

National, State, and Local Elections Implicated in Nationwide “Censorship Enterprise” to Illegally Surveil and Censor American Citizens Concerned About Election Corruption

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An amended complaint [Missouri et.al v. Biden et.al Second Amended Complaint 06OCT22](#) filed in federal court for the Middle District of Louisiana by Attorney General Eric Schmitt of Missouri and Attorney General Jeff Landry of Louisiana against the Biden Administration has revealed a vast, complex conspiracy between federal, state and local elections officials and partisan, third parties to censor citizens free speech and violate their civil rights; in what is being called a “Censorship Enterprise.”

Discovery of documents in the case provides clear and compelling evidence that senior officials of the Department of Homeland Security (DHS), the Cybersecurity and Infrastructure Security Agency (CISA), and the Election Assistance Commission (EAC), which regulate and certify electronic voting systems, colluded with state and local elections officials to censor speech of citizens related to election integrity. In an attempt to avoid responsibility for this clear violation of citizens constitutional rights, the criminal syndicate “outsourced” censorship to the partisan, private non-profit Center for Internet Security (CIS) www.cisecurity.org and its Elections Infrastructure – Information Sharing and Analysis Center (EI-ISAC) <https://www.cisecurity.org/ei-isac> .

State and local elections officials by virtue of their voluntary membership in EI-ISAC [EI-ISAC Members](#) may be implicated in the “Censorship Enterprise.” Citizens should demand information about whether their state and local election officials are participating in censoring their own citizens. If so, these officials have violated their oath of office to protect and defend the Constitution and should resign. They can no longer be trusted with our elections.

In addition, another question all citizens should be asking is “How can we trust DHS, CISA, and EAC to regulate and certify electronic voting systems in our state?” Therefore, we call for the immediate elimination of electronic voting systems and a return to the common-sense, time-tested practice of secure, hand-marked paper ballots, hand-counted by registered voters of all parties at the precinct level.

Selected Material from State of Missouri and State of Louisiana et.al v. Biden et.al filed in the US District Court for the Western District of Louisiana Monroe Division, Second Amended Complaint October 6, 2022

286. The same Memorandum noted that CISA was involved in flagging content for censorship on social-media platforms: “Leading up to the 2020 election, CISA relayed reports of election disinformation from election officials to social media platform operators.” Id. at 20. The Memorandum called for the Board to perform “partner engagement” with “private sector entities [and] tech platforms.” Id. at 22.

288. Under continuous pressure from federal officials, including Defendants herein, social-media firms have imposed increasingly draconian censorship on core political speech about election integrity. For example, in March 2022, YouTube imposed a one-week suspension on The Hill, a well-known political publication covering Congress, for posts that included clips of former President Trump’s speech at the

CPAC conference and interview on Fox News, which included claims that fraud changed the outcome of the 2020 presidential election. Gilead Edelman, Beware the Never-Ending Disinformation Emergency, THE WIRED (March 11, 2022), at <https://www.wired.com/story/youtube-rigged-election-donald-trump-moderationmisinformation/>. YouTube relied on its “Elections misinformation policy,” under which it censors “Content that advances false claims that widespread fraud, errors, or glitches changed the outcome of select past national elections, after final election results are officially certified.” YouTube, Elections Misinformation Policy, <https://support.google.com/youtube/answer/10835034?hl=en>.

289. This policy is openly content- and viewpoint-based—it applies only to “select” past national elections, and “[u]nder the policy, you can only include those claims if you explicitly debunk or condemn them.” Edelman, *supra*. On information and belief, this policy is also selective in application, as it is not applied to censor widespread, false Democratic claims that supposed “collusion” between the Trump campaign and Russia changed the outcome of the 2016 presidential election. And “by asking news hosts to explicitly denounce any mention of election fraud, YouTube isn’t just making its own content decisions; it’s injecting itself into the editorial processes of actual media outlets.” *Id.*

290. On November 10, 2021, the Cybersecurity and Infrastructure Security Agency (CISA), an agency within DHS, announced that it was “beefing up its disinformation and misinformation team in the wake of a divisive presidential election that saw a proliferation of misleading information online.” Cyber agency beefing up disinformation, misinformation team, THE HILL (Nov. 10, 2021), at <https://thehill.com/policy/cybersecurity/580990-cyber-agencybeefing-up-disinformation-misinformation-team/>. “I am actually going to grow and strengthen my misinformation and disinformation team,” CISA Director Jen Easterly said.” *Id.* Defendant Easterly said that so-called “disinformation” and “misinformation” pose “a top threat for CISA, which is charged with securing critical infrastructure, to confront.” *Id.*

