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The new voice of America: Countering Foreign Propaganda and Disinformation Act

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ABSTRACT
Just before the 2016 Christmas holiday weekend, President Barack Obama quietly signed the 2017 National Defense Authorization Act (NDAA) into law. Deep within the act is a controversial provision called the Countering Foreign Propaganda and Disinformation Act (CFPDA), which establishes a Global Engagement Center under the State Department and consolidates the power of several federal broadcasting entities under one authority. This center will coordinate efforts to counter foreign propaganda, mainly from Russia and China, that is aimed at undermining the United States’ national security interests. The consolidation of power creates some concerns regarding journalistic independence and credibility for media outlets such as the Voice of America. The new Trump administration’s perceived amicable relationship with Russia also generates uncertainty around the commitment to fight Russian disinformation and propaganda. This essay argues that the US does in fact need some kind of governmental entity devoted to the creation of counter-propaganda, and then concludes there are deficiencies and vulnerabilities with the CFPDA, especially a lack of adequate administrative oversight. Based on this conclusion, as well as on lessons gleaned from how other nations have dealt with Russian disinformation campaigns, the essay offers tentative recommendations as to what an effective governing structure would look like.

Introduction

When President Obama arrived in China for the G20 Summit in September 2016, he was forced to disembark Air Force One out of the little-used back entrance with no offered staircase and sans red carpet. White House officials viewed this as a purposeful diplomatic snub on the part of the Chinese.\(^1\) It was symbolic of the rocky relationship the former President had with China throughout his administration. Even Obama’s first meeting with the Chinese in 2009 was fraught with difficulty. Orville Schell, a long-time China scholar who was in China during the visit, noted:

The Chinese kept him from meeting certain people, from taking questions or even [receiving] radio broadcasts. He didn't know quite how to respond. He didn't want to be impolite. It took
the United States a while to understand that this was the direction China and the relationship was headed.²

The Obama Administration’s relationship with Russia was similarly strained and difficult, including Moscow’s expulsion of Jeff Shell, chair of the board overseeing the Voice of America (VOA) and Radio Free Europe (RFE). Social media posts from the Russian government portrayed the United States as a bungling bully.³ It was in this environment that bills were introduced in the United States House of Representatives and Senate aimed at combating a war—not of bombs, rockets and chemicals, but of words. Entitled “To Counter Foreign Disinformation and Propaganda, and for Other Purposes” (now usually referred to as “CFPDA”), the bills had as their main purpose creating messages through such entities as the VOA to counter the misinformation produced about the United States by governments such as China and Russia. The bills would also help local communities in other countries protect themselves from information manipulation.⁴ In December of 2016, the Senate bill was signed into law by President Obama.⁵

Reservations about the CFPDA have been expressed. Among the skeptics is Clint Watts, a former FBI agent and fellow at the Foreign Policy Research Institute, an organization that conducts research into Russian propaganda efforts.⁶ He worries the CFPDA creates an unfocused and overly bureaucratic response. Such agencies as the VOA, which will likely be charged with carrying out some of its provisions, have been accused in recent years of poor management, lack of credibility in the countries in which they operate, and overall irrelevancy.⁷ This was not always the case. In the 1980s, VOA correspondents were respected and praised for their work, notably in the 1989 Tiananmen Square massacre in China.⁸

The CFPDA seems to be an attempt to address some of the skeptics’ concerns, such as by consolidating the powers of several broadcasting entities within a restructured “Broadcasting Board of Governors” (BBG). One of the bill’s drafters, Senator Rob Portman (R-OH), noted the day the bill was introduced in the Senate that government efforts to counter propaganda are hampered by poor interagency communication, lack of clear agency leadership and bureaucratic inefficiency.⁹ Of course, this very consolidation can introduce new organizational concerns.¹⁰

