



**THE FBI'S COLLABORATION WITH A COMPROMISED UKRAINIAN
INTELLIGENCE AGENCY TO CENSOR AMERICAN SPEECH**

Interim Staff Report of the
Committee on the Judiciary
and the
Select Subcommittee on the Weaponization of the Federal Government

U.S. House of Representatives



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EXECUTIVE SUMMARY

“Such an array of crimes against the foundations of the state’s national security, and the links recorded between Ukrainian security forces and Russian special services raise very serious questions about their respective leaders.”

– Ukrainian President Volodymyr Zelenskyy, July 17, 2022.¹

The First Amendment to the Constitution of the United States is the bedrock of our political system and guarantees every American the right to speak his or her mind freely and without interference from the government. It is predicated on the understanding that no government official has a monopoly on the truth and that every American is capable of evaluating competing claims and deciding what to believe.

On February 15, 2023, as part of its investigation into the federal government’s role in censoring lawful speech on social media platforms, the Committee on the Judiciary issued a subpoena to Meta,² the parent company of Facebook and Instagram, and Alphabet,³ the parent company of Google and YouTube. Documents obtained in response to those subpoenas revealed that the Federal Bureau of Investigation (FBI), on behalf of a compromised Ukrainian intelligence entity, requested—and, in some cases, directed—the world’s largest social media platforms to censor Americans engaging in constitutionally protected speech online.



The Committee’s investigation has revealed that the FBI, the federal law enforcement agency responsible for disrupting foreign malign influence,⁴ facilitated censorship requests to American social media companies on behalf of a Ukrainian intelligence agency infiltrated by Russian-aligned actors. In so doing, the FBI violated the First Amendment rights of Americans and potentially undermined our national security. In light of well-documented instances of the

¹ Ben Hall, *Volodymyr Zelenskyy fires security chiefs over ‘treasonous’ officials*, FINANCIAL TIMES (July 17, 2022).

² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mark Zuckerberg, CEO, Meta Platforms, Inc. (Feb. 15, 2023).












³ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Sundar Pichai, CEO, Alphabet Inc. (Feb. 15, 2023).

⁴ *Combating Foreign Influence*, FEDERAL BUREAU OF INVESTIGATION, <https://www.fbi.gov/investigate/counterintelligence/foreign-influence> (last visited July 7, 2023).

FBI’s civil liberties abuses, this new information raises grave concerns about the FBI’s credibility as the nation’s premier law enforcement organization.⁵

Following Russia’s invasion of Ukraine in February 2022, the Security Service of Ukraine (SBU⁶) sought to identify and impair suspected Russian influence operations on social media.⁷ The SBU enlisted the FBI in support of this effort, transmitting to the FBI lists of social media accounts that allegedly “spread Russian disinformation.”⁸ The FBI, in turn, routinely relayed these lists to the relevant social media platforms, which distributed the information internally to their employees in charge of content moderation and enforcement.⁹ The graphic above illustrates the FBI’s intermediary role in the SBU’s censorship operation; the graphic below illustrates the remarkable frequency with which requests were sent by the FBI and SBU to American social media platforms.

Known FBI/SBU Requests: March 2022

SUN	MON	TUE	WED	THU	FRI	SAT
		 1	 2	3	4	 5
 6	 7	 8	9	10	 11	12
13	 14	15	16	 17	 18	19
 20	21	 22	23	24	 25	26
 27	 28	 29	30	31		

⁵ See, e.g., STAFF OF SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., FBI WHISTLEBLOWER TESTIMONY HIGHLIGHTS GOVERNMENT ABUSE, MISALLOCATION OF RESOURCES, AND RETALIATION (Comm. Print 2023); STAFF OF SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., A “MANUFACTURED” ISSUE AND “MISAPPLIED” PRIORITIES: SUBPOENAED DOCUMENTS SHOW NO LEGITIMATE BASIS FOR THE ATTORNEY GENERAL’S ANTI-PARENT MEMO (Comm. Print 2023).

⁶ Official U.S. government sources, including the FBI, refer to the Security Service of Ukraine as the SBU, an initialism taken from its Romanized Ukrainian name, *Sluzhba Bezpeky Ukrainy*. Official Ukrainian government sources often refer to the organization as the “SSU,” from its translated name, the *Security Service of Ukraine*.

