A DHS Office of Foreign Influence and Interferenceâ??Break Down Barriers to Protect US Democracy and Public Safety

Description

The Internet drained the oceans protecting the US homeland and brought foreign threats to Americaâ??s borders in ways previously unimaginable. Foreign actors have taken advantage of this new technology to engage in ever more effective and corrosive propaganda campaigns designed to create and exacerbate extremism and division in the United States. Local, state, and federal law enforcement agencies (LEAs) need to receive proper support to do their job and defend the US from these foreign and extremist threats. Yet, currently, LEAs struggle to get the relevant and timely intelligence they need.

This situation arises from three main factors. Firstly, concerns about privacy infringement are paramount. Secondly, the Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A) faces challenges in effectively fulfilling its duty as the sole member of the Intelligence Community (IC) mandated by law to provide intelligence to LEAs and relay it back to the IC. Lastly, there is a noticeable absence of foreign-related intelligence inputs, a common issue LEAs encounter. An Office of Foreign Influence and Interference (OFI2) within the DHS would help solve these problems by providing foreign-related information with public safety implications to the relevant local, state, and federal partners while protecting U.S. citizensâ?? civil liberties.

Currently, the Foreign Influence and Interference Branch (FIIB) of I&Aâ??s Cyber Mission Center organizes and creates analytical products about disinformation. FIIB shares intelligence reports through intelligence briefs and reference aids on foreign adversaries without directly countering disinformation. FIIB cooperated with the DHS Office for Civil Rights and Civil Liberties, which helped I&A with its election integrity efforts in 2016 by reviewing I&Aâ??s disinformation-related intelligence products and determining that they did not violate US citizensâ?? civil liberties. Furthermore, the FIIB worked with the Department of Stateâ??s Global Engagement Center on countering disinformation when appropriate, overseen by the Foreign Malign Influence Center established under the Office of the Director of National Intelligence (ODNI) on September 23, 2022. Consequently, FIIB understands the sensitivities of disseminating disinformation-related intelligence products without infringing on US citizensâ?? civil rights and liberties.

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However, the FIIB has been unable to deliver relevant and timely intelligence to the LEAs on foreign-related disinformation campaigns designed to create and exacerbate extremism and division in the United States, as I&A has not disseminated its products promptly. On September 4, 2020, I&A finalized a product titled â??Malign Foreign Influence Actors Denigrating Health of US Presidential Candidates,â?• including an assessment that â??Russian malign influence actorsâ?• were spreading unsubstantiated allegations relating to the health of then-candidate Joseph R. Biden Jr. to reduce votersâ?? confidence in him as a candidate. I&A completed its dissemination on October 15, 2020, some seven months after initiating the productâ??s creation in March. In other words, I&A did not disseminate the product until less than a month before the election and approximately three months after its original scheduled dissemination date.

Furthermore, a declassified National Intelligence Council report revealed that Russian President Putin authorized and influenced operations â??aimed at denigrating President Biden and the Democratic Party, supporting former President Trump, undermining public confidence in the electoral process, and exacerbating sociopolitical divisions in the US.â?? Consequently, some US citizens likely became victims of the influence operationâ??or used it to achieve their political goalsâ??and stormed Capitol Hill on January 6, 2021, to overturn President Trumpâ??s defeat.

To avoid a similar situation in upcoming elections, the FIIB should be transformed into an Office of Foreign Influence and Interference (OFI2) to deliver timely and actionable intelligence reports on foreign influence and interference in protecting US liberal democracy and public safety. This way, OFI2 would not depend on I&Aâ??s approval and dissemination timeline. Furthermore, it would extend the IC expertise on foreign influence and interference vertically from ODNIâ??s Foreign Malign Influence Center for relevant local, state, and federal partners to understand how these activities deteriorate public safety, leading to violence.

How OFI2 Would Advance LEAs Counter-Extremism Readiness

The January 6, 2021, Capitol attack intelligence policy failure best demonstrates why LEAs need to understand the importance of foreign-related disinformation campaigns in deteriorating public safety leading to violence. First, Capitol Police daily intelligence reports from January 4, 5, and 6 assessed the probability of acts of civil disobedience as â??remoteâ?• to â??improbable.â?• Second, the US Government Accountability Office report on the January 6, 2021, Capitol Attack revealed that the present intelligence policy came short of securing complete information processing and sharing with the Capitol Police about the threats they were facing that day from actors such as the Three Percenters, Oath Keepers, Proud Boys, and Boogaloo Bois, who likely even traveled abroad to meet like-minded individuals, as the unclassified ODNI assessment â??Domestic Violent Extremism Poses Heightened Threat in 2021â?• infers.

