



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

May 6, 2022

Via Email and US Postal Service

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Mail Stop 0525
Washington, D.C. 20528

Re: DHS's Disinformation Governance Board Must Be Disbanded

Dear Secretary Mayorkas:

I write this letter as the Attorney General of Idaho on behalf of the citizens of Idaho in strong opposition to your recent announcement that the Department of Homeland Security is forming a Disinformation Governance Board (DGB). Although the Department may have the authority to form an internal review board, the authority that the DGB will possess and wield remains unclear. Idaho objects to the ongoing lack of clarity and changing focus of this effort. Furthermore, to the extent that the DGB may evaluate and assess speech, Idaho objects on strong First Amendment grounds. Our nation's solution to discord is not to terminate debate, but rather to facilitate it. The citizens of the State of Idaho ask that you cease all activity related to the formation of this unclear, intrusive, and likely unconstitutional extension of the Federal Government.

The First Amendment to the United States Constitution begins: "Congress shall make no law...abridging the freedom of speech..." This amendment protects us, the people, from the Federal Government dictating what is, and what is not, acceptable speech. It is Idaho's understanding that the DGB has a stated goal of establishing "standards, definitions, guidelines, and policies" that could identify disfavored speech. If true, this clearly threatens our citizens' ability to speak their minds and challenge the decisions of government-- a founding principle of our nation. The inconsistent statements about the DGB's scope and mission have necessitated this position. On the one hand, the DGB's fact sheet purports that the DGB will seek to regulate foreign speech; on the other hand, members of DHS and the identified head of the DGB have made public statements referencing statements and discussions occurring among citizens within our nation's borders. Considering this uncertainty, Idaho must speak now to protect the constitutional rights of its

The Honorable Alejandro Mayorkas
Re: DHS's Disinformation Governance Board Must Be Disbanded
May 6, 2022
Page 2

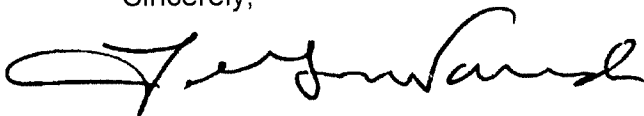
citizens. The First Amendment to our founding document necessitates an open marketplace of ideas, not a government-regulated one.

Critically, this Administration has a history of overreach and censorship of ideas inconsistent with its policy preferences. For example, in 2021, the Department of Justice issued a memorandum equating parents concerned about school responses to COVID-19 to conduct requiring investigation and prosecution by the Federal Department of Justice. Similarly, the Administration has more recently targeted parents raising questions about the curriculum taught in our schools as "disinformation." Based upon the lack of clarity surrounding the formation of the DGB, Idaho's concerns about a heavy-handed federal arbiter of permissible speech appear well founded. Efforts to form the DGB should immediately cease given the uncertainty of what it is and what it is to do. Recognizing the considerable power that the Federal Government can wield, an entity with an unknown scope of authority and power should never be formed.

Idaho has a long history of skepticism with regard to an overly intrusive Federal Government. For example, in the 1970s Senator Frank Church called the Federal Government's collection of intelligence against American Citizens into question. In 2001, then Congressman, and later Governor Butch Otter, cast a landmark vote against the PATRIOT Act because of his concerns about an over intrusive federal government surveilling its citizens. Again, Idaho rises to strongly object to any efforts to create a Disinformation Governance Board that will scrutinize the comments and activities of American citizens and act as a censorship board.

Idaho asks that you immediately cease any and all work on the creation of a Disinformation Governance Board. Anything less is un-American.

Sincerely,



LAWRENCE G. WASDEN
Idaho Attorney General

LGW/jc

C: The Honorable Brad Little
The Honorable Mike Crapo
The Honorable Jim Risch
The Honorable Mike Simpson
The Honorable Russ Fulcher
The Honorable Scott Bedke
The Honorable Chuck Winder