

leak in China was invented because it was “politically convenient for Trump,”⁸ although the intelligence community now assesses that this theory may very well be correct.⁹ She has even praised Christopher Steele, the discredited author of the infamous false “dossier” about President Trump, and one of the most notable peddlers of disinformation in recent memory.¹⁰ It would be amusing that a self-proclaimed expert in disinformation like Ms. Jankowicz has proven to be so bad at identifying it, except that you have placed her in charge of doing so on behalf of the United States government.¹¹ It is also extremely troubling that Ms. Jankowicz has described parents in Loudoun County, Virginia who object to the indoctrination of their children with Critical Race Theory as “disinformers” engaged in “disinformation for profit.”¹²

The Disinformation Governance Board, by its very existence, and almost certainly by design, threatens to “enforce silence” when Americans wish to express views disfavored by the Administration. It is therefore *already* chilling free speech and impeding the political process in Virginia and every other State. This is unconstitutional, illegal, and un-American. Unless you turn back now and disband this Orwellian Disinformation Governance Board immediately, the undersigned will have no choice but to consider judicial remedies to protect the rights of their citizens.

Sincerely,



Jason S. Miyares
Attorney General of Virginia

⁸ Ryan Broderick, *Scientists Haven't Found Proof the Coronavirus Escaped from a Lab in Wuhan. Trump Supporters Are Spreading the Rumor Anyway.*, BuzzFeed News (April 22, 2020), <https://tinyurl.com/ytfmthpe>.

⁹ Michael R. Gordon, Warren P. Strobel, Drew Hinshaw, *Intelligence on Sick Staff at Wuhan Lab Fuels Debate on Covid-19 Origin*, Wall Street Journal (May 23, 2021), <https://tinyurl.com/ytesmtbd>.

¹⁰ Nina Jankowicz (@wiczipedia), Twitter (Aug. 7, 2020, 7:06 AM), <https://tinyurl.com/yc3asr89>; Marshall Cohen, *The Steele dossier: A Reckoning*, CNN (Nov. 18, 2021), <https://tinyurl.com/3wwmyhet>.

¹¹ See also Nina Jankowicz (@wiczipedia), Twitter (Apr. 25, 2022, 1:29 PM), <https://tinyurl.com/3r93he5p> (“I shudder to think about if free speech absolutists were taking over more platforms . . .”).

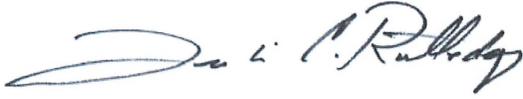
¹² Harriett Alexander, *Biden's New Disinformation Czar Said Fears About CRT in Loudoun County Schools Are "Disinformation For Profit"—Despite Entire School Board Now Facing Being Voted Out Over Woke "Equity" Seminars For Teachers*, Daily Mail Online (May 5, 2022), <https://tinyurl.com/2p9yw7ur>.



Steve Marshall
Attorney General
State of Alabama



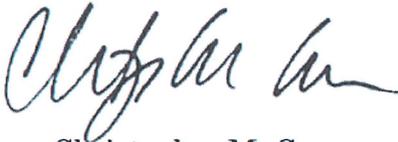
Mark Brnovich
Attorney General
State of Arizona



Leslie Rutledge
Attorney General
State of Arkansas



Ashley Moody
Attorney General
State of Florida



Christopher M. Carr
Attorney General
State of Georgia



Todd Rokita
Attorney General
State of Indiana



Derek Schmidt
Attorney General
Commonwealth of Kansas



Daniel Cameron
Attorney General
State of Kentucky



Jeff Landry
Attorney General
State of Louisiana



Lynn Fitch
Attorney General
State of Mississippi



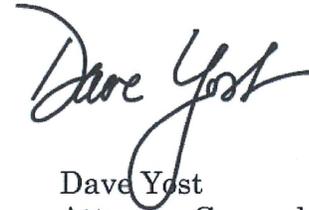
Eric Schmitt
Attorney General
State of Missouri



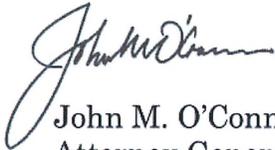
Austin Knudsen
Attorney General
State of Montana



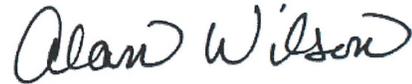
Douglas J. Peterson
Attorney General
State of Nebraska



Dave Yost
Attorney General
State of Ohio



John M. O'Connor
Attorney General
State of Oklahoma



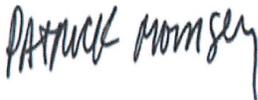
Alan Wilson
Attorney General
State of South Carolina



Ken Paxton
Attorney General
State of Texas



Sean D. Reyes
Attorney General
State of Utah



Patrick Morrissey
Attorney General
State of West Virginia

CC: Hon. Joseph R. Biden Jr., President of the United States
Ms. Nina Jankowicz, Executive Director, Disinformation Governance Board
Hon. Charles E. Schumer, Majority Leader, United States Senate
Hon. Mitch McConnell, Republican Leader, United States Senate
Hon. Nancy Pelosi, Speaker of the United States House of Representatives
Hon. Kevin McCarthy, Minority Leader, United States House of
Representatives

From: CANEGALLO, KRISTIE /d (b)(6)
(b)(6)
(b)(6)

Sawyer, Stephanie /d (b)(6)
(b)(6)
(b)(6)
Swartz, Neal /d (b)(6)
(b)(6)
(b)(6)
DASKAL, JENNIFER /
(b)(6)
(b)(6)
SILVERS, ROBERT /d
To: (b)(6)
(b)(6)
SEIDMAN, RICKI /o=
(b)(6)
(b)(6)
ESPINOSA, MARSHA
(b)(6)
(b)(6)
ULLOA, ISABELLA /o
(b)(6)
(b)(6)

Subject: FW: The Hill: GOP seeks testimony from DHS disinformation board head
Date: 2022/05/05 13:21:37
Priority: Normal
Type: Note

Privileged and confidential

(b)(5)

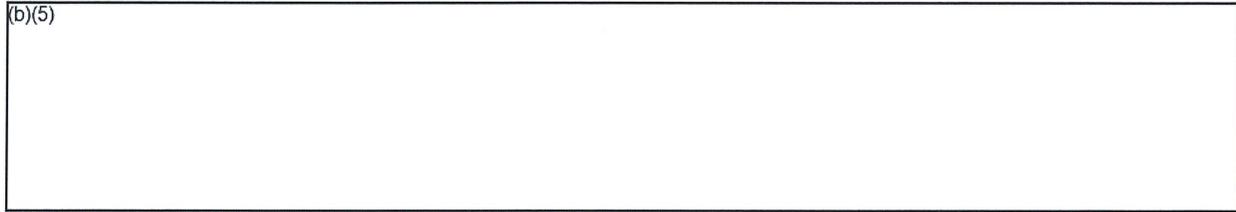
From: ESPINOSA, MARSHA (b)(6)
Sent: Thursday, May 5, 2022 12:38 PM
To: CANEGALLO, KRISTIE (b)(6) SEIDMAN, RICKI
(b)(6) LUGO, ALICE (b)(6) CARNES, ALEXANDRA
(b)(6)
Cc: O'CONNOR, KIMBERLY (b)(6)
Subject: The Hill: GOP seeks testimony from DHS disinformation board head

