

FBI And DHS Directors Mislead Congress About Censorship

Plus: Twitter Files journalists win prestigious Dao Prize for journalism



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Senator Rand Paul questions Department of Homeland Security Director Alejandro Mayorkas and FBI Director Christopher Wray during the Senate Homeland Security and Governmental Affairs Committee hearing on Tuesday, October 31, 2023 (Getty Images)

Over the last year, mainstream news reporters have dismissed every new revelation of government censorship. Federal Bureau of Investigations (FBI) officials who [primed social media executives](#) to censor the Hunter Biden laptop were simply on guard for Russian disinformation, [they said](#). White House officials who [demanded that Facebook censor accurate information](#) about Covid-19 vaccine side effects were simply trying to save lives, journalists argued. And [the sweeping effort](#) by the Department of Homeland Security (DHS) to demand, alongside academic institutes, social media censorship of Covid and election information was, a “public-private partnership” to “counter misinformation,” many reporters insisted.

But many independent journalists disagree. We and others have documented how these efforts blatantly violate the First Amendment to the United States

Constitution, which explicitly prohibits the government from “abridging the freedom of speech, or of the press.” The FBI had Hunter Biden’s laptop in its possession since 2019 but primed social media executives in the summer of 2020 to view it instead as Russian disinformation, resulting in its censorship.

White House officials also demanded that social media companies censor accurate information about the side effects of the Covid vaccine. Facebook complied, fearing retaliation from the White House, even though executives knew that doing so would increase, not decrease, “vaccine hesitancy.”

Emails obtained through discovery in the Missouri v. Biden case revealed how officials from the federal government threatened, berated, and pressured social media companies. In light of this evidence, the Fifth Circuit Court of Appeals partially upheld an injunction in the Missouri v. Biden case, ruling that some government agencies had coerced platforms into censoring protected speech. And the Fifth Circuit Court of Appeals viewed the sweeping public-private effort overseen by DHS’s Cybersecurity and Infrastructure Security Agency (CISA) to censor disfavored views on vaccines and elections to be in violation of the First Amendment. The court demanded that CISA, along with the FBI, CDC, and the White House, refrain from coercing or significantly encouraging social media companies to censor users.

After this sequence of events, many rightly wondered how the heads of the various government agencies within the Censorship Industrial Complex would respond to public questioning by members of Congress. After months of anticipation, this finally occurred this week, when Senator Rand Paul interrogated DHS Secretary Alejandro Mayorkas and FBI Director Christopher Wray.

Senator Ted Cruz similarly [grilled](#) National Science Foundation (NSF) Director Dr. Sethuraman Panchanathan earlier this month on that agency’s distribution of millions of dollars to promote “the science of countering social media myths and disinformation as well as the development of digital tools to track and censor so-called misinformation.”

With the Censorship Industrial Complex increasingly under scrutiny, America’s leading thought police turned evasive, misleading Congress about their involvement in censorship. Why are they no longer defending the actions they once said were necessary for safety, public health, and national security?

They Know They Broke The Law



Facing difficult questions, America's thought police are now trying to deny their well-documented role in censorship. After Sen. Paul asked if DHS had held meetings with social media companies to discuss content moderation, Mayorkas answered, "We, along with other federal agencies, have met with social media companies in a public-private partnership to speak of the threats to the homeland, so that those companies are alert to them."

When Sen. Paul asked Wray if the FBI was "still meeting with social media companies," Wray responded, "We're having some interaction with social media companies. But, all of those interactions have changed fundamentally in the wake of the [Fifth Circuit Appeals] court's ruling."

Responded Paul, "That's sort of an acknowledgment that perhaps you weren't just talking about national security, child pornography, and human trafficking, right? You had other areas of discussion that did involve Constitutionally-protected speech?"

Wray said that his remark "was not an acknowledgment of that."

Mayorkas similarly said, “We do not meet with social media companies for the purpose of instructing them to take down content.... What we have done in the past, Ranking Member Paul, as I shared with you previously, is we, along with other federal agencies, have met with social media companies in a public-private partnership to speak of the threats to the homeland so that those companies are alert to them,” said Mayorkas. “We do not instruct them.”

In their remarks, Wray and Mayorkas were, at best, evading the truth. Their agencies had indeed sought to pressure social media companies to censor content by issuing “warnings,” sometimes directly, such as with the Hunter Biden laptop, or indirectly, through “private-public partnerships” between CISA, Stanford Internet Observatory, and others.

An interaction between Mayorkas and Paul on vaccines epitomized the new evasiveness of the thought police. When Paul asked Mayorkas if he thought a discussion of vaccine efficacy was a “threat to the homeland,” Mayorkas answered that he did not think it was, suggesting that DHS did not meet with social media companies about this topic.