### CFPDA’s provisions

CFPDA creates a “Global Engagement Center” to collect and analyze the narratives generated by foreign governments. The legislation endeavors “to lead, synchronize, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining United States national security interests.”¹¹ In addition, the Center shall “[i]dentify current and emerging trends in foreign propaganda and disinformation in order to coordinate and shape the development of tactics, techniques, and procedures to expose and refute foreign misinformation and disinformation and pro-actively promote fact-based narratives and policies.”¹²

The President will appoint the head of the Center as well as an officer to oversee laws and provide guidance pertaining to privacy and civil liberties compliance.¹³ CFPDA also allows for grant funding to support and train local media who are “best placed to refute foreign disinformation and manipulation in their own communities.”¹⁴ There are also provisions to
offer funding for non-governmental organizations, think tanks and other experts engaged in counter-propaganda work.

A report is to be produced within one year of implementation to determine whether the Center has achieved any success. CFPDA provides too that the BBG will remain within the Executive branch, but it disbands the independent, bipartisan board and instead establishes an “International Broadcasting Advisory Board” consisting of five members, including the Secretary of State. The members are appointed by the President and are to advise the CEO of the BBG, but they have no decision-making authority. In addition, CFPDA consolidates the power of several broadcasting entities under the CEO. These include Radio Free Asia (RFA), RFE/Radio Liberty (RL), and Middle East Broadcasting Networks. Supporters of the CFPDA hope to counter harmful foreign state-sponsored propaganda; offer an outlet for uncensored local and regional news for people in countries where a free press does not exist; work to improve media professionalism and independence; develop partnerships with local media outlets; and provide access to uncensored sources of information. The law instructs the CEO to “regularly consult” the Secretary of State about “foreign policy.”

There was scant press coverage of CFPDA’s passage. MSNBC’s Rachel Maddow was one of the few in the media to provide some attention to the story. She expressed dismay over how what had been a “nonpartisan, sort of insulated” governing structure had been replaced by a single CEO to be appointed by the President. Note too that the original Smith–Mundt Act provided for an at least de facto ban on VOA’s distribution of the messages domestically. When, in 2013 this long-standing prohibition was removed, that shift too received little public debate or media attention.

Why the US needs an effective counter-propaganda machine

The American public was challenged in the 2016 election to discern the difference between propaganda and truth, between “fake” news and “real.” Some would argue social media take out the gatekeeper function and allow the great marketplace of ideas to circulate and the truth to rise to the fore; that people can discern the truth. However, the problem with propaganda, especially on social media, is that even though it can be obvious at times, “it’s also subliminal, underhand and insidious…. It represents our inability to get to grips with how we are influenced and by whom.”

Buzzfeed News reporter Craig Silverman compared the top 20 fake news stories circulated on social media leading up to the 2016 election with the top 20 news sites like The New York Times and The Washington Post and found the fake news stories received much more interaction with the viewing audience. Even more relevant for our purposes, the Buzzfeed team found more than 100 fake news sites concentrating on the election were being run out of a small town in the Balkan nation of Macedonia. The vast majority of the sites were publishing articles containing positive content for then-President-elect Donald Trump’s campaign.

Purportedly thousands of fake accounts on Twitter, Facebook and other social media sites are operated by Russian trolls and hackers. Reporters from a few Russian newspapers investigated a designated “troll factory” in 2013. Posing as job seekers, the journalists found hundreds of paid bloggers working under false identities, praising Putin and condemning detractors all over the web. While it can sometimes be difficult to track the true source of
Internet trolls and fake news sites, it is clear that Russia has channeled countless resources into RT and Sputnik.

That we need an effective counter-propaganda mechanism, and that we need to be cautious about how we construct it, is made all the more clear by exigencies from the new Trump Administration. When Donald Trump’s victory was assured, Russian lawmakers clapped and President Putin was an early open supporter. Trump named retired Lt. General Michael Flynn his National Security Advisor, rankling those who knew Flynn regularly appeared on RT, a Russian state-controlled English-language propaganda network.

