

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

NINA JANKOWICZ;

Plaintiff,

v.

Case No. _____

FOX NEWS NETWORK, LLC, and
FOX CORPORATION;

JURY TRIAL DEMANDED

Defendants.

COMPLAINT

1. In the spring of 2022, Defendants Fox News Network, LLC, and Fox Corporation (collectively, “Fox”), which hold Fox out as a trusted news organization, began a malicious campaign of destruction against Plaintiff Nina Jankowicz because hounding her was good for Fox’s bottom line. Over the course of eight months in 2022, Fox talked about Jankowicz more than 300 times. Across its broadcast and online publications, Fox’s employee hosts and commentators derided and lied about Jankowicz on repeat—and continue to do so even today.
2. Several of these falsehoods stand out as especially destructive—and directly contrary to available, verifiable evidence. To bolster its fabricated, bullying narrative of Jankowicz, Fox falsely claimed that: 1) Jankowicz intended to censor Americans’ speech; 2) Jankowicz was fired from her position with the

federal government; and 3) Jankowicz wanted to give verified Twitter users, including herself, the power to edit others' tweets.

3. Fox enfolded these lies in ugly language that could have no other purpose than to denigrate Jankowicz's character and professional reputation, particularly since they continued long after Jankowicz's resignation from government. By turns, Fox described Jankowicz as moronic, an embarrassment to her parents and employers, and a "self-obsessed social media neophyte." Hosts and commentators referred to Jankowicz as, *inter alia*, "low IQ," "illiterate," "Miss TikTok meets America's Got No Talent," "disinfo overlord," "disinformation czaress," "minister of truth," "Scary Poppins," a "useful idiot," "janko-half-witz," a "lunatic," and "the wicked witch."
4. Beyond the three oft-repeated defamatory statements and in addition to insulting Jankowicz at every opportunity, Fox endlessly and misleadingly discussed Jankowicz in relation to various hot-button political issues.
5. When Jankowicz acknowledged that Fox's bizarrely targeted coverage had led to violent threats against her on personal and professional social media and communication platforms, Fox disparaged her for complaining and called the attacks a couple of "mean tweets."
6. None of Fox's false claims about Jankowicz were the product of honest mistakes in its reporting. Rather, Fox intentionally trafficked in malicious

falsehoods to pad its profits at the expense of Jankowicz’s safety, reputation, and well-being.

7. The story Fox fabricated about Jankowicz sprang from the creation of a government entity—the Disinformation Governance Board (the “Board”)—nested in the Department of Homeland Security (“DHS”), and from Jankowicz’s appointment as the Board’s Executive Director. But the Board was an internal working group with no operating authority or capability. It set out to “govern” the preexisting counter-disinformation work the Department was engaged in, and coordinate between federal agencies and officials who track and respond to disinformation that poses a national security threat—for example, disinformation spread by adversarial states and transnational criminal enterprises. The Board had no ability to intervene, respond to, or prevent the spread of disinformation. Nor did it have any power or purpose to silence speech or surveil citizens. It had nothing to do with “governing disinformation” outside of the Department. Fox knew these facts, but intentionally distorted them to capitalize on what it saw as a ratings opportunity.
8. As soon as DHS announced the Board’s creation and Jankowicz’s appointment, Fox became obsessed. In the week that followed, about 70 percent of Fox’s one-hour segments mentioned Jankowicz or the Board,

always in inaccurate, melodramatic, and venomous terms. Fox recklessly disregarded the truth.

9. Fox mined Jankowicz's publications and social media posts for content to use against her. But this did not result in accurate or comprehensive reporting. Instead, Fox's coverage uniformly treated Jankowicz with unjustifiable contempt. It was often deliberately misleading and at times objectively false. Fox knew exactly what it was doing.
10. Fox lied about Jankowicz in three critical ways that are the subject of this Complaint. First, over the course of a year, Fox built a narrative calculated to lead consumers to believe that Jankowicz intended to censor Americans' speech. Anyone consuming Fox between April and December 2022 understood that Fox was telling them that Jankowicz and the Board were out to censor them and that they should be afraid of her. Second, former star host Tucker Carlson and current host Jesse Watters lied that Jankowicz was fired from her post at the Board. In fact, as Carlson and Watters both knew, Jankowicz resigned due to harassment arising from Fox's defamation. Third, Fox hosts, guests, and commentators falsely claimed that Jankowicz wanted to give verified Twitter users the power to edit others' tweets. They relied extensively on an obviously manipulated video—the full version of which was publicly available—to transform her description (and indeed, skepticism)

of a developing beta feature on Twitter into a false declaration that she would supposedly police online speech.

11. Fox's defamatory coverage has caused Jankowicz and her family immense suffering. Jankowicz has been doxed, threatened, harassed relentlessly, and even cyberstalked. Threatening and harassing messages and social media posts are usually linked to Fox's coverage of Jankowicz and nearly always premised on Fox's false statement that Jankowicz intends to police online speech. The barrage of threats and harassment constitute an actual threat to Jankowicz's and her family's safety, causing severe and foreseeable distress.
12. Fox's coverage of Jankowicz was neither news nor political commentary; it was cheap, easy entertainment untethered from the facts, designed to make consumers believe that Jankowicz could and would suppress their speech. Fox chose to lie about Jankowicz deliberately. Its statements were false and calculated to cause harm, and they did. The First Amendment does not protect those who, like Fox, publish false statements of fact with knowledge or reckless disregard of the truth. Nor does it protect publishers that, as here, make or publish purposeful defamatory inferences.

PARTIES

13. Plaintiff Nina Jankowicz, a resident of Virginia, is an internationally recognized expert in disinformation and author of two books: *How to Lose the*

Information War: Russia, Fake News and the Future of Conflict and *How to Be a Woman Online: Surviving Abuse and Harassment, and How to Fight Back*. Through her professional experience and scholarship, Jankowicz explores bad actors' use of disinformation campaigns to obfuscate truth and harassment to silence women. As a result of Fox's malicious publications of false statements of fact regarding Jankowicz, she found herself in the crosshairs of a business model predicated on disinformation and bullying.

14. For just a few short months, from March 2, 2022, through May 18, 2022, Jankowicz served as Executive Director of the Board. She resigned, and the Board's work was paused, as a result of Fox's false statements and the ensuing harassment.
15. Prior to her appointment to the Board, Jankowicz was, *inter alia*: a Fulbright fellow in Kyiv, Ukraine, where she worked with the Ukrainian Foreign Ministry on issues relating to Russian disinformation; a disinformation fellow at the nonpartisan Wilson Center; and a supervisor at the nonpartisan National Democratic Institute, where she oversaw programs centered in Russia and Belarus.
16. Defendant Fox News Network, LLC, is incorporated in Delaware and headquartered in New York. Fox News Network, LLC, is wholly owned by

Defendant Fox Corporation, also a Delaware corporation headquartered in New York.

17. Together, Defendants, hereinafter referred to as “Fox,” operate Fox News Digital, the Fox Business Channel, and Fox News Radio. Fox’s digital assets include fox.com, foxnews.com, foxbusiness.com, Fox’s social media accounts, and digital subscription services that operate under the umbrella of “Fox News Media.”
18. At the close of 2022, Fox boasted running the most widely watched television news network in the nation for seven consecutive years and averaged a primetime audience of 2.3 million viewers between 8 and 11 pm EST.¹
19. At all relevant times, the following individuals were Fox’s employees and agents:
 - a) Maria Bartiromo, current host of *Mornings with Maria* (formerly *Opening Bell with Maria Bartiromo*) (2014–present), current host of *Sunday Morning Futures with Maria Bartiromo* (2014–present);
 - b) Paul Best, current reporter on Fox News Digital and Fox Business (online) (2020–present), former producer on *Kennedy* (2016–2020);

¹ Brian Flood, “Fox News crushes CNN, MSNBC in 2022, finishes No. 1 among all of cable for 7th straight year,” Fox News (Dec. 15, 2022), <https://www.foxnews.com/media/hannity-the-disinformation-board-wont-be-policing-any-of-bidens-lies>.

- c) Dan Bongino, former host of *Unfiltered with Dan Bongino* (2021–2023), former host of *Canceled in the USA* (2021–2022), former contributor to various other Fox shows (2019–2021);
- d) Will Cain, current co-host of *Fox & Friends Weekend* (2020–present), current host of *The Will Cain Podcast* (2021–present);
- e) Tucker Carlson, former host of *Tucker Carlson Tonight* (2016–2023), former co-host of *Fox & Friends Weekend* (2012–2016), former contributor to various other Fox shows, including *Special Report with Bret Baier* and *Hannity* (2009–2013);
- f) Emily Compagno, current co-host of *Outnumbered* (2021–present), current podcast host of *The Fox True Crime Podcast with Emily Compagno* (2023–present), former contributor to various other Fox shows (2018–2021);
- g) Rachel Campos Duffy, current co-host of *Fox & Friends Weekend* (2021–present), current co-host of *From the Kitchen Table: The Duffys Podcast* (2021–present), former guest co-host of *Outnumbered*;
- h) Harris Faulkner, current host of *The Faulkner Focus* (2021–present), current co-host of *Outnumbered* (2014–present);

- i) Trace Gallagher, current anchor of *Fox News at Night* (2022–present), former co-anchor of *The Live Desk*, current reporter and correspondent on various shows (1996–present);
- j) Greg Gutfeld, current host of *Gutfeld!* (2021–present), current co-host of *The Five* (2011–present), former host of *Red Eye* (2007–2015);
- k) Sean Hannity, current host of *Hannity* (2009–present), former co-host of *Hannity & Colmes* (1996–2009);
- l) Pete Hegseth, current co-host of *Fox & Friends Weekend* (2017–present), former contributor to various Fox shows (2014–2017);
- m) Laura Ingraham, current host of *The Ingraham Angle* (2017–present), former contributor to various other Fox shows (2007–2017);
- n) Brian Kilmeade, current co-host of *Fox & Friends* (1998–present);
- o) Tomi Lahren, current contributor to various Fox shows (2017–present);
- p) Elizabeth MacDonald, current host of *The Evening Edit with Elizabeth MacDonald* (2014–present), former stocks editor on Fox Business (2007–2014);
- q) Lisa Kennedy Montgomery, current host of *Kennedy* (2015–present), former co-host of *The Independents* (2013–2015), former contributor to various Fox shows (2013);

- r) Deroy Murdock, current contributor to various Fox shows;
- s) Katie Pavlich, current rotating panelist on *Outnumbered* (about 2019–present), current and former contributor to various Fox shows;
- t) Todd Piro, current co-host of *Fox & Friends First* (2020–present);
- u) Jeanine Pirro, current co-host of *The Five* (2022–present), former host of *Justice with Jeanine Pirro* (2011–2022), former legal analyst and contributor to various Fox shows (2006–2011);
- v) Carly Shimkus, current co-host of *Fox & Friends First* (2021–present); former reporter, production assistant, and associate producer on various Fox shows, including *Fox News Headlines 24/7* and *Fox & Friends*;
- w) Sandra Smith, current co-anchor of *America Reports with John Roberts & Sandra Smith* (2021–present), former guest host, reporter, and contributor to various shows (2007–2021);
- x) Lara Trump, former contributor to various Fox shows (2021–2022);
and
- y) Jesse Watters, current host of *Jesse Watters Primetime* (2022–present), current co-host of *The Five* (2017–present), former host of *Watters' World* (2017–2022).

