

United States Senate
WASHINGTON, DC 20510

June 7, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

Dear Secretary Mayorkas:

Department of Homeland Security (DHS) information obtained by our offices through protected whistleblower disclosures raises serious concerns about DHS's recently-paused Disinformation Governance Board (DGB) and the role the DGB was designed to play in DHS counter disinformation efforts. Documents show that, contrary to your May 4, 2022, testimony before the Senate Committee on Homeland Security and Governmental Affairs, the DGB was established to serve as much more than a simple "working group" to "develop guidelines, standards, [and] guardrails" for protecting civil rights and civil liberties.¹ In fact, DHS documents show that the DGB was designed to be the Department's central hub, clearinghouse and gatekeeper for Administration policy and response to whatever it happened to decide was "disinformation."

Specifically, documents describe a prominent DGB designed to "serve as the departmental forum for governance of DHS policies, plans, procedures, standards, and activities" pertaining to what the government refers to as "mis-, dis-, and mal- information," or "MDM," "that threatens homeland security" as well as the Department's internal and external point of contact for coordination with state and local partners, non-governmental actors, and the private sector.² Internal DHS memoranda also show that in practice, the DGB was expected to function as a "coordination and deconfliction mechanism... conven[ing] to discuss threats, assessments, response actions, and engagements as often as warranted."³ According to the DGB's charter,

¹ Resources and Authorities Needed to Protect and Secure the Homeland: Hearing before the Senate Committee on Homeland Security and Governmental Affairs, 117th Congress (May 4, 2022).

² DHS Disinformation Governance Board Charter (February 24, 2022); The Cybersecurity & Infrastructure Security Agency (CISA), one of nine DHS components with representation on the DGB, defines misinformation as "false, but not created or shared with the intention of causing harm." CISA defines disinformation as "deliberately created to mislead, harm, or manipulate a person, social group, organization, or country," and it defines malinformation as "based on fact, but used out of context to mislead, harm, or manipulate." Cybersecurity & Infrastructure Agency, "MIS, DIS, MALINFORMATION", available at <https://www.cisa.gov/mdm>.

³ "Ukraine MDM Playbook Version 12, as of 2/14/2022" at 2. See also DHS Disinformation Governance Board Charter (February 24, 2022).

“DHS-wide or Component specific proposals for funding related to efforts to counter MDM” were also required to be “appropriately coordinated with the Board, including in advance of submitting any final funding proposals.”⁴

While DHS components apparently have established methods for defining and analyzing disinformation, and would continue to carry out all of their normal operational functions under a DGB, it appears that the DGB was equipped to review evidence presented by representatives of the various components and guide DHS counter disinformation efforts.⁵ A September 13, 2021, memo prepared in part by Robert Silvers, Under Secretary for Strategy, Policy, and Plans and, according to whistleblower allegations, one of two intended co-chairs of the DGB, outlined specific policy recommendations that should guide DHS efforts to counter disinformation.⁶ The memo states that DHS’s “role in responding to disinformation should be limited to areas where there are clear, objective facts.”⁷ It is unclear how DHS defines “clear, objective facts,” and it is unclear what safeguards, if any, DHS has put in place to ensure that individuals charged with determining which issue areas have “clear” and “objective facts” are not influenced by their own ideological and political beliefs. While the memo boldly asserts that the Department’s “counter-disinformation mission, including the choices as to what issue areas to focus on, must not be politicized and must be protected from perceptions of politicization,” some of the examples of disinformation given in the memo relate not only to foreign disinformation but issues that have been at the heart of domestic political discourse for the past several years.⁸ For instance, the memo refers to “[c]onspiracy theories about the validity and security of elections” and “[d]isinformation related to the origins and effects of COVID-19 vaccines or the efficacy of masks.”⁹

Given the significant coordinating role the Department envisioned for the DGB, the consequences of installing Nina Jankowicz, a known trafficker of foreign disinformation and liberal conspiracy theories, as the DGB’s first Executive Director, would have been a disaster. Jankowicz once asserted that the Hunter Biden laptop should be viewed as a “Trump campaign product.”¹⁰ Content on the Hunter Biden laptop has since been verified by multiple major news outlets.¹¹ In 2016, Jankowicz also sent out multiple tweets spreading the now-debunked claim

⁴ “DHS Disinformation Governance Board Charter” (February 24, 2022) at 4.

