



Key Questions About Russia's Alleged Hacking of the US Election

Josh Siegal

December 12, 2016

A Central Intelligence Agency report that Russian operatives intervened in the U.S. election to help President-elect Donald Trump win has roiled Capitol Hill, producing a bipartisan call for congressional investigations.

But there is skepticism within the U.S. government, particularly at the Federal Bureau of Investigation, that the evidence definitively proves that the Russians had the specific goal of influencing Americans to vote for Trump.

This split, amplified by Trump's expressed disbelief in the CIA's conclusion, sets up an early test for the next president, who will likely come into office as lawmakers—including Republicans—are investigating what happened.

At the same time, Trump, who has vowed a closer relationship with Russia, will have to deal with a range of policy challenges dealing with the Kremlin's military interventions in wars in Syria and Ukraine.

The Daily Signal below explains the many questions of the Russian hacking controversy, and what consequences may come from it.

What Happened and When?

In early October, the Obama administration confirmed what the intelligence community had long expected, formally **accusing** Russia of trying to interfere in the 2016 elections, including by hacking the computers of the Democratic National Committee and other political organizations, and releasing the information to WikiLeaks.

In its announcement, the Obama administration noted Russia had previously attempted to interfere in other countries' political processes, using other techniques to influence public opinion in Europe.

The White House, at this point, was considering potential responses, including economic sanctions, but it did not mount an offensive reply.

In the weeks before the presidential election, The New York Times **reported** that American spy and law enforcement agencies were united in the belief that the Russian government had deployed computer hackers to sow chaos into the campaign.

But last week, as The Washington Post first **reported**, the CIA produced a formal assessment to lawmakers concluding that Russia did not just intend to disrupt the election, but intervened with the primary goal of electing Trump as president.

“It doesn’t appear that there is any real uncertainty here about the origins of the attacks,” said Michael O’Hanlon, director of research for the foreign policy program at Brookings Institution, in a response to emailed questions from The Daily Signal. “I see the differences as ones of interpretation—who can really be sure of Russian motives based on observation of their actions?”

The FBI has not affirmatively concluded the Russians’ intent.

It is unclear why the CIA waited until after the election to reveal its judgment.

Intelligence officials also believe that Russia hacked the databases keeping Republican National Committee data, but chose to release only documents from the Democrats. The committee has denied that it was hacked.

How Have Politicians Reacted?

Trump **dismissed** the CIA’s report, referencing the agency’s faulty 2002 conclusion that the Iraqi leader, Saddam Hussein, had weapons of mass destruction.

“I think it’s ridiculous. I think it’s just another excuse. I don’t believe it,” Trump said on Sunday in an interview on Fox News.

Republicans in Congress have also been careful about supporting the CIA’s assertion that Russia tried to throw the election to Trump—and that the Kremlin’s influence impacted the result. But many lawmakers in Trump’s party have been forceful in calling for investigations into what happened.

“I don’t believe any member of Congress should summarily dismiss an assessment from the intelligence community with respect to Russian interference in an American election,” Rep. Charlie Dent, R-Pa., told The Daily Signal in an interview, adding:

We must take this seriously and investigate it. I have not seen any evidence thus far that the outcome of the presidential election was impacted by Russia’s actions. But with that said, it disturbs me greatly that Russia is attempting to interfere with our democratic process, not only in the U.S., but throughout Europe as well.

Senate Majority Leader Mitch McConnell, R-Ky., **said** on Monday that he supported congressional investigations of possible Russian cyberattacks, which will be led by the Intelligence Committee and Armed Services Committee.

McConnell said the investigations would occur through the normal committee process, and he did not endorse the creation of a special select committee probe.

House Speaker Paul Ryan, R-Wis., seemed to suggest Monday he backs a similar investigation of Russian “state-sponsored cyberattacks.”

“Throughout this Congress, the Intelligence Committee [has] been working diligently on the cyber threats posed by foreign governments and terrorist organizations to the security and institutions of the United States,” Ryan said in a statement. “This important work will continue and has my support.”

Democrats also want a congressional probe, and Hillary Clinton’s campaign even said it supports a request by members of the Electoral College for an intelligence briefing on foreign intervention in the presidential election, Politico **reported**.

President Barack Obama, meanwhile, has ordered a full review into Russia’s hacking to capture “lessons learned” to be concluded before Trump’s inauguration.

Is It Normal for Intelligence Agencies to Disagree?

David Shedd, a former director of the Defense Intelligence Agency who has worked for the CIA, said it’s normal for the FBI to take a more cautious view of intelligence assessments because of its law enforcement obligation.

“The bureau [FBI] will be more conservative,” said Shedd, who is now a visiting fellow at The Heritage Foundation. “They are evidence driven. They are about making a court case, determining what will stand up in court. The intelligence community is not about making evidentiary conclusions rising to the level of a court action, but making a judgment that falls considerably short to what the FBI would need to make a similar call.”

Despite the CIA’s lower burden of proof, Patrick Eddington, a Cato Institute policy analyst in homeland security and civil liberties and former CIA analyst, said it’s wrong to assume the agency’s conclusions are flimsy.

“The reality is the CIA does not always get it wrong, and I think because of the track record of the agency, people naturally have a level of skepticism on whether this is real,” Eddington told The Daily Signal in an interview. “That makes it all the more important for everything surrounding this judgment—all the raw intelligence it is based on—to be made public so everyone can make their own conclusions.”

How Can the US Respond?

If Obama elects not to take action, the Trump administration will have a range of options on how to respond to Russia.

These include imposing economic sanctions for “malicious cyber-enabled activities,” a new executive branch **tool** that Obama created last year, but hasn’t used yet.

The Justice Department could indict Russian actors for hacking. The National Security Agency may also retaliate with its own cyber tools against the Kremlin.

Shedd suggested the U.S. take broader actions to discourage Russia aggression not only in cyberspace, but in other foreign policy endeavors.

“If I were sitting again in the Situation Room, I would be making a very strong case that our response needs to be asymmetrical to the cyberattack,” Shedd said. “Why in the world would we do cyber on cyber as our only response? My advice is to look at what [Russian President Vladimir] Putin’s other objectives are. That could be getting him out of Syria and Ukraine—something that fits into our larger relationship with that country.”

Eddington suggested more caution, noting Putin’s unpredictability.

“You have to start with appropriate defensive measures, making sure our systems from a political and social engineering standpoint can’t be hacked,” Eddington said. “When we start talking about offensive measures, we have to be careful and calculated about what we do. At the end of the day, you need to make sure the response is such that Putin cannot afford a repeat, pays some sort short-term to medium-term cost, but at the same time, do not put Russia and the U.S. at the brink of confrontation. We are in uncharted territory in so many ways.”