Intelligence officials from both the United States and the United Kingdom were concerned about Flynn’s Russian ties well before his appointment. And when news surfaced that Flynn had lied to Vice President Pence—that he, in fact, did have discussions with Moscow’s United States Ambassador, Sergei Kislyak—Flynn resigned after about 23 days on the job. Additional information surfaced after Flynn’s resignation regarding his February 2016 unreported speaking engagement in Russia, attended by President Putin and paid for by RT.

Consternation was heard from critics when then-President-elect Trump selected Rex Tillerson, the chief executive of Exxon Mobil, to be his Secretary of State. Tillerson is perceived as having a rather cozy relationship with Russia, which awarded him its Order of Friendship in 2013. The Central Intelligence Agency investigations led the agency to conclude that Russia had intervened in the US 2016 election, with the goal of helping Trump win. As of this writing, Senate and House committees, as well as special investigator Robert Mueller, are investigating possible collusion between Russian affiliates and Trump advisors.

The BBG prior to the CFPDA, consisting of four appointees from each party plus the Secretary of State, struggled early on to establish its authority by stripping VOA of several shortwave frequencies, leaving a void that has been filled by local broadcasters and bloggers with their own story to tell that is sometimes openly antagonistic to the United States. Some of the members of the BBG were major campaign contributors “who had hoped to become ambassadors and took the assignment to the board as a consolation prize” while others “had their own political agenda.”

In 2002, VOA’s Arabic service was replaced with a pop-music station, leading one Jordanian journalist to label the outlet “irrelevant.” The BBG has also faced criticism for not effectively countering Islamic State propaganda. Many critics urge more use of social media as a tool to combat propaganda. The United States government has tried social media tactics to combat Islamic State’s own online propaganda machine, but early efforts were unsuccessful. A Twitter account launched in 2013 by the State Department included a campaign titled “Think Again Turn Away,” often tweeting directly at pro-Islamic State accounts, resulting in online arguments that served to draw attention to the terrorist organization. The new Global Engagement Center seeks to lessen that direct engagement, as many experts recognize it is doubtful direct messages from the government will deter potential Islamic State recruits.

An FY2013 audit found the BBG had shown little to no oversight of millions of tax dollars. Representative Ed Royce (R-CA) said the BBG’s “wasteful spending, non-competitive contracting practices, and violations of current law point to an organization without accountable leadership” and “that is why we have to scrap this broken agency.”

During her tenure as Secretary of State, Hillary Clinton stated that the BBG “is practically defunct in terms of its capacity to be able to tell a message around the world.”
There has been severe under-prioritization in combating the propaganda and censorship efforts of countries like China and Russia, both of which have given this area massive resources and attention. RT, for example, spends over $300 million annually on its cable, satellite, and online media outlets. By comparison, the CFPDA has an authorized funding limit of $160 million over two years.

How other nations have dealt with Russian propaganda

The US, of course, is not the Russian propaganda machine's only target. Both RT and Sputnik operate in multiple European languages. In December 2016, it was reported that the Russian government funneled $19 million into RT to begin a French-language channel. In the days leading up to France's presidential election, President Putin expressed a preference for Marine Le Pen over eventual winner Emmanuel Macron. Just minutes before the official end of the campaign, Macron reported his emails and internal communications had been hacked and all evidence pointed to Russia. Macron also spoke about the media and propaganda impact on his election, noting, “I have always had an exemplary relationship with foreign journalists, but they have to be journalists. Russia Today and Sputnik were organs of influence and propaganda that spread counterfeit truths about me.”

Germany's intelligence agency states Russia is undermining the country's upcoming election using cyberattacks and cyber-spying. In her last formal speech as US ambassador to the UN, Samantha Power pointed to intelligence revealing a dramatic increase in Russian cyber-spying on German institutions, aimed at “delegitimiz[ing] the democratic process.” Germany is creating an “anti-fake news bureau” to produce counter-speech aimed at propaganda.

