

**“Censorship Laundering: How the U.S. Department of Homeland Security Enables the
Silencing of Dissent”**

**Subcommittee on Oversight, Investigations, and Accountability
Committee on Homeland Security
United States House of Representatives**

May 11, 2023

Statement for the Record

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I. Introduction

Chairman Bishop, Ranking Member Ivey, and members of the Subcommittee, thank you for the opportunity to testify today.¹ It is an honor and a privilege to appear before you to discuss the Department of Homeland Security's (DHS) enabling of the silencing of dissent.

Government's first charge is to defend the life and limb of the governed. DHS generally, and the Cybersecurity and Infrastructure Security Agency (CISA) specifically, have vital roles to play in this regard. Given the criticality of their mission to protect the homeland, these agencies must be held to exacting standards. Should they experience mission creep, in so doing wielding powers in ways violative of the constitutional rights they are meant to secure for all Americans, it compels good faith scrutiny. I offer today's testimony in this spirit.

Our republic rests on the inalienable right to free speech. That right is currently under assault by those working to consign their political foes to the digital gulag in defense of "our democracy." Disturbingly, the federal government itself appears to be a key culprit. Overwhelming evidence² suggests that federal agencies – led by, among others, CISA^{3,4} – buoyed by senior executive branch officials and lawmakers, colluding with Big Tech, and a coterie of often government-coordinated and government-funded⁵ "counter-disinformation" organizations, have imposed nothing less than a mass public-private censorship⁶ regime on the American people.

¹ I appear today on my own behalf, and my views do not necessarily reflect those of the media or other organizations with which I am affiliated.

² See generally *Missouri v. Biden* and Special Assistant Attorney General for the Louisiana Department of Justice D. John Sauer's related testimony before the House Judiciary Committee's Weaponization Subcommittee at <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf>; *Hines v. Stamos*; and <https://report.foundationforfreedomonline.com/11-9-22.html>.

³ DHS' Inspector General has reported that the agency's Office of Intelligence and Analysis (I&A) was also involved in counter-disinformation efforts during the 2020 election season. Other DHS components in the last several years have also worked to "counter disinformation originating from foreign and domestic sources." [Emphasis mine] See <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf#page=7>. These efforts extend to other agencies including the Federal Bureau of Investigations (FBI), Department of Justice (DOJ), and Office of the Director of National Intelligence (ODNI). Senior executive branch officials and federal lawmakers have also publicly and privately exerted pressure on social media companies to more aggressively police speech – at times under threat of adverse regulatory or legislative action. See generally *Missouri v. Biden*; <https://www.wsj.com/articles/save-the-constitution-from-big-tech-11610387105>; <https://www.newsweek.com/taxpayer-dollars-must-not-fund-government-led-censorship-regime-opinion-1792828>.

⁴ <https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/>.

⁵ <https://foundationforfreedomonline.com/bidens-national-science-foundation-has-pumped-nearly-40-million-into-social-media-censorship-grants-and-contracts/>.

⁶ I use censorship herein broadly to encompass "terminating speakers' accounts, deplatforming speakers, temporarily suspending accounts, imposing warnings or strikes against accounts to chill future disfavored speech, 'shadow banning' speakers, demonetizing content or speakers, adjusting algorithms to suppress or de-emphasize speakers or messages, deboosting speakers or content, promoting or demoting content, placing warning labels or explanatory notes on content, suppressing content in other users' feeds, promoting negative comments on disfavored content, and requiring additional click-through(s) to access content, and other methods," as plaintiffs in *Hines v. Stamos* define it. See: <https://aflegal.org/wp-content/uploads/2023/05/Doc-1-Complaint.pdf#page=9>.

Authorities, led by the federal government, tell us this censorship is for our own good – that we suffer from a pandemic of “mis-, dis-, and mal-information” (MDM);⁷ that MDM fuels domestic terrorism;^{8,9} and therefore that America must undertake a whole-of-society effort to combat MDM.¹⁰ For its part, the censorship regime has equated MDM with Wrongthink – dissenting opinions from its orthodoxy, and even facts¹¹ inconvenient to its agenda, on an ever-growing number of subjective and contentious issues.¹² It conflates, cynically and purposefully, genuine political difference with “extremism,” which it links to danger and violence to justify speech policing.¹³ In turn, the regime has surveilled the wide expanse of the digital public square to identify such Wrongthink, and proceeded to suppress it under guise of national security and public health.¹⁴

Notably, the public-private speech police have targeted, for example, skepticism about the integrity of mass mail-in balloting that used to be shared on a bipartisan basis and was never linked to “domestic violent extremism;”¹⁵ and skepticism about COVID-19 mitigation efforts that often proved not only justified, but which in some instances, if more widely heard and understood, might have saved lives and liberties. Given authorities have asserted, but not necessarily established a clear and compelling nexus between the mere expression of such views and widespread or dire threats of violence – and certainly not threats justifying suspension of the First Amendment to quell them, for which this non-lawyer witness finds little precedent; and given that authorities show little equivalent concern or zeal for suppressing a virtually limitless array of other views that can be linked to violence – anti-cop sentiment to attacks on law

⁷ CISA has defined “Misinformation” as that which “is false, but not created or shared with the intention of causing harm.” It has defined “Disinformation” as that which “is deliberately created to mislead, harm, or manipulate a person, social group, organization, or country.” It has defined “Malinformation” as that which “is based on fact, but used out of context to mislead, harm, or manipulate.” See: https://www.cisa.gov/sites/default/files/publications/mdm-incident-response-guide_508.pdf. Setting aside the question of who is to be the arbiter of truth in CISA’s MDM paradigm, on what grounds, and whether and to what extent government ought to intervene accordingly, the matter of intent baked into these definitions makes MDM a largely subjective concept.

