



Summary

In 2020, important security policy developments were seen in the United States, most notably with regard to policies toward China, even as novel coronavirus disease (COVID-19) infections continued to spread. There has been an increasing emphasis on the threat of China's penetration into the United States, and a growing recognition that the state and local levels of government are targeted by Chinese influence operations. In response, specific measures were put in place from 2019 to 2020. First, the State Department began to require prior notification for Chinese government officials to contact U.S. state, local, and municipal government personnel. It also designated 15 Chinese state-run media entities as "foreign missions" under the Foreign Missions Act of 1982 and required them to abide by terms and conditions set by the State Department. Furthermore, in response to growing concerns in the United States about human rights violations in the Xinjiang Uygur Autonomous Region (XUAR) of China, the Uyghur Human Rights Policy Act of 2020 was enacted in June 2020, calling for sanctions against those complicit in human rights violations. In July, the U.S. government imposed sanctions on some Chinese officials by freezing their assets and denying them entry into the country, and also imposed export restrictions on Chinese companies and others allegedly involved in human rights violations.

On the other hand, as each service of the U.S. military develops its own operational concepts for China and Russia, the Department of Defense (DOD) has begun to develop a joint concept to encompass those operational concepts and give them a certain direction. In addition, although the impact of the spread of COVID-19 infections was seen in 2020, there was active deployment of strategic bombers and aircraft carriers in the Western Pacific.

The U.S. presidential election was held on November 3, 2020, and former vice president Joseph Biden was reported to be the winner on November 7. However, President Donald Trump claimed that large-scale election fraud had occurred and filed dozens of lawsuits in various battleground states. Furthermore, on January 6, 2021, an incident arose in which supporters of President Trump stormed the U.S. Capitol Building, where a Joint Session of Congress was being held to certify the electoral votes cast on December 14, 2020.

Chapter 6

The United States

National Security during the COVID-19 Crisis

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Members of the Massachusetts National Guard providing security support near the U.S. Capitol Building on the day of the presidential inauguration on January 20, 2021 (Massachusetts National Guard photo by Capt. Aaron Smith)

1. Unfolding Strategy toward China

(1) The “China Threat” in the Trump Administration

On January 21, 2020, the first case of COVID-19 in the United States was confirmed in Washington State. On January 31, the U.S. government declared a public health emergency and, beginning February 2, suspended entry into the country by foreign nationals who had stayed anywhere in China, with the exception of Hong Kong and Macao, within 14 days prior to entering the United States. However, the number of infections in the United States began to increase rapidly in March. On March 28, the United States surpassed China in the number of reported cases, becoming the country with the most infections in the world. This was followed by a second wave that peaked in July. In October, as the winter season approached, the number of patients increased rapidly, far exceeding the first and second waves. The number of people infected was 19,893,181 and the number of deaths was 344,497 in the United States as of December 31, 2020.

Despite this situation, there were important developments in U.S. security policy in 2020. One development was U.S. policy toward China. In his speech to the Silicon Valley Leadership Group on January 13, 2020, as well as in his speech to state governors at the National Governors Association meeting on February 8, Secretary of State Mike Pompeo called attention to the diversion of technology from U.S. companies operating in China for use in China’s military modernization and China’s growing influence at the state and local levels. In addition, on May 20, the White House submitted its “United States Strategic Approach to the People’s Republic of China” report to Congress, pursuant to the FY2019 National Defense Authorization Act’s requirement to submit a “whole-of-government strategy” with regard to China.

Furthermore, from June to July 2020, Robert O’Brien, assistant to the president for national security affairs (June 24); Christopher Wray, director of the Federal Bureau of Investigation (FBI) (July 7); Attorney General William Barr (July 16); and Secretary of State Pompeo (July 23) gave a series of speeches

Table 6.1. Selected speeches on China by Trump administration officials in 2020

Date	Speaker	Host/venue	Speech title
January 13	Pompeo	Silicon Valley Leadership Group, San Francisco, California	Silicon Valley and National Security
February 6	Barr	China Initiative Conference, Washington, DC	
February 8	Pompeo	National Governors Association, Washington, DC	U.S. States and the China Competition
June 19	Pompeo	Virtual Copenhagen Democracy Summit	Europe and the China Challenge
June 24	O’Brien	Phoenix, Arizona	Chinese Communist Party’s Ideology and Global Ambitions
July 7	Wray	Hudson Institute, Washington, DC	Threat Posed by the Chinese Government and the Chinese Communist Party to the Economic and National Security of the United States
July 16	Barr	Ford Presidential Museum, Grand Rapids, Michigan	
July 23	Pompeo	Nixon Presidential Library and Museum, Yorba Linda, California	Communist China and the Free World’s Future
September 23	Pompeo	Wisconsin State Capitol, Madison, Wisconsin	State Legislatures and the China Challenge
December 9	Pompeo	Georgia Institute of Technology, Atlanta, Georgia	Chinese Communist Party on the American Campus

Sources: Compiled by the author based on U.S. Department of State, Department of Justice, Federal Bureau of Investigation, and White House websites.

designed to expose the threat posed by China (Table 6.1). The four speeches were organized as a set, presumably orchestrated by Secretary Pompeo. Rather than setting a new direction, they were made to clarify what they consider to be the China threat, to highlight the measures that Donald Trump’s administration had been developing in response, and to draw attention to the matter and seek understanding in the United States and abroad.

Several common themes permeate these speeches. The first is the positioning of the threat posed by China as ideologically based. Addressing the issue of ideology in his speech, National Security Advisor O’Brien explained that failure to understand China was because “we did not pay heed to the CCP’s



Secretary of State Pompeo delivers his policy speech on China at the Nixon Presidential Library and Museum on July 23, 2020 (UPI/Newscom/Kyodo News Images)

[Chinese Communist Party] ideology,” and described the CCP as a “Marxist-Leninist organization” and “the last ‘ruling communist party that never split with Stalin.’” He asserted that “individuals do not have inherent value under Marxism-Leninism” and they “exist to serve the state,” and that this way of thinking “remain[s] as fundamental

to the Chinese Communist Party.” He added that based on this way of thinking, the CCP “seeks total control over the people’s lives,” including economic control, political control, physical control, and thought control. Additionally, Secretary of State Pompeo made statements in his speech that: “the CCP regime is a Marxist-Leninist regime”; “it’s this ideology that informs his [General Secretary Xi’s] decades-long desire for global hegemony of Chinese communism”; and that “America can no longer ignore the fundamental political and ideological differences between our countries.”

At the same time, these speeches make a clear distinction between the CCP, which happens to be ruling China and the Chinese people, as seen in the statement by National Security Advisor O’Brien that the “Chinese Communist Party does not equal China or her people.” To the latter, the United States’ “long history of friendship” and “deep respect and admiration” (O’Brien) are emphasized throughout the speeches.

The second theme is that these speeches position CCP-led activities in China and abroad as ideology-based “propaganda.” National Security Advisor O’Brien asserted that “propaganda plays a central political role for the CCP,” quoting the work of an Australian journalist who said that for “Lenin, Stalin, Mao and Xi,” “words” are “bullets” that are for “defining, isolating, and destroying

opponents.” O’Brien also noted that propaganda activities are not confined to China; rather, the CCP is using corporate acquisitions and other methods to “eliminate ‘unfriendly’ Chinese language media outlets worldwide” and is also spreading “subtle pro-Beijing propaganda” through the radio stations it has acquired in the United States.

The third theme, which is clearly demonstrated by the second theme, is the emphasis that the threat of China has penetrated into the United States and is coming closer to the American people. Secretary of State Pompeo said that when “we opened our arms to Chinese citizens...China sent propagandists into our press conferences, our research centers, our high-schools, our colleges, and even into our PTA meetings.” In addition, Attorney General Barr stated, “All too often, for the sake of short-term profits, American companies have succumbed to that [China’s] influence—even at the expense of freedom and openness in the United States.” Citing U.S. films such as *World War Z* (2013) and *Doctor Strange* (2016) as examples, Barr commented that “Hollywood now regularly censors its own movies to appease the Chinese Communist Party, the world’s most powerful violator of human rights.”

FBI Director Wray also cited “malign foreign influence” as a tool that “China and the Chinese Communist Party use to manipulate Americans.” He stated that if, for example, the Chinese authorities learn that a U.S. official is planning to visit Taiwan, they may threaten to revoke permission for U.S. companies in the official’s constituency to operate factories in China, or they may approach close associates of the official “to act on China’s behalf as middlemen” and have them persuade the official to cancel the visit. Director Wray also warned that these “co-opted middlemen” may not reveal to the official in question that they are “Chinese Communist Party pawns,” and that they might “not even realize they’re being used as pawns.”

As indicated by the fact that two of the four people, who delivered the aforementioned speeches in June and July were the attorney general and the director of the FBI, the fourth theme is that policy toward China has also been positioned as a law enforcement and counterintelligence issue that entails

concrete actions within the United States. In particular, at the Department of Justice, under the leadership of then attorney general Jeff Sessions, the China Initiative, chaired by the assistant attorney general for national security, was established in November 2018 to strengthen prosecution of cases related to the theft of trade secrets allegedly involving China. FBI Director Wray's speech emphasized the threat that economic espionage by China poses to U.S. companies and the economy. He raised the example of a Chinese scientist participating in China's Thousand Talents Program, an overseas high-level recruitment program, who stole advanced technical information from the U.S. company that formerly employed him and provided it to China. He also cited the example of a Chinese-American businessman who set up a company to "digest" and "absorb" U.S. technology and provide it to Chinese state-owned enterprises, and then headhunted engineers from a U.S. company to have them provide proprietary technical information. According to Director Wray, the number of economic espionage cases involving China has increased 14-fold in the past 10 years.

In his speech, Secretary of State Pompeo said that since the presidency of Richard Nixon in the United States, it had been presumed to be "inevitable" that China would become freer as it became more prosperous, and that the freer it became, the less of a threat it would pose to the international community. However, he asserted that that "age of inevitability is over." Secretary Pompeo's choice of the Nixon Presidential Library and Museum as the venue for this statement may have been intended to underscore that the Trump administration's review of policy toward China constituted a fundamental shift since the establishment of diplomatic relations between the United States and China.

(2) Countering China's Influence Operations

China's influence operations in the United States had been an issue even before the speeches by Secretary of State Pompeo and the others. Congress included a provision in the National Defense Authorization Act for Fiscal Year 2020, enacted in December 2019, to establish the Foreign Malign Influence

Response Center within the Office of the Director of National Intelligence (ODNI). The mission of the center is "analyzing and integrating all intelligence possessed or acquired by the United States Government" regarding "any hostile effort" undertaken by Russia, Iran, North Korea, or China, with the objective of influencing, through overt or covert means, U.S. government policies or public opinion in the United States. It provides to employees and officers of the Federal Government in policy-making positions and Congress "comprehensive assessments, and indications and warnings," and makes recommendations on countermeasures upon request. The act also included a provision stipulating that the ODNI's National Counterintelligence and Security Center (NCSC) submit an "annual report on the influence operations and campaigns in the United States by the Communist Party of China," including those conducted by the United Front Work Department that is in charge of foreign operations in the CCP.

This particular vulnerability to Chinese influence operations in the United States was recognized to be at the state and local levels. On September 25, 2018, Director of National Intelligence Dan Coats referred to Chinese influence operations in the United States in a speech at The Citadel, stating that "the Chinese government uses all the capabilities at their disposal, to influence US policies, spread propaganda, manipulate media, pressure individuals, including students, critical of Chinese policies." He additionally stated that China: "is also targeting US, state, and local governments and officials. It is trying to exploit any divisions between federal and local levels of policies." He added that China "uses investments and other incentives to expand its influence." Vice President Mike Pence also referred to China's influence operations targeting U.S. states and localities in his China speech at the Hudson Institute on October 4, 2018, citing U.S. Intelligence Community assessments. Furthermore, Secretary of State Pompeo, in his speeches to the National Governors Association on February 8, 2020 and to the Wisconsin State Senate Chamber on September 23, stated that China has started influence operations against localities below the state government level, which it perceives as "weak link[s]," and warned

against being approached by Chinese diplomats and others under the guise of “cooperation or friendship.”

