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May 6, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

I am writing to you about your recent announcement in testimony before the House Appropriations Subcommittee on Homeland Security that your agency is working to establish a “mis, or dis, information governance board.” This raises significant questions about the role of government further politicizing federal agencies and silencing critics.

In your revelation to the Subcommittee proclaiming the existence of a “mis, or dis, information governance board,” you have left no doubt that this board “[abridges] the freedom of speech” despite its very prohibition guaranteed to every United States citizen in the First Amendment of our Constitution:

1. Where is the line drawn by your governance board between protected free speech and subjective identification of misinformation, or disinformation?
2. Who decides what is misinformation? Who decides what is disinformation? What are the specific standards by which those judgment decisions will be made?
3. What happens in instances such as the “Steele Dossier” which was presumed to be truthful by many in the media for quite some time but later found to be fraudulent?
4. What are the specific accountability standards in place to hold those federal employees accountable who either intentionally or inadvertently wrongly classify information as either mis or dis information? How will they be held accountable for their decisions which may bring harm?
5. What would be the role of your agency be when news stories such as the Hunter Biden Laptop are published? More than 50 former top U.S. intelligence officials either intentionally misled the public or were duped into proclaiming the laptop was Russian disinformation. Social media companies blocked the sharing of information about the laptop, and major social media companies either banned or suppressed the sharing of information about the laptop.

6. What would be the role of your agency regarding situations like those surrounding the origins of COVID-19, when, as it now appears, Chinese Communist Party officials pressured U.S. research collaborators, including top NIH officials and top recipients of NIH research dollars, to counter and suppress the notion that the virus may have leaked from the Wuhan Institute of Virology?

Your testimony was the first time the United States Congress was made aware of the presence of your “mis, or dis, information governance board,” and it is now understood the board has been in place for a few months. In a *1984* dystopia, your statement would go unnoticed, but we have taken great care since our founding to not live in an Orwellian society; transparency is paramount:

7. Under what statutory authority have you created this board?
8. Please provide me with the complete guidance governing the decision making of this body?

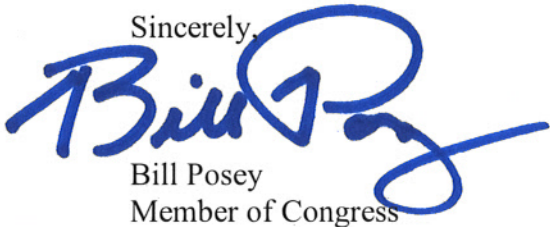
In any organizational management theory, a clear definition of a desired outcome, followed by strategic goals, coupled with subsequent guiding strategic plans, is fundamental. As a sort of compass for direction, for clarity, there is no substitute for an unequivocal definition. You referred to this as the “mis, dis, information” governance board. The term *misinformation* in and of itself raises questions of ambiguity and subjectivity. The term *disinformation* conjures the same ambiguity. The two mean two different things and are not exactly interchangeable:

9. What is your organization’s unequivocal definition of misinformation? Also, please provide the specific governing documentation for the board that is used in their decision making.
10. What is your organization’s unequivocal definition of disinformation? Also, please provide the specific governing documentation for the board that is used in their decision making.
11. Please provide a list of the specific priorities for this board both in terms of outlets by which this information is distributed as well as the subject-matter and target groups of the board.
12. Please provide a list of all members of the board and their disclosures about potential conflicts of interest.
13. Please provide a list of all actions that the board has already taken to date.
14. Does the board have collaborations, MOUs, or other such arrangements, with any private, non-profit, or not-for-profit entities? If so, please provide their names.
15. Does the board receive or solicit input or information from outside entities? Please provide a list of every outside entity from which the board has received information and the subject matter of this information?
16. Does the board plan to provide a portal, available to the public, to provide a complete and real-time list of information they are evaluating to determine its validity?

17. What means is there by which restitution will be made to those who are wrongfully silenced as providing mis or disinformation?
18. What precautions are in place to ensure that DHS does not, by assertions intentionally, or inadvertently, become a tool that influences the outcome of elections? We have seen in recent years the Federal Bureau of Investigation manipulated in such a manner. What mechanisms are in place at DHS to ensure that the DHS does not succumb to similar scenarios?

The concerns and anxieties elicited by your declaration of your establishment of a “mis, dis, information governance board” are real. Additionally, the timing of your revelation of the existence of such a board, less than a week before primary elections begin in the United States, is chilling. Your timely answers to these questions are expected, and I look forward to promptly receiving them.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Posey", with a large, stylized flourish extending from the end of the name.

Bill Posey
Member of Congress