

October 19, 2017

The Honorable Mitch McConnell
The Honorable Chuck Schumer
The Honorable Paul Ryan
The Honorable Nancy Pelosi
The Honorable Chuck Grassley
The Honorable Dianne Feinstein
The Honorable Richard Burr
The Honorable Mark Warner
The Honorable John Conyers
The Honorable Bob Goodlatte
The Honorable Adam Schiff
The Honorable Devin Nunes
The Honorable Mike Conaway

Dear Senators and Representatives:

Please find enclosed a document outlining a set of benchmarks for measuring the quality and effectiveness of the ongoing congressional investigations into Russian interference in U.S. elections and related matters.

As signatories to the benchmarks document we urge you to publicly commit to conducting your investigation in accordance with the principles and procedures outlined within.

Please do not hesitate to reach out to any of us with questions, comments, or concerns.

The American people want and need a full public accounting of any activity associated with the 2016 election or its aftermath that was illegal, inappropriate, or simply counter to the public interest; who is responsible for such activity; and what should be done to prevent similar malfeasance in the future.

As congressional leaders, you have the best opportunity—and therefore responsibility—to uncover the full truth. The public deserves nothing less.

Sincerely,

Ian Bassin
Noah Bookbinder
Max Boot
Mickey Edwards
Austin Evers
Mindy Finn
Justin Florence
Lisa Graves

Kevin Kosar
Eli Lehrer
Evan McMullin
Elliot Minberg
Claudine Schneider
Peter Smith
Fred Wertheimer

Benchmarks for Ongoing Congressional Investigations into Russian Interference in U.S. Elections and Related Matters

To ensure the effectiveness and credibility of the various ongoing congressional investigations into Russian interference in U.S. elections and related matters, each relevant Committee should commit publicly to certain benchmarks of process and substance, and congressional leadership should commit to adequately resource the investigations. No single benchmark can guarantee a successful investigation, but taken together they are indicia of whether the inquiries are bipartisan, transparent, and adequate in terms of scope and resources.

1. Scope and Status of the Investigation

The public needs ongoing clarity about the scope of each investigation as new and potentially relevant facts emerge, to the fullest extent consistent with not impeding the progress of the investigation. The following are indicia of clarity around scope:

- To the fullest extent consistent with preserving the integrity of the investigation, each Committee should keep the public informed regarding the scope and status of its investigation -- and commit publicly that its investigation will “go where the facts lead it” and not cut off lines of inquiry into possible wrongdoing uncovered by investigators simply because they do not fall within the scope as initially defined (except where any relevant information has been referred to a committee with more direct jurisdiction that is actively undertaking an investigation of the issue).
- To ensure the credibility of Congress’s collective investigation of these issues, it is critical that certain questions are fully investigated in a bipartisan fashion to permit public confidence in the outcome. These include questions about possible obstruction of justice or obstruction of any investigation by President Trump or members of his campaign or administration, in addition to matters relating to Russia’s interference with U.S. elections and possible collusion by any U.S. persons with these efforts.
- Each committee should communicate with the Special Counsel tasked with investigating related conduct to ensure that the committees do not undermine the efforts of the Special Counsel, as well as with other Committees to share information and reduce inefficiencies.

2. Comprehensive Bipartisan Cooperation

The integrity of these investigations and the credibility of their ultimate conclusions hinge on bipartisan participation in all stages, including in defining their scope. To preserve the integrity of these investigations and public confidence in investigation outcomes, each relevant Committee should publicly pledge to proceed with its investigation in a cooperative and bipartisan fashion, or

explain in writing how and why such procedures are not being used. Indications of bipartisanship include:

- Requiring consultation between the chair and the ranking member or their designees when deciding whether to request an interview, call a witness at a hearing, or seek documentary evidence, with a strong presumption that the chair and ranking member will support such requests from any member, including in writing; and ensuring participation, or a reasonable opportunity to participate, by both the chair and ranking member and/or their designees at appropriate staffing levels in witness interviews, with all on the record interviews to be conducted together and cooperatively, and with a strong presumption that all key interviews be similarly conducted.
- Following existing rules or best practices requiring either agreement of the chair and ranking member or a majority vote that includes support from members of both parties when seeking a subpoena, and requiring that all documents will be shared with the full committee and be available to all staff at all times, and ensure that any document that cannot be shared with the full committee will nonetheless be shared with at least the ranking member or his/her designee.
- Employing rules that ensure bipartisan cooperation in all other parts of the investigation including in identifying hearing witnesses, compiling hearing exhibit lists, preparing interview summaries, setting hearing topics, issuing press releases and holding press briefings, and ensuring that a draft of any proposed committee report is shared with all staff in a reasonable time period before it is made public.