Against the backdrop of this growing sense of crisis, the U.S. government has taken measures to limit the Chinese government’s influence, especially at the state, local, and municipal government levels. On the *Federal Register* dated October 21, 2019, the State Department designated that “all official meetings” planned with “representatives of state, local, and municipal governments in the United States and its territories” involving members of Chinese foreign missions in the United States (including its representatives temporarily working in the United States, and accompanying Chinese dependents and members of their households) as a “benefit” to be provided through the State Department and required such members of the Chinese missions to submit prior notification to the department, if they plan such official meetings or visits. Furthermore, in the *Federal Register* dated July 6, 2020, the State Department expanded the scope of those requiring advance notice. It came to require any personnel of the Chinese government “temporarily visiting” the United States to submit advance notification of engagement with “any personnel” (including elected and appointed officials, representatives, and employees) of state, local, and municipal governments. Furthermore, the State Department announced on the *Federal Register* of September 21, 2020 that it would require the Chinese foreign missions in the United States to obtain advance approval from the department to “host a cultural event” with more than 50 people in attendance, outside the physical boundaries of the mission.

The U.S. government’s stance against China’s influence operations was demonstrated in its treatment of the Chinese media. The State Department announced, during the press conference on February 18, 2020, that it had designated five Chinese state-run media organizations as “foreign missions” under the Foreign Missions Act of 1982. Subsequently, the State Department announced that it had designated “the representative offices and operations in the United States” of four Chinese state-run media organizations on June 22, and six on October 21, as “foreign missions.” In each of above determinations

on designation of “foreign mission,” the State Department requested the Chinese media entities to comply with the terms and conditions specified by the department.

The Foreign Missions Act, cited in the determinations, defined as “foreign mission,” “any mission to or agency or entity in the United States,” which is (i) involved in the diplomatic, consular, or other activities, or (ii) “substantially owned or effectively controlled by” a foreign government.¹ The State Department claimed these Chinese media entities came under (ii). During the February 18 press conference, State Department officials explained that these Chinese state-run media entities “work 100 percent for the Chinese Government and the Chinese Communist Party,” and the designation merely recognized the fact that they are “part of the PRC [People’s Republic of China] party state propaganda news apparatus.” At that time, the officials explained that the purpose of this was to ask the Chinese media entities which had been designated as foreign missions to report on two points: first, basic information on individuals working for these entities in the United States, current state of personnel and update on personnel changes; and second, the status of real estate holdings in the United States. On the other hand, the officials stated, “We’re not in any way, shape, or form constraining any of the journalistic activities these entities engage in.” In fact, if we read the actual public notices, these media entities are exempted from the requirement for Chinese government officials to give prior notice when contacting state, local, and municipal government personnel.

On February 19, the day after the February 18 press conference at which the State Department announced the designation of five Chinese state-run media entities as foreign missions, the Chinese Ministry of Foreign Affairs announced that it had revoked the press credentials of three Beijing-based reporters from the *Wall Street Journal* because of an article by a university professor that appeared in the newspaper on February 3 (the *Wall Street Journal* stated that the three journalists were ordered to leave the country within five days). On March 2, the State Department disclosed that it had asked the five Chinese state-run media entities that it designated as foreign missions on February 18 to set “personnel

caps” on the number of Chinese citizens able to work for them in the United States, reducing the number to a total of 100 people at the five entities. At a press conference on March 22, State Department officials explained in regard to the “personnel caps” at the five companies that “the caps aren’t placed on individuals; they’re only on the entities,” and that it was up to each entity to decide who would stay and who would leave the country in order to stay within the personnel cap. The officials also stated that this was in reaction to “a very longstanding negative trend in the treatment of the press” in China, and “not linked to any one particular incident,” such as the deportation of the *Wall Street Journal* reporters.

The State Department’s designation of a total of 15 Chinese state-run media entities as foreign missions was, in fact, not for the purpose of obtaining information on their personnel and real estate holdings in the United States, which a State Department official stated would be requested from Chinese media entities at the February 18, 2020 press conference. At a June 22, 2020 press conference when a second designation was announced, David Stilwell, assistant secretary of state for East Asian and Pacific affairs, stated that the CCP “has always tightly controlled China’s state news agencies,” but that its “control has actually tightened in recent years.” He also pointed out that “the word they [China’s state news agencies] were putting out was in fact aligned with what the Communist Party wanted,” adding, “That’s not journalism.” Stilwell said that designating the media entities as foreign missions indicated formal recognition of “the China party state’s effective control over so-called media entities, including those that operate here in the United States,” and that this would lead to “increasing the transparency of these and other PRC government propaganda activities in the United States.” The State Department also gave a similar explanation when it announced the designation of foreign missions on October 21. Thus, arguably, the series of designations of Chinese state-run media entities as foreign missions was actually aimed at labeling them as “CCP propaganda outlets.”

The State Department has taken the same measures against Confucius

Institutes as it has against the 15 Chinese state-run media entities. Confucius Institutes are overseen by the Office of Chinese Language Council International (Hanban), a subordinate organization of the Chinese Ministry of Education, and are established within cooperating universities and other educational institutions overseas for purposes including overseas Chinese language education, promoting understanding of Chinese language and culture, enhancing educational and cultural exchanges and cooperation, and promoting friendly relations. According to the Hanban website, 541 Institutes have been established worldwide (confirmed on December 31, 2020).² In addition to university-level Confucius Institutes, Confucius Classrooms have been established at secondary education institutions.

Since the first Confucius Institute was established in the United States in 2004, more than 100 Confucius Institutes and more than 500 Confucius Classrooms have been established.³ This has led to concerns about the presence of Confucius Institutes on U.S. college campuses. In June 2014, the American Association of University Professors issued a statement on Confucius Institutes, stating that most agreements establishing Confucius Institutes include “unacceptable concessions to the political aims and practices of the government of China.” The statement also observed that Confucius Institutes “advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate,” asserting that “allowing any third-party control of academic matters is inconsistent with principles of academic freedom, shared governance, and the institutional autonomy of colleges and universities.”⁴ In addition, in a report released in April 2017, the National Association of Scholars cited a statement by Li Changchun, a CCP Politburo Standing Committee member, who stated that Confucius Institutes are “an important part of China’s overseas propaganda set-up,” and recommended that U.S. universities with Confucius Institutes and Classrooms close them and sever ties with Hanban.⁵

Furthermore, the report titled *China’s Impact on the U.S. Education System* released by the Senate Homeland Security and Government Affairs Committee

on February 27, 2019, noted, “The Chinese government controls nearly every aspect of Confucius Institutes at U.S. schools.” It also pointed out that Confucius Institute directors and faculty members “pledge to protect Chinese national interests,” and that “Confucius Institute funding comes with strings that can compromise academic freedom.” It also pointed out that the State Department and the Department of Education were not fully aware of these conditions.⁶

In response to deepening concerns over the presence of Confucius Institutes in U.S. universities, on August 13, 2020, Secretary of State Pompeo announced the State Department’s designation of the Confucius Institute U.S. Center (CIUS) as a foreign mission, saying that it is the “de facto headquarters of the Confucius Institute network” in the United States. Furthermore, in the August 24 *Federal Register*, the State Department announced that the CIUS would have to comply with the terms and conditions specified by the Department related to the CIUS’ activities in the United States, requiring (i) a report detailing all financial and other support the CIUS had provided or would provide to Confucius Institutes, Confucius Classrooms, or other educational institutions in the United States in calendar years 2018, 2019, 2020, (ii) a list of all PRC citizens referred or assigned by CIUS to a Confucius Institute or Confucius Classroom in the United States since 2016 (as well as biannual updates thereafter), (iii) provision of 60 days’ notice to the State Department prior to dispersing funds, personnel, or other resources in support of new Confucius Institutes or other educational organizations in the United States, and (iv) courtesy copies of curriculum materials that CIUS had provided to individual Confucius Institutes or other U.S.-based educational institutions for use in calendar years 2016–2020.

In the August 13 statement on the designation of the CIUS as a foreign mission, Secretary of State Pompeo expressed that these measures “recogniz[ed] CIUS for what it is: an entity advancing Beijing’s global propaganda and malign influence campaign on U.S. campuses and K-12 classrooms” and that the Institutes were “funded by the PRC and part of the Chinese Communist Party’s global influence and propaganda apparatus.” The statement also explained the “goals” of the designation as allowing school officials to “make informed choices about

whether these CCP-backed programs should be allowed to continue.” In light of this explanation, the designation of the CIUS as a foreign mission seems to have been aimed at highlighting the fact that Confucius Institutes, including the CIUS, are Chinese propaganda organizations and surveillance agencies aimed at Chinese students in the United States. A letter to the governing boards of American institutions of higher education and affiliates dated August 18 from Under Secretary of State Keith Krach and a joint letter to state commissioners of education dated October 9 from Secretary of State Pompeo and Secretary of Education Betsy DeVos, pointed out that Confucius Institutes and Confucius Classrooms at U.S. campuses, while they are run on the curricula approved by the Chinese government and taught by teachers trained by the Chinese government, were in fact “an important element of the PRC’s global influence campaign.” The letters, likely with the same goals as the designation, also emphasized the disadvantages of accepting Confucius Institutes and Confucius Classrooms, such as the possible interference by the Chinese into academic freedom at universities, using financial incentives as lever.

(3) Sanctions on Human Rights Violations in China

Another characteristic of the development of policy toward China in 2020 was the strengthening of sanctions against China, particularly in response to growing concerns in the United States over human rights violations in the XUAR. The Congressional-Executive Commission on China (CECC), composed of Republican and Democratic Party members of the House and Senate as well as members appointed by the executive branch, stated in its 2018 Annual Report released on October 10, 2018: “Since Chen Quanguo’s appointment as XUAR Party Secretary in August 2016, reports have documented the escalation of rights abuses against local ethnic minority populations.”

As an example of this, the 2018 Annual Report raised “the extrajudicial detention of 1 million or more individuals in ‘political reeducation’ centers or camps.” Reasons for detention include “frequency of prayer, expression of ‘politically incorrect’ views, history of travel abroad, and connections with

people outside of China.” The report also pointed out that at the reeducation centers, which promote “transformation through education,” detainees were forced to chant “Thank the Party! Thank the Motherland! Thank President Xi!” and that there was “torture” including the use of interrogation chairs as well as “medical neglect and maltreatment, solitary confinement, [and] sleep deprivation.” The 2019 Annual Report, released on January 8, 2020, similarly mentioned Chinese media reports that the XUAR People’s Congress had amended its regulations on “vocational training centers.” The report also said that in 2019, Chinese authorities had “expanded a system of extrajudicial mass internment camps” and detained 1.5 million people.

Furthermore, the 2018 Annual Report mentioned that in the XUAR, the Chinese government has established “data-driven surveillance,” facilitated by iris and body scanners, voice pattern analyzers, DNA sequencers, and facial recognition cameras in neighborhoods, on roads, and in train stations. The report pointed out that Chinese companies such as Hikvision and Dahua Technology were awarded upwards of \$1.2 billion in government contracts to build the surveillance systems.

Congress has also expressed strong concerns about this “unprecedented repression of ethnic minorities in the Xinjiang Uyghur Autonomous Region” (2018 Annual Report). On August 28, 2018, 17 Republican and Democratic Party members of the House and Senate, led by Senator Marco Rubio, chairman of the CECC, jointly sent a letter to the secretary of state and secretary of the treasury that states that the Chinese government is “creating a high-tech police state in the XUAR” that constitutes a “gross violation of privacy and international human rights,” and that they were thus calling for sanctions against the Chinese government and CCP officials who “oversee these repressive policies” in the region, including XUAR Party Secretary Chen Quanguo, that would hold them accountable under the Global Magnitsky Human Rights Accountability Act.⁷ On December 12 of the following year, a group of members of Congress, led by Senator Rubio, sent another letter to the secretaries of state, treasury, and commerce calling for sanctions to be imposed on XUAR Party Secretary Chen

and others, this time signed by 48 members of Congress.⁸ The Global Magnitsky Act authorizes the president to impose sanctions, including ineligibility for or revocation of visas to enter the United States and blocking of property, on “foreign person[s]” who are “responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights.” In response to this act, Executive Order 13818 (December 20, 2017) granted the secretary of the treasury the authority to designate sanctions targets.

