



April 4, 2022

Via Email - FOIARequest@state.gov

U. S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Freedom of Information Act Request: State Department's Global Disinformation Center

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 30,000 unique addresses, our Facebook page has over 18,000 followers, our Twitter page has over 11,000 followers, the Twitter page of our Founder and President has over 118,000 followers, and we have another 28,000 followers on GETTR.

I. Introduction

There is substantial direct evidence of collusion between technology and social media companies with leftist/Democrat operatives and politicians to control information and interfere in our elections.¹ For example, in 2016, Google manipulated potential voters

¹ See, e.g., *Google and Censorship Through Search Engines: Hearing Before the Subcomm. on the Const. of the S. Comm. Of the Judiciary*, 116th Cong. 3-4 (2019), <https://www.judiciary.senate.gov/imo/media/doc/Epstein%20Testimony.pdf> (statement of Richard Epstein, Senior Research Psychologist, American Institute for Behavior Research and Technology) ("These effects are nothing like Russian-placed ads or fake news stories. Russian interference,

to cast their ballots for Hillary Clinton and made “silent donations” to help her win;² after Google and Clinton lost the election, company leaders characterized Americans who voted for President Trump as “extremists” and promised to deploy artificial intelligence and machine learning to “fix the problem” of “misinformation” – that is, of political and cultural dissent.³ One part of the fix was a conspiracy between technology and social media companies to bury the truth about Hunter Biden’s laptop and Joe Biden’s foreign money corruption before the 2020 presidential election.⁴

Since taking power, the Biden Administration has worked closely with technology and social media companies to control and limit the free flow of public information and to punish anyone who deviates from the regime’s approved line. Intimidating and chilling Americans from exercising their constitutional rights of free speech and free association, using the same terms Google employed to smear U.S. citizens who voted for President Trump, is the purpose and strategy of the Biden Administration’s “National Strategy for Countering Domestic Terrorism.”⁵ It is also the essential point behind White House Press Secretary Psaki’s statements that “We’re flagging problematic posts for Facebook that spread disinformation,”⁶ and, “We are in regular

although troubling and unacceptable, does not, in my opinion, shift many votes. Ads and news stories are competitive and visible, like billboards. The kinds of ephemeral effects I am studying, however, are invisible and non-competitive. They are controlled entirely by Big Tech companies, and there is no way to counteract them.”)

² Matthew Boyle, ‘*Silent Donation*’: Corporate Emails Reveal Google Executives’ Efforts to Turn Out Latino Voters Who They Thought Would Vote for Clinton, BREITBART (Sep. 10, 2018),

<https://www.breitbart.com/politics/2018/09/10/silent-donation-corporate-emails-reveal-google-executives-efforts-to-swing-election-to-hillary-clinton-with-latino-outreach-campaign/>; Ian Schwartz, *Tucker Carlson: Did Google Meddle In 2016 Election More Than Russia?*, REAL CLEAR POLITICS (Sept. 11, 2018), <https://www.realclearpolitics.com/video/2018/09/11/tucker-carlson-did-google-meddle-in-2016-election-on-more-than-russia.html>.

³ Tim Hains, *Breitbart Posts Leaked Video Of Google Leadership Reacting To 2016 Election With Tears, Fear*, REAL CLEAR POLITICS (Sept. 13, 2018),

<https://www.realclearpolitics.com/video/2018/09/13/breitbart-posts-leaked-video-of-google-leadership-reacting-to-2016-election.html> (leaked video exposing Google executives attacking Americans as “fascists” and “extremists” and promising to use artificial intelligence and machine learning to control information and “fix the problem” in future elections).

⁴ Ben Weingarten, “Hunter Biden Laptop Scandal Is the Ultimate American Information Operation”, NEWSWEEK (Mar. 23, 2022), <https://www.msn.com/en-us/news/opinion/hunter-biden-laptop-scandal-is-the-ultimate-american-information-operation-opinion/ar-AAVoXMG?ocid=uxbndlbing>; see also Heather Hamilton, “Rep. Issa says Hunter Biden laptop investigation coming”, The Washington Examiner (Mar. 24, 2022), <https://www.washingtonexaminer.com/news/listen-gop-rep-hunter-biden-laptop-investigation-likely-coming-after-midterms022>.

⁵ See National Security Council, “National Strategy for Countering Domestic Terrorism” (June 2021), <https://int.nyt.com/data/documenttools/biden-s-strategy-for-combating-domestic-extremism/22ddf1f2f328e688/full.pdf>.

