



November 15, 2022

**VIA SECURE RELEASE PORTAL**

Cybersecurity and Infrastructure Security Agency  
CISA – NGR STOP 0645  
1110 N. Glebe Rd.  
Arlington, VA 20598-0645

**Re: Records Related to CISA’s Disinformation Efforts**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s email list contains over 34,000 unique addresses; our Facebook page has over 80,000 followers; our Twitter page has 21,400 followers; the Twitter page of our Founder and President has 257,300 followers, and we have another 31,400 followers on GETTR.

**I. Introduction**

On June 15, 2021, the Biden Administration issued its National Strategy for Countering Domestic Terrorism.<sup>1</sup> In that strategic plan, the Administration wrote “the Department of Homeland Security and others are either currently funding and implementing or planning evidence-based ... mechanism[s] for strengthening user resilience to disinformation and misinformation online.”<sup>2</sup>

On April 27, 2022, the Secretary of Homeland Security, Alejandro Mayorkas, announced the creation of a “Disinformation Governance Board” to be led by Nina

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<sup>1</sup> NAT’L SEC. COUNCIL, *National Strategy for Countering Domestic Terrorism* (Jun. 2021), <https://bit.ly/3haJhuZ>.

<sup>2</sup> *Id.* at 20.

Jankowicz.<sup>3</sup> The White House Press Secretary defended the board, arguing that it only represented an extension of work already being done by the Cybersecurity and Infrastructure Security Agency (CISA).<sup>4</sup> However, the board still drew intense criticism from across the political spectrum, with some characterizing it as an Orwellian “Ministry of Truth.”<sup>5</sup>

On May 4, 2021, Secretary Mayorkas testified in front of the Senate Homeland Security and Governmental Affairs Committee, stating that the Disinformation Governance Board “had not yet begun its work.”<sup>6</sup> This was flatly contradicted by whistleblower documents.<sup>7</sup> He also testified that the board would focus on foreign threats, which contradicted statements made by the board’s then executive director, Nina Jankowicz.<sup>8</sup>

Finally, after oversight hearings and weeks of intense criticism, Ms. Jankowicz resigned from the post.<sup>9</sup> She publicly characterized the attacks against the board as misinformation, confirming many commentators’ fears that the board had intended to label all criticism and disfavored narratives as “disinformation.”<sup>10</sup>

At the same time, as Ms. Jankowicz announced her resignation, DHS announced that the board would be paused for 75 days to re-evaluate the situation.<sup>11</sup> Months later, DHS announced that the board would be shut down permanently.<sup>12</sup>

Yet new reporting shows that the work and mission of the Disinformation Governance Board continued uninterrupted, behind the scenes and out of sight of the American people. Leaked documents posted by The Intercept show that DHS and the FBI have been collaborating with Facebook to facilitate censorship of disfavored views. Indeed, Facebook appears to have designed a private portal to “streamlin[e] takedown requests.”<sup>13</sup> Internal documents from DHS suggest a wide range of topics are being targeted, including “inaccurate information” on a wide range of topics, including “the

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<sup>3</sup> Bridget Johnson, *DHS Standing Up Disinformation Governance Board Led by Information Warfare Expert*, HOMELAND SECURITY TODAY (Apr. 27, 2022), <https://bit.ly/3U7DVzA>.

<sup>4</sup> Steven Lee Meyers & Zolan Kanno-Youngs, *Partisan Fight Breaks Out Over New Disinformation Board*, THE NEW YORK TIMES (May 2, 2022), <https://nyti.ms/3fsHiSB>.

<sup>5</sup> Joe Concha, *Joe Biden’s ‘Ministry of Truth’*, The Hill (May 1, 2022), <https://bit.ly/3DwH5FX>.

<sup>6</sup> OFFICE OF SENATOR MITT ROMNEY, *Romney, Colleagues Demand Hearing on Disinformation Governance Board*, (Jun. 14, 2022), <https://bit.ly/3sV1Upx>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Sean Lyngaas, Priscilla Alvarez, & Natasha Bertrand, *Expert Hired to Run DHS’ Newly Created Disinformation Board Resigns*, CNN (May 18, 2022), <https://cnn.it/3WmiFr8>.

<sup>10</sup> Shannon Bond, *She Joined DHS to Fight Disinformation. She says she was Halted by... Disinformation*, NPR (May 21, 2022), <https://n.pr/3U5D02y>.