Furthermore, in 2019, bills calling for stronger measures related to the human rights situation in the XUAR, including sanctions and investigations, were introduced in the House and Senate and passed in their respective floors. In 2020, based on these bills, Senator Rubio introduced the Uyghur Human Rights Policy Act of 2020, which was passed in the Senate by unanimous consent and in the House by 413-1. It was signed into law by President Trump on June 17. The act requires the president to identify persons who are “responsible” for “torture,” “cruel, inhuman, or degrading treatment or punishment,” “prolonged detention without charges and trial,” and other such acts against Uyghurs, Kazakhs, and others in the XUAR, and report to Congress within 180 days after the enactment of the act. It also calls for the imposition of sanctions such as asset blocking and denial or revocation of U.S. visas against such persons.

Despite repeated calls from Congress, it was not until 2020 that the Department of the Treasury imposed sanctions under the Global Magnitsky Act in relation to the human rights situation in the XUAR. On July 9, 2020, the Department of the Treasury designated four people—XUAR Party Secretary Chen Quanguo; Zhu Hailun, a former deputy party secretary of the XUAR; Wang Mingshan, director and party secretary of the Xinjiang Public Security Bureau (XPSB); and Huo Liujun, former party secretary of the XPSB—as well as the XPSB as subject to asset blocking under the Global Magnitsky Act. On the same day as the Treasury Department’s announcement, Secretary of State Pompeo announced that Chen Quanguo, Zhu Hailun, and Wang Mingshan would be subject to denial of entry to the United States. Then, on July 31, the Treasury Department announced that it had additionally designated the

Xinjiang Production and Construction Corps and two of its executives as targets of sanctions, including asset blocking, under the Global Magnitsky Act. The press release stated that the Xinjiang Production and Construction Corps is a “paramilitary organization in the XUAR that is subordinate to the Chinese Communist Party” that has “helped implement” the “comprehensive surveillance, detention, and indoctrination program targeting Uyghurs and members of other ethnic minority groups” advanced by XUAR Party Secretary Chen. Congressman James McGovern, chair of the CECC, and Senator Rubio issued a statement on July 10 regarding the imposition of sanctions under the Global Magnitsky Act, saying that they welcomed the “long overdue” sanctions, and called for more action from the government regarding the situation in the XUAR, “one of the worst human rights situations in the world.”

In addition, steps were also taken in terms of trade control, to impose sanctions related to the human rights situation in the XUAR. On October 7, 2019, the U.S. Bureau of Industry and Security (BIS) of the Department of Commerce announced that it would add the XPSB, 19 organizations under the XPSB, and eight businesses (including Hikvision and Dahua Technology which were mentioned in the CECC Annual Report), to the “Entity List” on the ground of being implicated in human rights violations and abuses targeting Uyghurs and other predominantly Muslim ethnic minorities in the XUAR. Furthermore, on May 22, 2020, China’s Ministry of Public Security’s Institute of Forensic Science and eight Chinese companies were added to the Entity List.

The Entity List identifies entities for which there is reasonable cause to believe have been, are, or may become “involved in activities that are contrary to the national security or foreign policy interests of the United States” based on the Export Administration Regulations (EAR) administered by the BIS. When exporting to those on the Entity List, even in cases of exporting items that would not normally require a license for export, such as low-technology consumer goods, one is specifically required to submit license applications, which in principle are not granted.⁹ The scope of the EAR is extremely broad, and with the exception of items under the jurisdiction of other government departments

and agencies, it includes “all items in the United States,” “all U.S. origin items,” and “foreign-made commodities that incorporate controlled U.S.-origin commodities, foreign-made commodities that are ‘bundled’ with controlled U.S.-origin software, foreign-made software that is commingled with controlled U.S.-origin software, and foreign-made technology that is commingled with controlled U.S.-origin technology.”¹⁰

While the sanctions under the EAR relate to exports to China, imports from China have also been addressed in relation to the XUAR. In its “Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region” report released in March 2020, the CECC pointed out that Uyghurs, ethnic Kazakhs, and Kyrgyz in the XUAR are forced to work in factories located in mass internment camps or in factories outside the camps in the XUAR, and that the products produced there are entering the international supply chain. The report listed textiles, cotton, electronics, food products, shoes, tea, and handicrafts as categories that contain products from forced labor, and it named 20 companies “suspected of directly employing forced labor or sourcing from suppliers that are suspected of using forced labor.”

The “Xinjiang Supply Chain Business Advisory” jointly issued on July 1 by the Departments of State, Treasury, Commerce, and Homeland Security also reflected such concerns. The advisory refers to the mass detentions, abuse, and forced labor of Uyghurs in the XUAR, and warns U.S. companies of several patterns concerning “reputational, economic, and, in certain instances, legal, risks” that may arise from “supply chain links” to human rights abuses in the case of doing business with Chinese companies that are located in the XUAR or have involvement with the XUAR.

Currently, although the Trump administration’s strengthening criticism of China over “human rights abuses” in the XUAR reflects the growing recognition in the United States that such abuses are a problem in and of themselves, it also seems to include the objective of using the human rights issue as a springboard to put pressure on China.

In his speech on July 23, 2020, Secretary of State Pompeo stressed the

importance of “in-person diplomacy,” appealing directly to the “Chinese people” who are “dynamic, freedom-loving people who are completely distinct from the Chinese Communist Party,” and mentioned meetings he had with “Uyghurs and ethnic Kazakhs who escaped Xinjiang’s concentration camps,” “Hong Kong’s democracy leaders,” and “Tiananmen Square survivors.” He pointed out that the “CCP fears the Chinese people’s honest opinions more than any foe, and save for losing their own grip on power, they have reason—no reason to.” Pompeo’s logic recognized that engaging directly with “dynamic, freedom-loving people” and eliciting “the Chinese people’s honest opinions,” which “the CCP fears...more than any other foe,” will strike the internal vulnerabilities of China’s current regime.

In concluding his speech, Secretary of State Pompeo asserted that “securing our freedoms from the Chinese Communist Party is the mission of our time” and that “America is perfectly positioned to lead” it because of the “founding principles” of the Declaration of Independence of 1776 that all people have “inalienable rights.” By positioning the United States as “a beacon of freedom for people all around the world, including people inside of China,” he emphasized that these internationalist declarations are also directed at China’s domestic human rights situation.

Furthermore, on July 8, 2019, when Secretary of State Pompeo announced the establishment of the Commission on Inalienable Rights, composed of human rights specialists, philosophers, and outside experts on activism, he explained the Commission’s significance by linking it to how, “with the indispensable support of President Ronald Reagan, a human rights revolution toppled the totalitarian regimes of the former Soviet Union.” This was a reference to how the Reagan administration placed multifaceted pressure on the Soviet Union not only to strengthen its own military power, but also to pursue the Soviet Union’s human rights issues.¹¹ The Trump administration’s pursuit of China’s human rights issues seems to show aspects of a cold war strategy modeled on the New Cold War pursued by the Reagan administration.

2. Implementing the 2018 National Defense Strategy

(1) Defense Capabilities in the Age of Great Power Competition

During the Trump administration, the National Defense Strategy (NDS), a summary of which was released in January 2018, was used as “a clear roadmap for the Department of Defense to address the re-emergence of long-term strategic competition from near-peer competitors: China, then Russia” (Secretary of Defense Mark Esper, Senate Armed Services Committee, March 4, 2020). The NDS provides direction for the development of operational concepts with China and Russia as “pacing threats,” and force development based on these concepts.

One of these DOD efforts is the development of an operational concept that encompasses the entire U.S. military. Up until this point, each of the armed services had separately developed concepts premised on conflict with China and Russia, including the Army’s Multi-Domain Operations (MDO), the Air Force’s Multi-Domain Command and Control (MDC2), the Navy’s Distributed Maritime Operations (DMO), and the Marine Corps’ Expeditionary Advanced Base Operations (EABO).¹² In a September 2019 article, Thomas Greenwood and Pat Savage stated that “each of the service concepts focuses on a different aspect of multidomain operations,” and “each has adopted different assumptions about war against a major power, which makes integration difficult.” Thus, the two pointed out that “the bottom-up effort [of each initiative of the armed services] should be complemented by a more robust top-down approach.”¹³

The Joint Warfighting Concept (JWC), which Secretary of Defense Esper pushed to develop since taking office in July 2019, is an attempt at such a “top-down approach.” On March 4, 2020, Secretary of Defense Esper described the JWC at a Senate Armed Services Committee hearing. While acknowledging elements of a bottom-up approach by saying, “This concept builds on the recent experimentation conducted by the Services,” he noted that the JWC will “enable our transition to All-Domain Operations by aligning our personnel, equipment, training, and doctrine.” This was an acknowledgement of the need to provide a

certain direction to the efforts of each of the armed services from above.

As Secretary Esper testified, at the core of the JWC is what is called All-Domain Operations or Joint All-Domain Operations (JADO). The Air Force released a doctrine publication on JADO in March 2020 and has been updating it since then. According to *Annex 3-99*, dated October 8, 2020, JADO is “[c]omprised of air, land, maritime, cyberspace, and space domains, plus the EMS [electromagnetic spectrum],” and encompasses “[a]ctions by the joint force in multiple domains integrated in planning and synchronized in execution, at speed and scale needed to gain advantage and accomplish the mission.” The emphasis in JADO is on “convergence across domains.” This convergence signifies “synchronization and integration of kinetic and non-kinetic capabilities to create lethal and nonlethal effects.” The doctrine explains that to achieve this, it is necessary to “align” the various operations in special operations, tactical air, global strike, global mobility, cyberspace, space, and information environment, which have hitherto been planned and conducted according to “disparate planning timelines,” so as to create “desired effects.”¹⁴

The concept of “convergence” in JADO was initially proposed in the Army’s MDO concept to mean “rapid and continuous integration of capabilities in all domains, the EMS, and information environment.” Lieutenant General Eric J. Wesley, director of the Futures and Concepts Center (FCC) and deputy commanding general of the Army Futures Command (AFC), stated on July 22, 2020 that the Army is playing “the lead role in facilitating its [the JWC/JADO’s] development,” and that the inclusion of the concept of “convergence” in JADO can be seen as an indication of the influence of the MDO concept that the Army has been developing.¹⁵

The problem is how one can achieve “rapid and continuous integration of capabilities in all domains.” Although the U.S. military has been able to achieve cross-domain convergence through “episodic synchronization of domain-federated solutions,” it does not yet have the capability to achieve “rapid and continuous integration of capabilities in all domains.” The Air Force’s MDC2, one of the three focus areas identified by General David Goldfein, chief

of staff of the Air Force, who retired in August 2020, is an effort to achieve it. MDC2 was designed to “integrate real-time information from a variety of sources—some non-traditional—and evaluate that information as fast as systems can process it,”¹⁶ on the premise that the Air Force has capabilities in the three domains of aviation, space, and cyberspace. In 2019, MDC2 developed into a joint concept, with its name changed to Joint All-Domain Command and Control (JADC2).¹⁷ JADC2 is based on the recognition that the incompatibility between the tactical networks established by each of the military services would be a barrier to the execution of operations in future conflicts where decisions would need to be made within hours, minutes, or potentially seconds, and will enable faster decision-making through sharing of information obtained from sensors of each of the military services on a cloud-like environment.