But in 2022, journalists Lee Fang and Ken Klippenstein reported in The Intercept that a draft copy of the DHS Quadrennial Homeland Security Review stated that it planned to target “inaccurate information” about “the origins of the COVID-19 pandemic and the efficacy of COVID-19 vaccines,” among other topics.

Moreover, the Cybersecurity and Infrastructure Security Agency (CISA), a component of DHS, held regular standing meetings with social media companies and did “switchboarding” on behalf of officials. This “switchboarding” allowed officials to flag “disinformation” for CISA, which would then flag it for social media companies. CISA outsourced Covid-related surveillance and censorship efforts to the Stanford Virality Project. The Virality Project was modeled off of the Election Integrity Project (EIP), which former CIA Fellow Renée DiResta said was designed to “get around unclear legal authorities, including very real First Amendment questions.”

Between the DHS’ explicit plans to target “misinformation” about Covid, its meetings with social media companies, and its work through CISA and the Virality Project, it’s clear that Secretary Mayorkas’ denial of his agency’s role in government-sponsored censorship was misleading.

The same is true for FBI director Wray, who denied that his agency had ever met with social media platforms to recommend censorship of constitutionally protected speech. But FBI agent Elvis Chan's testimony in the Missouri v. Biden lawsuit directly contradicts this claim.

Chan testified that he and other FBI officials met with several social media companies. During industry meetings, Chan said, he met with personnel from CISA, the Office of the Director of National Intelligence, and content moderation teams from many platforms.

In 2020, the FBI alerted companies about a "hack and leak" operation and led them to believe the Hunter Biden laptop story was Russian disinformation. But the FBI was not only flagging Russian disinformation. It was also, Chan testified, flagging "domestic disinformation" and did not attempt to determine whether reported election disinformation in 2020 was foreign or domestic.

The FBI's actions resulted in censorship of Americans. Wrote Judge Terry Doughty in his preliminary injunction ruling this year, "Chan also identified Russian-aligned websites on which articles were written by freelance journalists. A website called NADB, alleged to be Russian-generated, was also identified by the FBI, and suppressed by social-media platforms, despite such content being drafted and written by American users on that site."

Perhaps the clearest indication that the FBI and DHS were engaging in censorship of protected speech is that both Wray and Mayorkas stated that, in light of the recent court injunction in Missouri v. Biden, their agencies are no longer engaging with social media companies in the same way they used to. Wray even noted that the injunction was stayed, but said that his agency had still changed its relationship with social media companies, to avoid any possible legal violations.

The injunction upheld by the 5th Circuit Court of Appeals only prevents them from coercing or "significantly encouraging" censorship. If, as Wray and Mayorkas say, FBI and DHS simply had innocent conversations with social media companies and never tried to demand the censorship of protected speech, the agencies would have no need to change their practices now.

As for NSF, it has been funding the metastasizing of the Censorship Industrial Complex. Noted Cruz, "since fiscal year 2021, NSF has funded over 100 academic