A coalition of volunteer citizens in Lithuania got frustrated with Russian trolls and propaganda and decided to take matters into their own hands. They examine social media sites such as Facebook, looking for hate speech, pro-Russian propaganda, and fake accounts, reporting sometimes 10 to 20 accounts a day for removal, as well as blogging to expose conspiracy theories and manipulation by the Kremlin. Delfi, one of the main news sites in Lithuania, had to hire full-time staff to delete some of the more extreme pro-Russia messages being posted in comments sections. The Lithuanian government has taken the step of asking the public to report any suspicious propaganda-type activity, whether on the street or on the web, prompting an angry response from Russian Ambassador Alexander Udaltsov:

I do not think that sticking a propaganda label on another's point of view is right…. It's always better to use counterarguments to prove your truth, but unfortunately our Western partners lack these arguments and continue with bans of Russian TV stations.

However, Lithuanian Foreign Minister Linas Linkevicius disagreed: “A lie is not an alternative point of view…. One can say ‘it's freedom of speech, everyone can say whatever he wants.’ Of course, I agree. But if it's (a) resourced propaganda machine brainwashing people, it's not just an alternative point of view. It's a weapon.”

The Czech Republic has created an anti-fake-news unit to counter false stories spread by Russian-based websites. The stories’ purpose is to “sow doubts into the minds of the people that democracy is the best system to organize a country, to build negative images of the European Union and NATO and [to] discourage people from participation in the democratic processes.” The new “Centre Against Terrorism and Hybrid Threats” will analyze these stories and attempt to contradict them via Twitter, a website devoted to communicating
the government’s viewpoint, as well as provide training for civil servants to eschew blackmail and foreign lobbying efforts. The Czech government is moving forward undaunted against the Kremlin, which is actively working against Czech democratic forces that have toiled to create an open society for over 20 years. The Ukraine takes a similar approach. It has created “StopFake,” a program that fact-checks and discredits misinformation from the Kremlin, publishing its findings for the public to see.

Finland is successfully fighting a war against Russian propaganda focusing on educating its own citizens, with a particular emphasis on critical thinking skills, and calibrating a unified government response against messages from Russia seeking to destabilize society and faith in Finnish institutions. Jed Willard, director of the Franklin Delano Roosevelt Center for Global Engagement at Harvard, who was hired by Finland to counter propaganda, has suggested that “the best way to respond is less by correcting the information and more about having your own positive narrative and sticking to it.”

Alina Polyakova of the Atlantic Council recommended the EU establish a new agency to expose financial connections between the Russian government and European political groups and fight propaganda, and form a task force to coordinate the work of intelligence agencies and function as an information hub, releasing research to civil society groups, revealing any undue interference by the Kremlin. This would seem to be following in the footsteps of what the CFPDA is aimed at accomplishing.

**A proposed structure for US counter-propaganda**

CFPDA is certainly an important start, but it is the proverbial drop in the bucket, and the United States has a lot of catching up to do. “It is not enough to try to counter a firehose of falsehood with a squirt gun of truth.” The Trump Administration thus far could not be described as consistent or predictable, except in its regular admonishment of the mainstream media, with President Trump even using the phrase “enemy of the American people” to describe television news outlets such as ABC and CNN.

Some fear that the BBG could become simply a propaganda machine for the new president. The editorial board of *The Washington Post* noted the CFPDA structural changes could cause considerable damage to US interests due to diminished journalistic independence. The new legislation has consolidated power and loosened some of the former restrictions. The BBG could be vulnerable. The legislation does call for an inspector general to “respect the journalistic integrity of all the broadcasters covered by this Act,” but it is too soon to know with how much vigor this function will be conducted. The annual report required by the Act needs to be a candid, transparent, and thorough account.

Critics are concerned about this particular Act’s potential impact on press freedom. The CFPDA was rolled into the NDAA and quietly signed by President Obama with little fanfare and no public debate in the final hours before the Christmas holiday weekend.