The Air Force is in charge of leading DOD efforts to develop JADC2, in part because it originated from the Air Force’s MDC2 concept. In November 2019, the Navy reportedly reached an informal agreement with the Air Force on building a JADC2 network to enable sharing of targeting information between the two services’ ships and aircraft, and there are reports that work between the two services has begun. In a speech on December 5, 2019, Admiral Michael Gilday, chief of naval operations, disclosed that the Navy and the Air Force were working together on JADC2, which he said was the “first, biggest challenge” for the Navy, given the current lack of an “adequate net” connecting various weapons and platforms. In addition, on September 29, 2020, General Charles Q. Brown, chief of staff of the Air Force, and General James McConville, chief of staff of the Army, signed an agreement to develop Combined Joint All-Domain Command and Control (CJADC2) between the Army and Air Force for a two-year period through the end of FY2022. The addition of the “C” meaning “combined” to JADC2 has been interpreted as being aimed at incorporating allies in the future.¹⁸

As the centerpiece of JADC2, the Air Force is developing the Advanced Battle Management System (ABMS), which is positioned as a network to fill the gaps in interoperability and information sharing among air, land, sea, space,

and cyberspace domains. Originally, the ABMS was started as a replacement for the E-8 Joint Surveillance Target Attack Radar System (JSTARS) and the E-3 Airborne Warning and Control System (AWACS). However, rather than procuring it as a complete platform like JSTARS and AWACS, which are based on large passenger aircraft, it is envisioned as a distributed system using cloud technology. The development of ABMS will also focus on an open and modular system, with the aim of gradually improving its capabilities by successively introducing technologies when it becomes possible.

Three “Onramp” exercises of the ABMS were conducted during FY2020. The first exercise was conducted on December 16 to 18, 2019, in which a sensor “mesh network” that included low-orbit satellites was used to transmit information on aerial target drones simulating a cruise missile attack on the U.S. homeland to an Aegis destroyer, F-35 and F-22 aircraft of the Air Force, F-35 aircraft of the Navy, and an Army unit equipped with a High Mobility Artillery Rocket System (HIMARS). The second exercise was conducted in the United States from August 31 to September 3, 2020, in which the coordinates provided by Air Force assets enabled the Army’s howitzer to fire a hyper velocity projectile (HVP) to actually shoot down a target drone that simulated a cruise missile. Furthermore, the third exercise was conducted as part of the Valiant Shield exercise, which took place from September 14 to 25 of the same year. The exercise tested the options to link the Army’s Multi-Domain Task Force (MDTF), carrier strike groups (CSG), and Air Force units at the Multidomain Operations Center – Forward (MDOC-F).

On the other hand, in the Army, the AFC is working on Project Convergence (PC). As symbolized by its designation PC is an effort to achieve convergence, a central idea of the MDO/JADO concepts, as well as to incorporate the Army into CJADC2, which is being built with the Air Force. The project aims to gain the ability to “rapidly and continuously converge effects across all domains” in order to “overmatch our adversaries in competition and conflict.” To that end, it aims to reduce the time required for decision-making by delivering data and cloud technologies to the tactical command, with work planned to

proceed on an annual cycle that will include a large-scale annual exercise beginning in FY2020. The first large-scale exercise associated with the PC, Project Convergence 2020 (PC20), focused on “close combat” by brigade combat teams, combat aviation brigades, and others, and was held at the Yuma Proving Ground in Arizona from August 11 to September 18, 2020. In PC20, targeting information acquired by low-earth orbit satellites, the MQ-1C Grey Eagle unmanned aircraft system, and ground sensors was transmitted to Joint Base Lewis-McChord in Washington State, where it was processed and sent to the howitzer unit at the Yuma Proving Ground for firing. The exercise reportedly took less than 20 seconds from target detection to firing. According to officials related to PC20, obtaining information from the satellite’s sensors and using it in the attack “seemed really simple and happened super-fast,” but it had taken several weeks of work to connect systems and networks, which were not normally connected, in advance. PC21 is planned to be held in 2021, and it will include participation by the Navy, Air Force, Marines, and the Intelligence Community, and incorporate elements of the JWC.

(2) “Dynamic Force Employment” in the Indo-Pacific

In 2020, there were restrictions on movement related to U.S. military force deployment due to the spread of COVID-19. On March 11, the DOD ordered a 60-day suspension of movement by all DOD personnel and their family members traveling to, from, and through Centers for Disease Control and Prevention (CDC) Travel Health Notices Level 3 (COVID-19) designated locations, effective March 13. On March 13, the DOD ordered the suspension of domestic movement by DOD personnel and their family members from March 16 to May 11. On March 25, it ordered suspension of overseas travel by DOD personnel and their family members for 60 days effective the same date. Furthermore, on April 20, the DOD extended the period of the suspension of domestic and overseas movement by about one month until June 30. Later, on May 22, the DOD transitioned from a deadline-based approach to a conditions-based phased approach in which restrictions are relaxed according to local conditions.

The spread of infection also affected a variety of exercises. Large-Scale Exercise 2020, originally scheduled for summer 2020 to test operational concepts being developed by the Navy and Marine Corps, such as Littoral Operations in a Contested Environment (LOCE), DMO, and EABO, was postponed to 2021. The Defender-Europe 20 exercise, which began in January 2020, was designed to test the Army's ability to send troops and equipment on a large-scale to Europe. It was planned to move 20,000 troops and 20,000 pieces of equipment from the Continental U.S. (CONUS) to Europe, the largest such movement in 25 years, and to conduct an exercise in May in conjunction with this. However, as of March 13, the movement of troops and equipment to Europe was suspended, and it was decided to hold the exercise with troops that had already been moved to Europe and pre-positioned stocks (6,000 troops and 12,000 pieces of equipment).

The Pacific Air Forces also cancelled Red Flag-Alaska 20-1 (scheduled for April 30 to May 15) and 20-2 (scheduled for June 11 to 26), two of the three Red Flag-Alaska exercises normally held in Alaska each year. The exercise was later resumed, with 20-3 being held from August 1 to 14 and 21-1 being held from October 8 to 23. In addition, the Rim of the Pacific Exercise (RIMPAC), which is conducted every other year, was reduced in scale and duration in 2020. The previous RIMPAC, held in 2018, included a shore portion, and according to U.S. sources, 45 surface ships, five submarines, over 200 aircraft, and over 25,000 personnel from 26 countries participated over a month-long period from June 28 to August 2. In contrast, the 2020 exercise, which took place over a two-week period from August 17 to 31, was limited to at-sea activities, with participation by only 10 countries, 22 surface ships, one submarine, several aircraft, and 5,300 personnel. Also in 2020, the annual Balikatan exercise with the Armed Forces of the Philippines was suspended.

Perhaps the most attention-garnering impact of COVID-19 on military operations was the suspension of the deployment of the aircraft carrier USS *Theodore Roosevelt*. She departed San Diego on January 17, 2020 for deployment to the Indo-Pacific. On March 5, 2020, it made a port call in Da Nang, Vietnam, to commemorate the 25th anniversary of the normalization of diplomatic

relations between the United States and Vietnam. However, on March 8, after receiving notification from the Vietnamese government that there were COVID-19 cases at a local hotel where some crew members of *Theodore Roosevelt* were staying, 39 crew members who had stayed or visited the hotel were quarantined aboard the ship and the rest of the itinerary was canceled (the 39 crew members were subsequently released after a two-week quarantine). *Theodore Roosevelt* then departed from Da Nang on March 9. Then, on March 24, while the ship was underway in the Philippine Sea, COVID-19 cases were confirmed on board, prompting the ship to move up its schedule and arrive in Guam on March 27, where it took measures such as moving the infected sailors ashore, quarantining the crew, and disinfecting the ship. This halted the ship's deployment for over two months. In the end, 1,200 of the 4,800 crew members were infected with COVID-19. It is estimated that the virus was brought on board during the port call in Da Nang and then spread on the ship without being identified. As of November 4, over 200 Navy ships out of the 296 deployable ships had at least one COVID-19 case. However, as of the end of 2020, ever since the outbreak of the *Theodore Roosevelt* case, which happened early in the COVID-19 pandemic, there have been no outbreaks on U.S. Navy ships on a comparable scale due to aggressive measures taken within the service, including swift isolation of infected people, contact tracing, and thorough infection prevention measures.

However, despite constraints posed by the COVID-19 pandemic, the deployment of U.S. forces in the Indo-Pacific continued in 2020. The concept of "dynamic force employment" (DFE), put forth in the 2018 NDS was emphasized for this. The NDS made clear that the DOD intends to change the way it deploys its forces, setting forth DFE, which would "more flexibly use ready forces to shape proactively the strategic environment." It is intended to achieve "strategic predictability" and "operational unpredictability," meaning, not allowing adversaries to predict the specific disposition of U.S. forces deployed and the mode of their operations, while clearly demonstrating the U.S. military's commitment to the security of the region in question.

Table 6.2. Deployment of CONUS-based bombers to the Western Pacific after discontinuation of the Continuous Bomber Presence (CBP) in April 2020

Period	Bombers deployed	Actions during Western Pacific deployment
April 22	B-1B 1 aircraft 28BW	A B-1B flew a “30-hour sortie” from Ellsworth AFB, South Dakota, and integrated with USAF F-16s, JASDF F-2s and JASDF F-15s for bilateral training in Draughon Range near Misawa AB, Japan. Returned to Ellsworth.
April 29	B-1B 2 aircraft 28BW	Two B-1Bs flew a “32-hour round-trip sortie” from Ellsworth AFB to conduct operations over the South China Sea. Returned to Ellsworth.
May 1 – end of May	B-1B 4 aircraft 7BW	Four B-1Bs deployed to Andersen AFB, Guam from Dyess AFB, Texas with 200 airmen and C-130. They conducted training in the East China Sea, Hawaii, the South China Sea, Alaska, and the Sea of Japan, before returning to Dyess on May 31.
June 17	B-52H 2 aircraft 2BW	On June 14, three B-52Hs moved from Barksdale AFB, Louisiana to Eielson AFB, Alaska. A B-52H integrated with USAF F-22s and Royal Canadian Air Force CF-18s for training in support of NORAD. On June 16, two B-52Hs left Eielson, and conducted bilateral training on June 17 with JASDF F-2s, JASDF F-15s, and USN E/A-18s over the Sea of Japan.
July 4	B-52H 1 aircraft 2BW	A B-52H took off from Barksdale AFB and conducted a maritime integration exercise with two CSGs (USS <i>Nimitz</i> and <i>Ronald Reagan</i>) in the South China Sea, before arriving at Andersen AFB on July 4.
July 17 – August 18	B-1B 2 aircraft 28BW	On July 17, two B-1Bs deployed from Ellsworth AFB to Andersen AFB, with 170 airmen, after conducting bilateral training with JASDF F-15Js over the Sea of Japan. On July 21, they conducted a maritime integration operation with the <i>Ronald Reagan</i> CSG in the Philippine Sea and flew over the South China Sea. On July 27, a B-1B conducted bilateral training with JASDF F-2s in the vicinity of Japan. On August 7, a B-1B, launched from Andersen AFB, and conducted bilateral training with JASDF F-2s and F-15s in the vicinity of Japan.
August 17 – 18	B-1B 2 aircraft 7BW	On August 17, two B-1Bs deployed from Dyess AFB to the Sea of Japan. They trained with another pair of B-1Bs, already deployed to Andersen AFB from 28BW in Ellsworth, Kadena-based F-15Cs, Iwakuni-based F-35Bs, the <i>Ronald Reagan</i> CSG, and JASDF F-15s. Upon completion of the training, the four B-1Bs returned to CONUS bases. In addition, two B-2s of the 509th Bomb Wing, then deployed to Diego Garcia from Whiteman AFB, Missouri, conducted a simultaneous mission in the Indian Ocean.
September 10 –	B-1B 4 aircraft 28BW	On September 10, four B-1B and 200 airmen, flew from Ellsworth AFB to Andersen AFB. Before arriving at Andersen, they conducted bilateral training with JASDF fighters. On September 23 - 25, the four B-1Bs participated in the Valiant Shield exercise, integrated with F-22s, Navy air and surface assets. On September 30, two B-1Bs conducted training with JASDF fighters in the vicinity of Japan.
October 20 – November 22	B-1B 4 aircraft 7BW	On October 20, four B-1Bs and 200 airmen arrived at Andersen AFB from Dyess AFB. Before arriving at Andersen, the B-1Bs conducted bilateral training with JASDF F-2s and F-15s. A B-1B flew from Andersen AFB to Misawa AB on October 28, followed by two more B-1Bs on October 29. On November 8, two B-1Bs took off from Andersen AFB and flew over the South China Sea, before returning to Andersen. On November 12 and 13, a B-1B conducted a joint interoperability exercise with the USAF, USN, and USMC. On November 12, a B-1B of 28BW, deployed from Ellsworth AFB, participated in the exercise.
December 5 –	B-1B Multiple aircraft 28BW	On December 5, B-1Bs flew from Ellsworth AFB to Andersen AFB. On December 10, a B-1B launched from Andersen, and conducted stand-off weapons training and rapid response training with two F-22s (94th Fighter Squadron, Joint Base Langley-Eustis).