291. Indulging in a bit of Newspeak of her own, Easterly claimed that social-media speech is a form of “infrastructure,” and that policing speech online by the federal government falls within her agency’s mission to protect “infrastructure,” stating that CISA is “in the business of critical infrastructure, and the most critical infrastructure is our cognitive infrastructure, so building that resilience to misinformation and disinformation, I think, is incredibly important.” *Id.*

292. Easterly announced that CISA was working directly with unnamed “partners in the private sector” and other government agencies to police online speech: “We are going to work with our partners in the private sector and throughout the rest of the government and at the department to continue to ensure that the American people have the facts that they need to help protect our critical infrastructure.” *Id.*

293. With specific reference to hotly disputed election-integrity issues, which comprise core political speech, Easterly stated that **Americans should not be allowed to “pick [their] own facts” and make their own decisions about what is true, especially regarding election security:** “We now live in a world where people talk about alternative facts, post-truth, which I think is really, really dangerous if you get to pick your own facts, and it’s particularly corrosive when you talk about matters of election security.” *Id.* Instead, she indicated, federal officials like herself should intervene to help Americans “pick” the right “facts.” *Id.*

294. CISA appears to be the focus of many of DHS’s attempts to police the content of speech and viewpoints on social media. On information and belief, CISA maintains a number of 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.

295. In a 2020 document entitled “2020 Election Infrastructure Subsector-Specific Plan,” at https://www.cisa.gov/sites/default/files/publications/election_infrastructure_subsector_specific_plan.pdf, **CISA stated that it had partnered to “promote” interaction between election officials and the Center for Technology and Civic Life**, the now-notorious nonprofit funded by Mark Zuckerberg that engaged in egregious election interference by injecting hundreds of millions of private dollars and personnel into local election offices in heavily Democratic-favoring areas.

296. CISA routinely expands the definitions of “misinformation” and “disinformation” to include “malinformation,” i.e. truthful information that the government believes is presented out of context to contradict left-wing political narratives. CISA defines “malinformation” as information that is “based on fact, but used out of context to mislead, harm, or manipulate.” See, e.g., CISA, *We’re in This Together. Disinformation Stops with You.* (last visited May 5, 2022), https://www.cisa.gov/sites/default/files/publications/SLTTCOVIDToolkit_FINAL_508.pdf.

8. Discovery reveals a massive federal Censorship Enterprise including all defendants

364. CISA, likewise, has aggressively embraced its “evolved mission” of screening complaints of social-media disinformation and then “routing disinformation concerns” to social media platforms. **CISA routinely receives reports of perceived “disinformation,” often from state and local government officials, and forwards them to social-media companies for censorship, placing the considerable weight of its authority as a federal national-security agency behind its demands for suppression of private speech.** CISA, therefore, serves as a government **clearinghouse for expedited censorship of social-media speech disfavored by government officials.**

403. This consortium of private entities, closely collaborating with CISA and the State Department, calls itself **“The Election Integrity Partnership.”** This collaborative federal-private censorship project “is back in action again for the 2022 midterm elections, raising concerns among civil libertarians that a chilling new form of public-private partnership to evade the First Amendment’s prohibition of government censorship may be expanding.” *Id.*

404. “The consortium is comprised of four member organizations: Stanford Internet Observatory (SIO), the University of Washington’s Center for an Informed Public, the Atlantic Council’s Digital Forensic Research Lab, and social media analytics firm Graphika.” *Id.* The consortium “set up a concierge-like service in 2020 that allowed federal agencies like Homeland’s Cybersecurity Infrastructure Security Agency (CISA) and State’s Global Engagement Center to file ‘tickets’ requesting that online story links and social media posts be censored or flagged by Big Tech.” *Id.*

405. “Three liberal groups — the Democratic National Committee, Common Cause and the NAACP — were also empowered like the federal agencies to file tickets seeking censorship of content. A Homeland [i.e. DHS]-funded collaboration, the **Elections Infrastructure Information Sharing and Analysis Center**, also had access.” *Id.*

406. “In its own after-action report on the 2020 election, the consortium boasted it flagged more than 4,800 URLs — shared nearly 22 million times on Twitter alone — for social media platforms. Their staff

worked 12-20 hour shifts from September through mid-November 2020, with ‘monitoring intensifying significantly’ the week before and after Election Day.” Id. (alterations omitted).

407. Backed by the authority of the federal government, including DHS, CISA, the State Department, and State’s Global Engagement Center, the consortium successfully sought and procured extensive censorship of core political speech by private citizens: “The tickets sought removal, throttling and labeling of content that raised questions about mail-in ballot integrity ... and other election integrity issues of concern to conservatives.” Id

413. “The partnership’s members published the 292-page public report in March 2021, though the most recent version is dated June 15, 2021. The launch webinar featured former CISA Director Christopher Krebs, ‘who led the effort to secure electoral infrastructure and the response to mis- and disinformation during the election period.’” Id.