⁶ Joe Concha, Opinion, *Hypocritical Psaki Leads Chilling Effort to Flag ‘Misinformation’*, THE HILL (Jul. 18, 2021), <https://thehill.com/opinion/white-house/563547-hypocritical-psaki-leads-chilling-effort-to-flag-misinformation>.

touch with the social media platforms and those engagements typically happen through members of our senior staff and also members of our COVID-19 team.”⁷

For their part, technology and social media companies have proven to be willing partners of the Biden Administration and the political left, eager to engage in censorship and deception, even when the supposed “misinformation” is truth.⁸

Recently, the close Biden ally and partner Meta Platforms temporarily changed its hate speech policy on Facebook and Instagram. In the wake of Russia’s invasion of Ukraine, it issued a directive to moderators:

We are issuing a spirit-of-the-policy allowance to allow T1 violent speech that would otherwise be removed under the Hate Speech policy when: (a) targeting Russian soldiers, EXCEPT prisoners of war, or (b) targeting Russians where it's clear that the context is the Russian invasion of Ukraine (e.g., content mentions the invasion, self-defense, etc.).⁹

Meta permitted calls for death to Russian dictator Putin and the President of Belarus, Alexander Lukashenko,¹⁰ and praise for the Azov Battalion despite its neo-Nazi ties.¹¹

In response to questions about its reasoning, Meta “[narrowed] the focus to make it explicitly clear in the guidance that it is never to be interpreted as condoning violence against Russians in general ... to make explicit that [Meta is] not allowing calls for the death of a head of state.”¹² It is not clear if Meta’s original policy was organic or the result of a request or directive from political operatives, or if the subsequent “change” the result of a political request. But what is clear is that Meta, Twitter, and other leftist information control assets have willingly amplified many Biden Administration claims and priorities. For example, these assets pushed the

⁷ Steven Nelson, *White House ‘Flagging’ Posts for Facebook to Censor Over COVID ‘Misinformation’*, NY POST (July 15, 2021), <https://nypost.com/2021/07/15/white-house-flagging-posts-for-facebook-to-censor-due-to-covid-19-misinformation/>.

⁸ Jacob Siegel, *Invasion of the Fact-Checkers*, TABLET (Mar. 21, 2022), <https://www.tabletmag.com/sections/news/articles/invasion-fact-checkers>; Jonathan Turley, *The New York Times Admits Hunter Biden’s Laptop was Authentic*, RES IPSA LOQUITUR (Mar. 17, 2022), <https://jonathanturley.org/2022/03/17/two-years-later-the-new-york-times-admits-hunter-laptop-was-authentic-and-now-basis-for-federal-investigation/>.

⁹ Munsif Vengattil & Elizabeth Culliford, *Facebook Allows War Posts Urging Violence Against Russian Invaders*, REUTERS (Mar. 11, 2022), <https://www.reuters.com/world/europe/exclusive-facebook-instagram-temporarily-allow-calls-violence-against-russians-2022-03-10>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Munsif Vegattil, *Meta Narrows Guidance to Prohibit Calls for Death of a Head of State*, REUTERS (Mar. 14, 2022), <https://www.reuters.com/technology/meta-narrows-guidance-restrict-calls-death-head-state-2022-03-14/>.

administration's approved talking points through TikTok stars issues ranging from Russia to "Why is gas so expensive?"¹³

The U.S. State Department's Global Engagement Center leads efforts across the federal government to "counter foreign state and non-state propaganda and disinformation efforts."¹⁴ While technology and social media companies have already proven their eagerness to censor content under false foreign disinformation labels when it served the interests of their liberal political allies,¹⁵ it is unclear how the national security apparatus has been, and continues to be, involved.

To shed light on government activities, and to help the public better understand how the State Department's Global Engagement Center works with private companies to censor and manipulate information to shape the attitudes and behavior of American citizens, AFL requests the following records under 5 U.S.C. § 552.

II. Requested Records

Please note that AFL's requests do not include "daily clips" emails and press releases.

- A. All records containing the terms "misinformation," "disinformation," "malinformation", or "MDM". The time frame for this item is January 20, 2021, to the date this request is processed.
- B. All records sufficient to identify the person(s) responsible for identifying or designating what is or is not "misinformation", "disinformation", "malinformation", or "MDM". The time frame for this item is January 20, 2021, to the date this request is processed.
- C. All records of State Department Directives, which are currently operative, that instruct the Global Engagement Center's activities relating to misinformation, disinformation, or malinformation.

¹³ Michael Ruiz & Sarah Rumpf, *White House Pre-Screened Questions from TikTok Influencers During Special Briefing Last Week, Attendees Say*, FOX BUS. (Mar. 17, 2022), <https://www.foxbusiness.com/technology/white-house-pre-screened-questions-tiktok-briefing>.

¹⁴ State Dept., Global Engagement Center (2022), <https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/global-engagement-center/> (last visited Apr. 4, 2022) ("Core Mission: To direct, lead, synchronize, integrate, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining or influencing the policies, security, or stability of the United States, its allies, and partner nations.").

¹⁵ Anders Hagstrom, *"He Doesn't Work for the United States": Psaki Deflects When Asked if She Stands by Calling Hunter's Laptop Disinformation*, DAILY CALLER (Mar. 17, 2022), <https://dailycaller.com/2022/03/17/hunter-biden-laptop-new-york-post-psaki-ukraine-business/>.

