

Confidential Memorandum

To: Interested Parties
From: David Brock
Date: October 25, 2022
Subject: Facts First USA: A SWAT Team to Counter Republican Congressional Investigations

INTRODUCTION

The precarious Democratic majority in both the Senate and House makes it probable that Republicans will control at least one chamber following the 2022 midterm elections.¹ Lacking a forward-looking agenda, and aggrieved by the effectiveness of the January 6th Select Committee, Republicans will spend the next two years aggressively investigating President Biden, members of the Administration, and the President's family. They will do so without regard to facts, without concern for fairness, and without limitation. They seek to grind down the entire executive branch, to limit the White House's effectiveness, to halt forward momentum, and to engage in character assassination that distracts from real issues, creates a false perception of corruption, runs up legal bills, and threatens the livelihoods of those caught in their web of lies.

Ultimately, their objective is to employ scandal-outrage politics to ensure Democrats lose the presidency in 2024. Representative Jim Jordan essentially admitted as much when he spoke to the CPAC conference in early August, telling the crowd that the investigations Republicans plan to conduct "will help frame up the 2024 race, when I hope and I think President Trump is going to run again. And we need to make sure that he wins." Republican Leader Kevin McCarthy has declared that they'll "investigate the Bidens' shady business dealings when Republicans take the House in November." And the likely chair of the House Oversight Committee is already focusing his staff on "Biden Family Investigations," opining that it is a "matter of national security to know if President Biden is compromised because of his son's shady business dealings with foreign adversaries."

The House Freedom Caucus and the America First Caucus, which is even to the right of the Freedom Caucus, will hold considerable sway and demand that committees do Trump's bidding.² Further, with an anticipated majority that will be smaller than Republicans initially

¹ David Wasserman of the Cook Political Report today estimated that Republicans are favored to win 211 seats, with Democrats favored in 191 races. That means Democrats need to win 24 of the remaining 30 contested seats to retain their majority, but the Cook Political Report instead predicts Republicans will gain 12-25 seats.

² Incredibly, the potential Republican freshman include, as noted by Dana Milbank, "The Texas woman accused by her estranged husband of cruelty toward his teenage daughter; the Colorado woman who backed an effort to secede from her state; the Virginia woman who speculated that rape victims wouldn't get pregnant; and the Wisconsin man who used campaign funds from his failed 2020 race to come to Washington on Jan. 6, 2021, where he apparently breached Capitol barricades. What they all have in common is that they're in competitive races, which means they could well be part of a Republican House

hoped, they will have a harder time passing legislation and so will place greater emphasis on investigations. Underscoring this point, in their recently released “Commitment to America,” House Republicans have made investigating the Biden Administration one of their four pillars. They promise to “use all tools at our disposal to pursue the truth, root out corruption and abuse of power, and provide transparency to the American people on the issues that matter most.”

Frankly, it is quite likely that if Republicans control the House of Representatives, they will impeach President Biden. They believe that Trump lost the election because of his impeachment, and they not only want to engage in a tit-for-tat, but also seek to weaken President Biden in the same manner in which they believe impeachment harmed Trump. In fact, the less rabid among the Republican congressional caucus have acknowledged the significant pressure they will feel to vote to impeach President Biden and others within his administration. Those Republicans know that voting against impeachment will have the same consequence on their political fortunes as having voted for President Trump’s impeachment. The only way sitting Republicans can avoid losing their seats in a primary challenge will be to impeach President Biden and others within his administration.

Of course, Republicans have no true basis for impeaching President Biden or any administration officials. Instead, they push baseless claims that President Biden has failed to enforce immigration laws or “enabl[ed] bribery” by allowing Hunter Biden to influence the domestic policy of a foreign nation. Republican congressional leadership has already pledged to increase staffing for oversight committee attorneys – to cook up a reason for investigations and impeachment.

Democrats cannot simply ignore the threat that these baseless maneuvers pose. Scholarship shows that the most ideologically extreme legislators have the greatest incentive to engage in congressional investigations and to push their efforts publicly.³ And further, studies also demonstrate that congressional investigations have greater power to significantly damage a president’s support among the public than other forms of scrutiny.⁴

Fortunately, the Biden Administration is already planning internally for the barrage of investigations, bringing in Dick Sauber and Ian Sams and structuring the White House Counsel’s office to be an effective force against the investigations. While a strong internal

majority in January. And that’s on top of a larger group of GOP nominees in deep-red congressional districts who are a motley assortment of election deniers, climate-change deniers, QAnon enthusiasts and Jan. 6 participants who propose to abolish the FBI and ban abortion with no exceptions, among other things.” See D. Milbank, *Think You Already Know Crazy? Meet the House GOP Class of ’22*, Washington Post (Oct. 7, 2022), available at <https://www.washingtonpost.com/opinions/2022/10/07/republican-house-candidates-2022-crazy/>.