⁸ <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>.

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<https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.268.0.pdf#page=88>.

¹⁰ See for example the Biden administration’s “National Strategy for Countering Domestic Terrorism” at <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

¹¹ <https://nypost.com/2023/03/17/private-federal-censorship-machine-targeted-true-misinformation/>.

¹² The targeting began largely with a focus on skepticism of the integrity and outcome of the 2020 election; it expanded to encompass derogatory views to those of federal authorities – including those ultimately proving true and even known to be true contemporaneously – concerning virtually every aspect of COVID-19, and particularly around mitigation efforts and their efficacy; since, federal officials have shown their intent to expand such targeting to cover “abortion, climate-related speech, ‘gendered disinformation,’ economic policy, the financial services industry, the U.S. withdrawal from Afghanistan, the war in Ukraine, and other[.]” topics, per recent testimony from litigation counsel in *Missouri v. Biden*, Special Assistant Attorney General for the Louisiana Department of Justice D. John Sauer. See: <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf>.

¹³ <https://www.newsweek.com/biden-domestic-terror-strategy-codifies-woke-war-wrongthink-opinion-1605341>.

¹⁴ <https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/>.

¹⁵ <https://www.wsj.com/articles/heed-jimmy-carter-on-the-danger-of-mail-in-voting-11586557667>.

enforcement and widespread riots,¹⁶ pro-abortion sentiment to attacks on pro-life centers and threats to judges,¹⁷ environmentalist sentiment to attacks on relevant targets by eco-terrorists, etc. – this indicates the speech-muzzling is rooted in politics, not the public good. Understood in this light, the censorship regime’s efforts start to look like they are intended more for its own benefit, than ours.

The regime’s systematic speech-stifling, targeting core political speech and intensifying during recent federal election cycles, seems tantamount to a conspiracy to violate the First Amendment,¹⁸ viewpoint discrimination, and running domestic election interference – ironically borne of claims of foreign election interference.

In short, Americans have unknowingly and unwittingly been paying unelected and unaccountable bureaucrats to, directly and by proxy, silence ourselves.

CISA has been described as a “nerve center” of these federal government-led censorship efforts. It has served as a key facilitator of, and participant in, meetings between federal authorities and technology companies aimed at encouraging the latter to combat purported misinformation and disinformation. It has served as a clearinghouse for social media content flagged for censorship by third parties – governmental and non-governmental – relaying the parties’ censorship requests on to social media companies, and flagged perceived problematic speech for the platforms directly.¹⁹ And it has helped foster the development of the broader public-private censorship architecture through consulting, partnering with, and networking often government-linked third-party organizations to themselves serve as First Amendment-circumventing,²⁰ mass-surveillance and mass-censorship clearinghouses for content flagged by, among others, government partners.²¹ It is perhaps incalculable how many people have been bereft of their right to speak, and listen, by way of these censorship efforts – and at what cost.

Remarkably, we would know little of such efforts were it not for a billionaire’s decision to purchase a social media platform,²² and then empower a handful of journalists to expose the government-tied censorship efforts in which it had been implicated;²³ and the legal action of vigilant state attorneys general, who, alongside the silenced, sued implicated federal authorities, and through discovery began to untangle this twisted censorship web.²⁴

¹⁶ <https://archive.is/SA9H1>.

¹⁷ https://www.realclearinvestigations.com/articles/2023/01/25/frustrated_by_police_inaction_the_pro-life_movement_takes_up_the_work_of_law_enforcement_877348.html.

¹⁸

<https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.268.0.pdf#page=7>.

¹⁹

https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.214.1_1.pdf#page=278.

²⁰ As Justice Clarence Thomas wrote in his concurring opinion in *Biden v. Knight*, a private entity violates the First Amendment “if the government coerces or induces it to take action the government itself would not be permitted to do, such as censor expression of a lawful viewpoint.” Further, “The government cannot accomplish through threats of adverse government action what the Constitution prohibits it from doing directly.” See: https://www.supremecourt.gov/opinions/20pdf/20-197_5ie6.pdf#page=11.

²¹ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2.

²² <https://www.wsj.com/articles/elon-musk-completes-twitter-takeover-11666918031>.

²³ <https://www.racket.news/p/capsule-summaries-of-all-twitter>.

²⁴ See *Missouri v. Biden*.

