

ONE HUNDRED SEVENTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON THE JUDICIARY  
2138 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6216  
(202) 225-3951  
judiciary.house.gov

August 18, 2021

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street SW  
Washington, DC 20528

Dear Secretary Mayorkas:

According to recent reports, the Department of Homeland Security (DHS) intends to use third-party contractors to spy on the social media communications of American citizens for signs of “extremist” threats.<sup>1</sup> DHS’s use of non-governmental entities to engage in this warrantless surveillance is reportedly designed to circumvent legal restrictions that prohibit law enforcement and intelligence agencies from spying on Americans.<sup>2</sup> DHS’s use of private companies—including social media platforms—to spy on online communications would have serious consequences for the civil liberties of all Americans.

Unfortunately, DHS’s reported initiative is just the latest example of the Biden Administration’s continued disregard for American civil liberties.<sup>3</sup> Last month, the Biden White House acknowledged that the Administration has been colluding with tech giant Facebook to target and remove disfavored speech online.<sup>4</sup> Now it appears that the Biden Administration wants to expand its collaboration with Big Tech to, in the words of DHS Assistant Secretary John Cohen, “dramatically expand[] [the] focus” of the Office of Intelligence and Analysis to monitor social media and other communications platforms.<sup>5</sup>

This initiative is even more dangerous when viewed in the context of DHS’s prior targeting of American citizens for holding benign political opinions. Although the reports indicate that DHS intends to monitor “extremist” threats, the Department has a history of targeting Americans for holding “suspicious views,” such as being pro-Second Amendment,

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<sup>1</sup> See, e.g., Rachael Levy, *Homeland Security Considers Outside Firms to Analyze Social Media After Jan. 6 Failure*, WALL ST. J. (Aug. 15, 2021); see also Zachary Cohen & Katie Bo Williams, *Biden team may partner with private firms to monitor extremist chatter online*, CNN (May 3, 2021).

<sup>2</sup> See Cohen & Williams, *supra* note 1.

<sup>3</sup> See, e.g., Brooke Singman, *Rep. Jordan demands answers from Facebook, White House on actions to censor COVID misinformation*, FOX BUSINESS (Jul. 22, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> Levy, *supra* note 1.

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favoring lower levels of immigration, or opposing the use of force by police.<sup>6</sup> DHS's initiative is so controversial that it has reportedly led to internal debate at the DHS and the Biden White House about its "murky" legal foundation.<sup>7</sup>

To assist the Judiciary Committee in conducting oversight of the Biden Administration's reported efforts to conduct warrantless surveillance of Americans' online activity, please provide the following:

1. A staff-level briefing on the DHS's initiative to expand its domestic surveillance of social media platforms and other online communications networks;
2. All documents and communications referring or relating to any effort to expand or enhance the Office of Intelligence and Analysis's capabilities to monitor Americans' activity online, including the use or content of posts on social media platforms and other online communications networks;
3. All document and communications referring or relating to DHS's analyses of the legality for the Department or a component to contract with non-government entities to perform warrantless surveillance of American citizens; and,
4. All documents and communications referring or relating to DHS encouraging or directing social media platforms or online communications networks to monitor user content and report certain content to DHS.

Please provide the briefing and requested documents as soon as possible but not later than 5:00 p.m. on September 1, 2021. If you have any questions about this request, please contact Judiciary Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan  
Ranking Member

cc: The Honorable Jerrold L. Nadler, Chairman

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<sup>6</sup> See *Id.*

<sup>7</sup> *Id.*