414. “‘I think we were pretty effective in getting platforms to act on things they haven’t acted on before,’ both by pressuring them to adopt specific censorship policies and then reporting violations, SIO founder and former Facebook Chief Security Officer Alex Stamos told the launch webinar.” Id. (emphasis added). “‘Platform interventions’ [i.e., censorship of specific posts or content] in response to ‘delegitimization of election results,’ for example, went from uniformly ‘non-comprehensive’ in August 2020 to ‘comprehensive’ by Election Day, the report says.” Id.

415. “SIO officially launched the partnership 100 days before the election, ‘in consultation with CISA and other stakeholders,’ the partnership report says. It attributes the idea to SIO-funded interns at CISA, noting that censorship by that agency and domestic social media monitoring by intelligence agencies would likely be illegal.” Id. (citing Center for an Informed Public, Digital Forensic Research Lab, Graphika, & Stanford Internet Observatory (2021), *The Long Fuse: Misinformation and the 2020 Election*. Stanford Digital Repository: Election Integrity Partnership. v1.3.0, at <https://purl.stanford.edu/tr171zs0069> (“EIP Report”)).

416. The EIP Report’s executive summary states: “Increasingly pervasive mis- and disinformation, both foreign and domestic, creates an urgent need for collaboration across government, civil society, media, and social media platforms.” Id.

417. The consortium was openly biased based on political viewpoint, calling President Trump “the social media Death Star.” “During the launch webinar, the Atlantic Council’s Emerson Brooking said they wanted to stop the ‘amplification and legitimation’ of ‘far-right influencers [who] would be doing all they could to try to catch the eye of a Fox News producer,’ making it likely that President Trump, ‘the social media Death Star,’ would see their content.” Id.

418. The consortium’s work included the direct involvement of government officials in censorship decisions. “Government entities were involved in real-time chats with the partnership and social media platforms over specific content under review.” Id. For example, “[a] chat screenshot in the report shows an unidentified government partner rejecting the Sharpiegate claim that ‘sharpies aren’t read at all’ by ballot-counting machines, and a platform provider responding that it was now reviewing those claims.” Id

430. CISA also works closely with the Center for Internet Security (“CIS”), an outside third-party group, to flag content for censorship on social media, including election-related speech. See Doc. 71-8. On

information and belief, CIS is or was funded by CISA and works as a joint participant with CISA on federal social-media censorship activities. As early as June 2020, the Center for Internet Security, working with CISA, was planning a “Reporting Portal” for government officials seeking to suppress election misinformation that would allow “social media companies” to “process reports and provide timely responses, to include the removal of reported misinformation from the platform where possible.” Doc. 71-8, at 90. CIS and CISA work closely to remove so-called “misinformation” by flagging content for removal by social-media companies.

431. Documents reveal that CISA’s authority as a national-security agency within DHS led to prompt responses and swift censorship actions in response to CISA’s actions of “flagging” posts for censorship. See Doc. 71-8. This included many posts on election integrity issues where CISA acted as de facto judge of the truthfulness and value of social-media speech.

440. The EIP Report, discussed above, identifies the Election Assistance Commission as a federal agency working on social-media content issues alongside CISA, identified as “the lead on domestic vulnerabilities and **coordination with state and local election officials.**” The same paragraph states: “The Election Assistance Commission should remain in an amplifying role, pushing best practices and critical information out broadly to the election community.” EIP Report, at 235. On information and belief, the EAC’s “critical information” that is “push[ed] ... out broadly” includes federally induced censorship and/or suppression of social-media speech on the basis of content and viewpoint.

E. Defendants’ Conduct Has Inflicted and Continues to Inflict Grave Injuries on Plaintiffs, Missourians, Louisianans, and all Americans.

458. Defendants’ conduct, as alleged herein, has inflicted and continues to inflict grave, ongoing injuries on Plaintiffs, Missourians and Louisianans, and all Americans. Many of these injuries are detailed in the previously filed Declarations submitted in support of the States’ Motion for Preliminary Injunction, ECF Nos. 10-2 to 10-15, which are attached to the First Amended Complaint as Exhibits B to O, and incorporated by reference herein.

References

State of Missouri et.al v. Joseph R. Biden Jr. et.al Second Amended Complaint – Censorship Enterprise October 6, 2022

<https://www.documentcloud.org/documents/23127328-second-amended-complaint-in-missouri-v-biden>

The Long Fuse: Misinformation and the 2020 Election. Stanford Digital Repository: Election Integrity Partnership. v1.3.0,

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