As its role in the censorship regime has started to come into focus, CISA has gone about scrubbing evidence of its associated efforts;²⁵ it has reorganized related entities;²⁶ and it has stonewalled congressional investigators²⁷ – while maintaining that, as the agency’s Director, Jen Easterly put it in recent congressional testimony, “We don’t censor anything” or “flag anything for social media organizations at all.”²⁸

It is hard to fully square this position with what we have learned to date. Congress can and should help resolve this seeming dispute. At minimum, the troubling evidence suggests the national security apparatus’s apparent interest in Americans’ speech warrants oversight, without which, if merited, there can be no accountability and reform. This Subcommittee’s engagement, therefore, alongside other committees with relevant jurisdiction,²⁹ is most welcome and necessary. It is also most urgent, with the 2024 elections looming, censorship tools becoming more sophisticated and powerful,³⁰ and the censorship regime’s ambitions only growing – alongside its footprint.^{31,32,33}

To help inform this Subcommittee’s efforts, I will briefly address how CISA came to take on a pivotal role in this censorship regime, detail its associated actions, and offer recommendations for further oversight.

II. How CISA Became a “Nerve Center” of America’s Censorship Regime

The plaintiffs in the landmark pending case, *Missouri v. Biden*, allege, and have revealed a trove of information substantiating the claim that there is a “massive, sprawling federal ‘Censorship Enterprise,’ which includes dozens of federal officials across at least eleven federal agencies and components, who communicate with social-media platforms about misinformation, disinformation, and the suppression of private speech on social media—all with the intent and effect of pressuring social-media platforms to censor and suppress private speech that federal officials disfavor,” in violation of the First Amendment.³⁴ The plaintiffs identify CISA specifically as a “nerve center” of federal government-led speech policing, which began in earnest in the run-up to the 2020 election.³⁵

Several key developments help to explain how a DHS sub-agency tasked with preventing cyberattacks and defending physical infrastructure would come to occupy a central role in this censorship effort. Among them are that: (i) Donald Trump won the 2016 presidential election. (ii) His victory came to be seen by many as being enabled by (a) Social media and (b) Russian

²⁵ <https://foundationforfreedomonline.com/flash-report-dhs-quietly-purges-cisa-mis-dis-and-malinformation-website-to-remove-domestic-censorship-references-2/>.

²⁶ <https://www.racket.news/p/homeland-security-reorganizes-appearing>.

²⁷ <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-04-28-jdj-to-easterly-cisa-subpoena-cover-letter.pdf>.

²⁸ <https://www.youtube.com/watch?v=JnbWb5ZFN8s&t=4673s>.

²⁹ <https://judiciary.house.gov/media/press-releases/chairman-jordan-subpoenas-cdc-cisa-and-gec-documents-and-communications>.

³⁰ <https://foundationforfreedomonline.com/the-national-science-foundations-convergence-accelerator-track-f-is-funding-domestic-censorship-superweapons/>.

³¹ <https://twitter.com/shellenberger/status/1651355243722973186?s=20>.

³² <https://twitter.com/DFRLab/status/1654500447816654849?s=20>.

³³ <https://theintercept.com/2023/05/05/foreign-malign-influence-center-disinformation/>.

³⁴ <https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.268.0.pdf>

³⁵ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2.

interference on social media aimed at elevating Trump’s candidacy. These developments would both escalate to a matter of national security “content moderation” – a euphemism for speech regulation up to and including deplatforming – and fuel the creation of America’s mass public-private censorship regime.³⁶ (iii) In partial response, in January 2017 outgoing DHS Secretary Jeh Johnson designated election infrastructure as a critical infrastructure subsector, putting elections ultimately under CISA’s purview.^{37,38} (iv) That same year, the State Department established the Global Engagement Center (GEC), tasked with leading federal efforts to “counter foreign state and non-state propaganda and disinformation efforts aimed at undermining United States national security interests.”³⁹ The FBI also established its Foreign Influence Task Force (FITF) to “identify and counteract malign foreign influence operations targeting the United States,” with an explicit emphasis on voting and elections.⁴⁰ (v) Following suit, in 2018 DHS stood up a Countering Foreign Influence Task Force comprised of CISA’s Election Security Initiative division, and Office of Intelligence and Analysis (I&A) staff. Its purpose, according to a recent DHS Office of Inspector General (OIG) report, was to focus on “election infrastructure disinformation.”⁴¹ (vi) On top of this counter-disinformation mobilization, certain federal lawmakers increasingly chided social media platforms for dithering on “content moderation,” including but not exclusively pertaining to foreign adversaries.⁴² (vii) Amid the government’s growing counter-disinformation push, a constellation of sometimes state-funded non-governmental counter-disinformation organizations grew alongside it.⁴³

This by no means exhaustive list of developments, combined with two shifts in the posture of key players within the looming censorship regime, would create the conditions for, and leave CISA uniquely positioned to serve as a linchpin of it. First, federal authorities and their future private-sector partners⁴⁴ would train their sights increasingly on domestic Wrongthinkers over foreign adversaries as key disinformation threat actors – or at minimum focus on the content of speech over the country of origin of the speaker. Second, they would begin to treat words critical of institutions as threats to those institutions.

In CISA’s case, under its first Director Chris Krebs, who served through the 2020 election cycle, that meant targeting speech dubious of election administration and outcomes as a threat to election infrastructure. Under his successor, infrastructure would come to comprise nearly every

³⁶ For a more comprehensive treatment on both the theory and practice of our censorship regime, see <https://www.tabletmag.com/sections/news/articles/guide-understanding-hoax-century-thirteen-ways-looking-disinformation>.