- z) Fox regularly invited guests to speak about Jankowicz on its programs, knowing that these guests would repeat and/or amplify the claims made by its agents and employees. Such guests, all of whom appear regularly on Fox and most of whom have brief biographies published on foxnews.com, include:
- i. Representative Andy Biggs of Arizona's Fifth Congressional District;
 - ii. Chris Bedford, senior editor at *The Federalist* and vice chair of Young Americans for Freedom;
 - iii. Tennessee Senator Marsha Blackburn;
 - iv. Arkansas Senator Tom Cotton;
 - v. Tom Fitton, president of Judicial Watch;
 - vi. Ben Ferguson, host of *The Ben Ferguson Show*;
 - vii. Kara Frederick, director of the Tech Policy Center at The Heritage Foundation;
 - viii. Victor Davis Hanson, Senior Fellow at the Hoover Institution;
 - ix. Representative Jim Jordan of Ohio's Fourth Congressional District;
 - x. Louisiana Senator John Kennedy;
 - xi. Political advisor Stephen Miller;
 - xii. Rob Smith, contributor for *Turning Point USA*;

- xiii. Carl Szabo, vice president and general counsel for NetChoice and professor of internet law at the George Mason University’s Antonin Scalia Law School;
- xiv. Michele Tafoya, host of *The Michele Tafoya Podcast*; and
- xv. Representative Jeff Van Drew of New Jersey’s Second Congressional District.

JURISDICTION & VENUE

- 20. This Court has general jurisdiction over Defendants, which are incorporated in the State of Delaware. Del. Const. art. 4, § 7; 10 Del. C. §§ 541, 3104(c)(4).
- 21. Venue is proper in the Delaware Superior Court, the general jurisdiction trial court of law.

FACTUAL ALLEGATIONS

Fox Targets & Ridicules Jankowicz

- 22. Fox’s obsession with Jankowicz began in late April 2022. In the week after DHS announced the creation of the Board, Fox covered Jankowicz and/or the Board during 93 one-hour programs—that is, in 70% of its one-hour programs that week. Collectively, about 143,833,010 households viewed these broadcasts. Fox’s fixation had the intended effect—forcing Jankowicz’s resignation and the ultimate dissolution of the Board. Indeed, Representative Jim Jordan appeared as a guest on a broadcast of *Hannity* on May 18, 2022,

where he thanked host Sean Hannity for “the work you’ve done in helping get rid of this governance board.”²

23. But Jankowicz’s resignation did nothing to hinder Fox. Over the rest of 2022, Fox discussed and bullied Jankowicz in relation to everything from Hunter Biden’s laptop to the Steele Dossier to Elon Musk’s Twitter takeover, to her interest in musical theater. While incendiary, misleading, and lacking readily available context, much of what Fox said about Jankowicz on these subjects was not strictly defamatory. It does, however, reveal Fox’s malice and intent to target and malign Jankowicz.
24. For example, before being appointed to the Board, Jankowicz, a long-time musical theater fan, posted short videos of herself performing to a fairly small following on social media. Fox played these videos *ad nauseam*, particularly a short TikTok video of Jankowicz singing a disinformation-themed parody of “Supercalifragilisticexpialidocious” from the musical “Mary Poppins.”³ Laura Ingraham, host of *The Ingraham Angle*, described Jankowicz as “off key, and a really bad Julie Andrews impersonation,” and “part angry feminist,

² Guest, Rep. Jim Jordan, *Hannity*, Fox News (May 18, 2022), https://archive.org/details/FOXNEWSW_20220519_010000_Hannity/start/1140/end/1200.

³ Pete Hegseth, *FOX & Friends Sunday*, Fox News (May 1, 2022), https://archive.org/details/FOXNEWSW_20220501_100000_FOX_and_Friends_Sunday/start/2019/end/2079?q=nina+jankowicz.

part frustrated karaoke singer.”⁴ When frequent guest Stephen Miller called her a “wannabe, off-key, failed Broadway star,”⁵ Fox ran with the description, quoting Miller and calling Jankowicz a “fake Broadway star” in the headline of an online article later that day.⁶ This was only the beginning. Between April and December 2022, Fox ridiculed Jankowicz related to musical theater dozens of times.⁷

25. And what was the point of bullying Jankowicz day in and day out? Fox’s coverage was calculated to ridicule and embarrass Jankowicz because doing so reinforced a caricature of Jankowicz that fit Fox’s fabricated narrative that

⁴ Laura Ingraham, *The Ingraham Angle*, Fox News (Apr. 29, 2022), <https://www.foxnews.com/video/6305412170112>.

⁵ Stephen Miller, *Jesse Watters Primetime*, Fox News (Apr. 29, 2022), https://archive.org/details/FOXNEWSW_20220429_230000_Jesse_Watters_Prime_time/start/480/end/540.

⁶ Fox News Staff, “Stephen Miller calls Biden’s disinformation expert Nina Jankowicz a ‘fake Broadway star,’” Fox News (Apr. 29, 2022), <https://www.foxnews.com/media/stephen-miller-biden-disinformation-expert-nina-jankowicz>.

⁷ See, e.g., Pete Hegseth, *FOX & Friends Sunday*, Fox News (May 1, 2022) (“[T]his cringeworthy TikTok you’ve probably seen once or twice, and we’re going to drill into your head till you can’t forget it.”), https://archive.org/details/FOXNEWSW_20220501_100000_FOX_and_Friends_Sunday/start/2019/end/2079?q=nina+jankowicz; Lisa Kennedy Montgomery, *Kennedy*, Fox Business (May 2, 2022) (reacting to Jankowicz’s TikTok video, Kennedy Montgomery said, “I need to take a bath in battery acid. That is so weird, and gross, and she is our new agency”), https://archive.org/details/FBC_20220502_230000_Kennedy/start/60/end/120.

she was an “unhinged” Orwellian “Minister of Truth,” intent on policing what ordinary American citizens could and could not say.⁸

26. That fabricated narrative was, as outlined throughout this Complaint, extremely damaging to Jankowicz. As a policy expert, consultant, and academic focused on malicious actors’ use of disinformation and how organizations can counter that disinformation, Fox’s decision to describe her—contrary to all evidence—as taking on the authority and having the desire to censor Americans’ speech tangibly and directly harmed Jankowicz’s business prospects in her chosen profession.

27. As Will Cain put it on *Fox & Friends Saturday*, they wanted the public to see Jankowicz as an “absolutely cartoonish character they’ve chosen to take over and tell us all what is and is not true.”⁹ While Fox is free to choose adjectives, it cannot intentionally misrepresent the words and actions of people like

⁸ Dan Bongino, *Unfiltered with Dan Bongino*, Fox News (Apr. 30, 2022), https://archive.org/details/FOXNEWSW_20220501_010000_Unfiltered_With_Dan_Bongino/start/2700/end/2760; see also Sean Hannity, *Hannity*, Fox News (May 2, 2022) (calling Jankowicz “our new disinformation minister”), https://archive.org/details/FOXNEWSW_20220503_010000_Hannity/start/540/end/600; Guest, Sen. Tom Cotton, *The Faulkner Focus*, Fox News (May 19, 2022) (describing the Board as “a Ministry of Truth to label or censor speech.”), https://archive.org/details/FOXNEWSW_20220519_150000_The_Faulkner_Focus/start/420/end/480.

⁹ Will Cain, *Fox & Friends Saturday*, Fox News (Apr. 30, 2022), https://archive.org/details/FOXNEWSW_20220430_100000_FOX_and_Friends_Saturday/start/300/end/360.

Jankowicz to benefit their own bottom line, knowing fully that those misrepresentations will devastate personal and professional lives.

**Fox Knowingly Implies That Jankowicz Is Engaged in Censorship,
Even After That Narrative Is Conclusively Rebutted**

28. Though the Disinformation Governance Board was poorly named, no facts exist to support the many times—over 150 in total—that Fox pushed its viewers to believe the sinister twin lies that the Board existed to monitor and censor Americans’ speech and that Jankowicz advocated and intended doing just that.
29. The Board had no operational capabilities—and certainly no ability to censor. It existed to help other agencies and officials identify and brainstorm communications responses to disinformation threatening national security. If there were ever any question as to what the Board could or could not do, that question was conclusively resolved on June 7, 2022, when Senators Josh Hawley and Chuck Grassley released whistleblower documents that included the Board’s founding documents and charter. The documents, which predate the Board, outlined the Board’s minimal scope and authority. Ex. A, Dep’t of Homeland Sec. Memo fr. R. Silvers & S. Vinograd, “Organizing DHS Efforts to Counter Disinformation” (Sept. 13, 2021).
30. Nonetheless, Fox refused to reconsider any aspect of the narrative that it invented, propagated, and amplified. Then-host Tucker Carlson had told

viewers that the United States would use the “Ministry of Truth” to “get men with guns to tell you to shut up” on April 28, 2022¹⁰—and he continued to make the same and similar claims unabated through December 6, 2022, when Carlson showed Jankowicz’s photo, labeled “Disinformation Czar” and chyrons reading “BIDEN ADMIN HAD SOME REALLY SCARY THINGS PLANNED” and “CENSORSHIP PLANS OF DISINFORMATION BOARD EXPOSED.”¹¹

31. This commitment to stay the course even as readily available information contradicted statements of fact made on Fox’s platforms is consistent with Fox’s practices in other contexts, including in its election denialism and the related defamation of Dominion Voting Systems.¹²
32. For her part, any amount of investigation would have revealed that Jankowicz’s published writings avow that even in the context of a disinformation war, she believes censorship is ineffective and dangerous. In

¹⁰ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (Apr. 28, 2022), https://archive.org/details/FOXNEWSW_20220429_050000_Tucker_Carlson_Tonight/start/60/end/120.

¹¹ Chyron, *Tucker Carlson Tonight*, Fox News (Dec. 6, 2022), https://archive.org/details/FOXNEWSW_20221207_010000_Tucker_Carlson_Tonight/start/2580/end/2640.

¹² Dominion’s Combined Opp’n to Fox News Network, LLC’s & Fox Corp.’s Rule 56 Mots. for Summ. J., *US Dominion, Inc. et al. v. Fox News Network, LLC*, No. N21C-03-257 EMD, at 17–33 (Del. Sup. Ct. Feb. 8, 2022; Redacted Public Version filed Feb. 27, 2023) (discussing what Fox knew and what it contemporaneously reported).

her book, *How to Lose the Information War*, Jankowicz explicitly makes that point, which is echoed and attributed to her in a Wilson Center policy paper, readily accessible online.¹³

33. But Fox’s false claims about the Board’s sinister plans were relentless. Carlson kicked off the unabashed false narrative in late April 2022, stating that the Board is “going to be policing what you say,” and warning that such a role for the Board should be a particularly scary proposition because DHS is “a law enforcement agency designed to police the United States and that, by the way, has a famously large stockpile of ammunition.”¹⁴
34. Laura Ingraham and Hannity described Jankowicz respectively as “your new Disinformation Czar” who “will protect you from free expression and the fanatics who support it,”¹⁵ and as “the administration’s official purveyor of truth.”¹⁶

¹³ Nina Jankowicz & Shannon Pierson, *Freedom and Fakes: A comparative Exploration of Countering Disinformation and Protecting Free Expression*, Wilson Center Science & Technology Innovation Program (Dec. 2020), <https://www.wilsoncenter.org/publication/freedom-and-fakes-comparative-exploration-countering-disinformation-and-protecting-free>.

¹⁴ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (Apr. 28, 2022), https://archive.org/details/FOXNEWSW_20220429_050000_Tucker_Carlson_Tonight/start/120/end/180.

¹⁵ Laura Ingraham (@IngrahamAngle), Twitter (Apr. 28, 2022), <https://twitter.com/ingrahamangle/status/1519766864506798083>.