³ See N. Napolio & J. King Rezaee, *Extremists and Participation in Congressional Oversight Hearings*, Working Paper, available at <https://administrativestate.gmu.edu/wp-content/uploads/sites/29/2020/10/Napolio-Rezaee-Extremists-and-Participation-in-Congressional-Oversight-Hearings.pdf>.

⁴ D. Kriner & E. Schickler, Investigating the President: Committee Probes and Presidential Approval, 1953—2006, *The Journal of Politics*, Vol. 76, No. 2, April 2014.

communications and legal team will undoubtedly serve the Administration well as it grapples with the onslaught, recent reports suggest that the White House is not overly concerned about the investigations – believing that Republicans will overreach, as they did with President Clinton in 1998, leading to Democratic congressional gains in the midterm elections and Newt Gingrich’s resignation. That analysis, while comforting, misses the mark for two critical reasons. First, focusing on 1998 fails to account for the role that the relentless investigations into the Clinton Administration played in Al Gore’s loss in 2000, in an election where all outward indicators would have suggested a victory for the incumbent party. Second, times have changed. With the expansive reach of rightwing media and the conservative echo chamber, false narratives could outpace facts in mainstream narratives.

The presidential election in 2024 will be close and simply relying on the hope that facts will triumph over conspiracy is not sufficient. Instead, a robust external force – a SWAT team with additional capacity – must also be in place to ensure that the media and public do not accept the false narrative that flows from congressional investigations. An external operation will also allow President Biden to stay focused on his own preferred messaging during 2023 and 2024 and on his reelection campaign.

We call this effort Facts First USA.

HISTORY OF GOP SCANDAL MACHINE ATTACKS

One need not look far into the past to gain a preview of the upcoming GOP playbook. The Republicans developed the investigation-driven agenda during the Clinton Administration. Once they took control of Congress in January 1995, Republicans launched six years of investigations that dramatically expanded over the course of their inquiries, no matter how baseless the allegations:

- Whitewater – Republicans formed the Special Committee to Investigate Whitewater Development Corporation and Related Matters (“Senate Whitewater Committee”) in May 1995 to look into the Clintons’ real estate investments and dealings with Arkansas businessman Jim McDougal and his wife, Susan. The primary focus of the investigation centered on whether Bill Clinton, as governor, pressured David Hale (the president of a small business investment firm) to make a fraudulent \$300,000 loan to Susan McDougal for the purchase of investment land. Over the course of thirteen months, the Senate Whitewater Committee held over 60 sessions that ran more than 300 hours, taking depositions of nearly 250 people that produced over 45,000 pages of testimony. Although the hearings produced no evidence of wrongdoing by Bill or Hillary Clinton, Republicans used the effort to create a public relations nightmare for the Clintons, which ultimately dovetailed with Ken Starr’s appointment, the Lewinsky scandal, and President Clinton’s impeachment. Whitewater commanded significant White House attention, and touched many staffers within the Administration, including lawyers within the White House Counsel’s Office, communications staff, and even the First Lady’s chief of staff. In

fact, the First Lady was required to testify before a grand jury for four hours in 1996, at the start of the President's reelection year. Despite finding no wrongdoing by the Clintons, the \$52 million spent on the Whitewater investigation led to Webster Hubbell (Associate Attorney General), Bernard Nussbaum (White House Counsel), and Jim Guy Tucker (Arkansas Governor) resigning their positions, fifteen separate convictions, and Susan McDougal spending eighteen months in prison for civil contempt for refusing to testify.

- Travelgate – The Clintons also faced Republican congressional scrutiny over the firing of White House travel office staff, which resulted in charges against Travel Office Director Billy Dale – of which he was acquitted – and the First Lady being required to submit a deposition under oath on the matter to the House Government Reform and Oversight Committee.
- Filegate – The Travelgate investigation led directly to the Filegate controversy, in which investigators learned that the White House's director of Office of Personnel Security, Craig Livingstone, and the White House associate counsel William Kennedy III, accessed the FBI background checks of hundreds of individuals, including people who worked with the previous Republican administrations. The House Government Reform and Oversight Committee and the Senate Judiciary Committee investigated this matter, and several White House staff were forced to testify and the First Lady provided a sworn statement to the House Committee. Senator Hatch even went so far as to request that the FBI seek to determine whether the First Lady's fingerprints were on the files (they were not). Craig Livingstone resigned as a result of the controversy, but not before it led to a secondary question of how Livingstone had gotten the job in the first place, with claims that it was a political favor carried out by the First Lady. This allegation led to Ms. Clinton being deposed briefly on the topic by Ken Starr.