³⁷ See <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical> and <https://www.intelligence.senate.gov/sites/default/files/documents/os-jjohnson-032118.pdf>. In the designation, Sec. Johnson describes election infrastructure as “storage facilities, polling places, and centralized vote tabulations locations used to support the election process, and information and communications technology to include voter registration databases, voting machines, and other systems to manage the election process and report and display results on behalf of state and local governments.”

³⁸ <https://www.cisa.gov/topics/election-security>.

³⁹ <https://www.congress.gov/bill/114th-congress/senate-bill/2943/text>.

⁴⁰ <https://www.fbi.gov/news/press-releases/the-fbi-launches-a-combating-foreign-influence-webpage>.

⁴¹ <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf#page=7>.

⁴² See <https://twitter.com/mtaibbi/status/1610372352872783872?s=20> and <https://www.wsj.com/articles/save-the-constitution-from-big-tech-11610387105>.

⁴³ For an extensive accounting of the theory and practice behind this burgeoning disinformation industrial complex, see <https://www.tabletmag.com/sections/news/articles/guide-understanding-hoax-century-thirteen-ways-looking-disinformation> and <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/shellenberger-testimony.pdf#page=8>.

⁴⁴ <https://rumble.com/v1gx8h7-dhss-foreign-to-domestic-disinformation-switcheroo.html/>.

significant institution, and now, even our brains. Director Easterly would argue that the American mind – “our cognitive infrastructure” – is “the most critical infrastructure,” obligating authorities to “protect” such infrastructure.⁴⁵ One way to do so would be through controlling the information space by suppressing disfavored narratives – hence the efforts she would take to “grow and strengthen my misinformation and disinformation team.”^{46,47}

Accordingly, CISA would come to equate first the American public’s skeptical tweets on subjects like mail-in voting with attacks on election infrastructure, and later a growing list of dissident views on other issues as threats to relevant infrastructure, and arrogate unto itself the power to neutralize the threats through helping orchestrate a public-private censorship regime.

III. CISA’s Leadership in the Censorship Regime

In fact, CISA would not only help orchestrate widespread censorship efforts, but would actively participate in them. During the 2020 election, and in some instances continuing and expanding thereafter, findings from *Missouri v. Biden* and additional supporting evidence demonstrate that CISA officials contribute to censorship efforts directly and by proxy.

CISA’s Direct Censorship-Related Efforts

Among other direct actions CISA officials have taken with respect to countering MDM, personnel:⁴⁸

- Convene and coordinate meetings between national security and law enforcement agencies, and technology companies – including not just social media platforms Facebook/Meta, Google, Twitter, and Reddit, but also Microsoft, Verizon Media, Pinterest, LinkedIn, and Wikimedia Foundation⁴⁹ – aimed at combating purported misinformation and disinformation. These meetings occur more frequently in the run-up to elections.⁵⁰ CISA is party to at least five sets of recurring confabs with social media platforms touching on MDM and/or policing of speech on said platforms, separate and apart from the many bilateral such meetings CISA hosts.
 - In 2020 meetings with social media companies, CISA and other officials warned of potential foreign “hack-and-leak” operations to come during the election. Major social media companies would proceed to censor the New York Post’s

⁴⁵ <https://thehill.com/policy/cybersecurity/580990-cyber-agency-beefing-up-disinformation-misinformation-team/>.

⁴⁶ Ibid.

⁴⁷ The Biden administration in fact would incorporate this view into its first-of-its-kind National Strategy for Countering Domestic Terrorism, in calling for government to “accelerat[e] work to contend with an information environment that challenges healthy democratic discourse” as part of its effort to “confront long-term contributors to domestic terrorism.” See: <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf#page=29/>

⁴⁸ Since much of the available record details CISA activities prior to the 2022 midterm elections, it is not entirely clear in some instances whether certain activities persist. This only further underscores the need for congressional oversight.

⁴⁹ See <https://twitter.com/MSFTIssues/status/1293623288262987777?s=20>. While much of this testimony focuses on the actions of social media platforms, the inclusion of other technology companies in conversations with U.S. government agencies about MDM suggests oversight need be done on the actions of these companies in conjunction with the federal government as well.

⁵⁰ Officials from CISA, DHS’s I&A division, ODNI, FITF, and other agencies attend the meetings. See: https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=218.

reporting on the contents of Hunter Biden’s laptop – indicating Biden family influence peddling – weeks from the 2020 presidential election, on false grounds that it was the product of such a “hack-and-leak.”⁵¹