The Hill: GOP seeks testimony from DHS disinformation board head (Emily Brooks)

(b)(5)

(b)(5)

(b)(5)



###

Sender: CANEGALLO, KRISTIE /O=(b)(6)
(b)(6)

Sawyer, Stephanie /o=(b)(6)
(b)(6)

Swartz, Neal /o=(b)(6)
(b)(6)

Recipient: DASKAL, JENNIFER /o=(b)(6)
(b)(6)
(b)(6)
SILVERS, ROBERT /o=(b)(6)
(b)(6)
SEIDMAN, RICKI /o=E
(b)(6)
ESPINOSA, MARSHA /d
(b)(6)
(b)(6)
LILLOA, ISABELLA /o=
(b)(6)
(b)(6)

Sent Date: 2022/05/05 13:21:35
Delivered Date: 2022/05/05 13:21:37

From: FALCON, ERIC /O=[REDACTED] (b)(6)
(b)(6)

To: DASKAL, JENNIFER /o=[REDACTED] (b)(6)
(b)(6)
(b)(6)
VINOGRAD, SAMANTHA
(b)(6)
(b)(6)
SIKORSKYJ, LUCIAN /o=[REDACTED] (b)(6)
(b)(6)
(b)(6)
FAUSETT, ANDREW /o=[REDACTED] (b)(6)
(b)(6)
(b)(6)

Subject: Re: MDM Charter Adjudication
Date: 2022/01/20 21:13:02
Priority: Normal
Type: Note

Thank you, Jen. Looking forward to seeing the updated version after your edits.

On membership, [REDACTED] (b)(5)

[REDACTED] (b)(5)

For the name, [REDACTED] (b)(5)

[REDACTED] (b)(5)

Eric

From: DASKAL, JENNIFER [REDACTED] (b)(6)

Sent: Thursday, January 20, 2022 9:01:12 PM

To: FALCON, ERIC [REDACTED] (b)(6) VINOGRAD, SAMANTHA

[REDACTED] (b)(6) SIKORSKYJ, LUCIAN [REDACTED] (b)(6) FAUSETT,
ANDREW [REDACTED] (b)(6)

Subject: RE: MDM Charter Adjudication

Hi all,

I started to go through this and am making a number of edits. Staying true to the edits, but now that we have all the feedback just wanted to streamline/make it plain English.

On the name, [REDACTED] (b)(5)

And on membership, [REDACTED] (b)(5)

[REDACTED] (b)(5)

Thoughts?

Jen

From: FALCON, ERIC (b)(6)
Sent: Thursday, January 20, 2022 8:57 PM
To: VINOGRAD, SAMANTHA (b)(6) DASKAL, JENNIFER
(b)(6) SIKORSKYJ, LUCIAN (b)(6) FAUSETT, ANDREW
(b)(6)
Subject: Re: MDM Charter Adjudication

Hi Sam— (b)(5)
(b)(5)

From: VINOGRAD, SAMANTHA (b)(6)
Sent: Thursday, January 20, 2022 8:54:16 PM
To: FALCON, ERIC (b)(6) DASKAL, JENNIFER (b)(6)
SIKORSKYJ, LUCIAN (b)(6) FAUSETT, ANDREW (b)(6)
Subject: RE: MDM Charter Adjudication

Eric – thank you and sorry for the delay.

On the name (b)(5)
In terms of membership (b)(5)
(b)(5)

@DASKAL, JENNIFER what do you think?

Also sorry I can't tell but who added (b)(5)

From: FALCON, ERIC (b)(6)
Sent: Monday, January 17, 2022 11:01 AM
To: VINOGRAD, SAMANTHA (b)(6) DASKAL, JENNIFER
(b)(6) SIKORSKYJ, LUCIAN (b)(6) FAUSETT, ANDREW
(b)(6)
Subject: MDM Charter Adjudication

Hi Sam, Jen, Lucian, and Andy—

I have completed adjudicating components' comments on the draft MDM Governance Board Charter that we circulated last week. Please see linked below redline and clean versions of the charter (b)(5)

(b)(5)

(b)(5)

Happy to hop on a call to discuss either later today or at another point this week. We may consider

(b)(5)

Eric

Eric Falcon (he/him)

Advisor

Office of Strategy, Policy, and Plans

U.S. Department of Homeland Security

(b)(6) (mobile)

Sender: FALCON, ERIC /c (b)(6)
 (b)(6) (b)(6)

DASKAL, JENNIFER /o (b)(6)
 (b)(6) (b)(6)

Recipient: VINOGRAD, SAMANTHA / (b)(6)
 (b)(6)

SIKORSKYJ, LUCIAN /o=
 (b)(6)

FAUSETT, ANDREW /o=E
 (b)(6)
 (b)(6)

Sent Date: 2022/01/20 21:12:59

Delivered Date: 2022/01/20 21:13:02

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(b)(5)

of the Freedom of Information and Privacy Act

Page 111

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 112

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 113

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 114

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 115

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 116

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From: SHENKLE, ABBY / (b)(6)
(b)(6)
(b)(6)

To: DASKAL, JENNIFER / (b)(6)
(b)(6)
(b)(6)

LUGO, ALICE / o= (b)(6)
(b)(6)
(b)(6)

CC: SEIDMAN, RICKI / o= (b)(6)
(b)(6)

MEYER, JONATHAN / o= (b)(6)
(b)(6)

ESPINOSA, MARSHA / o= (b)(6)
(b)(6)
(b)(6)

Subject: Re: FOR OGC REVIEW: [For Review] DGB Senate Letters

Date: 2022/05/04 10:47:35

Priority: Normal

Type: Note

+Marsha

From: SHENKLE, ABBY (b)(6)
Sent: Wednesday, May 4, 2022 10:14 AM
To: DASKAL, JENNIFER (b)(6)
Cc: LUGO, ALICE (b)(6) SEIDMAN, RICKI (b)(6)
MEYER, JONATHAN (b)(6)
Subject: FOR OGC REVIEW: [For Review] DGB Senate Letters

Hi Jen - can you take a look at the below in advance of **this afternoon**?

Pulled out from the RTQ if it's easier to edit in that doc. Just want to make sure we have the OGC ok.

Ty!