Through all of this, the controversies of Vince Foster's suicide, guests staying in the Lincoln Bedroom, and alleged campaign contributions from Chinese citizens ("Chinagate") also lingered and were topics of congressional scrutiny. And though these allegations lacked any merit, were trumped up, and resulted in no resignations, they served the Republican purpose of distracting the Clinton Administration and creating a public narrative that constantly needed rebutting. But for this onslaught, Al Gore may well have prevailed in 2000.

The Obama Administration also faced a wave of congressional investigations when Republicans took control of Congress in 2011:

- Benghazi – Congress's most consequential investigation during the Obama Administration focused on the attack by Islamic militants on two U.S. facilities in Benghazi, Libya that killed four Americans, including U.S. Ambassador to Libya, Christopher Stevens. The primary allegation focused on the claim that the Obama administration failed to follow intelligence warnings ahead of the attack, did not call

for military support that could have saved lives, and covered up their failures. Five House committees spent years on the matter, which eventually led to the Select Committee on Benghazi, which then invested an additional two years investigating the subject. Although one State Department official resigned under pressure and three others were suspended, all the investigations ultimately concluded that no wrongdoing occurred.

Nevertheless, the Benghazi hearings indirectly revealed the existence of Hillary Clinton's private email server, which then became the basis for an FBI investigation. The private email server and the FBI investigation, including Director James Comey's October 28, 2016 letter to Congress, played a decisive role in Trump's election. In fact, as then-House Majority Leader Kevin McCarthy admitted, the Republicans created the Select Committee to damage Hillary Clinton politically: "Everybody thought Hillary Clinton was unbeatable, right? But we put together a Benghazi special committee, a select committee. What are her numbers today? Her numbers are dropping."

In addition, the investigation likely prevented Susan Rice from becoming the next Secretary of State. In the immediate aftermath of the Benghazi attack, Rice spoke on several Sunday morning talk shows and emphasized that no information suggested that the assaults were premeditated or planned. That turned out to be incorrect, and Republicans capitalized on that to warn President Obama about nominating Rice to be his next Secretary of State. Because of the controversy around her Sunday morning comments, Rice asked President Obama not to consider her for the job. Notably, the congressional investigations cleared Rice of acting in bad faith or intentionally misleading the public.

- **Fast & Furious** – From February 2011 to June 2017, the House Oversight Committee focused on the Fast and Furious operation of the Bureau of Alcohol, Tobacco, and Firearms. That project involved sting operations that allowed firearms dealers to sell weapons to illegal straw buyers, with the hope that the guns could be tracked to Mexican drug cartel leaders to then arrest them. After one of the guns was used to kill a Border Patrol agent, the program came to light and Congress began investigating, with Representative Darrell Issa taking the lead in the House. Several Obama Administration figures, including Attorney General Eric Holder, testified regarding the investigations. And when Attorney General Holder refused to turn over 1,300 pages of executive branch documents, he became the first attorney general to be held in contempt of Congress. The U.S. Attorney in Arizona resigned after testifying before the congressional investigators.
- **Solyndra** – Solyndra Corporation was a start-up that manufactured solar panel systems. As part of the American Recovery and Reinvestment Act of 2009, Solyndra received a \$535 million U.S. Department of Energy loan guarantee. Two years later, Solyndra went bankrupt. The House Energy and Commerce Committee and Rep.

Issa's Oversight Committee examined the Solyndra loan for eighteen months before finally issuing unremarkable reports. Still, the investigations required the Department of Energy to devote significant resources to responding to congressional requests and subpoenas. Indeed, the Energy Department produced over 569,000 pages of documents, which itself required thousands of staff hours to work through. And nothing came of the investigation other than hundreds of breathless news segments.