- It has been reported that government warnings about “hack-and-leaks” led platforms to change their terms of service in the run-up to the 2020 election to suppress related content. In CISA-convened industry meetings, content moderation policies are a regular topic, and CISA regularly communicates with social media platforms about such policies.⁵²
- “Switchboard” reports of purported misinformation and disinformation from state and local authorities, among others, beginning in 2018 and expanding through the 2020 election. Switchboarding entails receiving and then forwarding reports of offending content to social media platforms for censorship. Officials did so without assessing whether the content came from foreign or domestic speakers. Among other notable points about these efforts:
 - CISA staff switchboarded misinformation reports, for example, flagging tweets for censorship alleging election fraud, that ballots were not counted, and mail-in voting was implemented to benefit Democrats. One such report forwarded by a CISA official to Twitter called for “swift removal of...posts and continued monitoring of the user’s account” because said user had “claimed...that mail-in voting is insecure,” and that “conspiracy theories about election fraud are hard to discount.” Twitter reported back to CISA it had taken action pursuant to its policy on Civic Integrity.⁵³
 - Staffers also switchboarded misinformation reports flagging obviously satirical social media accounts for censorship, including one Colorado Twitter account with 56 followers “UnOfficialCOgov.” The user’s biographical information read: “dm us your weed store location (hoes be mad, but this is a parody account).”⁵⁴
 - A CISA switchboard tracking spreadsheet from 2020 suggests that in certain instances, officials from both CISA and DHS I&A were the originators of flagged content ultimately conveyed by CISA staff to social media companies for review.⁵⁵
 - Switchboarding efforts at times would even touch on private postings on social media platforms.⁵⁶
 - Social media companies would often report that they would “escalate” CISA-switchboarded requests and revert to CISA once addressed.⁵⁷
- Brief state officials about content CISA considers misinformation, which those officials often then flag for social media platforms for censorship; fact-check “misinformation”

⁵¹ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=274.

⁵² <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf#page=18>.

⁵³ https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.214.1_1.pdf#page=267.

⁵⁴ <https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.209.15.pdf#page=11>.

⁵⁵ <https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.214.35.pdf>.

⁵⁶ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=271

⁵⁷ Ibid.

reports for social media platforms;⁵⁸ and publish “debunks of social-media narratives, knowing...platforms will use this information to censor,” per litigation counsel in *Missouri v. Biden*.⁵⁹

- Coordinate with public and private sector partners, including social media companies “on a variety of projects to build resilience against malicious information activities,” as well as supporting “private sector partners’ COVID-19 response efforts via regular reporting and analysis of key pandemic-related MDM trends.”⁶⁰ This is part and parcel of what CISA’s Cybersecurity Advisory Committee has described as a “burgeoning MDM effort” that includes “directly engaging with social media companies to flag MDM.”⁶¹

The coordination referenced above comes from a bulletin CISA posted on its website detailing the work of its MDM team – the successor to its Countering Foreign Influence Task Force. The creation of that team formally codified the transition that had already taken place during the 2020 election cycle, from a focus on foreign to domestic speech.⁶² In February 2023, CISA pulled down that site, redirecting viewers to a “Foreign Influence Operations and Disinformation” page that makes no mention of domestic actors. One can only speculate as to why CISA made this change.

CISA would also expand its focus to encompass not just MDM around elections, or COVID-19 vaccine efficacy under banner of defending public health infrastructure,⁶³ but “all types of disinformation, to be responsive to current events,” according to an official quoted in an August 2022 DHS OIG Report.⁶⁴ Evidence collected in *Missouri v. Biden* indicates CISA has been involved in combatting “misinformation” with respect to the ongoing Russo-Ukrainian War,⁶⁵ and on an initiative in conjunction with the Treasury Department to address MDM regarding the financial services industry.⁶⁶

In a January 2023 deposition taken in connection with *Missouri v. Biden*, the chief of CISA’s MDM Team, Brian Scully, asserted that his team had a mandate that was almost limitless, in pursuing MDM that could affect “critical infrastructure in a number of ways,” including causing “reputational risk [that] could come about if the integrity or the public confidence in a particular sector was critical to that sector’s functioning.”⁶⁷

It is also possible CISA’s efforts have extended beyond social media companies, and perhaps the other technology companies with which it and other federal agencies have regularly met in

⁵⁸ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=269.

⁵⁹ <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf#page=19>.

⁶⁰ <https://web.archive.org/web/20211231181148/https://www.cisa.gov/mdm>.

⁶¹ <https://s3.documentcloud.org/documents/23175380/dhs-cybersecurity-disinformation-meeting-minutes.pdf>.

⁶² <https://web.archive.org/web/20211231181148/https://www.cisa.gov/mdm>.

⁶³ <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf#page=25>.

⁶⁴ <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf#page=9>.

⁶⁵ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=280.

⁶⁶ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=283.

⁶⁷ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=282.

connection with combatting MDM. A June 2022 report from CISA’s Cybersecurity Advisory Committee Subcommittee on Protecting Critical Infrastructure from Misinformation and Disinformation (“MDM Subcommittee”) suggests that CISA should approach the mis- and disinformation problem “with the entire information ecosystem in view.” This means focusing not just on social media platforms, but “mainstream media, cable news, hyper partisan media, talk radio, and other online resources.”⁶⁸ CISA would, as with its MDM webpage, scrap its MDM Subcommittee, as first publicized in a late 2022 summary of an advisory board meeting.⁶⁹

As significant as CISA’s MDM efforts have been, DHS’ counter-disinformation operations spread far beyond the sub-agency. According to the aforementioned August 2022 DHS OIG report, numerous components inside DHS have in recent years been targeting MDM foreign and domestic. What’s more, the report details that DHS planned to target “inaccurate information” on myriad topics including “the 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.”⁷⁰