(b)(5)

(b)(5)

From: VINOGRAD, SAMANTHA (b)(6)

Sent: Tuesday, May 3, 2022 6:35 PM

To: ULLOA, ISABELLA (b)(6) PECK, SARAH (b)(6)
SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL,
JENNIFER (b)(6) Lamote, Jason (b)(6)
ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly
(b)(6) SEIDMAN, RICKI (b)(6) SILVERS,
ROBERT (b)(6) CANEGALLO, KRISTIE
(b)(6) WATERS, ERIN (b)(6) JANKOWICZ,

NINA (b)(6)

Subject: RE: [For Review] DGB Senate Letters

Thanks so much. Edits embedded and avail to discuss any/all.

From: ULLOA, ISABELLA (b)(6)
Sent: Tuesday, May 3, 2022 6:06 PM
To: PECK, SARAH (b)(6) SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6) SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6) CANEGALLO, KRISTIE (b)(6) WATERS, ERIN (b)(6) JANKOWICZ, NINA (b)(6) VINOGRAD, SAMANTHA (b)(6)
Subject: RE: [For Review] DGB Senate Letters

+ Nina and Sam

Pls don't share further.

Folks should please aim to wrap up their edits by 7 pm ET at the latest. Thanks.

From: PECK, SARAH (b)(6)
Sent: Tuesday, May 3, 2022 5:31 PM
To: ULLOA, ISABELLA (b)(6) SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6) SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6) CANEGALLO, KRISTIE (b)(6) WATERS, ERIN (b)(6)
Subject: Re: [For Review] DGB Senate Letters

OPA continues to update the RTQ on this issue in the shared doc:

 [04262022 - ROLLOUT - Disinformation Board.docx](#)

I added in OLA's questions and some of the answers but it would be great if Jen or Isa could help with responses to a few of the new ones. And as a reminder we shouldn't share the link outside of this group.

From: ULLOA, ISABELLA (b)(6)
Sent: Tuesday, May 3, 2022 3:34:01 PM
To: SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6) PECK, SARAH (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6)

SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6)
CANEGALLO, KRISTIE (b)(6)

Subject: Re: [For Review] DGB Senate Letters

Thank you. I understand a hard Q&A is being finalized?

I

From: SHENKLE, ABBY (b)(6)
Sent: Tuesday, May 3, 2022 3:31:37 PM
To: LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote,
Jason (b)(6) ESPINOSA, MARSHA (b)(6) PECK, SARAH
(b)(6)
Cc: ULLOA, ISABELLA (b)(6) HIMMEL, CHLOE (b)(6)
Mehringer, Holly (b)(6)
Subject: Re: [For Review] DGB Senate Letters

+Holly. Isa the DGB questions from HSGAC are at bottom of this email.

From: LUGO, ALICE (b)(6)
Sent: Tuesday, May 3, 2022 12:53 PM
To: DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6)
SHENKLE, ABBY (b)(6) ESPINOSA, MARSHA (b)(6)
PECK, SARAH (b)(6)
Cc: ULLOA, ISABELLA (b)(6) HIMMEL, CHLOE (b)(6)
Subject: RE: [For Review] Senate Letters

+ chloe

Alice Lugo
Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security

From: LUGO, ALICE
Sent: Tuesday, May 3, 2022 12:53 PM
To: DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6)
SHENKLE, ABBY (b)(6) ESPINOSA, MARSHA (b)(6)
PECK, SARAH (b)(6)
Cc: ULLOA, ISABELLA (b)(6)
Subject: RE: [For Review] Senate Letters

These are the letters the questions were pulled from.

Alice Lugo
Assistant Secretary for Legislative Affairs

U.S. Department of Homeland Security

From: DASKAL, JENNIFER (b)(6)
Sent: Tuesday, May 3, 2022 12:51 PM
To: Lamote, Jason (b)(6) LUGO, ALICE (b)(6) SHENKLE, ABBY
(b)(6) ESPINOSA, MARSHA (b)(6) PECK, SARAH
(b)(6)
Cc: ULLOA, ISABELLA (b)(6)
Subject: RE: [For Review] Senate Letters

Privileged

Jason, Alice –

(b)(6)

Jen

From: Lamote, Jason (b)(6)
Sent: Tuesday, May 3, 2022 12:44 PM
To: DASKAL, JENNIFER (b)(6) LUGO, ALICE (b)(6) SHENKLE, ABBY (b)(6)
Subject: Fwd: [For Review] Senate Letters

Jen, here's the letter

From: Kozey, Elizabeth (b)(6)
Sent: Tuesday, May 3, 2022 11:28:50 AM
To: Lamote, Jason (b)(6) VINOGRAD, SAMANTHA
(b)(6) DASKAL, JENNIFER (b)(6)
Cc: JANKOWICZ, NINA (b)(6) FAUSETT, ANDREW
(b)(6) Fischer, Sebastian (He/Him) (b)(6)
Subject: [For Review] Senate Letters

Hi Jason,

Please see our draft response attached. Once Sam/Jen have the opportunity to review and provide feedback, we should be all set.

Sam/Jen,

Please let us know if you have any questions.

Thank you!

Liz

Liz Kozey

Senior Advisor (*detailee*)

Office of Counterterrorism and Threat Prevention

Office of Strategy, Policy, and Plans

Department of Homeland Security

Office: (b)(6) | Cell: (b)(6)

Email: (b)(6) (b)(6)

From: Lamote, Jason (b)(6)

Sent: Monday, May 2, 2022 11:07 AM

To: JANKOWICZ, NINA (b)(6) Kozey, Elizabeth

(b)(6) FAUSETT, ANDREW (b)(6)

Subject: RE: Senate Letters

Please let me know if/when you have additional feedback on these responses.

Jason Lamote

Director - Cyber, Intelligence, Operations

Office of Legislative Affairs

Department of Homeland Security

Cell: (b)(6) | Email: (b)(6)

From: Lamote, Jason

Sent: Friday, April 29, 2022 2:38 PM

To: JANKOWICZ, NINA (b)(6) Kozey, Elizabeth

(b)(6) FAUSETT, ANDREW (b)(6)

Subject: Senate Letters

OLA would like us to coordinate responses to the questions raised in the Senate letters that can be used at S1 hearing preps on Monday and later next week. I've taken a first stab at most of the questions. Can you please review, edit, and add content as you recommend?

(b)(6)

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(b)(5)

of the Freedom of Information and Privacy Act

Page 124

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)

Jason Lamote

Director - Cyber, Intelligence, Operations

Office of Legislative Affairs

Department of Homeland Security

Cell: (b)(6) | Email: (b)(6)

Sender: SHENKLE, ABBY (b)(6)
(b)(6)
(b)(6)

Recipient: DASKAL, JENNIFER /o (b)(6)
(b)(6)
LUGO, ALICE /o (b)(6)
(b)(6)
(b)(6)
SEIDMAN, RICKI (b)(6)
(b)(6)
MEYER, JONATHAN /o= (b)(6)
(b)(6)
ESPINOSA, MARSHA /o= (b)(6)
(b)(6)
(b)(6)

Sent Date: 2022/05/04 10:47:32
Delivered Date: 2022/05/04 10:47:35

From: FALCON, ERIC /O (b)(6)
(b)(6)

To: FAUSETT, ANDREW /d (b)(6)
(b)(6)
VINOGRAD, SAMANTHA /c (b)(6)
(b)(6)
DASKAL, JENNIFER /d (b)(6)
(b)(6)
SIKORSKYJ, LUCIAN /o (b)(6)
(b)(6)

Subject: RE: MDM Charter Adjudication
Date: 2022/01/17 17:28:56
Priority: Normal
Type: Note

Thank you so much!