⁵ “DHS Disinformation Governance Board Charter” (February 24, 2022); *See also* “Ukraine MDM Playbook Version 12, as of 2/14/2022” at 2, 18.

⁶ “DHS Disinformation Governance Board Charter” (February 24, 2022); Memorandum from Robert Silvers, Under Secretary, Office of Strategy, Policy, and Plans, and Samantha Vinograd, Senior Counselor for National Security, Office of the Secretary, for the Secretary (September 13, 2021).

⁷ Memorandum from Robert Silvers, Under Secretary, Office of Strategy, Policy, and Plans, and Samantha Vinograd, Senior Counselor for National Security, Office of the Secretary, for the Secretary (September 13, 2021).

⁸ *Id.*

⁹ *Id.*

¹⁰ Callie Patteson, “Ex-Disinformation Board chief Nina Jankowicz breaks silence, cites death threats” (May 19, 2022), available at <https://nypost.com/2022/05/19/ex-disinformation-board-chief-nina-jankowicz-breaks-silence/>.

¹¹ Craig Timberg, Matt Viser, and Tom Hamburger, “Here’s how The Post analyzed Hunter Biden’s laptop,” *The Washington Post* (March 30, 2022), available at <https://www.washingtonpost.com/technology/2022/03/30/hunter->

that President Trump had a “secret server” to communicate with Kremlin-linked Alfa Bank.¹² In 2020, Jankowicz tweeted that a podcast by Christopher Steele, the author of the debunked Steele Dossier containing Russian disinformation, had provided “some great historical context about the evolution of disinfo.”¹³ So this begs the question, if the (former) Executive Director of the DGB is incapable of determining what is and is not disinformation, how could the DGB ever have expected to function properly under her leadership? We believe that Congress and the American people require full transparency regarding the DGB’s creation as well as the role Jankowicz would have played had she remained in her position at DHS. Toward that end, we are releasing documents we have collected during our investigation as an attachment to this letter.

Documents also suggest that the Department has been working on plans to “operationalize” its relationships with private social media companies to implement its public policy goals.¹⁴ For example, we obtained draft briefing notes prepared for a scheduled April 28, 2022, meeting between Robert Silvers and Twitter executives Nick Pickles, Head of Policy, and Yoel Roth, Head of Site Integrity. The notes are marked “TBC,” and it is unclear whether the scheduled meeting actually took place. The briefing notes frame the planned meeting between Silvers and the Twitter executives as “an opportunity to discuss operationalizing public-private partnerships between DHS and Twitter, as well as [to] inform Twitter executives about DHS work on MDM, including the creation of the Disinformation Governance Board and its analytic exchange...”¹⁵ According to whistleblower allegations, Nina Jankowicz may have been hired because of her relationship with executives at Twitter. Consistent with these allegations, Silvers’ briefing notes state that both Pickles and Roth know Jankowicz.¹⁶ A recent DHS strategy document further discusses efforts to “[e]mpower partners to mitigate MDM threats.”¹⁷ The document states that in certain cases, federal, state, local, tribal, and territorial or nongovernmental partners “may be better positioned to mitigate MDM Threats based on their capabilities and authorities.”¹⁸ DHS theorizes that “[b]y sharing information, DHS can empower these partners to mitigate threats such as providing information to technology companies enabling them to remove content at their discretion and consistent with their terms of service.”¹⁹

[biden-laptop-data-examined/](#); Katie Benner, Kenneth P Vogel and Michael S. Schmidt, “Hunter Biden Paid Tax Bill, but Broad Federal Investigation Continues,” *The New York Times* (March 16, 2022), available at <https://www.nytimes.com/2022/03/16/us/politics/hunter-biden-tax-bill-investigation.html>.