- IRS – House and Senate committees also spent considerable time and resources looking into allegations that the IRS targeted groups based on their conservative ideology. The allegation that the IRS more closely scrutinized nonprofit groups with conservative keywords surfaced in 2011 and was confirmed by a Treasury Department Inspector General report in 2013. The congressional inquiry expanded several times and ultimately led to several resignations. Additionally, Lois Lerner, the Administration official most caught in congressional crosshairs, asserted she did nothing wrong and then invoked her Fifth Amendment right against self-incrimination when subpoenaed to testify before the House Oversight Committee. The House voted to hold Ms. Lerner in contempt of Congress. Further, during the course of the investigation, the IRS notified congressional investigators that it had lost Ms. Lerner's and other staff's emails that were covered under a subpoena due to a computer crash in 2011 – before the congressional scrutiny began. This fact led to breakoff congressional and law enforcement investigations. Although the inquiries did not lead to any criminal charges, Republicans used the episode in the 2014 midterm elections to their advantage.

In total, congressional hearings during the Obama Administration consumed a combined 8,400 days. That's 23 years for an eight-year presidency.

And it should not be forgotten that Republicans returned to the 1990s' scandal-infused politics to defeat Hillary Clinton in 2016. Ironically, the most corrupt candidate and president in American history won, in part, with a chant of "lock her up." The mainstream media played along, covering the leaked emails and smears regarding the Clinton Foundation as though they were right-wing operatives themselves. In national elections where the Electoral College already tilts towards Republicans, and Democrats must overperform in the national vote to prevail, allowing these investigations and alleged scandals to go unanswered and become part of the mainstream discussion could become the deciding factor in 2024.

ANTICIPATED LINES OF ATTACK AGAINST THE BIDEN ADMINISTRATION

In 2020, the Trump campaign found little in Joe Biden's long service to create outrage over. This was not for a lack of trying, of course, but the relentless right-wing drumbeat regarding Hunter Biden did not spill over into the mainstream coverage. That may change, though, with official investigations into the matter. Moreover, Republicans have telegraphed their plan to use congressional control to bombard the Biden Administration with investigations, to flood the White House with subpoenas, and to use the extensive tools of congressional

oversight to drive the narrative about the Biden Administration during the run up to the 2024 presidential election.

In short, they seek to define, discredit, and destroy – and they are willing to do this through lies and distortions.

The likely chairs of some of the key House committees are

- Jim Jordan, Judiciary
- Barry Loudermilk, Administration
- James Comer, Oversight
- Michael Turner, Intelligence
- Cathy McMorris Rogers, Energy and Commerce Committee
- Michael McCaul, Foreign Affairs Committee

As explained below, these members have already committed to using their new perches as chairs of congressional committees to engage in wide-ranging investigations that serve political ends. In fact, there's renewed attention among Republicans to pushing impeachment articles against President Biden. Representative Bob Good stated recently, "President Biden should be impeached for intentionally opening our border and making Americans less safe. Congress has a duty to hold the President accountable for this and any other failures of his constitutional responsibilities, so a new Republican majority must be prepared to aggressively conduct oversight on day one."

Specifically, the anticipated areas of congressional scrutiny include:

Hunter Biden: If Republicans win the House majority, the House Oversight Committee will target Hunter Biden, no matter who the chair is. In fact, likely chair Representative James Comer has already said that the Committee will be "all over" Hunter Biden because he is "a national security threat." Republicans will target Hunter Biden for his consulting work for CEFC China Energy, which paid him millions of dollars and also gave him a 2.8 carat diamond. The current war between Russia and Ukraine might weaken Republican interest in once again examining Hunter Biden's role with Burisma, a Ukrainian energy firm that paid him \$50,000 a month to serve on its Board, but with the wrong committee chair, this issue could again resurface. And Republicans do not plan to allow the Justice Department's tax investigation into Hunter Biden to slow their efforts to examine and reexamine allegations about Hunter Biden's financial dealings. As Representative Stefanik recently tweeted:



And Representative Comer stated in an interview, “We’re going to have a great hearing early on the potential wrongdoing within the Biden family. The fear is that these shady business dealings have compromised the president.”

The objective here is to suggest to the public that the Biden family is corrupt and compromised and cannot be trusted. And because Hunter Biden has faced a criminal investigation that the Trump Administration commenced, and – based on leaks from hostile law enforcement – he faces a possible indictment from a Trump-appointed prosecutor, Hunter Biden has been unable to mount any public defense of his actions. That has allowed a one-sided narrative to become more mainstream, even among Democrats who do not know the facts. That will need to be ferociously countered – both with pointed responses and direct attacks against the congressional inquisitors.