For clarity, Andy included his edits/comments at the link below:

[docx icon 1b - MDM Charter Adjudication 17JAN22 Clean w Showstoppers.docx](#)

Eric

From: FAUSETT, ANDREW (b)(6)
Sent: Monday, January 17, 2022 5:18 PM
To: FALCON, ERIC (b)(6) VINOGRAD, SAMANTHA
(b)(6) DASKAL, JENNIFER (b)(6) SIKORSKYJ,
LUCIAN (b)(6)
Subject: RE: MDM Charter Adjudication

Eric,

Thanks for taking the laboring oar on this (b)(5)

(b)(5)

Hope this is helpful. Please let me know if anything gives you pause.

Best,

Andy

Andrew Fausett
Assistant General Counsel for Information Sharing
U.S. Department of Homeland Security
Office Number: (b)(6) (DHS HQ) (b)(6) (NVC)
Secure Number: (b)(6) (NVC)
Mobile Number: (b)(6)
(b)(6) (Unclassified)
(b)(6) (Secret)
(b)(6) (Top Secret//SCI)
(he/him/his)

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From: FALCON, ERIC (b)(6)
Sent: Monday, January 17, 2022 11:01 AM
To: VINOGRAD, SAMANTHA (b)(6) DASKAL, JENNIFER
(b)(6) SIKORSKYJ, LUCIAN (b)(6) FAUSETT, ANDREW
(b)(6)
Subject: MDM Charter Adjudication

Hi Sam, Jen, Lucian, and Andy—

I have completed adjudicating components' comments on the draft MDM Governance Board Charter that we circulated last week. Please see linked below redline and clean versions of the charter. (b)(5)

(b)(5)

Eric

Eric Falcon (he/him)

Advisor

Office of Strategy, Policy, and Plans

U.S. Department of Homeland Security

(b)(6) (mobile)

Sender:	FALCON, ERIC / (b)(6)
	(b)(6)
	(b)(6)
Recipient:	FAUSETT, ANDREW /o=E (b)(6)
	(b)(6)
	VINOGRAD, SAMANTHA
	(b)(6)
	DASKAL, JENNIFER /o=E
	(b)(6)
	SIKORSKYJ, LUCIAN /o=
	(b)(6)
Sent Date:	2022/01/17 17:28:52
Delivered Date:	2022/01/17 17:28:56

Office of Strategy, Policy, and Plans
Executive Director, Disinformation Governance Board
GS-0301-15

INTRODUCTION

This position is located in the U.S. Department of Homeland Security (DHS), Office of Strategy, Policy, and Plans (PLCY). PLCY provides policy development and coordination, strategy, planning and analysis to the DHS Secretary and other Departmental leaders to facilitate decisionmaking and other critical matters that may arise in a dynamic homeland security threat environment. PLCY is responsible for strengthening our Nation's homeland security by developing DHS-wide policies, programs, and planning to promote and ensure quality, consistency and integration across all homeland security missions.

Accordingly, PLCY serves as a liaison between the Office of the Secretary (and Deputy Secretary) and DHS Components, coordinating Departmental decisions and actions, as well as managing the Department's official relations in interagency policy fora, with the White House, and with other Federal agencies and international governments. PLCY supports the Secretary with accurate and timely formulation and implementation of policy throughout DHS and with our homeland security partners. The incumbent develops and coordinates DHS-wide policies and provides advice and consultation to DHS Components & Offices and other Federal agencies.

Specifically, the incumbent serves as Executive Director, Disinformation Governance Board ("the Board"). He or she guides and supports the Department's efforts to address mis-, dis-, and mal-information (MDM) that threaten homeland security and ensures that through the Board Departmental efforts are coordinated and harmonized, both within DHS and with the interagency, to ensure efficiency, unity of effort, and promotion of best practices.

MAJOR DUTIES

The incumbent is responsible for contributing to the development, integration, and alignment of policy and strategy across the Department in the areas of countering MDM in its mission spaces, to include identifying MDM that threatens homeland security, assessing and analyzing the risk that such MDM poses to homeland security, building resilience to MDM, and responding to these MDM threats.

Partnering with relevant Components and Offices, the incumbent will develop and support the implementation of policies and protocols that, among other issues, ensure respect for privacy, civil rights, and civil liberties; support and help harmonize coordination with other departments and agencies, the private sector, and non-governmental actors; and support research and development efforts to understand the MDM threat to homeland security. He or she advises the Assistant Secretary; ensures the Board is coordinated across DHS Components; and supports and implements engagement with the National Security Council (NSC) staff and with other federal, international, state and local governments, academia, and private sector stakeholders to a unified DHS-wide approach.

The incumbent directs the Board's review of existing MDM policies and practices across the Department, including policies, procedures, practices, plans, and standards (a) to ensure compliance with applicable constitutional, statutory, and regulatory obligations; (b) to ensure appropriate privacy and civil rights and civil liberties protections; and (c) for interactions with the private, non-profit, and academic sectors. With Board members, the incumbent is responsible for developing guidance, best practices, and recommendations with respect to MDM efforts; implementation of appropriate privacy and civil rights and civil liberties protections; procurement guidelines for contracting or funding third parties to support the Department's MDM efforts; grant funding and cooperative agreements; the development and implementation new technological and data tools; and any other applicable best practices to guide the lines of effort with respect to identification, risk assessment, response, and building resilience.

The incumbent directs the Board's development of reports for Departmental leadership, to include the Secretary, addressing MDM-related privacy and civil rights and civil liberties concerns, MDM mitigation efforts, and strategic priorities on MDM. He or she receives and directs the appropriate distribution of regular and routine updates from Department components and headquarter offices, the intelligence community, and partners on MDM narratives that threaten homeland security; he or she directs the harmonization of activities by the Department and relevant components to counter MDM threats, including with respect to external outreach; coordinates the Department's response to federal, state, local, tribal, territorial, private sector, or other nongovernmental partners that raise concerns about MDM threats to DHS through the component or components with the appropriate authorities to address them; and serves as a headquarters official for receiving, coordinating, responding to, and interacting with interagency partners, including the Executive Office of the President, for general MDM policy matters not related to the performance of intelligence activities.