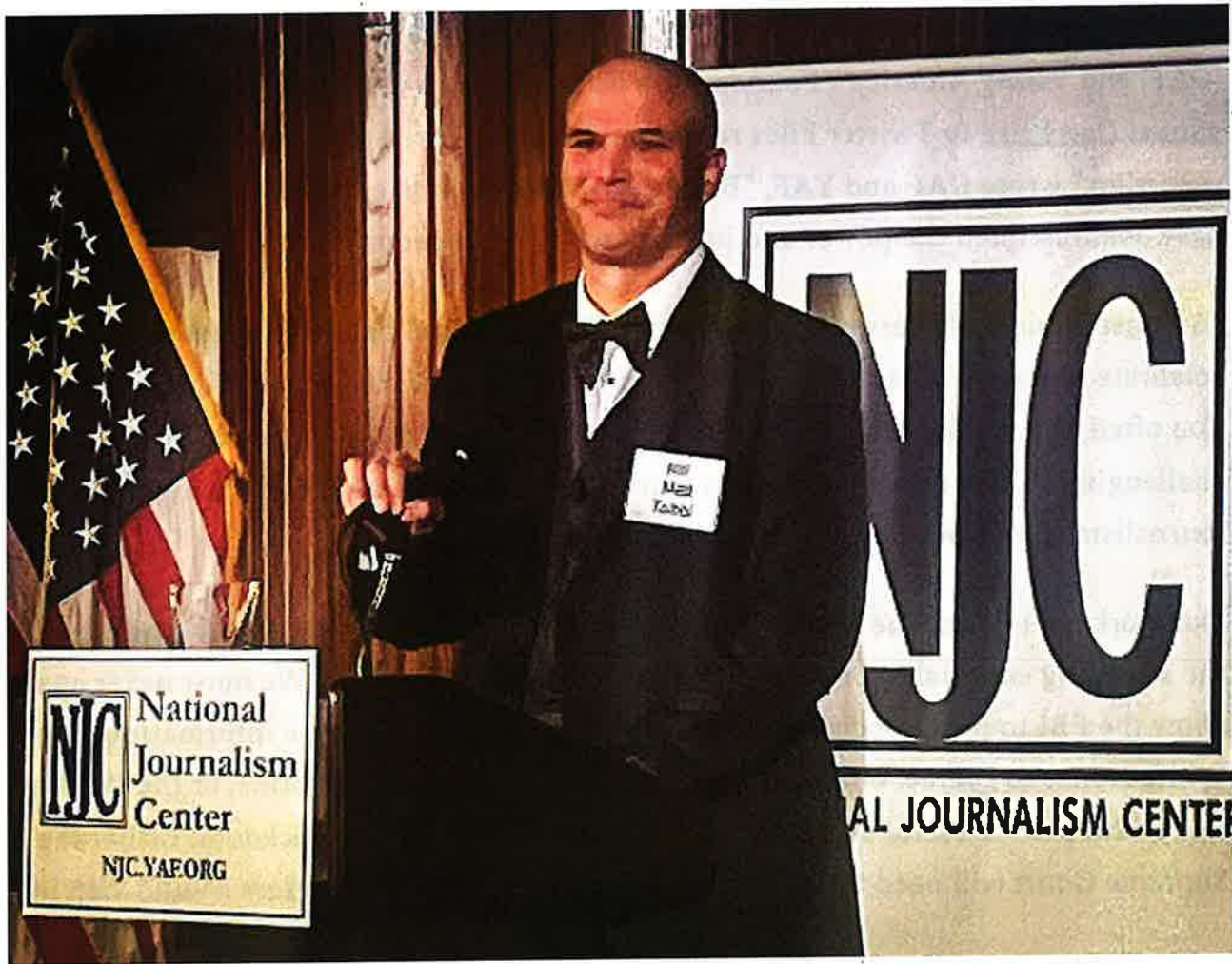
projects that are aimed at supposedly reducing ‘mis-, dis-, and mal-information,’ much of which is simply content that the progressive left does not agree with.”

Said Panchanathan, “I want to say one thing very categorically, we do not—NSF does not engage in censorship. We do not regulate any content and engage with anybody who also does so.”

Yet Cruz pointed to \$66 million in 105 grants between 2021 and 2023 for academic institutes to collaborate with social media companies to censor Americans. These grants include \$5 million for the University of Wisconsin to build a “digital dashboard” so public officials can identify “trending misinformation” and “strategically correct” misinformation on social media.

At one point, Panchanathan may have defended these grants as necessary to the promotion of scientific knowledge and the fight against disinformation. Now, it’s clear that association with the Censorship Industrial Complex is a liability.

The Dao Of Journalism



Matt Taibbi accepts the Dao Prize on behalf of the Twitter Files journalists.

The combination of human nature, politics, and institutional survival makes it unlikely that the FBI, DHS, NSF, Stanford Internet Observatory, and mainstream journalists will acknowledge that they abused their powers in demanding censorship of disfavored views and individuals over the last three years.

But many others do recognize the threat posed by the Censorship Industrial Complex.

One of us, Michael, is on his way home from the London launch of the Alliance for Responsible Citizenship, whose 1,500 participants are all too aware of the dangers of censorship. Some in attendance have both been victimized and overcome government censorship. A large delegation of Australians recounted how their government demanded censorship of accurate information about a recent referendum by Facebook and others. After the censorship demands came to light, Australian voters reacted harshly, defeating the referendum 60-40. The episode shows how such censorship can backfire.

And yesterday, we are happy to announce the Dao Feng and Angela Foundation (DAF) and Young America's Foundation's National Journalism Center [gave the first annual Dao Prize](#) to Twitter Files reporters. "Through their tireless, truth-seeking reporting," wrote DAF and YAF, "Bari Weiss, Matt Taibbi, and Michael Shellenberger have demonstrated the power and importance of courageous journalism."

"As trust in media hovers near record lows, DAF and NJC believe it is essential to celebrate reporters advancing the public interest through robust investigative work. Too often, the media establishment celebrates work that protects power rather than challenging it. The Dao Prize honors truth above all else. Dao Prize-winning journalism stands out for accuracy and courage."

Our work isn't done. The mainstream news media will either need to acknowledge the sweeping censorship of recent years, or decline in influence. We must never again allow the FBI to prime social media executives to dismiss accurate information, the White House to coerce, or incentivize, censorship by media platforms, or the DHS to work with private sector actors to seek censorship through the backdoor. Either the Supreme Court will need to put an end to these practices or Congress should step in.



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