¹⁶ Sean Hannity, *Hannity*, Fox News (Apr. 28, 2022), https://archive.org/details/FOXNEWSW_20220429_060000_Hannity/start/720/end/780.

35. Not to be outdone, co-host of *The Five*, Jeanine Pirro drew her colleagues' commentary together into a complete, entirely false picture, explaining that the government was creating "a disinformation group where we can say what we think is not correct, and we suffered under their thumb, the Russian collusion delusion . . . the only thing they want, they want to be able to control what we say to each other and what we think . . . their effort to muzzle us . . . is really an effort to control this country in ways we've never seen before."¹⁷ None of this was true.
36. The next day, on April 29, 2022, 11 different speakers referenced Jankowicz and the Board on 11 separate segments. Hannity repeated the falsehood that the Board was "in charge of policing disinformation," and that Jankowicz is now "the person that polices our thoughts."¹⁸ Fox News tweeted: "What you're seeing is a full-scale attack on free speech in a country that has been free for nearly 250 years."¹⁹

¹⁷ Jeanine Pirro, *The Five*, Fox News (Apr. 28, 2022), <https://www.foxnews.com/media/homeland-security-mayorkas-hearing-disinformation-governance-board-pirro-five>.

¹⁸ Sean Hannity, *Hannity*, Fox News (Apr. 29, 2022), <https://www.foxnews.com/media/hannity-the-disinformation-board-wont-be-policing-any-of-bidens-lies>.

¹⁹ Fox News (@FoxNews), Twitter (Apr. 29, 2022), <https://twitter.com/FoxNews/status/1519896780741173248>.

37. On *Fox & Friends*, Carly Shimkus said Jankowicz is “lead[ing] a government board in charge of deciding what we can and cannot say.”²⁰ On *Outnumbered*, Emily Compagno said Jankowicz is “now the official referee of disinformation” and also a “self-obsessed social media neophyte [who the country has now set as] as the champion, as the arbiter of truth.”²¹ Greg Gutfeld followed suit on *Gutfeld!*, warning that the Board “will likely target you,” and stating unequivocally that the goal of the Board is “to police your opinions, to hide their bad news or magically turn it into good news.”²²
38. The claims were sometimes couched in opinion, but often were not. Pirro asked, “Would a moderate president create a disinformation bureau to actually police speech? That belongs in communist China, not America.” Her question was premised on a false statement about the Board. About Jankowicz, she added: “The woman is not qualified to run anything, let alone tell us what we can and cannot say.”²³

²⁰ Carly Shimkus, *Fox & Friends First*, Fox News (Apr. 29, 2022), https://archive.org/details/FOXNEWSW_20220429_080000_FOX___Friends_First/start/240/end/300.

²¹ Emily Compagno, *Outnumbered*, Fox News (Apr. 29, 2022), https://archive.org/details/FOXNEWSW_20220429_160000_Outnumbered/start/300/end/360.

²² Greg Gutfeld, *Gutfeld!*, Fox News (Apr. 29, 2022), <https://www.foxnews.com/opinion/greg-gutfeld-white-house-wants-police-opinions>.

²³ Jeanine Pirro, *Jesse Watters Primetime*, Fox News (Apr. 29, 2022), <https://www.foxnews.com/media/judge-jeanine-elon-musk-wrong-recent-tweet-all-gone-fully-woke>.

39. Still on April 29, Fox invited Representative Andy Biggs to continue the tirade on *America Reports with John Roberts & Sandra Smith*. Representative Biggs stated that “Jankowicz [is to] head this bureau that’s going to spy and target Americans.”²⁴ Next, Hannity described the Board as a “truth ministry,” and Jankowicz is a “far-left radical democrat [who] believes her opinions are facts and yours are disinformation.”²⁵ Greg Gutfeld repeated the same lie again in his own words: “The people lying want to be the arbiters of truth.” “The government now holds the reins on truth.”²⁶
40. On *Fox & Friends First*, Tom Fitton summarized the essence of the deluge of false statements clearly: “Their goal is to encourage censorship.” He then described Jankowicz as “an extremist” and explained exactly what he meant: “If you don’t want your fellow citizens to have the right to share their views, you’re necessarily an extremist and shouldn’t be anywhere near the levers of government.”²⁷

²⁴ Guest, Rep. Andy Biggs, *America Reports with John Roberts & Sandra Smith*, Fox News (Apr. 29, 2022) (emphasis added), https://archive.org/details/FOXNEWSW_20220429_170000_America_Reports_With_John_Roberts__Sandra_Smith/start/4200/end/4260.

²⁵ Sean Hannity, *Hannity*, Fox News (Apr. 29, 2022), <https://www.foxnews.com/media/hannity-the-disinformation-board-wont-be-policing-any-of-bidens-lies>.

²⁶ Greg Gutfeld, *Gutfeld!*, Fox News (Apr. 29, 2022), <https://www.dailymotion.com/video/x8ag1qu>.

²⁷ Tom Fitton, *Fox & Friends First*, Fox News (Apr. 29, 2022), <https://www.youtube.com/watch?v=bd2mYCDKPf0>.

41. Jankowicz has never advocated against individuals sharing their views and has publicly condemned censorship as ineffective against disinformation. Her record on these matters is public, and even the most cursory examination of her writings, statements, and positions by Fox would have confirmed that.
42. The next day, invited guest Senator Marsha Blackburn added to the fabricated narrative on *Fox News Live*: “What we know is this Disinformation Governance Board is put there to allow the Biden administration to censor political free speech.” She claimed: “What they’re trying to do is take away your free speech.”²⁸
43. Dan Bongino took up the baton, echoing Carlson’s implication that the Board has a law enforcement capacity and might use violence against disinformation, saying: “If this Ministry of Truth is allowed to continue, and a law enforcement body of the US government is allowed to declare edicts about what is true and what isn’t, the constitutional republic is dead as a doornail, this thing is over and done with.”²⁹ Rachel Campos-Duffy piled on, lamenting “that there are young women like this that are willing to take a

²⁸ Guest, Sen. Marsha Blackburn, *Fox News Live*, Fox News (Apr. 30, 2022), https://archive.org/details/FOXNEWSW_20220430_160000_Fox_News_Live/start/1560/end/1620.

²⁹ Dan Bongino, *Unfiltered with Dan Bongino*, Fox News (Apr. 30, 2022), https://archive.org/details/FOXNEWSW_20220501_010000_Unfiltered_With_Dan_Bongino/start/2700/end/2760.

position like this and act basically as the, you know, the Ministry of Truth in a Chinese style kind of department within Homeland Security?” Brian Kilmeade added that Jankowicz will “be telling you what’s true and what’s not—maybe you’ll go to jail” and she “will be the czar of information with this presidency.”³⁰

44. A day later, on May 2, 2022, Carlson claimed that Jankowicz works for an agency that is now “controlling what you say.”³¹ On *Mornings with Maria Bartiromo*, Kara Frederick warned: “Mark my words: [the Board] will be turned on their political enemies.” She continued: “We can’t allow them to create new boards that are clearly going to be partisan and target normal ordinary Americans simply for having a voice. It starts there.”³²
45. Carlson implied again that Jankowicz had access to weapons and might use them in connection with her Board role, stating: Jankowicz is “a law

³⁰ Brian Kilmeade, *One Nation with Brian Kilmeade*, Fox News (Apr. 30, 2022), https://archive.org/details/FOXNEWSW_20220501_060000_One_Nation_With_Brian_Kilmeade/start/2149/end/2209?q=nina+jankowicz.

³¹ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (May 2, 2022), https://archive.org/details/FOXNEWSW_20220503_050000_Tucker_Carlson_Tonight/start/2160/end/2220.

³² Kara Frederick, *Mornings with Maria Bartiromo*, Fox News (May 2, 2022), https://archive.org/details/FBC_20220502_100000_Mornings_With_Maria_Bartiromo/start/6540/end/6600.

enforcement official that works for the biggest law enforcement agency in the country with stockpiles of ammo to the tune of millions of rounds per year.”³³

46. Hannity claimed that free speech is under threat from the “creepy new Disinformation Governance Board, or as we call it on this show, the socialist democrat’s minister of leftist truth.” He went on: the Board is “yet another government program that gets used and abused to monitor Americans’ communications,” and Jankowicz is “our new disinformation minister.”³⁴ Sandra Smith added “This is not about monitoring people, it’s about deciding what is the truth.” Jankowicz, Smith said, will be “deciding what qualifies as the truth.”³⁵ And Lisa Kennedy Montgomery claimed that Jankowicz had “thought control” and “broad power to decide what the administration considers true and false.”³⁶

47. The next day, Kilmeade continued the fabrication, adding nefarious details and claiming that the “purview of the Disinformation Czar” could be

³³ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (May 2, 2022), https://archive.org/details/FOXNEWSW_20220503_050000_Tucker_Carlson_Tonight/start/2160/end/2220.

³⁴ Sean Hannity, *Hannity*, Fox News (May 2, 2022), https://archive.org/details/FOXNEWSW_20220503_010000_Hannity/start/540/end/600.

³⁵ Sandra Smith, *America Reports with John Roberts & Sandra Smith*, Fox News (May 2, 2022), https://archive.org/details/FOXNEWSW_20220502_170000_America_Reports_With_John_Roberts__Sandra_Smith/start/3720/end/3780.

³⁶ Lisa Kennedy Montgomery, *Kennedy*, FOX Business (May 2, 2022), https://archive.org/details/FBC_20220502_230000_Kennedy/start/0/end/60.

“anything that pops up,” “so when in doubt, suspend the accounts that do it, stop people from reading it.”³⁷ This idea—that Jankowicz could “suspend . . . accounts”—was pure invention.

48. Carlson put a new spin on the same portrayal, saying: “So it turns out you’re not allowed to say things that she doesn’t like, or you’re a disinformer for profit probably working for Putin.”³⁸ Ben Ferguson doubled down on the unfounded fearmongering: “They’re gonna come after parents. They’re gonna come after people online. They’re gonna come after people at the border. They’re gonna come after legitimate news stories.”³⁹
49. Deroy Murdock lied blatantly about what the Board would be able to do, writing that it was “a taxpayer-funded thought-police bureau that monitors public utterances, condemns them as ‘disinformation’ and then flags them for dutiful erasure by the Democrat-Left’s social-media henchpersons in Silicon Valley.”⁴⁰ Murdock had no basis to say that the Board—or, by extension,

³⁷ Brian Kilmeade, *The Faulkner Focus*, Fox News (May 3, 2022), https://archive.org/details/FOXNEWSW_20220503_150000_The_Faulkner_Focus/start/1440/end/1500.

³⁸ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (May 5, 2022), https://archive.org/details/FOXNEWSW_20220506_000000_Tucker_Carlson_Tonight/start/2460/end/2520.

³⁹ Ben Ferguson, *Outnumbered*, Fox News (May 5, 2022), https://archive.org/details/FOXNEWSW_20220505_160000_Outnumbered/start/1920/end/1980.

⁴⁰ Deroy Murdock, “Biden’s ‘disinformation board’ is an unconstitutional thought-police bureau,” Fox News (May 6, 2022),

Jankowicz—was monitoring, condemning, or flagging “public utterances.” Will Cain made a similar false claim, saying that Jankowicz “would be in charge of shutting anyone down who dared to question her disinformation. It’s not about the truth, it’s about power.”⁴¹

50. Several invited guests added to the fabrication: Representative Jordan claimed on *Hannity* that if “you try [to talk],” “Nina Jankowicz will come after you”;⁴² Senator Kennedy said: “Let me tell you what Ms. Jankowicz will do if she gets power. She will devour the real truth like it was a light snack. What’s true, in her opinion, is what she believes, and everyone else is a moron because she’s one of the smartest people on the planet in her opinion, just ask her. We don’t need somebody like that in government. We don’t need a Ministry of Truth”;⁴³ on *The Evening Edit*, Representative Jeff Van Drew added: “She’s

<https://www.foxnews.com/opinion/biden-disinformation-board-unconstitutional-thought-police-deroy-murdock>.