As the Board's director, ensures that this work is managed collaboratively, in such a way that members are fully engaged, informed, and well prepared to contribute to the Board's mission. The incumbent is responsible for the successful management of the Board's activities, to include scheduling and preparing for engagements/meetings, developing materials for member deliberations, briefing members, developing and tracking after-actions, preparing executive summaries, reporting the Board's work to senior leadership, etc.

He or she ensures that the Board partners with policy, legal, and operational personnel at appropriate DHS components and headquarter offices and other federal agencies to achieve mission critical goals. He or she ensures that appropriate departments, agencies, and components within the Federal government are appraised and engaged in analyzing pertinent information on policy matters. He or she ensures that the Board coordinates, gathers, and analyzes information needed to ascertain impacts of existing, proposed, or new policy.

He or she serves as a recognized expert in the development, implementation, and continual evaluation of policies affecting DHS. Provides advice and guidance to senior officials on matters involving the analysis, evaluation, and assessment of program implementation, policies, and procedures and operational guidance to assist

in the resolution of program implementation issues involving domestic, international, legal, and social concerns that impact DHS programs.

Leads and performs complex analyses and studies for effectiveness in meeting goals and accomplishing program objectives. Determines the viability, consistency, and clarity of program policies and operational guidance and conducts in-depth reviews to determine resource levels required to accomplish programs in an efficient and effective manner.

Formulates and recommends plans to improve program policies, practices, methods, and organizational structure. Translates management goals and objectives into policy and evaluates progress and results. Adjusts progress schedules and priorities to meet new requirements or unforeseen situations. Develops, coordinates, and implements strategic plans to include mission, goals, objectives, and implementation strategies. Formulates and implements plans to improve program policies, practices, methods, and organizational structure.

Performs other duties as assigned.

SUPERVISORY CONTROLS

Incumbent serves under the direction of a PLCY Assistant Secretary, although he or she exercises independent judgment in instances where established policies or procedures apply. Other than on matters of unusual significance, the incumbent's decisions and judgments are generally not reviewed. He or she decides when a particular matter should be brought to the attention of the Assistant Secretary.

CONDITIONS OF EMPLOYMENT

This position has been designated as SPECIAL SENSITIVE and requires a security clearance at the TOP SECRET level, with access to Sensitive Compartmented Information (TS-SCI) as the individual will be required to access, process, use, and safeguard classified information. The employee is required to obtain and maintain this clearance level and failure to do so may result in separation from the position.

This is a Drug Testing Designated Position (TDP) and is covered by the Department of Homeland Security Headquarters Drug-Free Workplace Program. The incumbent is required to sign a Condition of Employment form (for certain positions identified as critical under the drug testing program) and must pass urinalysis testing, as required prior to appointment, reassignment, or transfer, and employee will be subject to random testing while employed with the Department in a TDP.

OTHER CONSIDERATIONS

The incumbent of this position requested for Schedule C exception will not be able to adequately perform his/her duties without having privileged information regarding the political, personal, and management philosophies of the Assistant Secretary, a non-career (political) SES. A confidential relationship of a Schedule C nature is imperative since the incumbent will speak for the Assistant Secretary and other PLCY leadership, and as such, will be expected to reflect his/her supervisor's philosophies in

conversations with leading figures of the Government, business, and other groups. The incumbent will be obligated to present the views of the Assistant Secretary in correspondence and other communications with agency managers and program officials.

FLSA EVALUATION

Executive Exemption

Exercises appropriate management responsibility (primary duty) over a recognized organizational unit with a continuing function, and

Customarily and regularly directs 2 or more employees, and

Has the authority to make or recommend hiring, firing, or other status-change decisions, when such recommendations have particular weight.

Note: Shared supervision or “matrix management” responsibility for a project team does not meet the above criteria. Limited “assistant manager” functions or “acting in the absence” of the manager does not meet the above criteria.

Professional Exemption

Professional work (primary duty)

Learned Professional, (See 5 CFR, 551.208)

(Registered Nurses, Dental Hygienists, Physician’s Assistants, Medical Technologists, Teachers,

Attorneys, Physicians, Dentists, Podiatrists, Optometrists, Engineers, Architects, and Accountants at the independent level as just some of the typical examples of exempt professionals)

or

Creative Professional, (See 5 CFR 551.209), or

Computer Employee (See 5 CFR 551.210; must meet salary test and perform such duties as system analysis, program/system design, or program/system testing, documentation, and modification). Computer manufacture or repair is excluded (non-exempt work).

Met X Administrative Exemption

Met X Primary duty consistent with 5 CFR 551 (e.g.; non-manual work directly related to the management or general business operations of the employer or its customers), AND job duties require exercise of discretion & independent judgment.

Conclusion: Exempt FLSA = EXEMPT

From: JANKOWICZ, NINA (b)(6) [redacted] OW
(b)(6)
ULLOA, ISABELLA /o (b)(6)
SHENKLE, ABBY /o= (b)(6)
PECK, SARAH /o=E (b)(6)
To: LUGO, ALICE /o=Ex (b)(6)
DASKAL, JENNIFER (b)(6)
Lamote, Jason /o=E (b)(6)
ESPINOSA, MARSHA (b)(6)
HIMMEL, CHLOE /o- (b)(6)
Mehringner, Holly /o- (b)(6)
SEIDMAN, RICKI /o (b)(6)
CC: SILVERS, ROBERT / (b)(6)
CANEGALLO, KRISTIE (b)(6) [redacted]
WATERS, ERIN (b)(6) [redacted]
VINOGRAD, SAMANTHA /o (b)(6) [redacted]
(b)(6) [redacted]

Subject: RE: [For Review] DGB Senate Letters
Date: 2022/05/03 18:21:08
Priority: Normal
Type: Note

I've taken a look and responded to a few comments. There are a few more in there that predate my joining the Department that I think Jen or Sam should be able to address.

From: ULLOA, ISABELLA (b)(6) [redacted]
Sent: Tuesday, May 3, 2022 6:20 PM
To: SHENKLE, ABBY (b)(6) [redacted] PECK, SARAH (b)(6) [redacted] LUGO, ALICE

(b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason
(b)(6) ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6)
SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6)
CANEGALLO, KRISTIE (b)(6) WATERS, ERIN (b)(6)
JANKOWICZ, NINA (b)(6) VINOGRAD, SAMANTHA
(b)(6)
Subject: RE: [For Review] DGB Senate Letters

Perfect. Yes, let's consolidate relevant items in the RTQ doc. Thank you.