Afghanistan withdrawal: No president could have more successfully handled the international crisis of Russia invading Ukraine than did President Biden. Republicans know that his foreign policy experience and strong leadership throughout the world paints a terrible contrast for them and their party’s odd internal split between Putin hardliners and Putin apologists. Therefore, to undermine President Biden’s strength as commander in chief and his reputation for competence and steadfastness in foreign affairs, Republicans are set to investigate the Biden Administration’s decisions and actions surrounding the U.S. withdrawal from Afghanistan. Several powerful House Republicans have already called for a select committee to review the topic and Republicans have repeatedly stated that they intend to use their anticipated subpoena power come January 2023 to probe “every aspect of how this withdrawal was botched and who is ultimately responsible.” This investigation, unlike that involving Hunter Biden, will have the imprimatur of credibility and, quite possibly, bipartisanship. It also has the potential to reach deep into the Biden Administration, with so many different departments and officials involved in the planning and carrying out of the effort. Indeed, inspectors general from Homeland Security, State, Pentagon, Health and Human Services, and USAID have already been conducting reviews. And just recently, Republicans on the House Foreign Affairs Committee released a 113-page report on the withdrawal. The missive is riddled with inaccuracies, but Republicans are using it as a roadmap for investigations into the topic and to make the case that the Biden Administration has been stonewalling their efforts to look into the matter. In truth though, the report and the unsupported, anonymous allegations contained within it simply represents

the Republican playbook of scandal mongering on an issue that they hope will hurt the Administration's standing with the public.

Border Policy: Republicans believe that they score political points when headlines focus on immigration. In the lead-up to the 2024 election, they want to bring immigration policy back to the forefront in the same way that Republicans did with the bogus border caravan story and Trump did as a candidate in 2016. They are therefore ready to attack the Biden Administration's border policies and to promote their own narratives about how to secure the U.S.-Mexico border. As part of that effort, they are already planning to pounce. Representative Jim Jordan, who will likely chair the House Judiciary Committee, has stated: "We certainly need to dig into more of the terrible way Mayorkas has run – I think intentionally – the way he has the Department of Homeland Security." Rep. Jordan plans to focus on at least two areas: border enforcement and what he labels as the Department of Homeland Security's "disinformation board." According to CNN, senior GOP sources close to the leadership say that "it's a matter of when – not if – House Republicans initiate an impeachment inquiry" against Secretary Mayorkas. At least 32 members of the House have already co-sponsored Articles of Impeachment against Secretary Mayorkas, 46 members have called on him to resign, and 133 Republicans co-signed a letter expressing "grave concerns" about his remaining in office and accused him of violating the law. They allege that "we no longer have a border" because Secretary Mayorkas refuses to enforce immigration laws. Republicans contend that Secretary Mayorkas is responsible for "the influx of fentanyl and illegal immigration" and that he has prevented more stringent border controls like constructing Trump's border wall. In short, Republicans appear set to make border policy and Secretary Mayorkas a prime target in 2023. As Rep. Scalise recently said, Secretary Mayorkas "might have a reserved parking spot (at the Capitol) he's gonna be up here so much."

COVID: To appease their base, Republicans are also planning to tackle a variety of COVID-related topics, including Dr. Fauci, lockdowns, mask mandates, COVID's origins, and, tangentially related, the baby formula shortage. Senator Rand Paul and Representative Jordan have spoken openly about using their respective Committees' investigatory powers to "subpoena [Dr. Fauci's] records" and forcing him to testify under oath. Representative Jordan has said he plans to untangle "all the lies [and] the misinformation, the disinformation" that Dr. Fauci spread. The attacks Republicans are planning against Dr. Fauci come directly from the far-right conspiracy theorists and evidence-deniers who now dominate the party. Republican House Whip Steve Scalise wants Dr. Fauci to "share under oath what he knew about the Wuhan lab." Republicans allege that Dr. Fauci is hiding the fact that NIH helped fund the Wuhan lab and research on bat coronavirus and that Dr. Fauci has been covering up the link. And Republicans have made clear that Dr. Fauci's announced retirement "will not prevent a full-throated investigation into the origins of the pandemic. He will be asked to testify under oath regarding any discussions he participated in concerning the lab leak." The goal here appears three-fold. Republicans want to link Dr. Fauci with unpopular mask mandates and school closures – a topic that helped land Republican Glenn Youngkin the Virginia governorship. Second, Republicans want to feed

the narrative that COVID was created in a Chinese lab in a conspiracy by Dr. Fauci. Finally, Republicans want to make a boogeyman out of Dr. Fauci as a way to erode the public's trust in government and administrative agencies more generally. As Rep. Stefanik stated recently, "Dr. Fauci, the highest paid US government official who has been in his appointed bureaucratic position since before I was born, is an example of an unelected Washington bureaucrat who was given far too much power throughout his career and caused irreparable harm to the American people." Discrediting Dr. Fauci discredits administrative agency work more broadly, which has long been a goal of Republicans.