⁴¹ Will Cain, *America Reports with John Roberts & Sandra Smith*, Fox News (May 10, 2022), https://archive.org/details/FOXNEWSW_20220510_170000_America_Reports_With_John_Roberts__Sandra_Smith/start/7140/end/7200.

⁴² Guest, Rep. Jim Jordan, *Hannity*, Fox News (May 12, 2022), https://archive.org/details/FOXNEWSW_20220513_010000_Hannity/start/3240/end/3300.

⁴³ Guest, Sen. John Kennedy, *America Reports with John Roberts & Sandra Smith*, Fox News (May 11, 2022), https://archive.org/details/FOXNEWSW_20220511_170000_America_Reports_With_John_Roberts_Sandra_Smith/start/5520/end/5580.

going to actually be taking things off [of the internet], and leaving other things on that aren't truthful, and we have seen that before.”⁴⁴

51. When Jankowicz resigned on May 18, 2022, Fox renewed its coverage with fervor: Harris Faulkner made the baseless comment on *Outnumbered* that the Board was going to “cancel you if you don't believe what we want you to believe.”⁴⁵ Lisa Kennedy Montgomery described the Board as a “form of thought control,” “an Orwellian government agency designed to monitor what we all say and do,” an entity with “the right to decide what is true and what is false,” and a “version of content moderation.”⁴⁶ Hannity declared that the Board was “a brand-new Ministry of Truth that we've been talking about to police all of your thoughts.”⁴⁷
52. Jesse Watters claimed the Board was “control[ling] what information can get out there.” That's “why this whole disinformation board was created: to target

⁴⁴ Guest, Rep. Jeff Van Drew, *The Evening Edit*, Fox Business (May 13, 2022), https://archive.org/details/FBC_20220513_220000_The_Evening_Edit/start/1200/end/1260.

⁴⁵ Harris Faulkner, *Outnumbered*, Fox News (May 18, 2022), <https://www.foxnews.com/politics/white-house-says-dhs-disinformation-board-never-met-denies-involvement>.

⁴⁶ Lisa Kennedy Montgomery, *The Evening Edit*, Fox Business (May 18, 2022), https://archive.org/details/FBC_20220518_230000_Kennedy/start/0/end/60.

⁴⁷ Sean Hannity, *Hannity*, Fox News (May 18, 2022), https://archive.org/details/FOXNEWSW_20220519_010000_Hannity/start/900/end/960.

any speech the left doesn't like as scary.”⁴⁸ Two days later, Watters' guest Victor Davis Hanson stated that that Jankowicz “was going to adjudicate what 330 million people could say based on her view of disinformation.”⁴⁹

53. The story did not die with Jankowicz's resignation. On May 23, 2022, Katie Pavlich returned to the topic, repeating the lie that the Board would be “deciding . . . what is true and what is false . . . which would, of course, cause them to engage in censorship.”⁵⁰
54. On June 9, Elizabeth MacDonald talked about the Board and Jankowicz again, based apparently on the false claim that DHS was “planning a bigger censorship campaign push by the now-defunct disinformation board than anyone realized.” She went on: “You [Jankowicz] were going to coordinate with Twitter, federal, state, and local tribal groups, to basically censor things about the origins of the pandemic, masking, and much more.” “That was Nina Jankowicz, right?”

⁴⁸ Jesse Watters, *Jesse Watters Primetime*, Fox News (May 18, 2022), https://archive.org/details/FOXNEWSW_20220518_230000_Jesse_Watters_Prime_time/start/420/end/480.

⁴⁹ Victor Davis Hanson, *Jesse Watters Primetime*, Fox News (May 20, 2022), https://archive.org/details/FOXNEWSW_20220520_230000_Jesse_Watters_Prime_time/start/1380/end/1440.

⁵⁰ Katie Pavlich, *Special Report*, Fox News (May 23, 2022), <https://www.foxnews.com/transcript/special-report-all-star-panel-baby-formula-shortage-title-42>.

55. Also on June 9, Trace Gallagher, appearing on *Fox News at Night with Shannon Bream*, claimed that “[T]he biggest takeaway from the whistleblower documents concerning the paused Disinformation Governance Board is the stated goal wasn’t the intended goal. The board was never meant to combat drug cartels and human smugglers. The board was meant to control the speech of Americans.”⁵¹ This was precisely the opposite of the whistleblower documents’ contents.⁵²
56. Fox personnel came back to the lie connecting Jankowicz with censorship time and again.⁵³

⁵¹ Trace Gallagher, *Fox News at Night with Shannon Bream*, Fox News (June 9, 2022), https://archive.org/details/FOXNEWSW_20220610_040000_Fox_News_at_Night_With_Shannon_Bream/start/900/end/960.

⁵² See, e.g., Ex. A at 1 (explaining, *inter alia*, that “Foreign terrorists, nation-states, and domestic violent extremist (DVE) groups leverage disinformation narratives to amplify calls to violence, including racially or ethnically motivated and anti-government/anti-authority violence.”; “The Department must ensure its counter-disinformation efforts do not have the effect of chilling or suppressing free speech and free association or infringing on individuals’ privacy or other First Amended protected activity.”).

⁵³ Lisa Kennedy Montgomery, *Kennedy*, FOX Business (June 16, 2022) (The Board was “basically an Orwellian thought police force.”), https://archive.org/details/FBC_20220616_230000_Kennedy/start/60/end/120; Dan Bongino, *Unfiltered with Dan Bongino*, Fox News (Sept. 11, 2022) (“Remember the Disinformation Board? Remember Scary Poppins? We called it the Ministry of Truth. While the title’s since been dissolved, the DHS hasn’t slowed down its efforts at all to censor what you say, and what you see, and what you hear.”), https://archive.org/details/FOXNEWSW_20220911_070000_Unfiltered_With_Dan_Bongino/start/635/end/695?q=poppins; Carl Szabo, *Cavuto Coast to Coast*, FOX Business (Aug. 12, 2022) (“The answer is not going to the government and having

57. In November 2022, Watters, Hannity, and Carlson all returned to the Jankowicz as censor lie. After asking viewers if they remembered the Board and Jankowicz and playing the TikTok parody video, Watters said “Well, the people didn’t like that. We didn’t want Mary Poppins censoring us.”⁵⁴ Hannity added that the Board was a “department . . . dedicated to working with the social media giants for the purpose of policing information.” In reference to Jankowicz: “They attempted to appoint that far-left, lunatic, singing Supercali... remember her? Nina Jack-o-witz [sic]?”⁵⁵
58. Carlson claimed: “They hired some Mary Poppins lookalike Nina Jankowicz to silence anyone who criticized the Biden Administration.” And “Better wake up and get involved or your future will consist of asking permission to exercise your own most basic rights from people like that.”⁵⁶ The associated

them become the arbiters of speech. If we were to turn it over to Joe Biden’s election disinformation governance board with Mary Poppins at the helm . . . to dictate what we know, hear, and see on the internet, it’s going to be way worse for conservatives than allowing the private sector to lead the way.”), https://archive.org/details/FBC_20220812_160000_Cavuto_Coast_to_Coast/start/2520/end/2580.

⁵⁴ Jesse Watters, *Jesse Watters Primetime*, Fox News (Nov. 1, 2022), https://archive.org/details/FOXNEWSW_20221101_230000_Jesse_Watters_Prime_time/start/1140/end/1200.

⁵⁵ Sean Hannity, *Hannity*, Fox News (Nov. 30, 2022), https://archive.org/details/FOXNEWSW_20221201_020000_Hannity/start/720/end/780.

⁵⁶ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (Nov. 18, 2022), https://archive.org/details/FOXNEWSW_20221119_060000_Tucker_Carlson_Tonight/start/2880/end/2940.

chyron read: “BIDEN ADMIN WANTED THE MARY POPPINS LADY TO FURTHER FORCE A NANNY STATE ON US[.]” And “BIDEN ADMIN SCRAPPED THE OUTRAGEOUS MINISTRY OF TRUTH, BUT IS STILL TRYING TO CENSOR SPEECH.”⁵⁷

59. He returned to the topic in December, stating “We’re learning a lot more about what they plan to do, and in fact have done, to censor the speech of American citizens.”⁵⁸
60. These statements were calculated to make Fox consumers believe that Jankowicz was a government censor, abusing her position as a public servant to restrict Americans’ free speech.
61. By June 6, 2022, when the whistleblower documents were released, Fox knew unequivocally that no facts supported the false, Orwellian nightmare it had implanted in viewers’ minds. Fox nevertheless made no attempt to retract its statements or explain the available information. Instead, it continued to communicate, falsely, that Jankowicz had attempted to engage in an anti-American spying and censorship program.

⁵⁷ Chyron, *Tucker Carlson Tonight*, Fox News (Nov. 18, 2022), https://archive.org/details/FOXNEWSW_20221119_060000_Tucker_Carlson_Tonight/start/3060/end/3120.

⁵⁸ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (Dec. 6, 2022) (emphasis added), https://archive.org/details/FOXNEWSW_20221207_010000_Tucker_Carlson_Tonight/start/2700/end/2760.

62. Fox's consumers believed it. Of course they did—they were hearing the same narrative, day in and day out, over the course of many months, and Fox intentionally withheld information that refuted its claims.
63. Fox knows that its consumers believe its hosts and commentators, even when they do not tell the truth.
64. Given the sinister implications of Fox's misleading statements, it is no surprise that Fox consumers were deeply concerned about the Board and Jankowicz. If the Government truly were involved in censoring Americans' speech through a secretive body with minimal oversight, there would be cause for alarm.
65. But none of that was true. Without a doubt, Fox's lies harmed Jankowicz by making her the public face of a fake and manufactured government conspiracy. And they caused broader harm by distorting public debate and engendering conspiracy theories about a tyrannical government.

Fox Tells Consumers That Jankowicz Was Fired from Her Post

66. The Board's work was paused on May 18, 2022, due to the prevalence of false claims that it intended to censor speech and/or engage in creating and disseminating propaganda. On May 17, after Jankowicz had drafted a resignation letter, DHS officials offered Jankowicz the opportunity to stay on with the agency as a policy advisor.

67. Jankowicz, who at the time was weeks away from giving birth to her first child, nonetheless officially resigned from the Board on May 18, 2022. Because she had been targeted with harassment arising from Fox’s false statements of fact, she no longer felt that she could serve safely and effectively. Jankowicz, who was eight months pregnant at the time, made multiple public statements about the threats and harassment she endured, explaining the circumstances leading to her resignation. Prior to her resignation, however, she had been subject to a media embargo and was not able to directly correct and contradict false statements about her, making it even more obviously improbable that she had vast power to censor others’ speech.
68. DHS confirmed Jankowicz’s resignation on May 18, 2022. In a statement, a DHS spokesperson noted that “Nina Jankowicz has been subjected to unjustified and vile personal attacks and physical threats.” Fox reported on DHS’s statements,⁵⁹ but it made no effort to correct prior false reporting.
69. Fox knew that Jankowicz resigned as a result of threats and harassment targeting her and her family. Indeed, it celebrated the unfortunate circumstances leading to her resignation. Nearly contemporaneously to

⁵⁹ Ronn Blitzer, “Biden administration ‘disinformation’ board on pause amid free speech concerns: reports,” Fox News (May 18, 2022), <https://www.foxnews.com/politics/biden-dhs-disinformation-governance-board-on-hold-reports>.