From: SHENKLE, ABBY (b)(6)
Sent: Tuesday, May 3, 2022 6:09 PM
To: ULLOA, ISABELLA (b)(6) PECK, SARAH (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6)
SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6)
CANEGALLO, KRISTIE (b)(6) WATERS, ERIN (b)(6)
JANKOWICZ, NINA (b)(6) VINOGRAD, SAMANTHA
(b)(6)
Subject: RE: [For Review] DGB Senate Letters

To clarify on the hard q's, we're relying on OPA's excellent work in the RTQ. Will revert with examples

(b)(5)

From: ULLOA, ISABELLA (b)(6)
Sent: Tuesday, May 3, 2022 6:06 PM
To: PECK, SARAH (b)(6) SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6)
SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6)
CANEGALLO, KRISTIE (b)(6) WATERS, ERIN (b)(6)
JANKOWICZ, NINA (b)(6) VINOGRAD, SAMANTHA
(b)(6)
Subject: RE: [For Review] DGB Senate Letters

+ Nina and Sam

Pls don't share further.

Folks should please aim to wrap up their edits by 7 pm ET at the latest. Thanks.

From: PECK, SARAH (b)(6)
Sent: Tuesday, May 3, 2022 5:31 PM
To: ULLOA, ISABELLA (b)(6) SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6) SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6) CANEGALLO, KRISTIE (b)(6) WATERS, ERIN (b)(6)
Subject: Re: [For Review] DGB Senate Letters

OPA continues to update the RTQ on this issue in the shared doc:
[04262022 - ROLLOUT - Disinformation Board.docx](#)

I added in OLA's questions and some of the answers but it would be great if Jen or Isa could help with responses to a few of the new ones. And as a reminder we shouldn't share the link outside of this group.

From: ULLOA, ISABELLA (b)(6)
Sent: Tuesday, May 3, 2022 3:34:01 PM
To: SHENKLE, ABBY (b)(6) LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6) PECK, SARAH (b)(6)
Cc: HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6) SEIDMAN, RICKI (b)(6) SILVERS, ROBERT (b)(6) CANEGALLO, KRISTIE (b)(6)
Subject: Re: [For Review] DGB Senate Letters

Thank you. I understand a hard Q&A is being finalized?

I

From: SHENKLE, ABBY (b)(6)
Sent: Tuesday, May 3, 2022 3:31:37 PM
To: LUGO, ALICE (b)(6) DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6) ESPINOSA, MARSHA (b)(6) PECK, SARAH (b)(6)
Cc: ULLOA, ISABELLA (b)(6) HIMMEL, CHLOE (b)(6) Mehringer, Holly (b)(6)
Subject: Re: [For Review] DGB Senate Letters

+Holly. Isa the DGB questions from HSGAC are at bottom of this email.

From: LUGO, ALICE (b)(6)
Sent: Tuesday, May 3, 2022 12:53 PM

To: DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6)
SHENKLE, ABBY (b)(6) ESPINOSA, MARSHA (b)(6)
PECK, SARAH (b)(6)
Cc: ULLOA, ISABELLA (b)(6) HIMMEL, CHLOE (b)(6)
Subject: RE: [For Review] Senate Letters

+ chloe

Alice Lugo
Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security

From: LUGO, ALICE
Sent: Tuesday, May 3, 2022 12:53 PM
To: DASKAL, JENNIFER (b)(6) Lamote, Jason (b)(6)
SHENKLE, ABBY (b)(6) ESPINOSA, MARSHA (b)(6)
PECK, SARAH (b)(6)
Cc: ULLOA, ISABELLA (b)(6)
Subject: RE: [For Review] Senate Letters

These are the letters the questions were pulled from.

Alice Lugo
Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security

From: DASKAL, JENNIFER (b)(6)
Sent: Tuesday, May 3, 2022 12:51 PM
To: Lamote, Jason (b)(6) LUGO, ALICE (b)(6) SHENKLE, ABBY (b)(6)
ESPINOSA, MARSHA (b)(6) PECK, SARAH (b)(6)
Cc: ULLOA, ISABELLA (b)(6)
Subject: RE: [For Review] Senate Letters

Privileged

Jason, Alice –

(b)(5)

Jen

From: Lamote, Jason (b)(6)
Sent: Tuesday, May 3, 2022 12:44 PM
To: DASKAL, JENNIFER (b)(6) LUGO, ALICE (b)(6) SHENKLE, ABBY (b)(6)
Subject: Fwd: [For Review] Senate Letters

Jen, here's the letter

From: Kozey, Elizabeth (b)(6)
Sent: Tuesday, May 3, 2022 11:28:50 AM
To: Lamote, Jason (b)(6) VINOGRAD, SAMANTHA (b)(6) DASKAL, JENNIFER (b)(6)
Cc: JANKOWICZ, NINA (b)(6) FAUSETT, ANDREW (b)(6) Fischer, Sebastian (He/Him) (b)(6)
Subject: [For Review] Senate Letters

Hi Jason,
Please see our draft response attached. Once Sam/Jen have the opportunity to review and provide feedback, we should be all set.

Sam/Jen,
Please let us know if you have any questions.

Thank you!
Liz

Liz Kozey

Senior Advisor (*detailee*)

Office of Counterterrorism and Threat Prevention

Office of Strategy, Policy, and Plans

Department of Homeland Security

Office: (b)(6) Cell: (b)(6)

Email: (b)(6) (b)(6) (b)(6)

From: Lamote, Jason (b)(6)
Sent: Monday, May 2, 2022 11:07 AM
To: JANKOWICZ, NINA (b)(6) Kozey, Elizabeth (b)(6) FAUSETT, ANDREW (b)(6)
Subject: RE: Senate Letters

Please let me know if/when you have additional feedback on these responses.

Jason Lamote
Director - Cyber, Intelligence, Operations
Office of Legislative Affairs

Department of Homeland Security

Cell: (b)(6) | Email: (b)(6)

From: Lamote, Jason

Sent: Friday, April 29, 2022 2:38 PM

To: JANKOWICZ, NINA (b)(6) Kozey, Elizabeth

(b)(6) FAUSETT, ANDREW (b)(6)

Subject: Senate Letters

OLA would like us to coordinate responses to the questions raised in the Senate letters that can be used at S1 hearing preps on Monday and later next week. I've taken a first stab at most of the questions. Can you please review, edit, and add content as you recommend?