<sup>11</sup> *Id.*

<sup>12</sup> Geneva Sands, *DHS Shuts Down Disinformation Board Months After its Efforts Were Paused*, CNN (Aug. 24, 2022), <https://cnn.it/3gYDmJs>.

<sup>13</sup> Ken Klippenstein & Lee Feng, *Truth Cops*, THE INTERCEPT (Oct. 31, 2022), <https://bit.ly/3fvfWez>.

origins of the COVID-19 pandemic and the efficacy of COVID-19 vaccines, racial justice, U.S. withdrawal from Afghanistan, and the nature of U.S. support to Ukraine.”<sup>14</sup> Essentially, DHS is now interested in stopping the spread of opposing views on nearly every major issue of public concern because, in the words of one senior FBI official (Laura Dehmlow), this information could undermine support for the U.S. government.<sup>15</sup>

To shed light on CISA’s role in this apparent censorship campaign, AFL requests the following under the Freedom of Information Act (FOIA), 5 U.S.C. § 552:

## II. Records Request

1. For the time period between July 1, 2022, and November 4, 2022, all records of any communication sent to or from any of the below listed custodians that contain any of the following terms: “MD,” “MDM,” “CFITF,” “disinformation,” “misinformation,” “malinformation,” “Disinformation Governance Board,” “DGB,” “GEC,” “FITF”
  - a. Jen Easterly
  - b. Alaina Clark
  - c. Bridget Bean
  - d. Victoria Dillon
  - e. Stephanie Doherty
  - f. Kiersten Todt
  - g. Robert Costello
  - h. Geoff Hale
  - i. Kim Wyman
  - j. Allison Snell
  - k. Lauren Protentis
  - l. Brian Scully
2. For the time period of July 1, 2022, through November 8, 2022, all records of any communication sent to or from any CISA employee that contain the search term “facebook.com/xtakedowns”.
3. Records sufficient to evidence all CISA employees who logged into the Facebook portal or accessed it from their work (government) device.
4. All records that define MDM (or any subpart) or instruct CISA employees on how to decide which posts should be flagged/submitted to the portal.

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

### III. Processing

Processing should occur in strict compliance with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.<sup>16</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org.

### IV. Fee Waiver Request

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request. AFL’s noncommercial commitment to public education and transparency justifies this fee waiver. We are, of course, able to provide additional information in writing or offline in support of this request. If AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

### V. Request for Expedited Processing

AFL requests expedited processing for the above-requested items under 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e)(1)(iv), providing that requests and appeals will be processed on an expedited basis whenever the subject matter is of “widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.”<sup>17</sup>

The subject matter of this request is assuredly of “widespread and exceptional media interest.” The strong evidence of government collusion with private corporations to create and execute domestic information operations to censor disfavored viewpoints and/or shape and control public opinion on issues of compelling national interest, ranging from COVID-19 to election integrity to the definition of “domestic terrorism”, have been the focus of hundreds of thousands of unique stories and articles on legacy and social media as well as extensive Congressional oversight.

Also, this collusion, as well as the potential First Amendment and statutory anti-domestic propaganda violations attendant thereto, has raised possible and actual questions about the government’s integrity affecting public confidence. For example, documents obtained through litigation, leaks, and news articles have provided glimpses of the federal government’s efforts to censor speech, in ways directly calibrated to affect elections.<sup>18</sup> The evidence shows that DHS partners labeled over

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<sup>16</sup> U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.

<sup>17</sup> 6 C.F.R. § 5.5(e).

<sup>18</sup> See e.g. Mike Benz, *DHS Censorship Agency Had Strange First Mission: Banning Speech That Casts Doubt on ‘Red Mirage, Blue Shift’ Election Events*, FOUNDATION FOR FREEDOM ONLINE (Nov. 9, 2022), <https://bit.ly/3tmoWGg>.

22 million tweets “disinformation,” collected more than 850 others in a government database, and used over 120 analysts in this covert program.<sup>19</sup> Some have alleged that CISA is the control center of this effort, and that the effort ramped up leading into the midterm elections.<sup>20</sup>

These reports directly implicate the government’s integrity and obviously affect public confidence.

AFL certifies that this statement is a true and correct explanation of the basis for AFL’s request for expedited processing.

## **VI. Production**

To accelerate the release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you,

/s/ Reed D. Rubinstein  
Reed D. Rubinstein  
America First Legal Foundation

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*