- D. All records of State Department Directives, which are currently operative, that instruct the Global Engagement Center on how it communicates and interacts with social media companies.
- E. All records, including but not limited to emails and Slack chats, from February 1, 2022, to the date this request is processed, containing the terms “hate speech”, “promoting safety and expression”, “violence against Russians”, “targeting Russians”, “violent speech”, or “Azov Battalion”.
- F. All records, including but not limited to emails and Slack chats, between October 1, 2020, and January 20, 2021, containing the words “Hunter”, “laptop”, “Devon”, “Archer”, “Burisma”, “Bohai”, “Rosemont Seneca”, or “Ukraine”.
- G. All records, including but not limited to emails and Slack chats, between October 1, 2020, and January 20, 2021, containing the terms “election fraud”, “voting irregularities”, “alternate electors”, “electoral college”, or “stop the steal”.
- H. All communications from October 1, 2020, to the date this request is processed, to or from any person with an email containing: “@facebook.com”, “@google.com”, “@instagram.com”, “@linkedin.com”, “@meta.com”, “@reddit.com”, “@twitter.com”, “@tiktok.com”, or “@youtube.com”.
- I. All communications from October 1, 2020, to the date this request is processed, to or from any person with an email containing: “@factcheck.org”, “@fullfact.org”, “@poynter.org”, “@snopes.com”, or “@stopfake.org”.
- J. All communications, from October 1, 2020, to the date this request is processed, to or from any person with an email ending in: “@ap.org”, “@cnn.com”, “@latimes.com”, “@msnbc.com”, “@nypost.com”, “@nytimes.com”, “@reuters.com”, “@usatoday.com”, “@washpost.com”, or “@wsj.com”.
- K. All records of or regarding the processing of this request.

III. Processing

The Department of State must comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.¹⁶ This means, among other things, the following.

¹⁶ U.S. Dep’t Just. (Mar. 15, 2022), <https://www.justice.gov/ag/page/file/1483516/download>.

- You may withhold responsive records only if you reasonably foresee that disclosure will harm an interest protected by one of the nine exemptions that the FOIA enumerates, or disclosure is prohibited by law.
- Information that might technically fall within an exemption should not be withheld from AFL unless you can identify a foreseeable harm or legal bar to disclosure. In case of doubt, openness should prevail.
- If you determine that you cannot make full disclosure of a requested record, then the FOIA requires you to consider whether partial disclosure of information is possible and take reasonable steps necessary to segregate and release nonexempt information.
- You must properly apply the foreseeable harm standard. This means you must confirm and demonstrate to AFL that you have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.
- Redactions are disfavored as the FOIA's exemptions are exclusive and must be narrowly construed. If a record contains information responsive to a FOIA request, you must disclose the entire record, as a single record cannot be split into responsive and non-responsive bits. Our requests include any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive, then our request includes all prior messages sent or received in that email chain, as well as any attachments.
- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. In conducting your search, please give full effect to all applicable legal authorities requiring you to broadly construe each item and your obligation to provide responsive records.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move records to official systems within a certain time. AFL has a right to records in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.
- Please use all available tools to conduct a complete and efficient search for potentially responsive records. Many agencies have adopted the National

Archives and Records Administration (“NARA”) Capstone program or similar policies. These provide options for searching emails and other electronic records in a manner reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- If some portions of the requested records are properly exempt from disclosure, then please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted before our items are processed. If potentially responsive records are subject to potential deletion, including on a scheduled basis, please place a litigation hold or take other appropriate measures to prevent same.

IV. Fee Waiver Request

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees. These authorities provide for fee waivers when, as here, “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” AFL’s request concerns identifiable operations or activities of the government, and the information requested is likely to contribute significantly to the public understanding of how the federal government coordinates with the private sector to shape public information.

Also, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of documents and creation of editorial content. We distribute our work widely, posting government records for the benefit of the public, Congress, policymakers, and scholars, and creating and disseminating distinct work on media outlets of all sorts through the exercise of our editorial skills.

As a nonprofit organization primarily engaged in the dissemination of information to educate the public, AFL does not have a commercial purpose and the release of the information requested is not primarily in AFL’s financial interest. Our status as a qualified non-commercial public education and news media requester has been recognized by the Departments of Defense, Education, Energy, Interior, Health and

Human Services, and Homeland Security, and the Office of the Director of National Intelligence.

V. Production

To accelerate 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. Please send any responsive records being transmitted by mail to America First Legal Foundation, 611 Pennsylvania Avenue SE #231, Washington, D.C. 20003.

VI. Conclusion

If you have any questions about this request or believe further discussions regarding search and processing will speed the efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org. Finally, please contact us immediately if AFL's request for a fee waiver is not granted in full. Thank you in advance for your cooperation.

Thank you,

/s/ Reed D. Rubinstein

Reed D. Rubinstein

America First Legal Foundation