

United States Senate

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

May XX, 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:

I write to express my grave concern regarding the Department of Homeland Security's ("the Department") recent creation of the Disinformation Governance Board ("the Board"). In an April 27, 2022 hearing before the House Appropriations Subcommittee, you testified that the purpose of the Board is to "combat misinformation" ahead of the 2022 midterm elections in November.¹ Additionally, the Department defended its creation of the Board by citing the need to counter Russian disinformation and misleading information drawing migrants to the southern border.² The Department would be much better served by focusing its resources on securing our southern border. The creation of this Board has the appearance of an Orwellian government censorship operation.

I have serious concerns that the Board will be used to monitor and police the speech, thoughts, and opinions of American citizens under the guise of combating misinformation. I am particularly concerned that this administration will weaponize the Board as a political tool to discredit legitimate criticism of President Biden's policies. These concerns are substantiated by the appointment of Nina Jankowicz—who has a history of political partisanship and supporting dubious claims—as the Board's executive director. In 2020, Ms. Jankowicz promoted Christopher Steele,³ who produced a discredited dossier that alleged misconduct by the Trump 2016 presidential campaign. Prior to the 2020 presidential election, Ms. Jankowicz tried to discredit the Hunter Biden laptop story and stated that it "should be view[ed] as a Trump campaign product."⁴ Ms. Jankowicz has made a career out of silencing the speech of those with whom she disagrees.

¹ Betz, B. (2022, April 27). *Mayorkas testifies DHS is creating 'disinformation governance board'*. Fox News. Retrieved May 2, 2022, from <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>

² Seitz, A. (2022, April 28). *Disinformation Board to tackle Russia, migrant smugglers*. AP NEWS. Retrieved May 2, 2022, from <https://apnews.com/article/russia-ukraine-immigration-media-europe-misinformation-4e873389889bb1d9e2ad8659d9975e9d>

³ Jankowicz, Nina [@wiczipedia]. (2020, August 7). *Listened to this last night- Chris Steele (yes THAT Chris Steele) provides some great historical context about the evolution of disinfo. Worth a listen* [Tweet]. Twitter. <https://twitter.com/wiczipedia/status/1291692143262814209>

⁴ Tucker, E., & Braun, S. (2020, October 15). *AP explains: Trump seizes on dubious Biden-ukraine story*. AP NEWS. Retrieved May 2, 2022, from <https://apnews.com/article/election-2020-joe-biden-donald-trump-ukraine-elections-134406f28e826380924bbcf773d2c05a>

The Department's decision to task her with policing so-called disinformation will undoubtedly have a chilling effect on the speech of the millions of Americans who disagree with this administration's policies.

The creation of the Board just two days after Elon Musk purchased Twitter raises the specter that this Administration plans to step in to censor Americans' speech when private industry is unwilling to do so. Ms. Jankowicz herself even tweeted, "I shudder to think about if free speech absolutists were taking over more platforms."⁵ Ms. Jankowicz's criticism of "free speech absolutists" should give all Americans pause. It is clear that, with Ms. Jankowicz at the helm, this Board will focus its efforts on suppressing information that conflicts with the Biden administration's preferred narrative under the guise of "disinformation."

I urge you to disband the Disinformation Governance Board and make it clear to the American public that the Department of Homeland Security will not serve as a partisan tool to discredit criticism of the Biden administration. I also urge you to clarify that the Department and the federal government have no place interfering with the rights of all Americans to speak publicly about their political views, regardless of whether those views align with the 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 criticizes the administration's policies and failings falls within the heart of the First 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."⁶ 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 provide transparency regarding this matter to the American public, I request that you respond to the following questions no later than May 20, 2022:

⁵ Jankowicz, Nina [@wiczipedia]. (2022, April 25). *Last week I told @NPRMichel: I shudder to think about if free speech absolutists were taking over more platforms, what that would look like for the marginalized communities...which are already shouldering...disproportionate amounts of this abuse.* [Tweet]. Twitter. <https://twitter.com/wiczipedia/status/1518643449225953287>

⁶ *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).

1. What authority do Ms. Jankowicz and the Board hold?
2. What are the sources of funding for the Board and its activities?
3. Were any outside groups or other federal agencies involved in creating or establishing the Board, including in the proposal to create the Board?

Sincerely,

Marsha Blackburn
United States Senator