Corroborating the OIG Report, one document revealed in connection with congressional inquiries into DHS’ stunted Disinformation Governance Board (DGB) indicated that myriad “DHS components are already engaged in countering disinformation,” alongside “excellent work being done by interagency partners, the private sector, and academia—particularly concerning identifying and analyzing disinformation,” which “DHS should leverage.”⁷¹ A subsequent memorandum would indicate that the DGB would “support and coordinate...MDM work with other departments and agencies, the private sector, and non-government actors.” The purpose of creating the DGB, in other words, was not so much to establish a “Ministry of Truth,” but, as plaintiffs in *Missouri v. Biden* aptly describe it, “to impose a bureaucratic structure on the enormous censorship activities already occurring involving dozens of federal officials and many federal agencies” – that is, to oversee many such ministries.⁷²

CISA’s Proxy Censorship-Related Efforts

Not all of these ministries are to be found within the federal government. CISA officials coordinate and partner with non-governmental entities who both mass-surveil social media content for purported MDM, and serve as clearinghouses for receipt of flagged content, which they then relay to social media platforms for censorship – in an apparent bid to circumvent the First Amendment via cutout.

CISA has primarily partnered with three non-governmental entities, beginning during the 2020 election cycle, to facilitate the flow of problematic content for potential censorship to social media platforms: The Center for Internet Security (CIS) and its CISA-funded Election Infrastructure – Information Sharing & Analysis Center (EI-ISAC); and two consortia: The

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https://www.cisa.gov/sites/default/files/publications/June%202022%20CSAC%20Recommendations%20%E2%80%93%20MDM_0.pdf#page=2.

⁶⁹ https://www.racket.news/p/homeland-security-reorganizes-appearing?utm_source=post-email-title&publication_id=1042&post_id=110070633&isFreemail=true&utm_medium=email.

⁷⁰ <https://theintercept.com/2022/10/31/social-media-disinformation-dhs/>.

⁷¹ <https://www.hawley.senate.gov/sites/default/files/2022-06/2022-06-07%20DOCS%20ONLY%20CEG%20JH%20to%20DHS%20%28Disinformation%20Governance%20Board%29%5B1%5D.pdf>.

⁷²

<https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.268.0.pdf#page=106>.

Election Integrity Partnership (EIP), and a successor organization folding in additional partners, the Virality Project (VP).

CIS is a nonprofit that collects and forwards reports of disinformation from state and local government officials to social media platforms, and which continued to do so during the 2022 election cycle.⁷³ As CISA’s switchboarding activities became too labor-intensive for it, CISA would direct election officials to report content to be flagged for social media platforms to CIS. CISA would also help connect CIS, and various election official groups, with EIP.

EIP is a non-governmental “anti-disinformation” consortium that was conceived by and created in consultation with CISA officials in the run-up to the 2020 election. Its stated purpose was to fill the “critical gap” created by the fact no federal agency “has a focus on, or authority regarding, election misinformation originating from domestic sources within the United States.”⁷⁴ That lack of “authority” may have included both an inability for government agencies, to access social media platform data – as EIP did – as well as “very real First Amendment questions” regarding EIP’s work, as a key player in the consortium, Renee DiResta, would acknowledge.⁷⁵

EIP’s four partner organizations, “leading institutions focused on understanding misinformation and disinformation in the social media landscape,”⁷⁶ sharing pervasive ties to the federal government, include the:

- Stanford Internet Observatory (SIO) – Founded in June 2019 by former Facebook chief security officer Alex Stamos, several of SIO’s students came up with the idea for EIP while serving as CISA interns.⁷⁷ Stamos serves on CISA’s Cybersecurity Advisory Committee. He and Chris Krebs, CISA’s director through the 2020 election, formed a consultancy in late 2020 called the Krebs/Stamos Group. CISA’s top election official through 2020, Matt Masterson, who was involved in the establishment of EIP, joined SIO as a fellow after leaving CISA in January 2021. SIO’s Research Manager, the aforementioned DiResta, served as a Subject Matter Expert for CISA’s Cybersecurity Advisory Committee’s since-abolished MDM Subcommittee.⁷⁸
- University of Washington’s Center for an Informed Public – Founded in December 2019, its cofounder Kate Starbird served as the chairperson of the since-abolished MDM Subcommittee – serving incidentally alongside former Twitter executive Vijaya Gadde, a leader of its censorship efforts prior to her ouster under new owner Elon Musk.⁷⁹ UW’s Center, along with SIO, would share in a \$3 million National Science Foundation grant awarded in August 2021 to “study ways to apply collaborative, rapid-response research to mitigate online disinformation.”⁸⁰

⁷³ <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf#page=19>.

⁷⁴ <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf#page=9>.

⁷⁵ https://ago.mo.gov/docs/default-source/press-releases/212-3-proposed-findings-of-fact.pdf?sfvrsn=739f8cbf_2#page=265.

⁷⁶ <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf#page=20>.

⁷⁷ Ibid.

⁷⁸ https://www.racket.news/p/homeland-security-reorganizes-appearing?r=5mz1&utm_campaign=post&utm_medium=web.

⁷⁹ <https://www.politico.com/news/magazine/2020/10/28/twitter-vijaya-gadde-free-speech-policies-technology-social-media-429221>.

⁸⁰ <https://www.cip.uw.edu/2021/08/15/national-science-foundation-uw-cip-misinformation-rapid-response-research/>.