¹² Jankowicz, Nina [@wicsipedia]. “Trump had not one, but two secret email servers to communicate w/ influential Russian bank. Unbelievable.” *Twitter* (November 1, 2016), available at

<https://twitter.com/wicsipedia/status/793329082167619584>; Jankowicz, Nina [@wicsipedia]. “Husband texted me ‘you have news to wake up to.’ Never thought it would be this. Confirms our worst fears about Trump. I am horrified.” *Twitter* (November 1, 2016), <https://twitter.com/wicsipedia/status/793322439505772544>.

¹³ Jankowicz, Nina [@wicsipedia]. “Listened to this last night- Chris Steele (yes THAT Chris Steele) provides some great historical context about the evolution of disinfo. Worth a listen” *Twitter* (August 7, 2020), available at <https://twitter.com/wicsipedia/status/1291692143262814209>.

¹⁴ Draft Briefing Notes, Twitter (April 28, 2022).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ “Ukraine MDM Playbook Version 12, as of 2/14/2022” at 17.

¹⁸ *Id.*

¹⁹ *Id.*

Collectively, whistleblower allegations and the documents we've reviewed raise concerns that DHS could be seeking an active role in coordinating the censorship of viewpoints that it determines, according to an unknown standard, to be "MDM" by enlisting the help of social media companies and big tech. The DGB's charter also specifically states that the DGB should "serv[e] as the Department's internal and external point of contact for coordination with state, local, tribal, and territorial partners, the private sector, and nongovernmental actors regarding MDM."²⁰

The First Amendment of the Constitution was designed precisely so that the government could not censor opposing viewpoints – even if those viewpoints were false. DHS should not in any way seek to enlist the private sector to curb or silence opposing viewpoints. It is therefore imperative for DHS to provide additional clarity regarding its policies and procedures for identifying and addressing "MDM," as well as its efforts to "operationalize" public-private partnerships and the steps it is taking to ensure that it does not infringe on the constitutional rights of American citizens.

In order for us to better understand the role of the DGB and DHS's efforts to counter disinformation, we ask that you respond to the following no later than June 21, 2022.

1. Has DHS at any point in time asked or suggested to Twitter, Facebook, TikTok, or any other social media executives that they should censor, flag, add context to, or remove any social media posts that it believes to be disinformation?
2. Has DHS at any point in time asked or suggested to Twitter, Facebook, TikTok, or any other social media executives that they suspend or ban the account(s) of individuals believed to be promoting information it believes to be disinformation?
3. Please provide all documents, including all written and electronic communications, memoranda, and organizational documents, related to the DGB from the point that DHS first considered establishing a DGB until the present.
4. Please provide all documents, including all written and electronic communications and memoranda, related to Nina Jankowicz's selection as Executive Director of the DGB.
5. Please explain why, in your public statements and testimony before Congress, you have not fully explained the key role that the DGB was designed to play in coordinating among DHS components and engaging the assistance of the private sector.

²⁰ "DHS Disinformation Governance Board Charter" (February 24, 2022) at 3.

6. Please explain how DHS defines “MDM” and how DHS decides whether a given news story or other piece of information fits its definition of “MDM.” Please identify who exactly is ultimately responsible for making this determination.
7. Please explain the criteria DHS uses when deciding whether to spend taxpayer resources addressing a particular news item or narrative that it has classified as “MDM.”
8. Please describe all safeguards that DHS has put in place to ensure that its efforts to counter the spread of disinformation do not infringe on Americans’ constitutional right to free speech.
9. Did DHS Under Secretary for the Office of Strategy, Policy, and Plans Robert Silvers meet with Twitter executives on April 28, 2022? If so, please provide a summary of topics discussed during the meeting.
10. Please define what DHS means by the phrase, “operationalizing public-private partnerships.”

Thank you for your prompt attention to this important matter.

Sincerely,



Charles E. Grassley
U.S. Senator



Josh Hawley
U.S. Senator

Enclosures.