3. Transparency of the Investigation

Each Committee should publicly articulate and follow through on a commitment to transparency throughout its investigation. The following are indicia of transparency:

- The Committee will produce a full public report at the conclusion of its investigation, with only classified information redacted.
- Every hearing will be public unless the Committee chair and ranking member jointly articulate a specific reason for proceeding in closed session to cover specific topics.
- To the fullest extent consistent with preserving the integrity of the investigation, each Committee should release non-classified documents, transcripts, or other records subpoenaed, reviewed, or otherwise uncovered during the investigation on a quarterly basis, as part of the interim reports referenced below. If the Committee withholds any records because public release would compromise its investigation, the Committee should create a memo to file signed by the chair and ranking member describing the documents and the reasons for withholding; and make the documents and the memo available as soon as possible without jeopardizing the investigation. In any event, all non-classified documents should be released to the public at the conclusion of the investigation except

where the Committee chair and ranking member (or a majority of the Committee including members of both parties) agree that material should be withheld from public disclosure to protect a specific and articulable interest, such as to protect private financial information, other personal or private information (including information not germane to the investigation), or confidential investigation sources.

4. Public Reporting on the Investigation

Beginning on December 1, 2017, and then at least every four months thereafter, each Committee should issue a public interim investigation report or public update that includes the following elements, with the limited exception described below:

- How many full time and part time staff are currently assigned to the investigation, making up how many FTE slots, and the training or experience of the assigned staff in conducting investigations.
- How much money has been spent on the investigation in total and since the last report.
- How many hearings have been held in total and since the last report.
- How many witnesses have been formally interviewed in total and since the last report.
- How many document requests have been issued and how many documents the Committee received, in total and since the last report.
- Any documents, transcripts or other records the Committee has obtained and can release without jeopardizing the integrity of the investigation.

Each Committee's chair and ranking member should share this information with the public by holding a bipartisan press conference in conjunction with the release of each interim report or update.

The above benchmarks are endorsed by the following individuals:*

Ian Bassin; former Associate White House Counsel to President Obama; currently Executive Director of Protect Democracy.

Noah Bookbinder; former Chief Counsel for Criminal Justice at the United States Senate Judiciary Committee and trial attorney for U.S. Department of Justice's Public Integrity Section; currently Executive Director of Citizens for Responsibility and Ethics in Washington.

Max Boot; former senior foreign policy adviser to John McCain's presidential campaign 2007–2008, defense policy adviser to Mitt Romney's campaign 2011–2012, and head of the Counter-Terrorism Working Group for Marco Rubio's campaign 2015-2016; currently with Council on Foreign Relations.

Mickey Edwards; former Member, United States House of Representatives (R-OK); former Chairman of the House Republican Policy Committee.

Austin Evers; former Senior Counsel in the Department of State for oversight and transparency; currently Executive Director of American Oversight.

Mindy Finn; former advisor to President George W. Bush and Governor Mitt Romney; U.S. House and Senate Staffer; Twitter, Inc. executive; currently Co-CEO of Stand Up Republic.

Justin Florence; former Associate White House Counsel to President Obama and Senior Counsel to Sen. Whitehouse on the U.S. Senate Judiciary Committee; currently Legal Director of Protect Democracy.

Lisa Graves; former Chief Counsel for Nominations at the United States Senate Judiciary Committee and Deputy Assistant Attorney General in the Office of Legal Policy at the U.S. Department of Justice; currently executive director of Center for Media and Democracy.

Kevin Kosar; former Congressional Research Service analyst and Presidential Management Fellow; currently Vice President of Policy of R Street Institute.

Eli Lehrer; former speechwriter to then-Senate Majority Leader Bill Frist; currently President of the R Street Institute.

Evan McMullin; former Chief Policy Director for the House Republican Conference, national security advisor to the House Committee on Foreign Affairs, and CIA operations officer; currently Co-CEO of Stand Up Republic.

Elliot Minberg; former Chief Counsel for Oversight and Investigations of the House Judiciary Committee; currently Senior Fellow with People for the American Way.

Claudine Schneider; former Member, United States House of Representatives (R-RI); currently independent consultant.

Peter Smith; former Member, United States House of Representatives (R-VT).

Fred Wertheimer; former counsel for United States Representative and House Committee; former President of Common Cause; current President of Democracy 21.

* Affiliations listed for identification purposes only