Jankowicz’s resignation, on May 18, 2022, during a broadcast of *Fox & Friends*, commentator Emily Compagno stated that Jankowicz “was the chief of spreading disinformation, and now she’s the victim? She can dish it but she can’t take it? She got a couple mean tweets?”⁶⁰ Similarly, on May 19, 2022, during a broadcast of *Primetime with Jesse Watters*, host Watters noted that Jankowicz “resigned” from her post and described Jankowicz as “complaining—she says that she has been killed by disinformation and she is now under all sorts of threats.” He asked guest Victor Davis Hanson, “Do you feel sorry for the Disinformation Czaress?,” who responded, “I confess I don’t.”⁶¹

70. Fox nonetheless deliberately and knowingly lied that Jankowicz had been terminated from her post at least three separate times.

a) May 20, 2022: On a broadcast segment of *Primetime with Jesse Watters*, just one day after he recognized the circumstances leading to Jankowicz’s resignation, Watters falsely stated that Jankowicz “got booted this week.”⁶²

⁶⁰ Emily Compagno, *Outnumbered*, Fox News (May 18, 2022), <https://www.foxnews.com/video/6306403572112>.

⁶¹ Jesse Watters & Victor Davis Hanson, *Jesse Watters Primetime*, Fox News (May 20, 2022), https://archive.org/details/FOXNEWSW_20220520_230000_Jesse_Watters_Primetime/start/1320/end/1380.

⁶² *Id.*

- b) October 12, 2022: On a broadcast segment of *The Five*, Watters falsely stated that DHS Secretary Alejandro Mayorkas “had to yank” Jankowicz as a result of embarrassment arising from Jankowicz’s social media posts celebrating musical theater.⁶³
- c) November 19, 2022: On *Tucker Carlson Tonight*, Carlson claimed the Board failed largely because, “Nina Jankowicz was too ridiculous to sell. She was openly partisan, she was dumb, she was an advocate for censoring any news that damaged the Biden administration.” He then played a video of Jankowicz singing the disinformation-themed parody of “Supercalifragilisticexpialidocious.” Carlson went on to falsely claim, “In the end, those videos were so embarrassing that the Biden administration had to fire Jankowicz.” Shortly thereafter, Carlson doubled down, stating that “Nina Jankowicz was so absurd that she had to go away.”⁶⁴

⁶³ Jesse Watters, *Jesse Watters Primetime*, Fox News (Oct. 12, 2022), https://archive.org/details/FOXNEWSW_20221012_210000_The_Five/start/1320/end/1380.

⁶⁴ Tucker Carlson, *Tucker Carlson Tonight*, Fox News (Nov. 19, 2022), https://archive.org/details/FOXNEWSW_20221119_060000_Tucker_Carlson_Tonight/start/2880/end/2940.

71. Fox knew that these statements were false. Indeed, on May 18, 2022, Jesse Watters correctly stated that Jankowicz had resigned, only two days before falsely claiming that she “got booted.”⁶⁵

Fox Tells Consumers That Jankowicz Intends to Edit Their Tweets

72. No less than nine times, Fox published lies that Jankowicz wanted to and would, in her position on the Board, directly interfere with online speech.

73. On January 27, 2021, Jankowicz participated, via Zoom, in the Georgia Independent School Librarians’ winter meeting. Jankowicz appeared as an expert on disinformation, discussing the history of and responses to disinformation.

74. The Zoom meeting was recorded. It lasted nearly 90 minutes and has been continuously available to the public on YouTube since it was first posted, on January 28, 2021.

75. Just two days before the Zoom meeting, on January 25, 2021, Twitter had announced a pilot program, “Birdwatch,” which it described as “a community-based approach to misinformation.” The program was later retitled “Community Notes,” and it remains in use on Twitter.

⁶⁵ Jesse Watters, *Jesse Watters Primetime*, Fox News (May 18, 2022), https://archive.org/details/FOXNEWSW_20220518_230000_Jesse_Watters_Prime_time/start/480/end/540.

76. Jankowicz has never held a position affiliated with Twitter and had no connection to Birdwatch or Community Notes.
77. During the Zoom meeting, the following exchange occurred:

QUESTION: I heard something about Twitter is now or getting ready to start allowing other Twitter users to — help me out here, that’s where I sort of lost track of what is it Twitter’s letting people do?

JANKOWICZ: I haven’t looked into this in a huge way yet because it just came out, and I am eligible for it because I am verified. But there are a lot of people who shouldn’t be verified, who aren’t, you know, legit, in my opinion. I mean, they are real people, but they’re not trustworthy. Anyway, so verified people can essentially start to “edit”⁶⁶ Twitter, the same sort of way that Wikipedia is, so they can add context to certain tweets.

So, just as an easy example, not from any political standpoint, if President Trump were still on Twitter and tweeted a claim about voter fraud, someone could add context from one of the 60 lawsuits that went through the court. Or something that an election official in one of the states said, perhaps [Georgia’s] own Secretary of State and his news conferences—something like that. Adding context so that people have a fuller picture rather than just an individual claim on a tweet.

I think—it’s called Birdwatch, whatever, silly name, and it’s going to live on its own site for a little bit, and then eventually, after they’ve tested it and perfected it a little more, it’s going to migrate to the rest of Twitter. But it will be more of a Wikipedia model. And it’s interesting to me, as someone who grew up and was going through college when Wikipedia first started out, how Wikipedia has kind of morphed from something that we were told we shouldn’t trust to something that is actually a pretty good starting point for some research and—with a grain of salt, understanding it’s edited by individuals just like us—that it has

⁶⁶ Jankowicz used air quotes around the word “edit.”

pretty rigorous standards and can be a good place to start for context on something that you're trying to understand.

So, I like that. I like the idea of adding more context to claims and tweets and other content online, rather than removing it. . . .

I think it's also a little bit rich that these multi-billion dollar corporations are asking for volunteer fact-checkers to do their work for them. So, we're going to have problems scaling it up, and it's not a solution that works for everything.

And my intern actually asked me yesterday, "Are you going to do it?" And I was like, "I don't have time, like, time to fact-check Twitter." I already have too many other things going on, so it's hard to see how the people that they want, who are like trusted members of the community, are going to engage with this Like the editors of Wikipedia, there are probably a few public figures among them, but it's mostly people who like doing it for fun, really. Maybe there are librarians in there as well. But it's—I'm not sure it's the solution.

78. Following the excerpted exchange, Jankowicz went on to discuss the importance of archiving information to preserve it. She described problems that arise when platforms delete information about, for example, civil rights abuses committed by foreign governments.
79. At no point during the publicly available Zoom meeting with Georgia-based librarians did Jankowicz claim—or even suggest—that she is interested personally in interfering with or censoring others speech or that she approves of censorship. Indeed, in context, Jankowicz's comments demonstrate her deep concern about allowing the government—or certain individuals—to control information.

80. On May 10, 2022, a pseudonymous Twitter user, @mazemoore, posted a manipulated version of the Zoom meeting to Twitter. Today, the user's profile currently reads in full, "Video editor. 100% original content. You have seen my work." Archived versions of the user's profile indicate that the profile was similar when the video was posted, reading in its entirety, "Digital artist. Video Editor. Researcher. You have seen my work." As the user's self-description "video editor" illustrates, most of the posts on @mazemoore's Twitter feed are of edited, truncated, and out-of-context videos. For example, the user frequently posts videos of government officials wearing digitally imposed clown makeup. Screenshots of obviously edited videos were visible on @mazemoore's Twitter feed on May 10, 2022, when the video of Jankowicz was posted. Moreover, before posting the video of the Georgia librarians meeting, many of the user's recent tweets mocked Jankowicz based on every public video he could find of her, dating back to her teenage years. Any objective party should have realized content he posted about Jankowicz deserved further scrutiny.
81. The manipulated version was one minute and one second long. It did not include the other Zoom attendee's question, and it cut Jankowicz's references to Twitter and/or Birdwatch so that viewers might infer that Jankowicz had proposed personally editing others' tweets, including those of former

President Trump. In its entirety, the video includes only the following language:

And I am eligible for it because I am verified. But there are a lot of people who shouldn't be verified, who aren't, you know, legit, in my opinion. I mean, they are real people, but they're not trustworthy. Anyway, so verified people can essentially start to "edit"⁶⁷ Twitter, the same sort of way that Wikipedia is, so they can add context to certain tweets.

So, just as an easy example, not from any political standpoint, if President Trump were still on Twitter and tweeted a claim about voter fraud, someone could add context from one of the 60 lawsuits that went through the court. Or something that an election official in one of the states said, perhaps [Georgia's] own Secretary of State and his news conferences—something like that. Adding context so that people have a fuller picture rather than just an individual claim on a tweet.

82. On May 10, 2022, any reasonable person viewing @mazemoore's feed would have understood that the videos posted deserved closer scrutiny to determine their accuracy.
83. Fox took the truncated video and further whittled it down to ten-second soundbites to use in broadcast segments. In the days that followed until Jankowicz's resignation, Fox employees falsely and repeatedly stated that Jankowicz wanted to edit other Twitter user's posts. Fox's false statements included, at minimum, the following:

⁶⁷ Jankowicz used air quotes when she said the word "edit."

a) May 11, 2022: Commentator Tomi Lahren tweeted:⁶⁸



b) May 11, 2022: Elizabeth MacDonald, host of *The Evening Edit*, falsely stated on-air during her show: “Biden’s new disinformation czar, caught in a new government overreach. Critics warn her new fix to Twitter would make censorship even worse and more out of control.” Later, she stated twice, “Nina Jankowicz, this is her fix to Twitter” and played the truncated video. Tomi Lahren falsely added, “What she is describing there, there is a war on free speech. Who is Nina Jankowicz to tell me if I’m legitimate or not? Who is she to tell me what is trustworthy? . . . She wants to be able to edit content because she’s so

⁶⁸ Tomi Lahren (@TomiLahren), Twitter (May 11, 2022), <https://twitter.com/TomiLahren/status/1524515056976900097>.

afraid of the narrative being flipped or the truth getting out, she wants to be able to manipulate it, her and her gang of people that she deems trustworthy.”⁶⁹

- c) May 12, 2022: In an online article, reporter Paul Best falsely stated that Jankowicz “pitched the idea of allowing verified accounts to ‘edit’ Twitter and add context to others’ tweets.”⁷⁰
- d) May 12, 2022: On a broadcast of *Gutfeld!*, following a monologue focused on Jankowicz, panelist Rob Smith falsely said, “They’re trying to make [1984] look like a documentary. What these people want to do—and she said before—they want to edit your tweets.”⁷¹
- e) May 13, 2022: On *Mornings with Maria Bartiromo*, a morning broadcast show on Fox Business, host Maria Bartiromo falsely stated that Jankowicz “pitched the idea of allowing verified Twitter accounts to edit and add context to other tweets.”⁷²

⁶⁹ Elizabeth MacDonald & Tomi Lahren, *The Evening Edit*, Fox News (May 11, 2022), https://archive.org/details/FBC_20220511_220000_The_Evening_Edit/start/1620/end/1680.

⁷⁰ Paul Best, “Elon Musk criticizes pitch by ‘disinformation czar’ to allow verified Twitter accounts to edit others’ tweets,” Fox News (May 12, 2022), <https://www.foxbusiness.com/politics/elon-musk-criticizes-disinformation-czar-verified-twitter-accounts-edit-others-tweets>.