Department of Justice Investigations: Secretary Mayorkas is not the only cabinet member who will face exacting scrutiny and calls for impeachment. Because Trump loyalists will fill the key committee roles – especially on the Judiciary Committee, where Representative Gaetz serves along with Representative Jordan – we can expect them to try to tie the Justice Department in knots with bogus investigations and committee appearances seeking to uncover FBI misdeeds in the Mar-a-Lago raid, bias in the Department's work prosecuting January 6th insurrectionists and Steve Bannon, and in investigating the false electors. As Republican Leader Kevin McCarthy said after the recent FBI search at Mar-a-Lago, "Attorney General Garland, preserve your documents and clear your calendar." The motivation here is clear: Trump committed serious crimes that may very well lead to his indictment and conviction. Republicans must discredit the FBI, investigators, prosecutors, judges, and (ultimately) jury that are responsible for his fate. Republican fealty to Trump is too strong for them to do anything but impeach Attorney General Garland.

From these topics alone, it is clear that the Biden Administration will face a wave of congressional investigations that run the gamut – from personal to policy – and that spread throughout the entire executive branch. Furthermore, there will be additional investigations that do not directly implicate the Administration – for example, Republicans will scrutinize the January 6th Select Committee and Silicon Valley tech companies – but could quickly entangle the executive branch.

And as both the Clinton and Obama examples demonstrate, once Congress begins an investigation, it can lead anywhere Republicans want it to go. It is therefore impossible to predict the myriad topics and the number of Administration officials who will become targets.

The analogy to the Clinton and Obama Administrations, though, is not perfect. The media today are radically different, with misinformation and extreme, conspiratorial reporting running rampant. Additionally, our politics is far more calcified and tribal, with a large percentage of Republicans being willing to believe anything bad about Democrats with no regard for whether it is grounded in reality – the rise of QAnon and the Big Lie being prime examples. These facts combine to put significant pressure on mainstream journalists to act quickly and to accept packaged narratives without confirming the facts. As a result, mainstream thought and opinion has become contaminated. We must prevent the pollution from further seeping into news coverage at the expense of factual reporting

CAPACITIES REQUIRED FOR EFFECTIVE PUSHBACK

It is not just a matter of the Biden Administration versus congressional Republicans. As stated above, the real power of the Republican effort stems from the fact that right-wing media will amplify the work – attacking the Administration, devoting hours upon hours to the “revelations” from the committee investigations, and providing a platform for Republican congressional members to spread falsehoods. Right-wing media are already calling for President Biden’s impeachment, Hunter Biden’s prosecution, and Secretary Mayorkas’s resignation or impeachment. The 24-hour rage machine’s volume will only increase if Republicans capture the congressional majority and a significant portion of their agenda centers on investigating all aspects of the Biden Administration.

And because the conservative media and congressional disinformation campaigns feeds the other, they can only be satiated by the other’s proliferation.

For these reasons, a key objective of any effort to counter the Republican strategy will be to limit the reach of the right-wing rage machine – to keep it within their own echo chamber rather than allowing it to become part of the mainstream media coverage. The White House cannot be the sole nucleus for publicly responding to the onslaught of congressional investigations for a number of reasons. First, the Administration will want to remain focused on the positive, forward-looking agenda it is presenting to the American people. If the President or his staff appear fixated on the investigations, that narrative will become a fixture in the media. Second, unlike topics that divide the GOP (particularly around former President Trump and abortion), congressional Republicans will unite around many of the investigations. Therefore, only a truly independent outside group with no ties to the Biden White House coordinating a bipartisan response will be an effective counter to the right-wing smear machine. Further, some of the topics may be too personal or delicate for the White House to be responding or to even be seen as directing a response. Simply put, there are some things that outsiders, with stature and experience managing Democratic war rooms and with deep legal expertise, can say that those within the Administration should not. Similarly, the White House should not be the one scrutinizing the media and holding it accountable for reporting false narratives. Finally, the media – and the public, as well – will consider voices from outside the Administration as more credible than those inside. It is important to coordinate and capitalize on that support.