(b)(5)

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)

Jason Lamote

Director - Cyber, Intelligence, Operations

Office of Legislative Affairs

Department of Homeland Security

Cell: (b)(6) Email: (b)(6)

JANKOWICZ, NINA /o=EXCHANGE TRADING ADMINISTRATIVE GROUP (b)(6)
Sender: (b)(6)
ULLOA, ISABELLA / (b)(6)
SHENKLE, ABBY /o (b)(6)
PECK, SARAH /o=E (b)(6)
LUGO, ALICE /o=E (b)(6)
DASKAL, JENNIFER (b)(6)
Lamote, Jason /o= (b)(6)
ESPINOSA, MARSH (b)(6)
Recipient: HIMMEL, CHLOE /o (b)(6)
Mehringner, Holly /o (b)(6)
SEIDMAN, RICKI /o (b)(6)
SILVERS, ROBERT (b)(6)
CANEGALLO, KRISTIE /o (b)(6)
(b)(6)
(b)(6)
WATERS, ERIN /o (b)(6)
(b)(6)
VINOGRAD, SAMANTHA
(b)(6)
(b)(6)

Sent Date: 2022/05/03 18:21:07

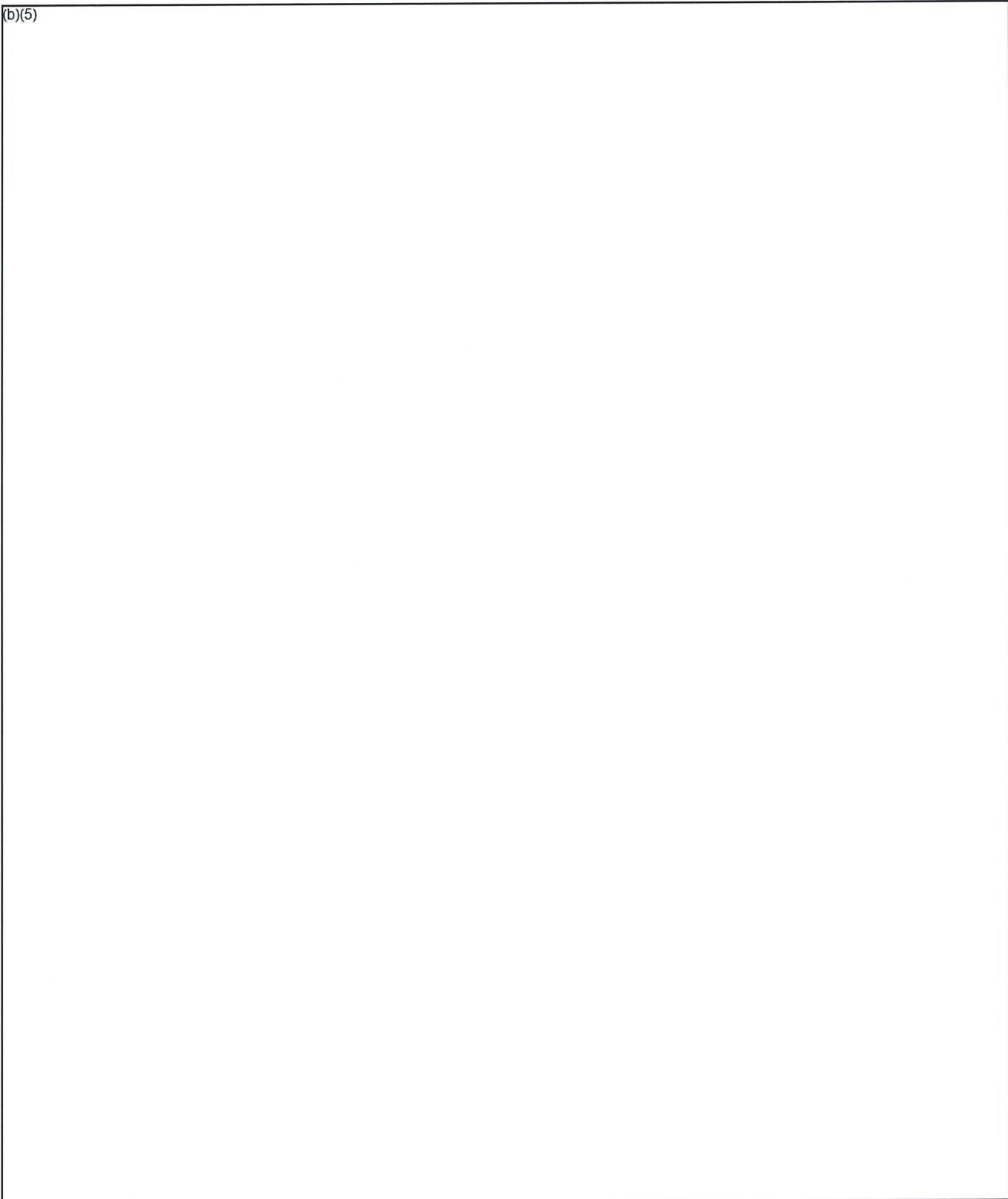
Delivered Date: 2022/05/03 18:21:08

DRAFT // DELIBERATIVE

~~FOR OFFICIAL USE ONLY~~

Summary of Disinformation Governance Board Roles and Responsibilities

(b)(5)



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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

United States Senate

WASHINGTON, DC 20510

April 27, 2022

COMMITTEES:
BUDGET
COMMERCE, SCIENCE
AND TRANSPORTATION
FOREIGN RELATIONS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

I write to request information regarding the Department of Homeland Security's (DHS) plans to create a "Disinformation Governance Board" to purportedly counter misinformation related to homeland security issues. On April 27, 2022, *Politico* reported DHS is particularly focused on information related to "irregular migration and Russia."¹ Nina Jankowicz confirmed reports that she will serve as this board's executive director.²

The Biden Administration has not proven itself to be a credible arbiter of "disinformation." Instead, it has taken steps to silence information that is unflattering to this Administration under the guise of "disinformation." For example, unnamed intelligence officials, the media, and social media platforms engaged in a coordinated effort to censor stories about Hunter Biden's laptop and his questionable financial dealings under the false label of "disinformation."³

In fact, Ms. Jankowicz herself has been a beacon of misinformation online. She has published multiple tweets furthering the false media narrative about the Hunter Biden laptop.⁴ In one tweet she wrote, "IC has a high degree of confidence that the Kremlin used proxies to push influence narratives, including misleading or unsubstantiated claims about President Biden, to US media, officials, and influencers, some close to President Trump. A clear nod to the alleged Hunter laptop."⁵ In another, she referred to the origins of how the media came into possession of the contents of Hunter Biden's laptop as a "fairy tale about a laptop repair shop."⁶ She has also

¹ Eugene Daniels, Rachael Bade, and Ryan Lizza, "POLITICO Playbook: Fauci Pulls out of WHCD. Is Biden next?" *POLITICO*, April 27, 2022, <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>.

² Nina Jankowicz (@wiczipedia), Twitter (April 27, 2022, 7:17 AM), <https://twitter.com/wiczipedia/status/1519274470049042432>

³ Tyler Olsen, President Biden said Hunter laptop was Russian disinformation, but son now says it "could" be his," *Fox News*, Apr. 2, 2021, available at <https://www.foxnews.com/politics/president-biden-said-hunter-laptop-was-russian-disinformation-but-son-now-says-it-could-be-his>.

⁴ See Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 8:15 AM), <https://twitter.com/wiczipedia/status/1319251093298302976> (promoting an article that questioned the accuracy of the *New York Post's* reporting on the Hunter Biden laptop); see also Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 10:18 PM), <https://twitter.com/wiczipedia/status/1319463138107031553>.

⁵ Nina Jankowicz (@wiczipedia), Twitter (March 16, 2021, 2:22 PM), <https://twitter.com/wiczipedia/status/1371889543582990336>.