Sources: Compiled by the author based on Department of Defense websites.

Notes: Air Base (AB); Air Force Base (AFB); Continental United States (CONUS); Carrier Strike Group (CSG); Japan Air Self Defense Force (JASDF); North American Aerospace Defense Command (NORAD); United States Air Force (USAF); United States Navy (USN); United States Marine Corps (USMC); 2nd Bomb Wing, Barksdale AFB, Louisiana (2BW); 7th Bombs Wing, Dyess AFB, Texas (7BW); and 28th Bomb Wing, Ellsworth AFB, South Dakota (28BW).

A recent manifestation of DFE was a change in the way bombers are deployed to the Western Pacific. Since 2004, the U.S. Air Force had maintained a Continuous Bomber Presence (CBP) in which bombers were deployed from CONUS bases to Andersen Air Force Base (AFB) in Guam on a six-month rotation. The CBP was terminated on April 17, 2020, when B-52 bombers of the 5th Bomb Wing (Minot AFB, North Dakota) returned after completing their deployment to Guam. As the word “continuous” in its name implied, the CBP was intended to maintain an uninterrupted bomber presence in the Western Pacific. It was relatively regular in nature, mainly involving alternating six-month deployment by two remaining wings in the U.S. Air Force that operate B-52 aircraft, namely the 5th Bomb Wing and the 2nd Bomb Wing (Barksdale AFB, Louisiana).¹⁹

Some have expressed concern that the abrupt end of CBP signals diminishing U.S. commitment to the Indo-Pacific.²⁰ However, a U.S. Air Force official explained the end of the CBP: “In line with the National Defense Strategy, the United States has transitioned to an approach that enables strategic bombers to operate forward in the Indo-Pacific region from a broader array of overseas locations, when required, and with greater operational resilience, while these bombers are permanently based in the United States.” He further added that “U.S. strategic bombers will continue to operate in the Indo-Pacific, to include Guam, at the timing and tempo of our choosing.”²¹

After the end of the CBP, Western Pacific deployment of CONUS-based bombers has been continued as Bomber Task Force (BTF) missions. While B-52Hs bore the bulk of the burden in CBP missions, BTF missions are primarily



A B-1B bomber, Navy ships, and Navy and Air Force aircraft participate in the Valiant Shield exercise on September 25, 2020 (U.S. Navy photo by Petty Officer 3rd Class Erica Bechard)

conducted by B-1Bs, which can carry and launch state-of-the-art Long-Range Anti-Ship Missiles (LRASM) (Table 6.2). This makes them, in the words of a U.S. Air Force official, “perfectly suited for the Pacific theater,” and the move can also be seen as a check on China’s rapidly growing naval power. In BTF deployments in May, July to August, September, October to November, and December, B-1Bs were forward-deployed for about a month at Andersen AFB in Guam with a contingent of about 200 personnel. During month-long deployment at Andersen, B-1Bs conducted training at various locations throughout the Western Pacific. Otherwise, bombers conducted round-trip sorties, flying directly in the vicinity of Japan, conducting bilateral training, and then returning to the CONUS without landing (deployments in April, July, and August). In the August 17–18 deployment, B-1Bs flying from Dyess AFB, Texas, trained with B-1Bs already deployed at Andersen AFB and B-2 bombers that had been deployed from the CONUS to Diego Garcia and flown in the vicinity of Japan. Furthermore, in the June 17 deployment of B-52Hs in the vicinity of Japan, a pair of B-52Hs departed from their CONUS base to Alaska, where one B-52H split off and headed for Japan. In this way, deployment patterns are becoming more varied and complex, and these deployments are carried out on short notice, with no advance public notification of the duration. These factors are thought to have increased what the NDS calls “operational unpredictability.”

Surely, the deployment of Navy ships in the Western Pacific was also affected by the spread of COVID-19, as in the case of *Theodore Roosevelt*. That being said, 2020 saw multiple instances of dual carrier operations by two CSGs in the Western Pacific, which had not occurred since the November 2018 deployment of USS *Ronald Reagan* and USS *John C. Stennis* to the Philippine Sea. *Theodore Roosevelt*, which departed San Diego in January for deployment to the Indo-Pacific, left Guam on June 4 and resumed deployment in the Western Pacific after a two-month interruption. *Ronald Reagan*, forward-deployed at Yokosuka, left for Indo-Pacific deployment on May 21 after completing annual repairs. Furthermore, USS *Nimitz* departed San Diego on June 8 to relieve USS *Harry S. Truman*, which had been deployed in the Middle East, and reached the Seventh

Table 6.3. Dual carrier operations in the South China Sea and the Philippine Sea in 2020

Period	CSGs	Area	Actions during dual carrier operations
June 21–23	<i>Theodore Roosevelt</i> , <i>Nimitz</i>	Philippine Sea	On June 21, the <i>Theodore Roosevelt</i> and <i>Nimitz</i> CSGs conducted dual carrier flight operations in the Philippine Sea. They conducted air defense drills, sea surveillance, replenishments at sea, and a long range strikes exercise. On June 23, the two CSGs conducted dual carrier and airwing operations, after which the <i>Nimitz</i> CSG called at Guam and the <i>Roosevelt</i> CSG left for San Diego.
June 28	<i>Nimitz</i> , <i>Ronald Reagan</i>	Philippine Sea	On June 28, the <i>Nimitz</i> and <i>Ronald Reagan</i> CSGs conducted dual carrier operations in the Philippine Sea.
July 4–6	<i>Nimitz</i> , <i>Ronald Reagan</i>	South China Sea	The two CSGs formed the <i>Nimitz</i> and <i>Ronald Reagan</i> Carrier Strike Force and conducted high-end integrated exercises that included air defense exercises, tactical maneuvering drills, simulated long-range maritime strike scenarios, and coordinated air and surface exercises.
July 17	<i>Nimitz</i> , <i>Ronald Reagan</i>	South China Sea	The <i>Nimitz</i> and <i>Ronald Reagan</i> CSGs conducted high-end dual carrier exercises in the South China Sea, after which the <i>Nimitz</i> CSG moved to the Indian Ocean.

Sources: Compiled by the author based on Department of the Navy websites.

Note: Carrier Strike Group (CSG).

Fleet’s area of operation (west of the International Date Line) on June 17. From June to July 2020, dual carrier operations by these CSGs took place multiple times in the South China Sea and the Philippine Sea (Table 6.3).

There were also instances of integrated training by bombers and CSGs deployed in the Western Pacific. When the *Nimitz* and *Ronald Reagan* CSGs were deployed in the South China Sea from July 4 to 6, a B-52H flew in from Barksdale AFB to conduct a maritime integration exercise with the two CSGs on July 4. The exercise was reportedly conducted under the assumption of a contested and degraded communications environment, with Air Force bombers, Navy aircraft, and Navy ships operating on shared networks to accomplish integrated missions. Additionally, the *Ronald Reagan* CSG forward-deployed in Yokosuka conducted a series of dual carrier operations with the *Nimitz* CSG in the South China Sea and the Philippine Sea, followed by a trilateral exercise with the Royal Australian Navy and Japan’s Maritime Self-Defense Force (MSDF) in the Philippine Sea from July 19 to 23, training in the South China

Sea on August 14, and a bilateral training with JDS *Ikazuchi* in the Philippine Sea on August 15.

3. The 2020 Election and the Presidential Transition

(1) President Trump's Post-Election Legal Challenges

As a result of the presidential election held on November 3, 2020, former vice president Joseph Biden and Senator Kamala Harris received 81.28 million votes, winning the election over incumbent President Trump and Vice President Pence, who received 74.22 million votes (hereinafter, the date and time in this section are Eastern Standard Time). In this election, former vice president Biden not only received 306 electoral votes versus the 232 electoral votes received by President Trump, a victory by a margin of 74 electoral votes, but also beat Trump in the popular vote by seven million votes. In the 2016 election, President Trump won the Electoral College by 74 electors' votes over former secretary of state Hillary Clinton, even though he had received 2.86 million fewer votes than her in the popular vote. Former vice president Biden also won by more than 10,000 votes in each of the swing states, which made his victory clear. This was the first time in 28 years that an incumbent president has lost an election for a second term since President George H.W. Bush was defeated by Arkansas Governor Bill Clinton in the 1992 election.

During this election, in response to the spread of COVID-19, states relaxed the eligibility requirements for mail-in voting and extended the deadline for receiving mail-in ballots, and the number of voters who chose mail-in voting increased significantly. On the other hand, ever since President Trump claimed at a press conference on April 7, 2020, that mail-in voting is "corrupt" and "a very dangerous thing for this country" due to what he depicted to be cheating committed via mail-in voting, he continued to attack mail-in voting as an institution, repeatedly claiming that forces opposed to him would use mail-in voting to commit voter fraud.

The background for President Trump making this claim was that it was estimated that Democratic Party supporters were far more inclined to choose mail-in voting over in-person voting. Therefore, disputes arose in states like Pennsylvania as Democrats tried to make it easier for voters to vote by mail by setting a longer period for accepting mail-in ballots, while Republicans tried to set the period as short as possible, and at the same time tried to stop election officials from conducting "pre-canvassing": preparatory work done by poll workers before the election day, such as preparing mailed-in ballots to be ready for scanning and checking for incomplete identification information filled out on the declaration envelopes that contained the ballots.²² This was a move coordinated with President Trump, who repeatedly called for a halt to the vote counting process immediately after the general election. It was a strategy aimed at invalidating as many mail-in votes as possible by prematurely terminating the vote counting process, as delays in the counting process are far more pronounced for mail-in votes than for in-person votes.²³

Furthermore, the issue of voter fraud came to be mentioned in connection with the refusal to commit to a "peaceful transfer of power," in which the losing incumbent admits defeat and proceeds with a transfer of power. In an interview on July 19, 2020, President Trump claimed that there would be voter fraud through mail-in voting and refused to answer a question about whether he would accept the election results if he lost. In addition, during a press conference at the White House on September 23, when asked if he would commit to a "peaceful transition of power," President Trump strongly insisted on the existence of voter fraud and said that there would be a peaceful "continuation" of power, in other words, his own victory, if fraudulently cast votes were excluded.

This was not the first time that President Trump alleged voter fraud. During his 2016 election campaign he frequently claimed that there would be massive voter fraud in the upcoming election, but once his own victory was confirmed, he reversed his assessment and called it "a very open and successful presidential election" in a November 10, 2016 tweet. However, when attention was drawn to former secretary of state Clinton's lead in the popular vote, President Trump

began to contend that voter fraud occurred on a scale of millions of votes, tweeting on November 27: “In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.” Even after his inauguration as president, he continued to insist on the existence of voter fraud, tweeting on January 25, 2017: “I will be asking for a major investigation into VOTER FRAUD.” On May 11, 2017, he established a bipartisan commission headed by Vice President Pence to investigate fraud in the 2016 election. However, this commission was disbanded by the president himself in January 2018 without uncovering any piece of evidence for the existence of fraud.