Correct the Record, which I founded and directed within American Bridge Super PAC (which I also founded) before spinning off as a standalone hybrid Super PAC that under the law was able to coordinate with the Clinton campaign, serves as a model of the work that must be done to counter the congressional Republicans and right-wing media. The research-focused operation pushed back quickly against misinformation campaigns that originated with congressional investigations, made their way into conservative media, and began to seep into mainstream coverage. The organization countered the narrative around Benghazi and Hillary Clinton, relying on powerful and credible surrogates to attack and dispel. The group’s

efforts bolstered the Obama and Clinton responses to the Republican smears so that the facts became a primary part of every mainstream story on the investigations and so that the right-wing conspiracy theories remained cabined. Similarly, Media Matters, which I also founded, brought the fight to the mainstream media first by publishing a book called *The Benghazi Hoax* and then, when Lara Logan at CBS News published a report on the Benghazi attack that contained false information from one of her sources, we put the pressure on that forced her to take a leave of absence and then ultimately leave the network.

Similarly, even before Republicans take control in January 2023, Facts First will distribute media guidelines for covering these alleged scandals – putting the mainstream reporters on notice that they will be held accountable if they simply buy into Republican propaganda.

We will go beyond even those accountability efforts because Republicans are more radicalized than eight years ago and will be more vicious with the truth over the next two years than they ever have been before. Indeed, as Representative Matt Gaetz recently said, “We are going to take power after this next election. When we do, it’s not going to be the days of Paul Ryan and Trey Gowdy and no real oversight and no real subpoenas. It’s going to be the days of Jim Jordan, Marjorie Taylor Greene, and Dr. Gosar and myself.”

But Facts First will win the war of public opinion by controlling the narrative – not just by defending against the partisan witch hunt, but by aggressively turning the tables on the attackers with offensive maneuvers and strong counter narratives that reveal their motivations and misconduct and tell our side of the story. We will create an environment of backlash against the Republicans so that the 2024 elections can be decided on the merits.

Experience shows that to effectively push back against the Republican effort to use its oversight power to drive a narrative about the Biden Administration, an outside team with the following operational capacities will prove essential:

- Research – a fast, dynamic, and well-structured research team prepared to dig in on any topic surfaced by the investigations as well as to engage in opposition research against those involved in the efforts.
- Legal analysis – clear, digestible, and compelling legal analysis undercutting the Republican allegations.
- Surrogate coordinating – assembling, arming with talking points, and booking a ready group of bipartisan, nationally recognized speakers without direct ties to the Biden Administration to combat the narrative.
- Rapid response – through the research, legal analysis, and surrogate operation, be ready to respond quickly, nimbly, and, when appropriate, with ferocity.
- Digital strategy – leveraging social media and digital marketing to engage key audiences and ensure that facts are presented to counter Republican-driven disinformation narratives, preventing lies and half-truths from enveloping the mainstream media coverage.

- Earned and paid communications – bringing the fight to the airwaves with pointed events and paid advertising.
- Outreach – coordinating among like-minded groups for maximum pushback and consistent messaging.

Importantly, in partnership with American Bridge Super PAC, Facts First will have access to a vault of continuously updated opposition research on these members who, in addition to their roles as chairs, are likely to be outspoken attackers of President Biden and the Administration. In addition, our effort will have access to nearly two decades of media footage through various databases as well as research archives compiled during the initial launch phase – it is a digital collection of unprecedented size and scope and many times the size of even the Library of Congress’s catalogue.

TEAM INFORMATION

The Facts First team draws significantly from The 65 Project (see attached memo), which has been actively pursuing the lawyers who played a role in seeking to overturn the 2020 presidential election. The 65 Project’s work involves detailed and rapid research, quick and timely turnaround, compelling and cogent analysis, and a communications strategy that amplifies and validates our efforts. Our group has demonstrated an ability to blast through competing narratives and gain the attention of mainstream media, garnering positive national and local coverage.

Maria Cardona, Co-Chair – Maria has more than two decades of experience in the government, politics, public relations and community affairs arenas. Recognized among the most influential Latinos in the country, Maria is a Principal at the Dewey Square Group, leading the Multicultural and Public Affairs practices. Maria joined DSG in 2005 and founded DSG’s Latino Strategies practice, “Latinovations,” leveraging her reach in the Latino community by advocating on Latino issues, guiding clients on “best practices” for coalition building and support for their positions, products, and brands within the Hispanic community, and spearheading multicultural campaigns. Maria is also known for her work as a political commentator, and is currently a CNN and CNN en Español political contributor, and who appeared frequently on MSNBC, FOX, Univision and Telemundo prior to signing on exclusively with CNN. She is regarded as one of the nation’s top 100 most influential Latinos.

