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TRANSFORM

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Defeating Covert Foreign Influence While Protecting Free Expression



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All the scenarios in this presentation are purely hypothetical.

Bottom Line Up Front: Defining the problem

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Foreign governments and other foreign actors engage in covert manipulation of the U.S. information environment (IE) to destabilize the United States. U.S. law and tradition restrict the role of the U.S. Government (USG) in the IE. How can the USG respond to covert foreign influence effectively?

- What options are available to the USG today?
- What policy or legal considerations constrain USG action?
- Which USG organization should lead?
- Should law be changed?
- What can private actors do on their own?

The Threat:



Governments use information to shape the world and the social and political environments to their advantage

- Content generation and amplification
- Overt and covert examples
- Everybody does it

The threat to U.S. domestic dialogue

- Open IE provides easy access
- Russia focused on developing and exploiting divisions
- China focused on securing economic interests and countering anti-CCP narratives

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Scenario 1:

U.S. intelligence learns Russian government agents are covertly creating and disseminating messages to U.S. audiences citing increased fuel costs and the impact on American life, questioning whether protecting a far-away country is worth the price

- Fuel prices are rising
- Official U.S. policy is to support Ukraine against Russia
- The intelligence is obtained through highly sensitive sources

**You are a policy-making official in the executive branch –
how should the USG respond?**

Government Options to Counter Covert Foreign Influence



Executive branch (immediate / short term)

- Remove the content (tweet/post/article) from the IE through technical means
- Disable the covert actor's infrastructure
- Publicly identify covert foreign influence campaigns
- Share information with companies about foreign activities on their platforms
- Diplomatic means, sanctions
- Indictments (prosecution)

Legislative branch (long term)

- Pass law requiring platforms to identify and remove covert foreign influence
- Pass law requiring platforms to publically identify covert foreign influence

Do nothing

Are any of these options legal?

USG Policy & Legal Considerations:

- Intelligence community (IC) restrictions related to U.S. persons
- Preservation of an apolitical military
- Law enforcement jurisdictional limitations
- Privacy interests
- Diplomatic efforts to promote U.S. interests, including human rights, abroad
- State and local control of elections
- Right of free expression



Right of Free Expression:

First Amendment to the U.S. Constitution

- Right to speak, right to receive information
- Protection from being compelled to speak


International law

- Viewed by the USG as a human right co-extensive with the First Amendment
- Provides basis for US speech to foreign citizens

Limits:

- Applies solely to government conduct
- Foreigners outside the U.S. have no First Amendment rights
- Limits for certain types of speech (obscenity, certain threats)
- Foreign agent registration

Through statute, U.S. Congress supports action to counter adversary information operations targeting U.S.

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Scenario 2: Covert Russian Influence Operations Undermining U.S. Support for Ukraine

Russian government actors spread claims that Ukrainian forces are committing war crimes and are unworthy of U.S. support. The U.S. has no evidence of Ukrainian war crimes.

- What if Americans start repeating Russian claims? What about U.S. newspapers?
- What if the USG later discovers Ukraine did commit war crimes?

Scenario 2: Covert Russian Influence Operation Undermining U.S. Support for Ukraine (continued)

- What if the actors are not affiliated with the Russian Government?
- What if the Russian Government is covertly amplifying Americans' arguments that the U.S. should not support Ukraine?



Scenario 3: Ukraine's Information Campaign

The Ukrainian Government, to increase U.S. support, conducts a covert information operation posing as U.S. citizens, urging them to call Congress members who oppose legislation authorizing additional support.

- Messages are consistent with the U.S. President's policies.
- Some messages include false or unverified information (*Putin has compromising info on Senator X...*).
- Other messages include factual information about a senator's spouse's financial interests in Russian companies.

USG Response - Recap at the Back



USG response is constrained by law and policy

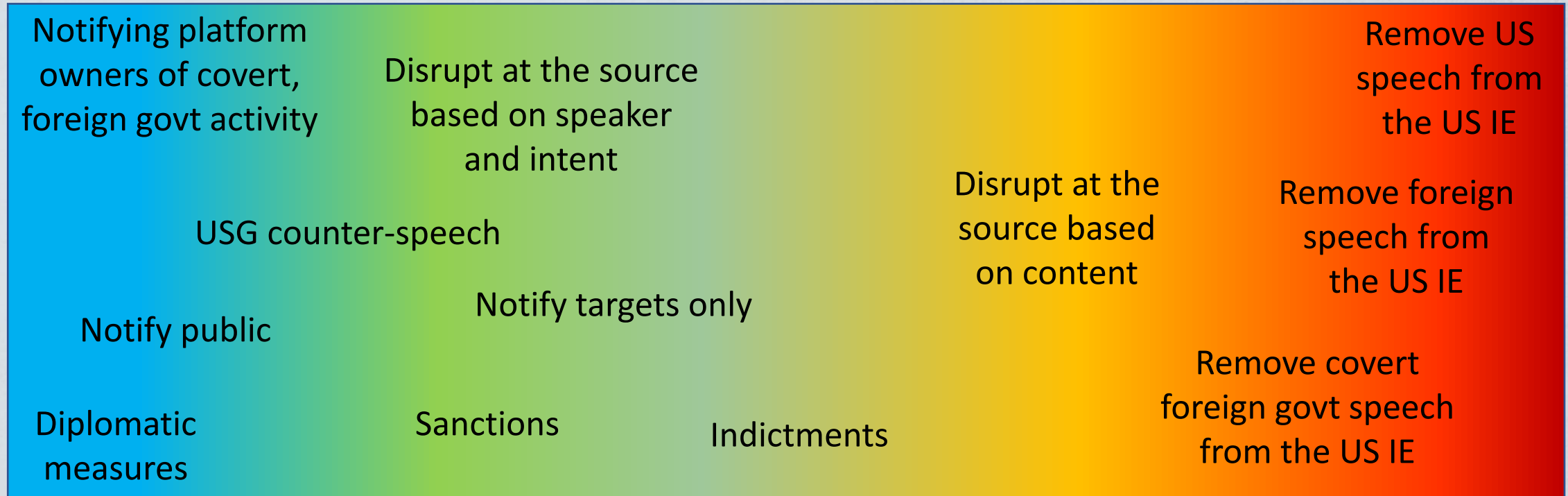
- Right of free expression
- Law governing intelligence activities
- Prohibition on govt employees/military participating in partisan political activity
- Institutional competency – no “Ministry of Information”
- Privacy considerations

USG Response - Recap at the Back



Easy

Hard



Should we change laws or government structure to make it harder or easier for the USG to take a specific action?