While the presidential election in the United States takes the form of an indirect election, in which voters choose electors on election day and those electors then cast votes to choose the president thereafter, the entire process consists of multiple steps. Following the general election (which took place on November 3 for the 2020 election), each state compiles the results of the count, corrects any errors in the count if they occur, and in some states, audits the count by verifying samples of the votes cast. Based on this confirmation work, the county and then the state boards of canvassers certify the votes. The governors of each state then compile the names of electors chosen by voters as well as the number of votes each received into certificates of ascertainment, which are mailed to the archivist of the United States with the signature of each state’s secretary of state, who serves as the state’s chief election official. The process up to this point is the “ascertainment” of the voting results in each state.

The electors chosen in this way then meet in their state capital and cast their electoral votes, official votes for the president and vice president in each state, on the first Monday after the second Wednesday in December (December 14 for the 2020 election). According to federal law, if a state makes a “final determination” of any controversy or contest concerning the appointment of the electors “by judicial or other methods or procedures” six days before that date (December 8 in the 2020 election), that determination is “conclusive,” and it is necessary to follow the “conclusive” determination when counting the electoral votes.

For this reason, the six days prior to the casting of electoral votes is called the “Safe Harbor” deadline, meaning that the results of the popular vote in any state cannot be overturned if its ascertainment is made by the deadline. The electors then mail certificates with the results of the electoral vote to the president of the Senate, who is the vice president. At 1:00 p.m. on January 6 of the following year, a Joint Session of both houses of Congress is held with the vice president as the presiding officer. The vice president opens the certificates of the electoral votes sent from each state. Four “tellers”—two appointed beforehand from both the Senate and House of Representatives—read the certificates and count the votes. The presiding officer then declares who has won a majority of the electoral votes and has been elected president and vice president. This procedure is commonly referred to as the “certification” by Congress, of the results of the electoral vote.

During this presidential election, President Trump claimed victory in a speech in the early hours of the morning after election day, and at the same time said that there was “a major fraud in our nation” and that he would take the case to the U.S. Supreme Court. In other words, it was at this stage that Trump began to send the message he would later repeat: that if he lost the vote, it must be because of fraud. Following this, the Trump campaign, the president’s allies, and President Trump himself filed dozens of lawsuits, mostly in swing states, and pressured Republican officials in various states to cooperate in overturning the election results in their respective states.

Among the lawsuits filed by President Trump’s side, the one filed in Pennsylvania, a key state in the entire presidential election, with 20 electors, received a great deal of attention.²⁴ In the case of *Donald J. Trump for President, Inc. v. Boockvar*, the Trump campaign sued Pennsylvania Secretary of the Commonwealth Kathy Boockvar and seven county boards of elections, claiming that the canvassing and tabulation of the 682,479 ballots cast by mail in Allegheny and Philadelphia counties, which include large cities, was conducted “without review by the political parties and candidates” (such as only allowing observers dispatched from each party to observe the canvassing and tabulation far from the areas where the work was being done). Furthermore,

the lawsuit claimed that “Democratic-heavy counties” started pre-canvass work of reviewing received mail-in ballots for deficiencies before election day, while such work was not done before election day in “Republican-heavy counties,” and this thus gave an advantage to voters in the former counties over the latter counties because the work was done without state-wide uniform guidelines. The Trump campaign then sought to prohibit the certification of commonwealth-wide ballot results, or to certify Pennsylvania’s ballot results by excluding the roughly 680,000 mail-in ballots (the latter request was later dropped). In response, the U.S. District Court for the Middle District of Pennsylvania dismissed the suit in a November 21 ruling. The Trump campaign then appealed, but on November 27, the U.S. Court of Appeals for the Third Circuit dismissed the case.

Trump allies led by Republican Representative Mike Kelly also filed a lawsuit (*Kelly v. Pennsylvania*) on November 21, just before the deadline to ascertain the results of the vote in Pennsylvania. The plaintiffs claimed that the Pennsylvania Election Code amendment enacted October 31, 2019, that allows “no-excuse” mail-in voting by all eligible voters, violates Article VII, Section 14 of the Pennsylvania Constitution, which sets forth the conditions under which mail-in voting is allowed. The lawsuit sought to prohibit the certification of the results of the state’s elections based on the amendment, to exclude the results of mail-in ballots from certification, or to invalidate the election itself, and to have the electors chosen by the Pennsylvania General Assembly. In response, on November 28, the Pennsylvania Supreme Court dismissed the lawsuit on the grounds that the plaintiffs failed to act with “due diligence” in not seeking legal relief soon after the October 2019 enactment of the Pennsylvania Election Code amendment and in not filing suit until the ascertainment of election results in Pennsylvania was imminent. The plaintiffs then appealed to the U.S. Supreme Court, which on December 8 issued a one-sentence ruling stating, “The application for injunctive relief...is denied,” without any explanation or mention of any dissenting opinions. Similar lawsuits aimed at invalidating votes statewide were also filed by the Trump campaign, Trump allies, or President

Trump personally in Arizona, Georgia, Michigan, and Wisconsin.

In addition to the legal challenges, President Trump used blatant political pressure on state officials of Georgia, pushing what had been considered a “Red” state into “Republican civil war.”²⁵ In the 2020 election, not only did former vice president Biden win by a narrow margin, but the incumbent Republican candidates also failed to win a majority of votes in both the regular and special elections for Georgia’s two Senate seats, leading to a runoff election. Moreover, this runoff election would determine whether Republicans could maintain their majority in the Senate (the Democrats won both Senate seats in the January 5 runoff election, and thus gained majority party status, with the tie-breaking vote held by the vice president, who is also president of the Senate). Within the Republican Party, many came to believe that voter fraud, which they claimed existed, was responsible for the outcome of these elections, and began to criticize the state’s election officials, including Republican Georgia secretary of state, Brad Raffensperger. Amidst this, there was mounting pressure on Georgia election officials within the Republican Party, especially from supporters of President Trump.²⁶

After votes were cast on election day, the state of Georgia conducted a full manual recount from November 11 to 19 in order to meet the November 20 deadline for ascertainment of election results.²⁷ Against this backdrop, President Trump repeated his claim that there was widespread voter fraud through mail-in voting in Georgia, including identity fraud, and demanded that the signatures on the declaration envelopes used to mail the ballots be audited. He also claimed that without such voter fraud, he would have won the election in Georgia. During this period, Secretary of State Raffensperger admitted that he and others were pressured to invalidate mail-in ballots by Senator Lindsay Graham (R-South Carolina) and other Republicans who supported President Trump, and even received death threats and other severe intimidation aimed at overturning the election results. In a November 16 interview with the *Washington Post*, Raffensperger stated, “Other than getting you angry, it’s also very disillusioning,” “particularly when it [threats] comes from people on my

side of the aisle.”²⁸

In response to these attacks alleging fraud in Georgia’s election, Raffensperger and Gabriel Sterling, Georgia voting system implementation manager, addressed the theories about evidence of voter fraud one by one and showed that they were wrong. They also asserted that although Georgia election officials were investigating every accusation of voter fraud, they had not found any evidence that fraud occurred on a broad enough scale to affect the outcome of the election.

As for the signature audit demanded by President Trump, for the 2020 election in Georgia, signature matching was conducted twice. First, the signatures on the mail-in voting application forms were checked against the signatures in the voter registration database. Second, the signatures on the envelopes containing the mail-in ballots were checked before the envelopes were opened. After the envelopes were opened following the signature match, the ballots and envelopes were kept separate following the principle of voter secrecy stipulated in the Constitution of Georgia. Because of this, even if a problem were to be found during the signature audit, there would be no way to know which candidate the ballot was in support of. In other words, the system could not produce a situation such as the one alleged by President Trump in his November 19 tweet stating, “When the much more important signature match takes place, the State will flip Republican, and very quickly.”²⁹ For this reason, Georgia Secretary of State Raffensperger rejected President Trump’s demand for a signature audit, stating, “[T]here has been no evidence presented of any issues with the signature matching process,” and, “[T]he signature verification process was—and always has been—public and that they [observers from both parties] could observe it.” (A signature match audit was later conducted in Georgia with the cooperation of the Georgia Bureau of Investigation for a county that was criticized for not having done proper signature matching. However, no cases of fraudulent absentee ballots were found, according to a December 29, 2020 statement from Secretary of State Raffensperger.)

The results of the audit, which took place through to November 19, reaffirmed

former vice president Biden’s victory in Georgia. On November 20 the following day, Georgia Secretary of State Raffensperger and Governor Brian Kemp signed a certificate of ascertainment. After this, a recount was conducted at the request of the Trump campaign. On December 7, the day before the Safe Harbor deadline, Governor Kemp and Secretary of State Raffensperger conducted a second ascertainment based on the results of the recount and confirmed that there was no change to Biden’s victory in Georgia. Although President Trump had once praised Raffensperger as “a fantastic Secretary of State for Georgia” in a November 26, 2018 tweet, at the White House on November 26, 2020, he attacked Raffensperger by calling him “an enemy of the people,” a term that was also favored by Joseph Stalin. The background for this was that the recount was then in progress at the request of the Trump campaign, following the first ascertainment of the election results in Georgia.³⁰

In early December, when Georgia ascertained its election results for the second time, the margin for President Trump to overturn the results of the vote became increasingly narrow. In addition, the results of 41 states were ascertained in time for the Safe Harbor deadline of December 8, and by this point, Biden had officially secured 270 electors. Furthermore, the Safe Harbor deadline of December 8 was also that date on which the United States Supreme Court ruled against the plaintiffs in the aforementioned case of *Kelly v. Pennsylvania*, which sought to invalidate the election in Pennsylvania and have the Pennsylvania General Assembly appoint electors.

It was in early December that President Trump began repeatedly demanding



On December 1, 2020, Gabriel Sterling, Georgia voting system implementation manager, urges President Trump to stop inciting violence against Georgia election officials (TNS via ZUMA Wire/Kyodo Images)

Governor Kemp to call a special session of the Georgia General Assembly, aiming to have the state assembly appoint its own electors during the special session. On December 5, President Trump reportedly asked Governor Kemp to do this, with which the governor refused to comply (on the same day, President Trump mentioned the special session for the first time on Twitter). On December 6, the following day, in a jointly issued statement, Governor Kemp and Lieutenant Governor Geoff Duncan rejected President Trump's request to call a special session, stating that "convening of a special session of the General Assembly" in order to "select a separate slate of presidential electors is not an option that is allowed under state or federal law," and "any attempt... to retroactively change that process for the November 3rd election would be unconstitutional." In response, President Trump called fellow Republican Governor Kemp and other Georgia officials "RINO [Republican in name only]." He continued to press for a special session while attacking them with harsh rhetoric, including his December 7 tweet stating, "People are ANGRY!"; his December 12 tweet stating, "[T]wo RINO Republicans...allowed states that I won easily to be stolen...vote them out of office!"; his December 14 tweet stating, "What a fool Governor" and "Demand this clown [Georgia Governor Kemp] call a Special Session"; and his December 18 tweet stating, "So easy to do, why is he not doing it? It will give us the State. MUST ACT NOW!"

President Trump's attempt to overturn the election in Georgia did not end with his attempt at a special session. On January 2, 2021, in a telephone conversation with Georgia Secretary of State Raffensperger that lasted over an hour after 18 attempts by the president to contact him, Trump asked for Raffensperger's help, saying, "I just want to find 11,780 votes" to turn around his 11,779-vote loss to former vice president Biden in Georgia. In doing so, President Trump reiterated various conspiracy theories concerning election fraud in Georgia, saying that it was a "criminal offense" for Secretary of State Raffensperger to know about the fraud and not make it public, and that it would be a "big risk" for him to let it go. The statement was criticized as an "attempt at extortion" to make Secretary Raffensperger cooperate with President Trump by implying that without his

cooperation, the president "might deploy the Justice Department to launch an investigation." The conversation between President Trump and Georgia Secretary of State Raffensperger was reported in the *Washington Post* on January 3, and the audio data was made available on the newspaper's website.³¹

In a new development in the legal challenges since the U.S. Supreme Court rejected the appeal by Representative Kelly and others in the *Kelly v. Pennsylvania* case, on December 7, Texas Attorney General Ken Paxton, an ally of President Trump, filed a lawsuit (*Texas v. Pennsylvania*). With the State of Texas as the plaintiff, the lawsuit sought to invalidate the election results in the states of Georgia, Michigan, Wisconsin, and Pennsylvania and to order the legislatures of those states to appoint electors. At the time the lawsuit was filed, most of the states had already finished ascertaining their results, and it was regarded as highly unlikely that the U.S. Supreme Court would disregard state jurisdiction and allow a lawsuit by a state unrelated to the four states in question to go forward. However, President Trump himself joined the lawsuit as an intervenor, saying it was "[t]he case that everyone has been waiting for" in a tweet on December 9. Additionally, from the Republican Party, 17 state attorneys general and 126 members of the U.S. House of Representatives participated in the lawsuit as *amici curiae* to the plaintiffs who submitted an *amicus brief* in support of the Texas lawsuit. In response, on December 11, the U.S. Supreme Court declined to hear the case on the grounds that Texas lacked standing.

