

U.S. Senate Permanent Subcommittee on Investigations

Statement for the record by Brian Murphy, September 11, 2023

Thank you for the opportunity to speak with the committee today. Before I begin, I will offer my qualifications. In 2021, I retired from federal service and joined Logically AI. The company's focus is to identify, at the speed and scale required, hostile influence operations occurring on the internet. Many of these are generated by nations. My position at Logically is the Managing Director for the company's U.S. operations. For this role, I maintain a Top Secret security clearance. Additionally, I teach a master's level course on domestic intelligence at Georgetown University. Before joining Logically, I served as the Principal and Acting Under Secretary for Intelligence for DHS (2018 to 2021). Among my job requirements was to identify foreign actors attempting to influence the homeland covertly. Before DHS, I was a special agent with the FBI for approximately 20 years. While there, I performed duties from street agent up to roles as a national manager. I ran multiple programs looking at the intersection of behavior and hostile activity. I began my federal service in 1994 as a United States Marine Corps officer.

To augment my work, I obtained a Ph.D. from Georgetown University, a Master of Arts from Columbia University, and a Bachelor of Arts from the College of William and Mary. In my research, I focused on how foreign adversaries have conducted covert operations in the U.S. In 2023, I published a book on the topic, *Foreign Disinformation in America and the U.S. Government's Ethical Obligations to Respond*. I have also published several papers and speak regularly about the topic. Some of my testimony is lifted directly from published works.

Selected Articles and Papers

["In Defense of Disinformation"](#) *Journal of Homeland Security and Emergency Management* (May 2023)

[The Impact of Social Media Conveyed Russian-Backed Disinformation in a Polarized America: An Examination of the Executive Branch's Ethical Responsibility to Respond](#), Doctoral Thesis, Georgetown University, December 2022

["The Ever-Shrinking Worlds of National and Homeland Security,"](#) Homeland Security Enterprise Forum, October 18, 2022

["The US Needs a Center to Counter Foreign Malign Influence at Home,"](#) *Defense One*, March 20, 2022

["Ukraine's History Shows Where Russian Disinformation Can Take Hold,"](#) Logically.ai, December 16, 2021

["Making Sense of Russian Disinformation and Propaganda,"](#) Logically.ai, October 27, 2021

["Decaying National Security and the Rise of Imagined Tribalism,"](#) *RUSI Journal* 166, no. 6/7 (May 2022)

["Introduction to T&S and Law Enforcement,"](#) Trust and Safety Professionals Association

This hearing is about the Public Investment Fund of Saudi Arabia. Two interrelated points up front, foreign owned public investment funds are a positive commercial mechanism, so long as they are done transparently. The topic of foreign-backed covert influence campaigns impacting the homeland is not a new problem. It has been at issue since the nation's founding. In 1791, the *Bill of Rights* bestowed upon Americans broad speech guarantees. The Bill and subsequent Constitutional amendments not only granted each citizen the right to freedom of speech it also governed how Americans can communicate. For example, privacy, anonymity, and spreading lies are often protected. It is a freedom designed to allow Americans to discover, trade, and debate all manner of ideas. This same privilege was intentionally not extended to other nations because such a privilege in the hands of a foreign country was considered a national security threat. The Founders granted to the executive robust measures to counter the threat because they were concerned about dangers from covert foreign influence – from friends and foes alike. When the origins of a narrative are surreptitiously masked, it changes the marketplace of ideas, and it was recognized as a problem.

This is a threat that we now call disinformation. It is a cheap and efficient way foreign nations now utilize technology to support other aspects of an influence operation.

Conversely, several ways exist to classify the influence when a nation is identified as the origin of the information. For example, one could call it statecraft, diplomacy, or propaganda. It is healthy to have foreign nations transparently present their point of view to the American people. When the source of the influence is identifiable, an individual has the opportunity to judge the messenger and message more clearly.

Disinformation can be an ambiguous and a thinly defined term. To ensure clarity, I use three criteria to determine if content can be considered disinformation. First, the identity of the content originator is intentionally masked; second, the released information is content intended to influence an outcome; and third, the originator has a predetermined political, military, economic, or social objective. Typically, disinformation is used by one nation against another. However, there are exceptions to this. What makes disinformation a national security threat is its covert nature. People do not have the opportunity to judge for themselves the true origins and, hence, the motives of the information's sender. The cost of ambiguity leaves open seams and cracks that an adversary will exploit. Because the framework is not in place to identify what is and is not disinformation, regulators and agencies remain unsure if they have the authority to intervene, and loopholes will be exploited.

As we consider disinformation, it is important to recognize it is just one aspect foreign nations utilize in a much broader multi-dimensional influence operation. Influence operations may have a covert cognitive component, which can manifest itself as disinformation, and they can also involve physical actions. Nations very much understand the additional protections offered to their operations if they can work through and with businesses and people living in the U.S. Behind all of these campaigns is money.