One of the main concerns is the structure of the new BBG, giving power to a CEO appointed by the President and confirmed by the Senate, currently controlled by Republicans. This power includes the ability to hire and fire heads of the BBG organizations including RFE, RFA, and Middle East Broadcasting networks and to transfer money from one organization’s budget to another. When President Obama signed the NDAA, he included a statement noting his concerns about several sections of the Act, including the “manner of
transition” as he believed it raised constitutional concerns related to the President’s appointment and removal authority.\textsuperscript{62}

While eliminating the board could perhaps solve issues related to inefficiency and waste, it may create more troubling concerns. The function of the board was to serve as a barrier between BBG journalists and political influence. Journalistic credibility and independence could be a casualty of the new structure. Some wonder if it also makes the BBG vulnerable to becoming a mouthpiece for President Trump. Former deputy assistant secretary at the State Department Moira Whelan stated, “It’s a danger and I think we should watch it closely…. Crossing our fingers isn’t good enough…. And I think there are friends in Congress who want to ensure that” Trump will not exploit the BBG for partisan purposes.\textsuperscript{63}

The CFPDA Act also established the Global Engagement Center that the act proposes will collect and analyze the narratives being generated by foreign governments. (Such a function is consistent, as we have seen, with those performed in Lithuania, the Ukraine, and the Czech Republic.) However, the description of the Center on its website clearly states its main purpose is to lessen the influence of terrorist organizations such as ISIL, not propaganda from countries such as Russia.\textsuperscript{64}

One of the newest US government ventures aimed at fighting Kremlin-based propaganda is \textit{Current Time}, run by Prague-based RFE/RL with help from VOA. Launched in February 2017, the news program touts “fact-based” programming and is beamed into Europe via cable, satellite, and online. “This is not designed as propaganda or counter-propaganda,” said Tom Kent, president of RFE/RL. “We do not intend to be involved in reacting to an agenda set by anyone, in Russia or elsewhere.”\textsuperscript{65} In many areas of Europe, especially those with Russian-speaking populations, \textit{Current Time} has negotiated contracts with local cable providers that let viewers watch \textit{Current Time} (which includes live, uncensored programming such as the United States Presidential inauguration) from their home TVs. Within the borders of Russia, distribution is more problematic. Viewers turn to satellite-based programming, web-TV apps or a live-feed on the network’s website.\textsuperscript{66} However, it is a step toward getting real, straightforward news to a propaganda-fed society. These are the kinds of efforts that should be supported, rather than fighting propaganda with yet more propaganda.

Outlets such as VOA have an opportunity to rebuild and reestablish the credibility they once had in the world. But it is unlikely they can do so under the proposed structure or with the lack of apparent support from Congress. Journalistic independence is key to credibility. The consolidation of power in the CEO of the BBG the new legislation proposes is antithetical to this aim. A full-time, bipartisan board made up of experts and professionals in the field would better serve the media outlets under the BBG.

With the ban lifted on domestic dissemination of United States government-sponsored broadcasters such as VOA, there is the opportunity for the government to release stories indistinguishable from those of other news outlets that advocate the government’s point of view. The potential exists for such stories to infiltrate and affect the public discourse. Supporters of the domestic-dissemination ban repeal believe transparency is promoted. Critics fear the repeal compromises the independence of the media and opens the door for the US government to aim propaganda directly at its own people.\textsuperscript{67} This divide can be resolved by requiring the State Department and BBG to attribute their programming.\textsuperscript{68} In addition, programs such as \textit{Current Time} should receive support and backing, but no government interference.
The BBG’s credibility is especially tenuous at this time in our history. And relying on an administration some have accused of cozying up to the very country whose misinformation we most need to combat seems illogical. Ulrich Spech, a senior research fellow at the Elcano Royal Institute, a think tank for international and strategic studies, believes this is not a space for governments to step in and try to establish facts and interpretations, otherwise the government would not operate as a democracy; it would function as a dictatorship. Instead, governments need to create an environment that allows private foundations and civil society actors to step in, fund fact-checking establishments and develop competing narratives. Such civil society organizations can be filled with members possessing subject matter expertise and credibility. Instead of the government directly communicating, the messaging task should shift to local actors who can decide the best methods of message delivery and have integrity among their own citizens.