According to the Democracy Docket website, of the lawsuits filed by the Trump campaign, allies of President Trump, and the president himself related to the outcome of the presidential election, 64 had been lost or withdrawn by the time he left office. Only one minor case filed in Pennsylvania had been allowed to go forward. This series of losses was due to the fact that President Trump's side never accused a specific person or organization of voter fraud with a concrete fact. When they stood before court, they only provided mere speculations in each case, such as: that voter fraud must have occurred due to the actions of election officials or that double voting must have occurred, citing issues with voter registration. In this respect, President Trump's public

statements in the media and on Twitter differ greatly from the actions in court. In some cases, lawyers for the Trump campaign were forced to admit that the cases were not about voter fraud when questioned by judges. One example was when Rudolph Giuliani, a lawyer for the Trump campaign, stated, “This is not a fraud case” in response to the judge in the oral argument of the *Donald J. Trump for President, Inc. v. Boockvar* case on November 17.

Explaining the Trump campaign’s conduct, Senator Ben Sasse (R-Nebraska) stated, “[W]hen Trump campaign lawyers have stood before courts under oath, they have repeatedly refused to actually allege grand fraud—because there are legal consequences for lying to judges.”³² Such conduct by the Trump campaign inevitably severely undermined the persuasiveness of its arguments in court. In its November 21 decision in the *Donald J. Trump for President, Inc. v. Boockvar* case, the U.S. District Court for the Middle District of Pennsylvania stated that because the Trump campaign has presented nothing but “strained legal arguments without merit and speculative accusations,” they “cannot justify the disenfranchisement of a single voter.” The Trump campaign later appealed. In its November 27 decision, regarding the Trump campaign’s claim that the election was “unfair,” the U.S. Court of Appeals for the Third Circuit stated that “its [the Trump campaign’s] allegations are vague and conclusory.” It also stated in regard to “specific allegations and then proof” necessary for claims in court, “We have neither here.” These rulings were reported as a “harsh rebuke” by the judiciary to the Trump campaign for publicly alleging voter fraud but not presenting its claims and evidence in court.³³

Contrary to President Trump’s claims, a number of public organizations denied the existence of large-scale fraud in the 2020 election. On November 12, the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security released a joint statement on the election saying, “There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised,” and “the November 3rd election was the most secure in American history.” The CISA is responsible for election security that entails protection of election infrastructure (including the IT infrastructure and

systems used to register voters, count, audit, and display election results, and certify and validate election results, as well as voting systems and polling places) from external hacking and tampering. The November 12 statement was issued by the Election Infrastructure Government Coordinating Council Executive Committee, a consultative body of federal and state election officials, and the Election Infrastructure Sector Coordinating Council, a consultative body of private businesses that manufacture and sell equipment for voter registration, voting, and vote counting. The statement can be seen as a reflection of the consensus of public and private parties involved in election administration.

In addition, Attorney General Barr told the Associated Press on December 1 that “to date, we have not seen fraud on a scale that could have effected a different outcome in the election.” Previously, Barr had authorized federal prosecutors and the FBI to “pursue substantial allegations of voting and vote tabulation irregularities” in a memorandum dated November 9. Moreover, the Organization for Security and Co-operation in Europe (OSCE), which dispatched election observers for the election, concluded in a report dated November 4 that “the number and scale of alleged and reported cases of fraud associated to absentee ballots remained negligible.” Similarly, in a report dated November 6, the Organization of American States (OAS) noted, “The OAS observers...did not witness any of the aforementioned irregularities” as claimed by President Trump.

Mail-in voting was not something that was introduced for the first time in the 2020 election. It has also been implemented in past elections. Generally speaking, the margin for fraud to occur via mail-in voting is not great, which FBI Director Wray made clear when he told the Senate Homeland Security and Governmental Affairs Committee on September 24, 2020, that “we have not seen, historically, any kind of coordinated national voter fraud effort in a major election, whether it’s by mail or—or otherwise.” On the contrary, studies conducted by election experts up to this point have shown that the potential for voter fraud is extremely small.³⁴ According to a study conducted by the *Washington Post* with the help of the Electronic Registration Information

Center, of the 14.6 million mail-in ballots cast in the 2016 presidential election and 2018 midterm elections in three states, 372 ballots, or 0.0025% of the total, were identified by state election officials as possible cases of voter fraud (double voting or voting on behalf of deceased people). The Brennan Center for Justice at New York University Law School explains that multiple factors have made it more difficult for fraud to occur, including signature verification of mail-in ballots, tracking and control of ballots enabled by bar codes on ballot envelopes and verification by voters, installation of ballot drop boxes, harsh penalties for voter fraud (including up to five years in prison for each act of fraud), and the implementation of post-election audits.³⁵

In addition, during the 2020 election, a conspiracy theory developed that Dominion Voting Systems, which delivers voting and tabulation equipment to U.S. states, is a “far-left company” set up at the direction of former Venezuelan president Hugo Chavez to manipulate the results of referendums in Venezuela, and that during the 2020 election, the company’s vote counting equipment had incorporated an “algorithm” that flipped a certain percentage of votes cast for President Trump into votes for former vice president Biden. This is one of the conspiracy theories that Trump campaign lawyer Sidney Powell espoused at a press conference on November 16, 2020, and that President Trump repeatedly mentioned. (On January 8, Dominion filed a defamation lawsuit against Powell in the U.S. District Court for the District of Columbia.)

Protecting election infrastructure from external hacking has been a key mission of the CISA since its establishment, and for this it has been engaged in intensive efforts. One of them has been to update voting equipment. In the past, nine states had statewide or large-scale installations of voting equipment that only records the voter’s intent electronically, without a verifiable paper trail. However, such voting equipment could not be used to verify voting results after the fact in the event of a hack or if the data was rewritten. Therefore, through a series of federal grants to state governments from FY2018 to FY2020 to improve election security, completely paperless voting equipment was retired in favor of voting equipment that always keeps paper trails, such as those that

enable voters to fill out a paper ballot and then scan it, or to select a candidate on a touch screen and then print it out. As a result, in the 2020 election, the percentage of votes cast with paper audit trail, meaning they could be verified after the fact, increased to 92–95% from 80% in 2016. In other words, even if the voting results had been changed due to hacking, it would have been possible to find out whether 92–95% of the votes had been tampered with after the fact and correct the results. The manual audit of all votes cast in Georgia in the 2020 election, which was conducted in mid-November, was possible only because the state government had switched to a type of voting equipment that keeps paper trails in time for the 2020 presidential election.

Amidst this situation, to perpetrate voter fraud on a scale that could affect the outcome of the presidential election, it would have been necessary to override every single measure instituted to prevent voter fraud. This would have required massive, covert operations involving many parties. As Karl Rove, a senior advisor to former president George W. Bush and “the architect” of Bush’s 2004 reelection, said in the November 4 issue of the *Wall Street Journal*, “[S]tealing hundreds of thousands of votes would require a *conspiracy on the scale of a James Bond movie*. That isn’t going to happen” (emphasis added). Rove’s statement was also made in light of the inherent difficulty of perpetrating such large-scale voter fraud. Due to these remarks and reports, it is only natural that the Trump campaign and President Trump’s allies avoided making accusations about specific criminal acts of voter fraud by specific people that could overturn the election results in the courtroom, even though they claimed the existence of such fraud in public statements intended for the political campaign.

(2) The January 6 Attack on the U.S. Capitol Building

President Trump experienced a series of losses in court, and his attempts to overturn the election results in Georgia were unsuccessful. The electoral votes were cast in each state on December 14, and the victory of former vice president Biden and Senator Harris, who received 306 electoral votes, was confirmed. In response, Senate Republican leader Mitch McConnell, who had

not previously recognized the election victory of former vice president Biden, formally recognized Biden and Senator Harris as the president-elect and vice president-elect of the United States and expressed his congratulations at the Senate session on December 15.

Amidst this, President Trump tried to find a way out of the situation at the Joint Session of Congress scheduled for January 6. During the Joint Session, where electoral votes are opened and counted state-by-state, the returns of any individual state can be challenged in writing with the signatures of at least one senator and one representative. In such cases, the Joint Session recesses and the House and Senate meet separately to consider the objection. If the objection is accepted by both houses, the votes of the state concerned are excluded from the tally.

In the 2020 election, as some House Republicans were planning to challenge the electoral vote returns at the Joint Session, Senate Majority Leader McConnell strongly urged Republican senators not to join such efforts. He made this warning because even if a member of the House of Representatives raises an objection, and if no Senator seconds it, the president of the Senate, meaning the vice president, can reject the objection on the spot to minimize confusion. Later, however, when Senator Josh Hawley (R-Missouri) announced his intention to file an objection, Republican senators, led by Senator Ted Cruz (R-Texas), moved to follow suit, raising the prospect that the objection would be considered by the House and Senate.

Amidst this, as symbolized by the hashtag “#PenceCard,” there was an expectation which had no legal basis but was increasingly prevalent among President Trump’s supporters that Vice President Pence, presiding over Joint Sessions as Senate president, could overturn the election results by invalidating the votes of some states. On December 27, Republican Congressman Louie Gohmert and others filed a lawsuit (*Gohmert v. Pence*) in the U.S. District Court for the Eastern District of Texas Tyler Division, alleging that the aforementioned provision of federal law governing the procedures and conditions for objections in a Joint Session of Congress is unconstitutional, and demanding that the vice

president, in his role presiding over the Joint Session, be granted “the exclusive authority and sole discretion in determining which electoral votes to count for a given State.” The request by Congressman Gohmert and others was meant to grant Vice President Pence the authority to nullify the results of elections at will, without regard to the provisions of the law. In response, on December 31, Vice President Pence filed a brief requesting that the plaintiffs’ case be dismissed, and the Tyler Division dismissed the case by Congressman Gohmert and others on January 1. On the other hand, President Trump himself demanded that Vice President Pence overturn the election results by invalidating some votes in the Joint Session of Congress that he would preside over. In President Trump’s January 5 tweet, he stated, “The Vice President has the power to reject fraudulently chosen electors,” and in his January 4 speech in Georgia, he stated that “our great vice president comes through for us.” In response, Vice President Pence reportedly told President Trump that the vice president does not have such authority. Finally, on the day of the Joint Session, Vice President Pence, in a letter to each member of Congress, argued that the role of the vice president in presiding over the Joint Session was “largely ceremonial” and that he did not have the “unilateral authority to decide presidential contests.”

Meanwhile, as of December 19, plans had already been announced for a large-scale rally to be organized by a President Trump supporter group on January 6, the date of the Joint Session. In a tweet on December 19, President Trump called on his supporters to participate by writing: “Big protest in D.C. on January 6th. Be there, will be wild!” Subsequently, he repeatedly encouraged participation in the rally, sharing the details of said rally, such as the start time and location, and on January 3, he announced on Twitter that he himself would participate. It was also reported that at this time, the Trump campaign had asked groups supporting President Trump to organize large-scale protest rallies and mobilize supporters for “waving the flag and yelling the president’s name and support,” because “[a]t a moment’s notice, we may need your help and support on the ground.”³⁶ In other words, since neither legal means nor interventions in the state ascertainment processes had been successful, they opted for exerting

direct pressure from outside these processes. The planned scale of the January 6 rally jumped from 5,000 to 30,000 people, and the venue was changed to the Ellipse, an area adjacent to the south side of the White House premises, in order to accommodate President Trump's attendance.