The Saudi Investment Fund is reported to be approximately 780 billion dollars. While I am not here to address the Fund's intentions, I can say that a sizable fund such as that offers an

opportunity for foreign governments to purchase influence and utilize proxies within America to conduct influence operations. What a foreign government can purchase to exert influence can come in many forms. For example, it can come in the form of financing existing U.S. businesses, purchasing companies outright, contracting with firms that specialize in consulting, and creating U.S. jobs. After such transactions are completed, what and who is behind a narrative is often no longer clear. It may come from an American source, but what is the motivation of that source?

There are a number of laws and regulations in place designed to add daylight to foreign influence in the U.S. For example, The Foreign Agents Registration Act (FARA) was enacted in 1938 to expose the funding source of pro-Nazi information being peddled across the United States. The pro-Nazi disinformation appeared to be generated by U.S. citizens when in reality, the money and strategic direction behind the program were driven by Nazi Germany. Congress determined that identifying the foreign source behind such activities was critical for U.S. interests. The purpose of the law states it is to:

“publicize the nature of subversive or similar activities...so that the American people may know those who are engaged in this country by foreign agencies to spread doctrine alien to our democratic form of government, or propaganda for the purpose of influencing American public opinion on a political question.”

Related to FARA are executive branch regulations such as The Committee on Foreign Investment in the United States (CFIUS) and The Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA), to name just a few. However, something like a foreign investment fund does present a potential loophole. Most laws and regulations governing how foreign investment is regulated focus on one of the sixteen critical infrastructure sectors. During the review process, the cognitive domain is usually not considered a part of one of these sectors. As an outcome, something like the Saudi Investment Fund provides the opportunity for a foreign government to hide further who is behind an influence campaign.

Foreign governments intent on influence campaigns leverage their monetary and contractual influence to hire and fire U.S. employees and bind U.S. companies by having them sign a non-disparagement agreement. While something like a non-disparagement agreement is familiar in the private sector, it is different when one of the parties is a foreign nation.

There are U.S. and allied governmental intelligence products, press reporting, and academic works documenting aspects of an ongoing covert Saudi campaign. There is also much on the record regarding Saudi's influence campaigns in the U.S., such as the indictment of two Twitter employees and a Saudi national in 2019 for working at the behest of the Saudi government. The scheme was to steal data so the Saudi government could target individuals it did not like. In another case, the reporting is clear surrounding Saudi efforts to covertly change U.S. and world opinion after the murder of Jamal Khashoggi. However, because there is much more publicly available information on similar activities by other countries, such as China and Russia, examining some of those use cases can be useful. I am not suggesting the strategic objectives, or the nature of the relationship of China, Russia, and Saudi Arabia with the U.S. are the same. But

we do know that other countries, such as Saudi Arabia, are attempting to copy some of the tactics utilized by China and Russia. The Chinese scheme to covertly influence Americans comes in many forms. They have a documented strategy to use a full spectrum of Chinese government, political, economic, and military levers to shape information so that other governments and local populations conform to China's strategic objectives. For illustration, on or about September 7th, 2023, Microsoft reported the intent of the Chinese authorities to utilize artificial intelligence and covert social media accounts to try and influence the U.S. population. The RAND Corporation also published a similar report in September.

The full spectrum approach to manipulating governments and populations is not unique to China. Many authoritarian regimes exercise a similar campaign.

The U.S. government is generally more attuned to potential issues of how Chinese investments in the U.S. could undermine national security. For example, influence campaigns in the U.S. associated with sister-city relationships, cultural and academic partnerships, economic activity, and Chinese law enforcement offices in the U.S. have all been identified as part of the Chinese panoply of influence operations. The U.S. has directed Chinese owned news outlets operating in the U.S. to register as foreign agents. Here are a few that have been identified: Sing Tao, Yicai Global, Jiefang Daily, Xinmin Evening News, Social Sciences in China Press, and the Beijing Review and Economic Daily.

Like Saudi, the Chinese owned investment funds have invested billions into the U.S. media and entertainment industry. This gives the Chinese a partial ability to get around existing laws and regulations. Some parallels to how the Chinese and the Saudis use their financial positions to try to influence and shape the U.S. perception can be seen in sports. Both countries have exerted a level of influence through the U.S. sports industry to conduct "sports washing." Sports washing is a form of disinformation to promote or demote stories about a country through U.S. athletes and their parent organizations. Additionally, to bolster their activities in one area of influence operations, both countries have utilized social media to create accounts that appear to be Americans, but in reality, their respective governments operate to disseminate disinformation.

In conclusion, foreign owned public investment funds are a positive commercial mechanism. But, transparently identifying how such money moves through the U.S. is essential. Foreign owned public investment funds should be considered as potentially one aspect of a much broader foreign influence campaign. An outcome can be a sports washing disinformation campaign or manifest in another way. Such campaigns constitute a national security threat. When disinformation is the route a foreign country takes, because the sender of the information is masked, this potentially causes the receiver to respond to the message in a way they may not normally do.