David Jolly, Co-Chair – Former Congressman David Jolly served in the U.S. House of Representatives from 2014 – 2017. A student of the institution, Jolly has held virtually every position in Congress, from intern to Member, and has worked outside the Congress as an attorney and political consultant, as well as in specialty finance. Known for his fierce independent streak and bipartisan approach, Rep. Jolly was first elected in a special election in Florida, a Republican winning a Democratic leaning district. It was his first run for elective office and became one of the most expensive congressional races in U.S. history at the time. Today, Rep. Jolly can often be seen as a policy and politics analyst on MSNBC and

CNN, including regular appearances on *The 11th Hour* with Brian Williams, *Hardball* with Chris Matthews, *CNN Tonight* with Don Lemon, *The Last Word* with Lawrence O'Donnell, *Deadline White House* with Nicolle Wallace, *All In* with Chris Hayes, and many others. Jolly has also appeared on HBO's *Real Time with Bill Maher*, and regularly on *PolitikKing* with Larry King. Rep. Jolly's work has been published in *Time*, *Roll Call*, the *Washington Post*, *CNN.com*, *NewsMax*, the *Washington Times*, and the *Tampa Bay Times*. Jolly also served as an Adjunct Professor at the University of South Florida.

David Brock, President – I am a Democratic activist and widely published author. In 2004, I founded Media Matters for America, the nation's premiere progressive media watchdog group. Following the 2010 elections, I founded the Super PAC American Bridge, which conducts opposition research against Republican candidates running for office and ran an \$80 million dollar media campaign in three swing states to elect President Biden. I served as chairman of Media Matters and American Bridge for 18 and 12 years, respectively. I am the *New York Times* best-selling author of the memoir *Blinded by the Right: The Conscience of an Ex-Conservative*. My writing has appeared in *The New York Times*, *USA Today*, *Huffington Post*, *Daily Beast*, *NBC Think*, and *Salon*. POLITICO named me one of the "30 Most Powerful People in Trump's DC."

Michael Teter, Executive Director – Michael is the Managing Director of The 65 Project and has two decades of experience in the intersection of law and politics. Michael graduated from Yale Law School in 2002 and after working as a union-side labor lawyer, he joined the Kerry campaign as an organizer in the Iowa caucuses and quickly became campaign's Wisconsin state field director for the general election. Following the election, he worked for several years as an attorney at Perkins Coie, before spending nearing a decade in academia, teaching constitutional law, statutory interpretation, administrative law, and election law at Pomona College, the University of Utah, and Georgetown Law. Prior to taking on the role as The 65 Project's Managing Director, he was general counsel at a national advocacy organization dedicated to expanding ballot access, served as an assistant attorney general for the state of Utah, and ran his own legal consulting and civil rights firm.

Melissa Moss, Chief of Staff & External Relations Advisor – Melissa is President of Moss Advisors and a veteran political strategist with over three decades of experience in public affairs. Melissa founded Law Works, a bipartisan nonprofit dedicated to supporting and protecting the Mueller Investigation. Prior to forming Moss Advisors, Melissa was a Senior Vice President at Capital Guardian Trust Company and was President and Chief Executive Officer of the Women's Consumer Network. She served as a political appointee in the Clinton Administration and was the Finance Director of the Democratic National Committee and the first National Field Director of the Democratic Leadership Council.

Communications Director, TBD

Digital Marketing & Social Media Director, TBD

Research Director, TBD

Rapid Response Director, TBD

CONCLUSION

We propose establishing an independent 501(c)(4) committee to direct and coordinate the outside effort to support the White House against the upcoming attacks by defending and counterpunching – sometimes surgically, sometimes broadly, but always methodically. Facts First will comply with tax laws by entrusting donors with the decision regarding public disclosure of their contributions. (A two-year budget is attached.)

We bring a vast array of experience and expertise to lead this endeavor. And, importantly, we are not viewed as Biden insiders and so will have greater credibility with the media as independent actors.

This drive should begin now, but quietly. Republicans are already preparing to begin their investigations in earnest. We know who the main players will be, and we can begin developing research and plans to launch our efforts.