeuristically look at raw intelligence, nor am I aware of any instance of such abuse by anyone else.

## **2. Leaks**

Second is the issue of leaks. Leaks have been conflated with unmaskings in some of the public discourse, but they are two very different things. An unmasking is a legitimate process that consists of a request and approval by proper authorities. A leak is an unauthorized disclosure of classified or sensitive information that is improper under any circumstance.

I’ve long maintained during my 50-plus year career in intelligence that leaks endanger national security; they compromise sources, methods, and tradecraft; and they can put assets’ lives at risk. And, for the record, in my long career, I’ve never knowingly exposed classified information in an inappropriate manner.

## **3. Counterintelligence Investigations**

Third is the issue of counterintelligence investigations conducted by the Federal Bureau of Investigation. While I can’t and won’t comment in this setting on any particular

counterintelligence investigation, it's important to understand how such investigations fit into the Intelligence Community, and my general practice for handling them.

When the Intelligence Community obtains information suggesting that a U.S. person is acting on behalf of a foreign power, the standard procedure is to share that information with the FBI. The Bureau then decides whether to look into that information and handles any ensuing investigation, if there is one.

Given its sensitivity, even the existence of a counterintelligence investigation is closely held, including at the highest levels. During my tenure as DNI, it was my practice to defer to the FBI Director – both Director Mueller and Director Comey – on whether, when, and to what extent they would inform me about such investigations. This stems from the unique position of the FBI, which straddles both intelligence and law enforcement. As a consequence, I was not aware of the counterintelligence investigation Director Comey first referred to during his testimony before the House intelligence committee on March 20<sup>th</sup>, and that comports with my public statements.

#### **4. FISA Section 702**

Finally, I would like to comment on Section 702 of the FISA Amendments Act – what it governs and why it is vital.

This provision authorizes the Foreign Intelligence Surveillance Court to approve electronic surveillance of non-U.S. person foreign intelligence targets outside the United States. Section 702 has been a tremendously effective tool in identifying terrorists who threaten us, while at the same time protecting the privacy and civil liberties of U.S. persons.

As you know, Section 702 is due for reauthorization by Congress later this year. With so many misconceptions flying around, it would be tragic for Section 702 to become a casualty of misinformation and for us to lose a tool that is so vital to this nation's safety and security.

#### **IV. CONCLUSION**

Russia's influence activities in the run-up to the 2016 presidential election constituted the high-water mark of their long-running efforts since the 1960's to disrupt and influence our elections. They must be congratulating themselves for having exceeded their wildest expectations. They are now emboldened to continue such activities in the future, both here and around the world, and to do so even more intensely.

If there has ever been a clarion call for vigilance and action against a threat to the very foundations of our democratic political system, this episode is it. I hope that the American people recognize the severity of this threat and that we collectively counter it before it further erodes the fabric of our democracy.

I'll now turn to my former colleague, Acting Attorney General Sally Yates, for any remarks she has to make.