⁷¹ Rob Smith, *Gutfeld!*, Fox News (May 12, 2022), <https://www.foxnews.com/video/6306026055112>.

⁷² Maria Bartiromo, *Mornings with Maria Bartiromo*, Fox Business (May 13, 2022),

- f) May 13, 2022: On a broadcast of *The Five*, co-host Jeanine Pirro falsely claimed, “Biden’s new Disinformation Czar already thinks she’s qualified to start editing your tweets,” before playing a heavily truncated version of the already manipulated video.⁷³
- g) May 13, 2022: On a broadcast segment of *Fox & Friends First*, after playing a clipped version of the truncated video, co-host Todd Pirro asked contributor Lara Trump, “How chilling is it that this disinformation czar thinks that it’s okay for her to edit your speech?” In response, Lara Trump falsely claimed that Jankowicz intended to use her government post to censor Americans’ speech: “Let’s just take a step back for a second and just look at the fact that here we are in the United States of America, Todd, that we are still considering having a position like this. It should shake every single American to your core, to know that this is happening in our country and that this woman, Nina Jankowicz, is the arbiter of truth and is the one who will determine whether what you say is allowed or not is absolutely outrageous. . . . Nina Jankowicz fancies herself in this situation, with getting rid of any

https://archive.org/details/FBC_20220513_100000_Mornings_With_Maria_Bartir_omo/start/4740/end/4800.

⁷³ Jeanine Pirro, *The Five*, Fox News (May 13, 2022), <https://www.foxnews.com/video/6306087337112#sp=show-clips>.

information that does not fit the narrative the government currently has at that time.”⁷⁴

h) May 18, 2022: During a broadcast segment of *Tucker Carlson Tonight*, a chyron falsely read, “AWFUL NINA JANKOWICZ: I’M A TRUSTED & VERIFIED PERSON & I SHOULD EDIT YOUR TWEETS.”⁷⁵

i) May 19, 2022: On a broadcast segment of *Gutfeld!*, panelist Michele Tafoya falsely claimed that Jankowicz “said something about Twitter that made me think, maybe [the Board] DID want to censor people. I think she said that blue check people on Twitter could actually be given a tool to edit other people on Twitter if they found what they wrote was ‘misinformation’ or needed ‘correction.’ That, to me, sounds like a little bit of censorship.”⁷⁶

84. Fox repeatedly published, through broadcast and print, the false claim that Jankowicz proposed the Birdwatch/Community Notes program and/or wanted to personally edit or censor social media posts. It published these false

⁷⁴ Todd Piro & Lara Trump, *Fox & Friends First*, Fox News (May 13, 2022), <https://www.foxnews.com/video/6306039100112#sp=show-clips>.

⁷⁵ Chyron, *Tucker Carlson Tonight*, Fox News (May 18, 2022), https://archive.org/details/FOXNEWSW_20220519_000000_Tucker_Carlson_Tonight/start/1680/end/1740.

⁷⁶ Michele Tafoya, *Gutfeld!*, Fox News (May 21, 2022), https://archive.org/details/FOXNEWSW_20220521_230000_Gutfeld/start/1560/end/1620.

statements with knowledge of—or, at minimum, reckless disregard for—their falsity.

85. Fox knew that the video posted by @mazemoore had been edited to omit crucial context. It knew that Twitter had rolled out a trial run of Birdwatch, and it knew that Jankowicz was describing a social media program, not her own plans for government censorship.
86. Notably, on May 14, 2022, before at least two of these claims were made, the Associated Press published a fact-checking article, “Old comments by disinformation board director misrepresented online,” explaining that the edited video had been used to misrepresent Jankowicz’s statements.⁷⁷

Jankowicz and Her Family Suffer Extreme Harassment and Threats as a Result of Fox’s Lies

87. Fox’s vitriol against Jankowicz resulted in immediate online harassment and threats, which continue even now.
88. Fox coverage was shared across social media platforms, where commenters made violent and, at times, anti-Semitic remarks about Jankowicz. For example, the following screenshots, posted in response to a Fox clip, evidence an exchange between Gab users:

⁷⁷ Sophia Tulp, “Old comments by disinformation board director misrepresented online,” Associated Press (May 14, 2022), <https://apnews.com/article/Fact-Check-Disinformation-Board-Director-Twitter-049631150022>.



89. Similar exchanges appeared on Patriots.win, again in response to Fox coverage:



TCB: Carlson 'this is a nightmare unfolding in slow motion, but this is the point where we're just going to have to draw the line. No Joe Biden, you can't have a federally funded Ministry of Truth, & no Nina Jankowicz can't run it. You don't get to do this to a free people (VIDEO) [lwner.com](#)

posted 10 days ago by [redacted] +75 / -0

[3 comments](#) [share](#) [save](#) [hide](#) [report](#) [block](#) [hide child comments](#)



[redacted] 2 points 10 days ago +2 / -0



Except they will do this. because we aren't a free people and we're not violent enough to stop them

[permalink](#) [save](#) [report](#) [block](#) [reply](#)



Tucker This the point where we have to draw the line (Biden's Ministry of Truth) [www.youtube.com](#)

posted 11 days ago by [redacted] +2326 / -4



[188 comments](#) [share](#) [save](#) [hide](#) [report](#) [block](#) [hide child comments](#)

Well when those Nazi fucks knock on the door. They should be greeted with Mr 12 Gauge Slugs.

▲ [redacted] 11 points 11 days ago +11 / -0

▼ She is a Russian Jew. She is where they want her to be
permalink save report block reply

▲ [redacted] 5 points 11 days ago +5 / -0

▼ Every single time .
permalink parent save report block reply

▲ [redacted] 8 points 11 days ago +8 / -0

▼ Wake me up when the Republicans actually get around to doing something about ii
permalink save report block reply

▲ [redacted] 9 points 11 days ago +9 / -0

▼ The RIhIOS aren't going to do anything WE have tD do it
permalink parent save report block reply

90. Jankowicz has lost track of the number of times she's been told to kill herself. Examples of direct messages to this effect follow.



PaceDoo k

View profile



9JC0book

View profile

Kill yourself you subhuman sack of shit. Leftist rodents like you specialize in lies.



Go hang yourself you leftist cunt



Block

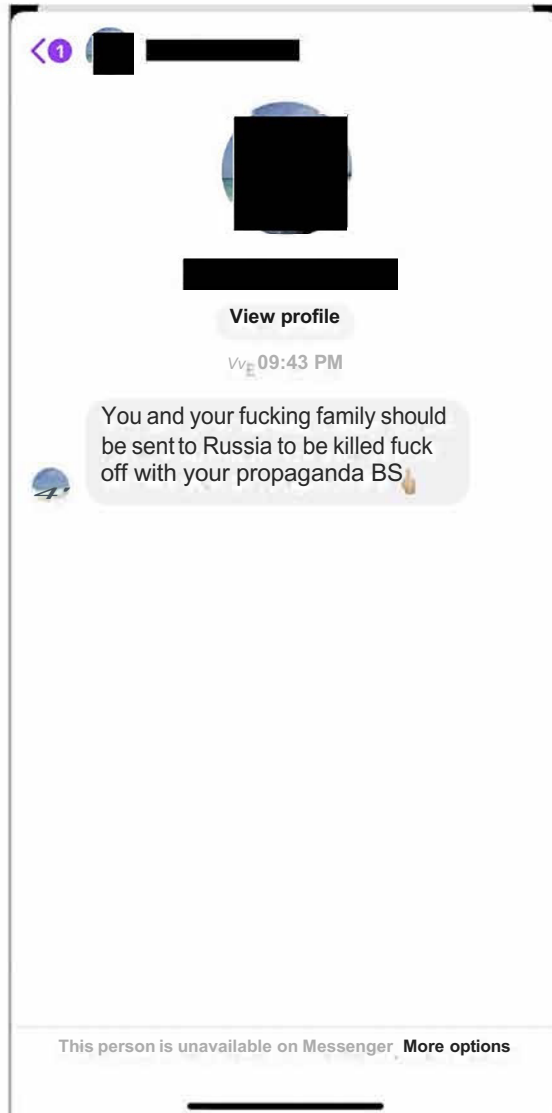
Delete



Block

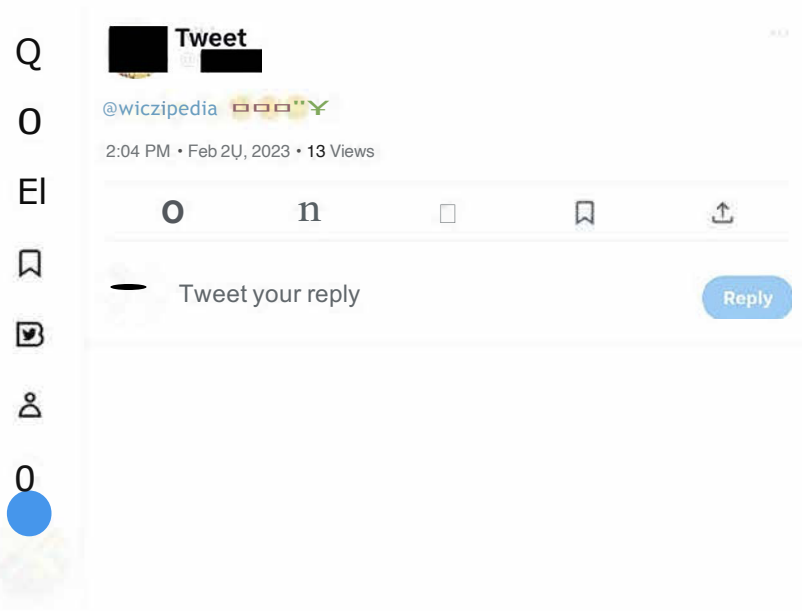
Delete





91. Others still tweeted threats at Jankowicz, whose Twitter handle is @wiczipedia. At times, those threats included overt calls to violence. One user posted, simply, Jankowicz's handle followed by three clown heads and a **gun_**⁷⁸

⁷⁸ @NGI25_, Twitter (Feb. 27, 2023), https://twitter.com/NGI25_/status/1630312893009862658.



92. Others tweeted threats, repeating or implying Fox's lies about Jankowicz's plans to use her government post to censor speech.⁷⁹



⁷⁹ @MarkDarin5, Twitter (May 13, 2022), <https://twitter.com/MarkDarin5/status/152506594862928281??cxt=HHwWgsC98c3Zj6oqAAAA>; @CobyCrewse, Twitter (June 1, 2022), <https://twitter.com/cobycrewse/status/1532153832754532354>; @ProjectVirginia, Twitter (July 18, 2022), <https://twitter.com/ProjectVirginia/status/1549093893253214208>.

Hey slut
Quit your job before we destroy your life.
Everything you've ever cared about will be
taken from you.

Q e Tweet



THIS MASSIVE CUNT WILL NOT LIKE THE OUTCOME OF HER
TRAITOROUS ACTIONS.

4:50 AM May 13, 2022



T've et your rev ly



Jankowicz is a traitor to We The People USA
and should be publicly executed.



action! threats ain't good enough. Need
sir!!!!



you have months before conservatives take control...you will be
tried as a traitor and a treasonous government official. Make your mind up
now...



You worked for NDI in 2014 Ukraine's
Color Revolution and coup...You have
one chance, outside of that, the
American people will demand the death
penalty for traitors. When the trust
comes, you have no relief.

the truth or the death
penalty.