- The Atlantic Council’s Digital Forensics Research Lab – Founded in 2016, it receives substantial taxpayer funding from a variety of agencies.⁸¹
- Graphika – Founded in 2013, it reportedly has historically received funding from DARPA and the Defense Department’s Minerva Initiative.⁸²

Collectively, these groups sought to “fill the gap” by creating a mass-surveillance and censorship-flagging platform aimed at “content intended to suppress voting, reduce participation, confuse voters as to election processes, or delegitimize election results without evidence.”⁸³ In practice, this meant targeting for suppression speech dubious of an unprecedented election given the sweeping, pandemic-driven changes made to the voting system that cycle, whereby the razor-thin final results in key states did not materialize for days.⁸⁴ EIP did so in part through lobbying social media platforms to adopt more aggressive content moderation policies around election rhetoric, and flagging relevant content including entire narratives via “tickets” for suppression by social media platforms under their often EIP-influenced terms. EIP analysts – some 120 of whom worked on the project in the waning days of the 2020 election – both identified content for flagging via tickets, and incorporated requests from “trusted external stakeholders.”⁸⁵ It lists three such governmental stakeholders: CISA,⁸⁶ CISA-backed EI-ISAC, and the State Department’s GEC. EIP in fact connected “government partners” with “platform partners” – understood to be the social media companies – to enable the former to debunk flagged content directly for the latter.⁸⁷

Some raw numbers concerning EIP’s efforts during the 2020 election cycle alone illustrate the size and scope of its effort. EIP:

- Collected 859 million tweets for “misinformation” analysis.
- Flagged for Twitter tweets shared 22 million times ultimately labeled “misinformation,” a disproportionate percentage of which were dinged for “delegitimization,”⁸⁸ which Twitter adopted as a standard for suppression.⁸⁹

⁸¹ <https://www.google.com/url?q=https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/&source=gmail&ust=1683295935068000&usg=AOvVaw0KqPf31iTuGK3TncCZZwjc>.

⁸² <https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/>.

⁸³ <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf#page=23>.

⁸⁴ Former Trump State Department Cyber official Mike Benz would observe that CISA, “tasked with election security,” via EIP “also gained the power to censor any questions about election security.” See: <https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/>.

⁸⁵ <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2023-03/Sauer-Testimony.pdf#page=19>.

⁸⁶ It is worth noting that CISA and EIP’s relationship went both ways. At times, evidence suggests, CISA would forward reports of misinformation received directly from EIP on to social media platforms for their review.

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<https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.209.2.pdf#page=47>.

⁸⁸ EIP cites as an example of delegitimization “Claims of fraud or malfeasance with inaccurate or missing evidence.” See:

<https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.209.2.pdf#page=25>.

⁸⁹ Alex Stamos has challenged this characterization in terms of tweets EIP ensnared. The competing arguments can be seen here: <https://twitter.com/MikeBenzCyber/status/1644110224150736897?s=20>.

- Influenced platforms to take action on 35% of all URLs flagged – 21% slapped with a warning label where content remained visible, 13% removed, and 1% “soft-blocked” with a warning one would have to bypass to view the content.⁹⁰
- Pushed platforms to target dozens of “misinformation narratives” for throttling.
- Impacted hundreds of millions of posts and videos across major social media platforms via the terms of service policy changes for which EIP lobbied. EIP members openly boasted that technology companies would never have modified their terms accordingly without EIP’s insistence and “huge regulatory pressure” from government.⁹¹

Further demonstrating the interconnection between EIP and CISA, the group featured former CISA Director Chris Krebs at the launch seminar associated with the report in which it divulged some of these figures.

Of note, EIP coded less than one percent of its tickets for having an element of foreign interference. EIP characterized all 21 of the “most prominent repeat spreaders” of election integrity “misinformation” on Twitter as “conservative or right-wing.”⁹² Of the civil society groups that submitted tickets to the EIP, many had a left-leaning bent – including the DNC itself.⁹³ None appear to have been right-leaning.

Mike Benz, a former State Department Cyber official during the Trump administration, has found that many principals in EIP leadership were heavily invested in the idea that Russia interfered in the 2016 presidential election, to President Trump’s benefit, and that they or the organizations with which they were affiliated were critical generally of Trump and Western populist movements. In an associated report, he concludes that given the backgrounds of EIP’s principals, when originally conceived in June 2020 it should have been understood to be “a partisan, powerfully connected political network, panicked that Americans might push back on the use of mail-in ballots months in the future,” convened “to stop that pushback from happening by unleashing censorship of the Internet on a scale never before seen in American history.”⁹⁴

Though the EIP’s efforts would re-emerge in the 2022 election, in the interim it also launched a successor effort called the Virality Project, targeting MDM spreading in relation to COVID-19, such as “narratives that questioned the safety, distribution, and effectiveness of the vaccines.” Its leaders, including Stamos communicated with CISA officials about their efforts, as they did during the original EIP operation. DiResta would serve as principal Executive Editor of its final April 2022 report, and contributors included herself alongside Kate Starbird and Matt Masterson. Several current and former CISA interns are also listed as “researchers and analysts” who monitored social media platforms in connection with the project.

The VP’s stakeholders included federal health agencies, working alongside social media platforms to combat, for example, vaccine-related “misinformation.” All told, the Virality Project tracked content with 6.7 million engagements on social media per week – or over 200 million during the seven months over which the project transpired.