Two additional items deserve mention here. First, the proposals made here are aimed at counter-propaganda; they are not envisioned as a blueprint for American use of propaganda to de-stabilize other regimes. To cite just one example from decades past, the Reagan administration utilized the resources of the USIA to attempt “psychological warfare” against Cuba to undermine Fidel Castro’s government. The United States began broadcasting to Cuba in 1985 with Radio Martí. TV Martí followed in 1990. The frequencies were typically blocked and audience sizes were reportedly small, leading some in Congress to advocate cuts in funding. A 2009 report by the Government Accountability Office found numerous instances of editorializing and political propaganda, as well as offensive and provocative language in the broadcasts. With the restoration of diplomatic relations with Cuba in 2015, questions arose regarding the Martís’ necessity and future. They continue to operate in conjunction with other communication outlets including email, DVDs, SMS text, and an online platform: martinoticias.com. It is too early to assess the implications for Radio and TV Martí of the Trump Administration’s more recent revisiting of US–Cuba relations. It is worth noting, however, that the director of the Office of Cuba Broadcasting (OCB), the US federal body that oversees Radio and TV Martí, resigned in mid-June 2017 amid complaints by some dissidents and exiles about OCB’s editorial line.

Second, in constructing a new approach to counter-propaganda, we need to address the issue of personal safety for those who work in the media. Journalists working in countries like Russia and China face perils from intimidation to imprisonment to risking their lives for doing their work. While the legislation references providing funding for “training” members of the media in affected countries, there should also be recognition of the dangers and this should include methods for reporting on the status and safety of journalists who are fighting to tell the truth. In 2015, the UN Security Council adopted a resolution meant to protect media professionals. The debate took note of some somber statistics: In 2014 alone, 221 journalists had been imprisoned and 61 had been killed. Press freedom organization Reporters without Borders has called on the UN to create the position of Special Representative of the UN Secretary General for the Safety of Journalists to “have the political weight, the capacity to act quickly, and the legitimacy to coordinate with all UN bodies to implement change.”
Conclusion

Successfully countering any disinformation means there must be an engaged, informed, and media-literate citizenry. Media literacy programs should be strengthened, perhaps akin to the model described earlier from Finland. The European Parliament passed a resolution in late 2016 asking for additional media education. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has advocated information and media literacy principles since 2007. The UNESCO Global Media and Information Literacy Assessment Framework offers UNESCO Member States guidance and practical tools for assessment of country readiness and competencies regarding media and information literacy. Media and information literacy for all should be connected to human rights. Therefore, UNESCO suggests Five Laws of Media and Information Literacy. Within them are assertions that information, media, and technology are crucial for civic engagement, and that citizens want to know and understand the information and messages they receive as well as have the ability to communicate and express themselves.

Propaganda and disinformation threaten democracy. It is not enough simply to send out a contradictory viewpoint, even though doing so seems consistent with the “more speech” remedy for “bad speech” well known to readers of this journal. We must also advocate principles of media and information literacy and the safety of those who toil to bring information, news, and stories to countries that do not always welcome the truth. As propaganda scholar Nancy Snow observes, “There is no propaganda vaccine; we are all susceptible.” Nevertheless, we can work as a society to make ourselves more resistant to propaganda’s effects.

Notes


2. Wan at para. 16.


11. NDAA at 547.

12. NDAA at 547.

13. NDAA at 548.

14. NDAA at 549.

15. NDAA at 549.

16. NDAA at 554.

17. NDAA at 554.

18. NDAA at 555.

19. NDAA at 555.


33. Lichtblau at para. 6.

34. In 2002, the BBG phased out the VOA’s Arabic service and replaced it with Radio Sawa, a music channel with just a few minutes of news per hour. Ungar at 8, 10.

35. Ungar at 9.


42. Courtney and Paul at para. 3.

43. NDAA at 548.


45. McAuley at para. 11.


51. Tait at para. 4.
54. Standish at para. 6.
59. NDAA at 555.
61. Gallo at para. 10.
63. Gallo at paras. 11, 14, 15.
67. Sager at 513.
68. Sager at 537–38.
69. Dempsey at 4.