⁶ Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 8:39 AM), <https://twitter.com/wiczipedia/status/1319257015651368960>.

posted tweets pushing the Trump-Russia collusion hoax and another implying the United States is as corrupt as Ukraine.⁷

Now, DHS is creating a board to counter misinformation focusing on irregular migration and Russia and appointing a purveyor of misinformation to lead that effort.⁸ DHS is taking this action just weeks after announcing its plans to stop Title 42 expulsions at the southwest border, which has sparked a surge of illegal migrant crossing at the border, with CBP reporting an average of over 7,000 encounters a day in March 2022 compared with over 5,900 a day in February 2022.⁹ DHS even concedes it needs to be prepared to encounter 18,000 migrants a day at the southwest border once Title 42 is lifted.¹⁰

You claim this Administration's border policies are humane, but the crises caused by your policies have only added to the many tragedies caused by illegal immigration. I am concerned DHS's Disinformation Board will only serve to silence or censor those voices critical of your disastrous policies and serve a political cover for your failure to secure the border.

1. Provide the statute allowing DHS to create the Disinformation Board, appoint board members, and assign or hire staff.
2. How does DHS define "misinformation"?
3. What does DHS consider to be "irregular migration"?
4. What does DHS consider to be misinformation about irregular migration?
5. What DHS component or office is responsible for monitoring and collecting data on "misinformation"? How many staff are tasked with this assignment? What are their job descriptions and classifications?
6. What specific actions does DHS intend to take to "counter misinformation"?

⁷ See Nina Jankowicz (@wiczipedia), Twitter (May 1, 2018, 6:50 AM), <https://twitter.com/wiczipedia/status/991268617965600768>, see also Nina Jankowicz (@wiczipedia), Twitter (Jan. 6, 2021, 3:50 PM) <https://twitter.com/wiczipedia/status/1346922196476706819>.

⁸ Eugene Daniels, Rachael Bade, and Ryan Lizza, "POLITICO Playbook: Fauci Pulls out of WHCD. Is Biden next?" POLITICO, April 27, 2022, <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>.

⁹ "Southwest Land Border Encounters," U.S. Customs and Border Protection, accessed April 27, 2022, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

¹⁰ Maria Sacchetti and Nick Miroff, "CDC to Phase out Border Restrictions; Increase in Crossings Expected," The Washington Post (WP Company, April 4, 2022), <https://www.washingtonpost.com/national-security/2022/04/01/cdc-phase-out-border-restrictions-increase-crossings-expected/>.

The Honorable Alejandro Mayorkas
April 27, 2022
Page 3 of 3

Please provide this information as soon as possible but no later than 5:00 p.m. on May 6, 2022. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Ron Johnson". The signature is written in a cursive, flowing style.

Ron Johnson
U.S. Senator

United States Senate

WASHINGTON, DC 20510-2509

April 28, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington D.C. 20528

Dear Secretary Mayorkas:

I write with deep concern about the Department of Homeland Security's decision to create a new Disinformation Governance Board. I confess, I at first thought this announcement was satire. Surely no American Administration would ever use the power of Government to sit in judgment on the First Amendment speech of its own citizens. Sadly, I was mistaken. Rather than protecting our border or the American homeland, you have chosen to make policing Americans' speech your priority. This new board is almost certainly unconstitutional and should be dissolved immediately.

For well over a year, your Department has consistently treated competing policy views as disinformation to be monitored or investigated. However, political debates on issues such as immigration, pandemic lockdowns, and foreign policy clearly constitute "core political speech" protected by the First Amendment.¹ The Supreme Court has even gone so far as to say that "Under the First Amendment there is no such thing as a false idea."² The apparent broad mandate of this new government entity to "coordinate countering misinformation" in America undermines the argument that it can even exist consistent with the Constitution.³

Particularly troubling is your choice to lead the new board, Nina Jankowicz, a supposed "expert" with a long history of partisan attacks. Consider:

- In 2020, she described President Trump's use of the national guard as "a sentence I expect to hear from leaders of authoritarian countries, not the President of the United States."⁴
- In 2021, she quoted with praise an article that said "homegrown fascism predated President Donald Trump."⁵
- She has said America is systemically racist.⁶
- In response to revelations about Hunter Biden's laptop, she tweeted that "50 former natsec officials and 5 former CIA heads that believe the laptop is a Russian influence op. Trump says 'Russia, Russia, Russia.'"⁷

¹ *Meyer v. Grant*, 486 U.S. 414, 422 (1988).

² *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974).

³ <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>

⁴ <https://twitter.com/wiczipedia/status/1267589264440729600>

⁵ <https://twitter.com/wiczipedia/status/1321123630403694593>

⁶ <https://twitter.com/wiczipedia/status/1311123042387529734>

⁷ <https://twitter.com/wiczipedia/status/1319463138107031553?s=20&t=EZYZWppGDhzWKhE5ensHnQ>

Jankowicz has said the new DHS Board will “maintain the Dept’s committment [sic] to protecting free speech.”⁸ This is particularly ironic given Jankowicz’s extensive criticism of free speech and the First Amendment. Jankowicz has claimed that “the ‘free speech vs censorship’ framing is a false dichotomy.”⁹ And when Elon Musk announced his acquisition of Twitter, she said “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.”¹⁰ Jankowicz has even described opponents of social media speech codes as “first amendment zealots.”¹¹ These statements that question the value of free speech are obviously disqualifying for such a role.

While Democrats have for years controlled the public square through their Big Tech allies, Mr. Musk’s acquisition of Twitter has shown just how tenuous that control is. It can only be assumed that the sole purpose of this new Disinformation Governance Board will be to marshal the power of the federal government to censor conservative and dissenting speech. This is dangerous and un-American. The board should be immediately dissolved.

So that Congress can consider remedial legislation, please provide the following responses prior to your expected testimony before the Senate Homeland Security and Governmental Affairs Committee on May 4, 2022:

1. How will this Disinformation Board function? And who exactly will it be monitoring?
2. What analysis did DHS conduct, if any, to ensure that the Disinformation Board and its activities comport with the First Amendment?
3. Why did DHS time its announcement of this governance board directly after Mr. Musk’s acquisition of Twitter?
4. Who appointed Ms. Jankowicz to head the board as executive director? Were you aware of her history of partisan conduct prior to her appointment?
5. Has DHS conferred with any private social media company in the creation or operation of this board?

Sincerely,



Josh Hawley
United States Senator

⁸ <https://twitter.com/wiczipedia/status/1519282822158110721>

⁹ <https://twitter.com/JackPosobiec/status/1519397817260904454?s=20&t=ukuMjycX1tNIuHKa1DmtGw>

¹⁰ <https://www.npr.org/2022/04/16/1093212502/women-face-disproportionate-attacks-online-one-expert-shares-some-of-the-details>

¹¹ <https://twitter.com/wiczipedia/status/1192897252328714240>

(b)(5)

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act