

## United States Senate

COMMITTEES:  
ARMED SERVICES  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
JUDICIARY  
VETERANS' AFFAIRS

February 15, 2022

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
301 7th Street SW  
Washington, DC 20528

Dear Secretary Mayorkas:

On February 7, 2022, the Department of Homeland Security (“the Department”) issued a National Terrorism Advisory System Bulletin<sup>1</sup> (“the Bulletin”) that summarizes the current terrorism threat to the United States. Among other terrorism threats, the Bulletin warns of “[t]he proliferation of false or misleading narratives, which sow discord or undermine public trust in U.S. government institutions.” The Bulletin specifically identifies “widespread online proliferation of false or misleading narratives regarding unsubstantiated widespread election fraud and COVID-19” as “[k]ey factors contributing to the current heightened threat environment.” To combat these threats, the Bulletin recommends that Americans report “potential threats” and “maintain digital and media literacy to recognize and build resilience to false or misleading narratives.”

I am concerned about the appearance of the Department of Homeland Security policing the speech, thoughts, and opinions of American citizens. In issuing this Bulletin, the Department of Homeland Security appears to endorse particular narratives regarding controversial issues that are at the center of our national political conversation. By identifying dissenting beliefs as “[k]ey factors contributing to the current heightened threat environment,” the Department comes dangerously close to suggesting that publicly disagreeing with the current administration is akin to domestic terrorism. And by associating opinions that deviate from this administration’s chosen narrative with terrorism threats—and asking the public to report these “threats”—the Department of Homeland Security is chilling public discourse across the country.

I urge you to make very clear to the American public that the Department of Homeland Security does not consider those who disagree with this administration to be domestic terrorists. I further urge you to clarify that the Department will not interfere with the rights of all Americans to speak publicly about their political views, including any views that might conflict with the policies and political talking points of this administration.

As the Secretary of Homeland Security, you took an oath to uphold our Constitution. Enshrined in the Constitution is the freedom of speech, and that includes the right to question the government and its preferred narrative. Speech that questions the President’s position regarding issues like the COVID-19 pandemic and election law reform falls within the heart of the First

---


<sup>1</sup> National Terrorism Advisory System Bulletin, Department of Homeland Security (Feb. 7, 2022), *available at* <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>.

Amendment’s protections. In fact, the Supreme Court has made it abundantly clear that this kind of “core political speech” is “the primary object of First Amendment protection.”<sup>2</sup> It is your duty as the Secretary of Homeland Security to ensure that your Department does not interfere with this core protected speech in any way.

To be clear, violence and true threats of violence are not constitutionally protected speech and have no place in our public discourse. There are real threats to the United States, our homeland, and our citizens from malign foreign governments and terrorists. The Bulletin correctly recognized this fact and aptly referenced the January 15, 2022 attack on a synagogue in Colleyville, Texas as an example of the continuing threat of violence that our nation faces. The Department of Homeland Security is charged with protecting Americans from these true threats. The Department should not, however, police the public discourse of American citizens simply because that discourse might “sow discord or undermine public trust in U.S. government institutions.” Indeed, robust public debate—including debate that questions the government and its policies—is central to any functioning democracy.

Many Americans have expressed doubts regarding topics like COVID-19 mask mandates and the origins of the COVID-19 pandemic. Many others have voiced frustration regarding state and federal election laws. Whether this administration agrees with these views is irrelevant; the First Amendment protects all of them from government interference. I urge you to revise the Bulletin to make clear to the American public that it is decidedly not the role of the Department of Homeland Security to enforce particular narratives or to quash the speech of those who disagree with this administration.

Sincerely,

  
Marsha Blackburn  
United States Senator

---

<sup>2</sup> *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 485 (2010) (Thomas, J. concurring in part and dissenting in part) (internal quotation marks omitted).