⁹⁰ <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf#page=57>.

⁹¹ <https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/>.

⁹² <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf#page=205>.

⁹³ <https://oversight.house.gov/wp-content/uploads/2022/11/DHS-Censorship-Letter-11022022.pdf/>.

⁹⁴ <https://www.google.com/url?q=https://foundationforfreedomonline.com/dhs-censorship-agency-had-strange-first-mission-banning-speech-that-casts-doubt-on-red-mirage-blue-shift-election-events/&source=gmail&ust=1683295935068000&usg=AOvVaw0KqPf31iTuGK3TncCZZwjc>.

Much of what the VP cast as “misinformation” included true facts to the extent they portrayed narratives with which the project’s leaders – and certainly its government partners – disapproved of, from reports of vaccine injuries to discussion of “breakthrough” cases and “natural immunity,” to discussion of potential then-hypothetical vaccine mandates. VP particularly targeted the speech of “health freedom” groups, and like EIP, overwhelmingly targeted right-leaning figures.

IV. Conclusion

We may find much of the speech that social media platforms have suppressed in recent years under government coercion, cajoling, and/or collusion to be wrongheaded or objectionable. But infinitely more wrongheaded, objectionable, and indeed dangerous for a free society than the proliferation of “bad ideas” is perhaps the worst idea of all: That government should be the arbiter of what we are allowed to think and speak.

The notion that to ensure the health and safety of the country, the public and private sectors must work together to silence those who express unauthorized opinions, that such opinions are to be treated as threats to an infinitely flexible definition of “critical infrastructure,” and those who hold them as actual or would-be domestic terrorists, is the stuff of tyranny.

That the state itself has treated as dangerous MDM that which ultimately often has become settled science – indicating government officials and their partners en masse should have been deplatformed themselves by their own standards – illustrates the folly of this project.

To turn over to the state and its private sector ancillaries a monopoly on narrative would ultimately give these partners a monopoly on power, reducing us from citizens with agency to hapless subjects.

We are a free people capable of evaluating information and ideas for ourselves to discern fact from fiction, and separate good ideas from bad.

Historically, we would have held in utter contempt authorities who would suggest we are incapable of thinking for ourselves, and that for our own benefit, since the authorities know best, that they will do the thinking for us – while silencing those who dare dissent.

No American should stand for it today.

If, as the foregoing suggests, CISA, and perhaps other DHS components, have played an integral role in imposing a mass public-private censorship regime on the American people, it is incumbent upon this and other relevant congressional bodies to get to the bottom of it.

This Subcommittee can help develop a comprehensive picture of the “public” side of the regime within DHS by using its oversight powers to, over a timeline beginning from CISA’s inception in November 2018, pursue the following questions:

- Which offices and personnel within CISA⁹⁵ are or have been engaged in social media censorship efforts, or related efforts to impact any other part of the “information ecosystem” as CISA has defined it?

⁹⁵ Plaintiffs in *Missouri v. Biden* assert that “On information and belief, CISA maintains a number of

- Which other DHS agencies, and/or federal, state, county, and local government entities have CISA coordinated with in connection with social media censorship efforts, or related efforts to impact any other part of the “information ecosystem” as CISA has defined it?
- Which entities within DHS, independent of CISA, if any,⁹⁶ engaged in social media censorship efforts, or related efforts to impact any other part of the “information ecosystem” as CISA has defined it?
- What specific policies and practices has each DHS entity developed and undertaken in connection with each respective censorship effort?
- Is there a comprehensive list of all communications, technology, media, educational, non-profit, and any other non-governmental agency with which DHS broadly engaged in fostering its censorship efforts?
- What level of federal funding has each DHS entity received to carry out such censorship efforts?
- What level of federal funding has each private sector entity with which DHS interacted in its censorship efforts received?
- What have been the qualitative and quantitative impacts of such censorship efforts during periods leading up to and immediately following the 2020 and 2022 elections?
- What censorship efforts are CISA and/or any other DHS agencies engaging in at present, and/or planning for in anticipation of the 2024 elections?

Only with full transparency can Congress and the American people understand the full size and scope of this portion of the censorship regime and determine what if anything Congress ought to do about it – be it in terms of withholding funding, curtailing operations, and/or holding malefactors to account.

If indeed we have had a mass public-private censorship regime foisted upon us, defunding, dismantling, and deterring government officials from participating in, or funding such an apparatus ever again, would seem to be of the utmost importance.

Congress should be commended for efforts already underway to prevent such behavior.⁹⁷ I hope it will do more.

Once again, thank you for the honor of appearing before you to discuss these important issues, and I would be happy to answer any questions from the Committee.

task forces, working groups, and similar organizations as joint government-private enterprises, which provide avenues for government officials to push for censorship of disfavored viewpoints and speakers online.” See: <https://storage.courtlistener.com/recap/gov.uscourts.lawd.189520/gov.uscourts.lawd.189520.268.0.pdf#page-87>.

⁹⁶ An August 10, 2022 DHS Office of Inspector General report indicates that several other DHS components have engaged over “the last three years to counter disinformation originating from foreign *and domestic* sources.” [Emphasis mine] See <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf#page=10>.

⁹⁷ <https://www.congress.gov/bill/118th-congress/house-bill/140/text>.