- 🔍
- 🔔
- ✉️
- 🔖
- 📧
- 👤
- ⋮
- 🔄

Tweet [redacted]

@wiczipedia



6:15 PM · Jun 1, 2022

- 💬
- 🔄
- ❤️
- 🔖
- 📤

Tweet your reply

Reply



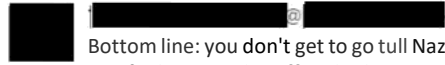
I do 'I know how many times I need tD say this, but if you are a lefty and you try to fuck with our people, IT WILL NEVER END FOR YOU

Your lifu changes as of that moment and you no longer get a say in the matter

You will be pursued to the bitter end, relentlessly and vengefully



Tv/eet yc ur resly'



18,222

Bottom line: you don't get to go tull Nazi and then geta take-back when you find out you bit off mole than you can chew

as the Loudoun groomed commies have

as Wei rd Mina Jankowicz is finding out

as anyone else who fucks around will find out

OCIV > *

93. An ostensible insurance agent emailed Jankowicz on an account she uses as an adjunct professor at Syracuse, “You're the truth detector? You've heard of Joseph Goebbels, right? Hmmm, will you end be similar to his? We shall see.” The individual was not alone; others, too, drew unjustified and unjustifiable comparisons between Jankowicz and Goebbels.

94. Others called for Jankowicz to be doxed.¹⁰

¹⁰ @GIZADOG, Twitter (Apr. 30, 2022), <https://twitter.com/gizadog/status/1.520432688053727232>; @Oozecooze69, Twitter (Apr. 30, 2022), <https://twitter.com/Oozecooze69/status/1520302853679726592>.

7:20



Today

well somebody please Dox Nina jankowicz. this woman should be exposed humiliated *and* destroyed she should have her life ruined. It is time to take the gloves off and stop turning the other cheek these People will never fight fair. Time to fight fire with fire.

[https://twitter.com/\[redacted\]
status/1520531664383868929](https://twitter.com/[redacted]/status/1520531664383868929)



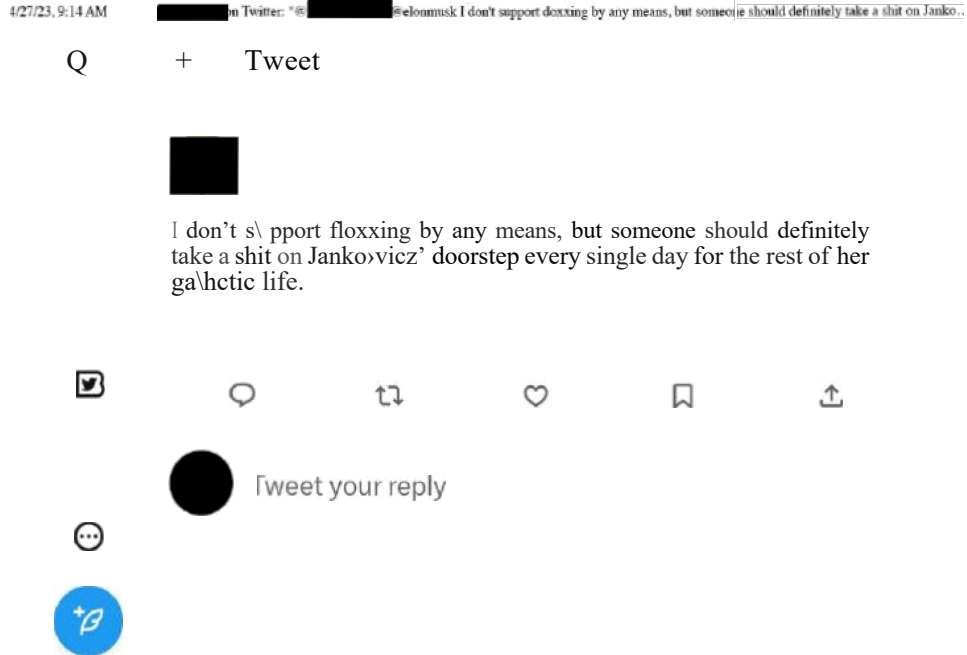
[https://twitter.com/\[redacted\]
1520432688053727232](https://twitter.com/[redacted]/status/1520432688053727232) p,,

somebody dox this woman. she needs to be exposed humiliated and ruined.

[https://twitter.com/\[redacted\]
status/1520531215937269760](https://twitter.com/[redacted]/status/1520531215937269760) ,,,

+ New Message





Jankowicz's Life Has Been Changed Inalterably

- 9J. Jankowicz was, in fact, doxed. Her address and personal details about herself and her family members were posted online. Individuals threatened Jankowicz's mother, husband, and son.
- 96 Even during her period of government service, Jankowicz had no security detail. She was forced to hire an investigator and security consultant. who told her that, in his professional judgment, she could not safely continue to reside in her family home.
97. Jankowicz has suffered unrelenting threats and harassment from the spring of 2022 through the present. The specific examples included within this Complaint are a mere sampling of an incalculable number of tweets,

messages, emails, and voicemails directed at Jankowicz. Jankowicz has been told to expect death an untold number of times.

98. In an analysis of approximately 50,000 tweets between April 2022 and April 2023 that reference Jankowicz's Twitter handle @wiczipedia, nearly 2,000 tweets linked Jankowicz to extremist conspiracy theories, perceived totalitarianism, or satanism. More than 350 included antisemitic or misogynistic attacks against Jankowicz. 131 tweets threatened violence, hostile action, or advocated the use of Jankowicz's personal information to target her. This analysis only considered tweets including Jankowicz's Twitter account @wiczipedia, and many of the most extreme posts did not reference Jankowicz's account.
99. For a period of time, Jankowicz received death threats every day, via tweet, message, email, and voicemail. She has been recognized on the street and can no longer engage in her hobbies, including community theater, as a result of her fear that the threats of violence will come to fruition.
100. Jankowicz has endured, and continues to endure, severe emotional and mental distress, including sleeplessness, anxiety, and fear for the lives of herself and her family members.
101. Fox's defamatory coverage of Jankowicz caused and exacerbated the harms she has experienced in her personal life.

102. Moreover, Fox’s false statements about the Board’s and Jankowicz’s purported views, actions, and intentions have substantially and irreparably harmed Jankowicz’s business reputation and ability to work with institutions (public and private) on matters related to disinformation without the “baggage” of her completely false reputation concerning government censorship. In other words, based on verifiable falsehoods, Fox has made Jankowicz radioactive and deterred others from working with her as they otherwise would.

Fox Holds Itself Out as a Trusted News Source

103. Fox is and believes itself to be a trusted news source for millions of viewers. Its “guiding principles” include: “building a culture of trust, integrity and ethical behavior.” Fox purports to be “uncompromisingly committed to being neutral arbiters of timely news” and proclaims that it “consider[s] journalistic independence and editorial integrity to be sacrosanct.” Its “opinions do not drive [its] news reporting, which pursues the facts wherever they lead.”⁸¹

104. Fox’s false and inflammatory reporting on Jankowicz turns these principles on their head. Far from offering “independent” analysis and accurate

⁸¹ Fox Corp., Standards of Business Conduct (June 2022), <https://media.foxcorporation.com/wp-content/uploads/prod/2022/06/17135056/Fox-6.15.22-SOBC.pdf>.

reporting, Fox’s reporters, commentators, broadcast hosts, and invited guests parroted the same false and incendiary talking points about Jankowicz, seemingly on repeat, and often with nearly identical phrasing.⁸²

105. Fox’s editorial content is independent in one sense—it is offered independent of the facts. Indeed, Fox has an entire “Brainroom” dedicated to investigating facts.⁸³ And yet, even when the Brainroom gets the facts right, Fox will disregard its work, choosing ratings—delivered through increasingly pitched, inflammatory content—over integrity.⁸⁴

106. Fox further claims to “maintain strict separation between revenue sources and [its] news reporting and editorial opinions” and to “not let revenue sources dictate our new and opinion coverage.”⁸⁵ Not so. Money—not commitment to public discourse—dictates Fox’s coverage. When a conflict between ratings and the facts arises, the ratings win.⁸⁶ What happened to Jankowicz

⁸² *Id.*

⁸³ See Ord. on Summ. J. Mots. 17, *US Dominion, Inc. v. Fox News Network, LLC*, C.A. Nos. N21C-03-257 EMD & N21C-11-082-EMD (March 31, 2023).

⁸⁴ Dominion’s Combined Opp’n to Fox News Network, LLC’s & Fox Corp.’s Rule 56 Mots. for Summ. J., *US Dominion, Inc. et al. v. Fox News Network, LLC*, No. N21C-03-257 EMD, at 137 (Del. Sup. Ct. Feb. 8, 2022; Redacted Public Version filed Feb. 27, 2023) (recounting that the Brainroom had fact checked and debunked 18 of 20 challenged statements before they were made).

⁸⁵ Fox Corp., Standards of Business Conduct (June 2022), <https://media.foxcorporation.com/wp-content/uploads/prod/2022/06/17135056/Fox-6.15.22-SOBC.pdf>.

⁸⁶ See, e.g., Dominion’s Combined Opp’n to Fox News Network, LLC’s & Fox Corp.’s Rule 56 Mots. for Summ. J., *US Dominion, Inc. et al. v. Fox News*

was no accident; Fox has created a monster, churning out increasingly venomous content in a desperate play to retain control of the outrage machine.

COUNT I: DEFAMATION & DEFAMATION *PER SE*

107. Defendants Fox News Network, LLC, and Fox Corporation have made defamatory statements against Nina Jankowicz as described in the preceding paragraphs.
108. Fox's defamatory statements have been widely published and broadcast throughout the United States, including on television and digital media platforms.
109. Fox's defamatory statements are false. They are factually false, and they imply false facts to the consumer.
110. The defamatory statements are either plainly defamatory or defamatory by implication. A reasonable person would understand that Fox claimed Jankowicz: (1) intended to and did in fact engage in government censorship; (2) was terminated for her social media posts; and (3) proposed editing others' tweets.

Network, LLC, No. N21C-03-257 EMD, at 28 (Del. Sup. Ct. Feb. 8, 2022; Redacted Public Version filed Feb. 27, 2023) (recounting Rupert Murdoch's testimony that he did not want to antagonize Trump because "He had a very large following, and they were probably mostly viewers of Fox, so it would have been stupid").

111. As a result of Fox's defamatory statements and publications, Jankowicz received substantial objectionable and unreasonable publicity, indicating that Fox's defamatory statements were understood to be true by its consumers. These statements placed Jankowicz in a false position before the public.
112. Fox published the defamatory statements against Jankowicz with actual malice. The statements were made with actual knowledge of their falsity or with reckless disregard of the same.
113. Fox published the defamatory statements against Jankowicz with common-law malice. Fox was motivated by ill will and spite toward Janowicz, which is plainly evidenced in its reporting outlined above.
114. Fox's defamatory statements were not privileged.
115. Fox's defamatory statements are defamatory per se because they obviously would, and in fact did, injure Jankowicz in her professional capacity.
116. Fox's defamatory statements and their publication have directly and proximately injured Jankowicz.
117. Because Fox defamed Jankowicz with actual and common-law malice, it is liable to Jankowicz for punitive damages.

PRAYER FOR RELIEF

Plaintiff Nina Jankowicz demands judgment against Defendants as follows:

1. Compensatory damages in an amount to be established at trial for Jankowicz's economic, emotional, reputational, and other injuries traceable to Fox's legal violations;
2. Punitive damages;
3. Plaintiff's expenses and costs, including attorney's fees and expert fees; and
4. Such other and further relief as the Court deems appropriate.

JURY DEMAND

Plaintiff Nina Jankowicz demands a trial by jury on all claims and issues so triable.

Dated: May 10, 2023

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)

Michael J. Farnan (Bar No. 5165)

A large black rectangular redaction box covering the signature and name of the attorney.