At the January 6 rally, President Trump appeared as scheduled and gave a speech for over an hour. During his speech, President Trump repeatedly claimed, "We won in a landslide" and the "election victory [was] stolen" by "radical left Democrats," and demanded that "Congress do the right thing and only count the electors who have been lawfully slated." This meant overturning the election results by declaring the electoral votes in the swing states won by former vice president Biden invalid because they were not by "electors who have been lawfully slated." President Trump also told participants, "We fight like Hell and if you don't fight like Hell, you're not going to have a country anymore," and "you'll never take back our country with weakness." He ended with an appeal of "let's walk down Pennsylvania Avenue," urging the participants to head to the U.S. Capitol Building to directly pressure Congress to agree with the objections.

President Trump's rhetoric was aimed more directly at Vice President Pence. He called for Vice President Pence to use his position as the presiding officer of the Joint Session to overturn the election results, repeatedly making statements such as: "I hope Mike is going to do the right thing," "if Mike Pence does the right thing, we win the election," and "Mike Pence is going to have to come through for us. If he doesn't, that will be a sad day for our country." President Trump's reference to the possibility that Vice President Pence might not do "the right thing" was presumably asking the vice president to reverse the intention he stated earlier on rejecting President Trump's request.

Furthermore, President Trump also tried to put pressure on Republican lawmakers attending the Joint Session, from the crowd of rally participants. He stated, "We're going to walk down to the Capitol, and we're going to cheer on our brave senators, and congressmen and women," but also said, "We're probably not going to be cheering so much for some of them." Additionally, referring to "our Republicans, the weak ones," he stated, "We're going to try

and give them the kind of pride and boldness that they need to take back our country." The statement "give them the kind of pride and boldness," referring to Republican lawmakers who did not support the objection and whom President Trump called the "weak ones," can be interpreted as him urging the rally crowd to exert

direct pressure on Republican lawmakers to force them to support the objection. Donald Trump Jr., who took the stage before President Trump, was more direct, stating to Republican lawmakers: "You can be a hero, or you can be a zero. And the choice is yours. But we are all watching." He was thus demanding that they participate in the objection to the electoral votes, and threatened them by saying, "we are coming for you" if they did not comply.

Answering President Trump's call to "walk down Pennsylvania Avenue," the rally participants who proceeded down Pennsylvania Avenue joined other groups that had gathered around the U.S. Capitol Building before them. They then surrounded the building and stormed into the building, breaking through the barricades and smashing windows and doors. After overwhelming the U.S. Capitol Police inside, they occupied and vandalized the U.S. Capitol Building for about four hours. Some rioters said that they were responding to President Trump's call, saying, "Our president wants us here," and "We wait and take orders from our president."³⁷

Some rally participants were reportedly having discussions in open online spaces, such as Internet forums and social media, about plans to storm the U.S. Capitol Building in conjunction with the January 6 rally and to detain lawmakers and disrupt deliberations in the Joint Session.³⁸ On the day of the



On January 6, 2021, Vice President Pence presides over the Joint Session of Congress, where electoral votes are opened and counted (UPI/Newscom/Kyodo News Images)

attack, some rioters were also recorded clad in camouflage fatigues and tactical gear and carrying large zip ties (often used by the police to detain suspects), suggesting that the attack had been pre-planned.³⁹

The Joint Session was convened at 1:05 p.m. on January 6, and despite interruption caused by the mob invading the Capitol Building, the prescribed proceedings were completed and the session was dissolved at 3:44 a.m. on January 7, after the declaration of the victory of former vice president Biden and Senator Harris. During the Joint Session, Congressman Paul Gosar (R-Arizona, 4th) and Senator Cruz, with the support of seven senators and 58 representatives, objected to the electoral votes in Arizona. In addition, Congressman Scott Perry (R-Pennsylvania, 10th) and Senator Hawley objected to the electoral votes in Pennsylvania with the support of 79 representatives. The objection to the Arizona results was defeated 93-6 in the Senate, and 303-121 in the House. The objection to the Pennsylvania results was defeated 92-7 in the Senate, and 282-138 in the House. Congress voted on the two objections only after the mob that had occupied the Capitol was removed. Some lawmakers who initially indicated support for the objections changed their positions, such as Senator Kelly Loeffler of Georgia, who said she could not “in good conscience” object to the certification of the electoral votes, citing the “violence, the lawlessness, and siege of the Halls of Congress.”

In response to the attack on the U.S. Capitol Building, FBI Director Wray made it clear that the rioters who participated in the attack would be subject to criminal investigation, saying in a statement on January 7 that “we do not tolerate violent agitators and extremists who use the guise of First Amendment-protected activity to incite violence and wreak havoc.” In addition, on January 12, Michael Sherwin, acting U.S. attorney for the District of Columbia, said that over 70 people had been charged in connection with the incident and that the number is expected to grow “geometrically.” He also announced that a “strike force” had been formed to “build seditious and conspiracy charges.” This was an acknowledgement that the attack on the Capitol Building was not a mere case of trespassing or destruction of property, but rather involved a conspiracy

to overthrow the government. In other words, the incident was perceived as a violent attack on the constitutional system itself, which stipulates a peaceful transfer of power in accordance with the provisions of the Constitution and the law.

President-elect Biden denounced the attack on the Capitol Building, saying on January 7: “Don’t dare call them protesters. They were...insurrectionists. Domestic terrorists.” At a Senate session on the evening of January 6, Senator Graham stated: “[C]ount me out. Enough is enough.” He also said at a press conference on January 7 that “the Capitol of the United States was taken over by domestic terrorists that are not Patriots,” indicating his perception that the mob’s actions were domestic terrorism. This incident served to confirm a point in the Department of Homeland Security’s *Homeland Threat Assessment* report (October 2020) that notes, “[a]mong DVEs [domestic violent extremists], racially and ethnically motivated violent extremists—specifically white supremacist extremists (WSEs)—will remain the most persistent and lethal threat in the Homeland.”

Even though the mob’s attack on the Capitol Building was reported in real time, President Trump did not immediately condemn the mob. Instead, at 2:24 p.m. on January 6, just after the mob began to invade the Capitol, he tweeted, “Mike Pence didn’t have the courage to do what should have been done to protect our Country and our Constitution.” This prompted rioters to seek out Vice President Pence, exchanging messages on social media seeking Vice President Pence’s whereabouts. A group of rioters who stormed the Capitol was seen chanting, “Hang Mike Pence!” Later, in a tweet at 2:38 p.m., President Trump stated, “Capitol Police and Law Enforcement...are truly on the side of our Country,” and appealed to the mob to “Stay peaceful!” Furthermore, although he tweeted at 3:13 p.m., “I am asking for everyone at the U.S. Capitol to remain peaceful,” telling them to stop the violence, at 6:01 p.m., he repeated his view that his “landslide election victory [was]...stripped away,” and called the mob “great patriots who have been badly & unfairly treated for so long.” In a video message to the mob occupying the Capitol Building posted that same day, he

repeated his claim that a “landslide election” was “stolen from us,” and urged the mob to go home while saying: “We love you. You’re very special.” Ultimately, it was in a video message shared on Twitter in the evening of January 7, the following day, that President Trump clearly condemned the attack on the Capitol Building, calling it “the heinous attack.”

In essence, President Trump reacted in the same way as he had in the past, by avoiding direct criticism of his base, instead sympathizing with them when they committed violence. For example, on August 12, 2017, when a participant in a far-right rally in Charlottesville rammed his car into a group of counter-protesters, killing one of them, President Trump called those present, including the far-right group that attacked, “very fine people,” and said, “there’s blame on both sides.”

Likewise, the fact that President Trump took more than a day to condemn the attack on the Capitol Building despite urging from those around him and criticism from the media and his former cabinet members constituted a deliberate attempt to avoid harming support for him among his broad base, including those who participated in the attack. The desire to arouse and maintain the loyalty of his base has permeated the series of actions President Trump took since the general election. In an article published shortly after the general election, Anne Applebaum argued that President Trump’s lawsuits and extreme rhetoric were in fact intended to “create a misleading impression of electoral fraud so deep.” She further noted, despite his repeated defeat in legal challenges and former vice president Biden’s victory, confirmed on numerous occasions, continuing to “maintain the fiction that the election was stolen,” was even more important for his efforts to mobilize his base.⁴⁰

With Applebaum’s point in mind, the fact that the Trump campaign, President Trump’s allies, and the president himself continued legal battles for two months, with dozens of lawsuits filed one after another, can be seen as relentless campaigning to continue sending messages such as one President Trump tweeted on December 16, two days after the electoral votes: “Too soon to give up. Republican Party must finally learn to fight. People are angry!” They

thereby sought to mobilize his base of supporters. From the outset, the Trump campaign reportedly did not expect the lawsuits to succeed, and instead believed that continuing the legal fight would enable them to keep the loyalty of his support base intact.⁴¹ From this perspective, President Trump’s rhetoric, such as his tweets mentioning “*our* election victory stolen by emboldened radical left Democrats” and the “election stolen from *you*” (emphasis added), was effective in brewing a shared feeling of “victimhood” among his supporters and strengthening the emotional connection they felt to President Trump. The effectiveness of President Trump’s messaging to his supporters that the “election was stolen” is evidenced by the fact that 72% of Republican supporters said that they did not trust the results of the November 3 election in a poll conducted after election day. Applebaum’s statement that “[p]aradoxically, Trump’s loss may well increase the loyalty of his most ardent fans” also pointed to the existence of dynamics in which the stronger the sense of victimhood among President Trump’s supporters, the stronger their ties to President Trump.⁴² Additionally, the fact that participants responded to President Trump’s call to “fight like hell” at the large-scale rally on January 6 by chanting, “Fight for Trump!,” “We love Trump!,” and “We love you,” shows that his efforts to mobilize his supporters were working.

It is because of this huge base of supporters that President Trump has been able to have so much influence within the Republican Party. Of the Republican members of Congress who experienced the horror of the mob storming of the Capitol Building, only seven in the Senate and two in the House of Representatives reversed their original decision to join the objections. Overall, eight Senators and 139 Representatives signed either the Arizona or Pennsylvania objections,⁴³ a significant number compared to the single Senator and 31 Representatives who signed the objection in the Joint Session of Congress on January 6, 2021. In addition, only 10 Republican Representatives supported the impeachment of President Trump by the House of Representatives, led by Democratic Speaker Nancy Pelosi. There are moves within the Republican Party to maintain relations with President Trump even after he left office, with

some Republicans backtracking on comments they made immediately after the January 6 riot, attributing the responsibility of the attack to President Trump. These developments have led some to suggest that the Republican Party is “still Donald Trump’s party,” a view that is rooted in the strength of President Trump’s base.⁴⁴

In a video message on January 7, President Trump said he would focus on a “smooth, orderly, and seamless transition of power.” However, the transition had already been thrown into unprecedented chaos by the attack on the Capitol Building. In the United States, the transition is believed to be “inherently dangerous” because the time it takes for the new administration to consolidate after an administration change tends to invite provocations by adversaries who try to take advantage of the situation.⁴⁵ However, undeniably, there were more elements of confusion in the transition of power on the part of the outgoing administration, rather than the incoming one, to say the least, and the United States has experienced an unprecedented transition of power with dramatically increased difficulties. While the Biden administration is working to restore U.S. international leadership, there are still significant forces that do not accept the outcome of the 2020 presidential election. This will not only constrain the work of the current administration, which relies on having a paper-thin majority in the House and Senate, but could also lead to the recurrence of a crisis for democracy. This makes it now more important than ever to pay due attention to the developments of the domestic situation in the United States.

NOTES

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