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The former situation might not have occurred had the Capitol Police consumed foreign-related intelligence on disinformation campaigns such as the one run by Russian President Putinâ??s associates and understood how this activity could deteriorate public safety and lead to violence. The latter situation occurred because the I&A â?? as the only member of the IC statutorily tasked with delivering intelligence to local, state, and federal partners, as well as developing intelligence from these partners for DHS and the IC â?? did not produce and share any intelligence report before the attack. Indeed, at 8:15 am on January 6, I&Aâ??s Counterterrorism Mission Center (CTMC) briefed I&A leadership and the DHS Deputy Secretary on the indicators that the January 6, 2021 events might turn violent. However, I&A did not disseminate the product to the Capitol Police. For this reason, LEAs need better support from DHS to protect the homeland from domestic violent extremists (DVEs).

The January 6 Capitol Attack showed that LEAs should start receiving foreign-related information with public safety implications from a DHS component such as the OFI2. Consequently, this approach would reduce domestic insurgentsâ?? threat to US liberal democracy under an ongoing disinformation campaign. Furthermore, OFI2 would be better positioned to deliver timely and actionable intelligence reports on foreign influence and interference leading to acts of violence against its local, state, and federal partners.

The Fusion Center Concept is Glitching and Needs Support

What exists now is the DHS fusion center concept that emerged in the aftermath of the September 11, 2001, terrorist attacks. Fusion centers are hubs that facilitate collaboration and coordination among the LEAs, analyze information from multiple sources to produce actionable intelligence, and operate within legal frameworks that protect individual privacy and civil liberties. I&A is the primary federal entity responsible for supporting the LEAs via fusion centers by providing them with relevant and timely intelligence. Consequently, the I&A coordinates closely with fusion centers to ensure a two-way flow of information and bridges the gap between the US IC and the LEAs by creating a more comprehensive understanding of the threat landscape.

However, the fusion center concept is often seen as ineffective in assisting counterterrorism efforts, lacking effective oversight, with broad collection and sharing of data that led to civil liberties abuses. Furthermore, fusion centers lack federal government oversight as they are under state and local jurisdiction. They also face criticism that in looking for illegal activity, fusion centers have sometimes targeted people who were engaged in lawful constitutionally protected activities. Another challenge encountered with fusion centers pertains to the source of information input into the intelligence reports, as many contributors from local to state levels introduce complexities. The involvement of numerous players raises concerns as even a small number of contributors questioning the final intelligence product quality can lead to a â??crying wolfâ?• effect, undermining the credibility and reliability of the

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reports.

A solution might be to have OFI2 finetune fusion centersâ?? intelligence reports based on its expertise on specific foreign-related disinformation campaigns that could affect public safety and lead to violence. This way, fusion centers might better distinguish non-violent US citizens exercising their civil rights to gather and speak freely from those willing to deteriorate public safety as DVEs. Moreover, as an independent DHS organizational unit, OFI2 would be under the federal governmentâ??s oversight and more considerable scrutiny for potentially breaching constitutionally guaranteed civil and human rights. Finally, OFI2 could help fusion centers produce relevant and timely intelligence to detect, prevent, investigate, and respond to criminal and terrorist activities.

The Disinformation-DVE-Public Safety Nexus

No US district, county, or local community is immune to specific foreign-related disinformation campaigns that could affect public safety and lead to violence. As stated in the I&Aâ??s Homeland Threat Assessment 2024, some domestic violent extremists may seek to disrupt the upcoming electoral processes. Meanwhile, Russia, China, and Iran will likely conduct overt and covert influence campaigns to shape favorable US policy outcomes and undermine US stability. Therefore, more than ever, establishing a new DHS office tasked with providing foreign-related information with public safety implications to the LEAs is imperative.

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Main Image: A fox named â??Lunaâ?• at the Westcountry Wildlife Photography Centre, United Kingdom, November 2, 2019 (Charlie Marshall, Flickr, Creative Commons 2.0)

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