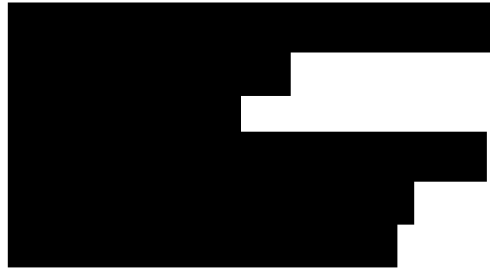
Of Counsel:

Constance Van Kley*

Rylee Sommers-Flanagan*

Niki Zupanic*

UPPER SEVEN LAW

A large black rectangular redaction box covering the signature and name of the attorney.

Max Rodriguez*

Pollock Cohen LLP

A large black rectangular redaction box covering the signature and name of the attorney.

*to seek admission *pro hac vice*

Exhibit A

PRE-DECISIONAL/DELIBERATIVE
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U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

September 13, 2021

INFORMATION

MEMORANDUM FOR THE SECRETARY

FROM: Roben Silvers /N
Under Secretary
Office of Strategy, Policy, and Plans

Samantha Vinograd Zs/
Senior Counselor for National Security
Office of the Secretary

SUBJECT: Organizing DRS Efforts to Counter Disinformation

The spread of disinformation¹ presents serious homeland security risks:

- Conspiracy theories about the validity and security of elections may undermine trust in core democratic institutions, amplify threats against election personnel, and jeopardize the voting rights of vulnerable communities.
- Disinformation related to the origins and effects of COVID-19 vaccines or the efficacy of masks undercuts public health efforts to combat the pandemic.
- Foreign terrorists, nation-states, and domestic violent extremist (DVE) groups leverage disinformation narratives to amplify calls to violence, including racially or ethnically motivated and anti-government/anti-authority violence. These actors often amplify and exploit narratives that already exist in public discourse, such as disinformation surrounding the validity of the 2020 election underpinning calls to violence on January 6, 2021.
- Disinformation can complicate the performance of core DHS missions. Falsehoods surrounding U.S. Government immigration policy drive vulnerable populations to pay smugglers to bring them on the dangerous journey to our southern border. Disinformation can hamper emergency responders in the aftermath of natural disasters or other incident responses.

DHS efforts to combat disinformation must account for the sensitivities inherent to this mission:

- » The Department must ensure its counter-disinformation efforts do not have the effect of chilling or suppressing free speech and free association or of infringing on individuals' privacy or other First Amendment protected activity.
- + The protection of privacy, civil rights, and civil liberties must be incorporated into every step of this work and any overarching framework guiding its execution.

¹ The term disinformation will be used to refer to and of mis-, dis-, or mal-information, or other terms of art that refer to false information that is intentionally or inadvertently injected into the information environment.

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Release Authorized by Senator Grassley and Senator Hawley

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Subject: Organizing DHS Efforts to Counter Disinformation

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- the counter-disinformation mission, including the choices as to what issue areas to focus on, must not be politicized and must be protected from perceptions of politicization.
- DI-IS should not attempt to be an all-purpose arbiter of truth in the public arena. It should instead focus its efforts on disinformation impacting DHS core missions.
- DHS's role in responding to disinformation should be limited to areas where there are clear, objective facts (i.e., medical evidence regarding COVID; factual information about elections administration and security, DVE narratives) and where DHS has particular expertise and a strong oversight structure to ensure legal and policy review of any response efforts.
- DHS has a unique role to play in information sharing across the government, with SLTT entities, and with the public. DHS is uniquely situated to share information in an authoritative way, something that the private sector and academia cannot do. Conversely, information sharing carries risks for the Department and must be accomplished in a way that is perceived as unbiased and viewpoint neutral.
- » In addition, the federal government may not always be the ideal or most trusted voice on a given topic. DHS should work closely as appropriate with state, local, tribal, and territorial (SLTT) authorities and private sector partners.

DCIS Functions and Existing Efforts to Counter Disinformation

DHS components are already engaged in countering disinformation, with activities falling into five functions that are performed by the components themselves or through third-party resources: 1) identification of disinformation relevant to DHS's mission; 2) analysis of its source and influence; 3) information sharing regarding threats posed by disinformation, 4) response to the Misinformation threat; and 5) building resilience to disinformation. There is also excellent work being done by interagency partners, the private sector, and academia particularly concerning identifying and analyzing disinformation and DHS should leverage this work when possible.

1) *Identification*: Information gathering on disinformation threats and trends.

- I&A's Homeland Influence Task Force collects information on possible disinformation from publicly available sources as well as other intelligence sources where the collection furthers one of I&A's authorized intelligence missions such as foreign intelligence and protection of critical infrastructure.
- CISA gathered information on disinformation related to the elections with SLTT partners leading up to the 2020 election and has limited authority to collect information on disinformation related to critical infrastructure.

2) *Analysis*: Assessing the impact of specific disinformation narratives on the homeland or on DHS missions.

- I&A, as well as other components engaging in intelligence and analytic functions, produce analysis on disinformation threats, whom they may be targeting, and what attendant risks might arise.

3) *Information S/infrag*: Providing timely, quality information on disinformation threats and strategic trends to stakeholders including SLTT authorities, private sector partners, or the public directly.

- » Leading up to the 2020 election, CISA relayed reports of election disinformation from election officials to social media platform operators.

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Subject: Organizing DHS Efforts to Counter Disinformation

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- I&A distributes intelligence products to SLTT partners related to disinformation threats. Most recently, I&A issued a Public Safety Notification concerning the possible threat of violence motivated by conspiracy theories related to the “reinstatement” of Conner President Trump.
 - » The August 13, 2021 National Terrorism Advisory System Bulletin referenced the threat of disinformation spread by foreign and domestic threat actors.
- 4) *Response:* Factually countering disinformation through public communications channels to mitigate related threats, increase awareness, and improve public safety.
- During the 2020 election, CISA maintained a ‘Rumor Control’ website to counter foreign disinformation related to the security and conduct of the vote. CISA sought to ‘prebunk’ incorrect claims with factual information.
 - In your August 12, 2021 public remarks in Brownsville, TX concerning the southwest border, you stated your intention to “debunk false information that has been spread,” sharing factual information about the situation on the ground and DHS’s border enforcement and policies.
- 5) *Building Resilience:* Improving the public’s ability to detect disinformation through digital and media literacy, where DFIS has a unique role to play, programs and civic education. These programs are coordinated with federal, SLTT, and private sector partners.
- CISA launched a graphic novel series to reach potentially impacted communities in a non-traditional way. The novels educate on the dangers of disinformation and how to detect it.
 - Policy is working with the Department of Education to build resilience to disinformation and CP3 Digital Forums and Community Awareness Briefings could further address digital media literacy, empowering communities to mitigate the harmful effects of online encouraging violence.
 - S&T Technology Centers are examining methods to mitigate disinformation, to include leveraging global research leaders on this topic and to provide scientific advice in support of Department initiatives.

Models to Structure DHS Counter-Disinformation Efforts

There are many possible ways to structure DHS counter-disinformation efforts moving forward. The models presented below for your consideration represent a spectrum of options, from fully federating counter-disinformation operations to operational components, to building in varying levels of Headquarters oversight, governance, and coordination.

Option 1 Fully Federated Model: Operational Components Execute Independently

The DHS counter-disinformation mission would be entirely federated to components, which would report to the Secretary and Deputy Secretary in the ordinary course but would not otherwise be governed by specific headquarters policies or guidance on this topic beyond existing DHS oversight functions. This model generally resembles the status quo in which components identify and prioritize disinformation threats in their respective mission spaces (sometimes relying on I&A intelligence reports), plan and execute operations, and conduct their own oversight and governance. It also means that each component operates under its own authorities, including the limits on these authorities.

Option 2 Governance Board Model: Independent Component Execution Under an Overarching DHS Protective Framework

Execution of DHS counter-disinformation operations would be federated to components, but subject to overarching Department-wide governance requirements to ensure that a common set of issue-agnostic safeguards and oversight tools are employed. Policy could convene a governance board that would

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Subject: Organizing DHS Efforts to Counter Disinformation

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promulgate policy and legal requirements setting forth baseline requirements that all components must meet in their counter-disinformation work, to include protections ensuring compliance with applicable civil rights and civil liberties, privacy and legal requirements, such as First Amendment and Privacy Act requirements. Members would include all components conducting counter-disinformation operations as well as CRCL, PRIV, OGC, I&A, SET, and MGMT.

The board's role would not be prescriptive, instead providing components with guidelines and minimum safeguards applicable across disinformation missions, regardless of the topic. The board could also develop and share with components best practices, to include:

- Risk assessment methodologies to prioritize disinformation threats with a nexus to violence or that pose a direct risk to operations;
- » Guidelines for partnering with or procuring counter-disinformation services from the private sector consistent with the sensitivities addressed above; and
- » Best practices for auditing or other oversight of counter-disinformation operations.

The board could also convene DHS stakeholders when new disinformation threats emerge or are identified by interagency partners that do not clearly fit within a disinformation mission already being performed by a DHS component. The board would determine who within the Department is best positioned to address the threat, make recommendations to the Secretary as to how the new threat should be addressed, and support whichever operational component is taking on the mission in standing up with appropriate governance.

The board would not play a role in coordinating or overseeing operations. Components would determine the functions they need for their counter-disinformation missions and how they will perform them. For example, a component could conduct identification and analysis itself, or leverage reporting from I&A or another federal agency, or engage private sector services.

Component would also be responsible for partner engagement in their respective mission spaces, including with the interagency, SLTfi authorities, private sector entities, tech platforms, and the general public. Components would work together as needed to coordinate engagement with partners to avoid organizations receiving overlapping outreach from multiple parts of the Department.

Option 3 Disinformation Coordinator Model: Coordinated Oversight and Operations

The most centralized approach could involve a newly-designated Coordinator for Countering Disinformation, modeled after the Department's Counterterrorism Coordinator. The Coordinator would work with components (and potentially non-DHS agencies should the administration encourage such an approach) to develop policies, procedures, and guidelines, and identify required resources to mature the Department's disinformation capabilities. Components would still be responsible for executing their respective disinformation missions, but the Coordinator would regularly convene components to facilitate the identification and analysis of disinformation threats and coordinate operational responses.

The Coordinator would also be responsible for developing homeland security counter-disinformation functions in coordination with components, other federal agencies, international partners, academia, non-profits, and the private sector, to include:

- Instituting Department-wide governance and oversight structures to ensure counter-disinformation efforts satisfy, among other considerations, civil rights and civil liberties, privacy, and legal (including First Amendment) requirements (similar to Option 2 above);

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- « Growing DHS counter-disinformation capacity by ensuring components develop expertise through new hiring, training, and external partner engagement;
- » Keeping apprised of the overall disinformation environment and coordinating action with relevant agencies and stakeholders on cross-cutting issues.
- Reviewing and making recommendations with respect to DHS authorities to counter disinformation;
- Developing policies for DHS public communications on disinformation as well as driving engagement with SLTT and private sector entities, including platform operators, together with components;
- Engaging SLTT authorities to respond to the disinformation threat, including through Fusion Centers and state homeland security advisors; and
- » Serving as a central point of contact for interagency partners such as the White House, State's Global Engagement Center, DOJ, HHS, DOD, and the Intelligence Community.

PLCY recommends Option 2, to ensure nimbleness and component ownership of their mission spaces, while also providing assurance that all programs across the Department will operate in a manner consistent with our values. All components recommend a fulsome discussion with you to chart the way forward in this challenging space, so that a detailed action and implementation plan can be developed based on your guidance.

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