⁷ See, e.g., *Since war started, SSU shuts down 5 enemy’s bot farms with over 100,000 fake accounts*, SECURITY SERVICE OF UKR. (Mar. 28, 2022); *SSU dismantles enemy’s networks that carried out cyber-attacks and information sabotage against Ukraine*, SECURITY SERVICE OF UKR. (Apr. 22, 2022).

⁸ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

⁹ See, e.g., e-mail from Facebook employee to Aleksandr Kobzanets (Mar. 14, 2022, 6:51 AM) (on file with the Comm.); e-mail from Google employee to Aleksandr Kobzanets (Mar. 11, 2022, 6:31 PM) (on file with the Comm.).

The Committee’s analysis of these “disinformation” registries revealed that the FBI, at the request of the SBU, flagged for social media companies the authentic accounts of Americans, including a verified U.S. State Department account and those belonging to American journalists. The FBI and SBU repeatedly requested the removal or suspension of authentic accounts expressing unambiguously pro-Ukrainian views, as well as those voicing opposition to Russian President Vladimir Putin. At times, the FBI would even follow up with the relevant platform to ensure that “these accounts were taken down.”¹⁰ Regardless of its intended purpose in endorsing the SBU’s requests, the FBI had no legal justification for facilitating the censorship of Americans’ protected speech on social media.

In July 2022, Ukrainian President Volodymyr Zelenskyy fired the head of the SBU on account of Russian infiltration of the SBU.¹¹ Given that the SBU was compromised by a network of Russian collaborators, sympathizers, and double agents at the time of its interactions with the FBI,¹² the FBI’s uncritical cooperation with the SBU’s requests is deeply concerning. The inclusion of American accounts on the SBU’s lists indicates that the FBI either did not properly vet the SBU’s requests or was aware of their domestic nature, and nonetheless carried them out. These findings highlight the need for additional oversight and legislative reform to protect Americans’ free speech rights.

The Committee, through and with its Select Subcommittee on the Weaponization of the Federal Government, is charged with investigating “violation[s] of the civil liberties of citizens of the United States.”¹³ Pursuant to this authority and the Committee’s responsibility to conduct oversight of the FBI, this interim staff report fulfills the ongoing obligation to identify and report on the weaponization of the federal government against the American people. The Committee and Select Subcommittee will continue to investigate the FBI’s relevant interactions with the SBU and social media platforms in order to better inform the Committee’s legislative efforts to safeguard Americans’ civil liberties.

¹⁰ E-mail from Patrick Miller to Facebook employee (Mar. 9, 2022, 9:33 AM) (on file with the Comm.).

¹¹ Hall, *supra* note 1.

¹² See, e.g., Mari Saito and Maria Tsvetkova, *How Russia spread a secret web of agents across Ukraine*, REUTERS (July 28, 2022); Peter Beaumont, *Volodymyr Zelenskyy appoints new spy chief after Russian infiltration*, GUARDIAN (July 18, 2022); *Russians Managed to Infiltrate Leadership of Ukraine’s Security Service*, KYIV POST (Apr. 14, 2023); Yaroslav Trofimov and Alan Cullison, *Pro-Russian Infiltrators Are Ready to Pounce Should All-Out War Begin, Ukrainian Officials Warn*, WALL STREET JOURNAL (Feb. 22, 2022).

¹³ H. Res. 12 § 1(b)(E).

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BACKGROUND

This interim report is based on material obtained by the Committee and the Select Subcommittee pursuant to subpoenas issued to Meta, the parent company of Facebook and Instagram, and Alphabet, the parent company of Google and YouTube. The facts as recounted in this report are merely a subset of the information obtained to date, but they provide a powerful indication of the FBI's failure to respect fundamental American civil liberties.

I. FBI components involved in the FBI-SBU censorship scheme

A. Foreign Influence Task Force (FITF)

Director Christopher Wray organized the FBI's Foreign Influence Task Force (FITF) in the fall of 2017 to "identify and counteract malign foreign influence operations targeting the United States."¹⁴ According to Director Wray, the FITF "is specifically charged with identifying and combating foreign influence operations targeting democratic institutions and values inside the United States."¹⁵ The "FITF is led by the Counterintelligence Division and comprises agents, analysts, and professional staff from the Counterintelligence, Cyber, Counterterrorism, and Criminal Investigative Divisions."¹⁶ The FITF coordinates extensively with social media platforms, conducting frequent meetings with companies.¹⁷ Representatives from FITF also participate in broader, joint meetings among members of the Intelligence Community (IC), the Cybersecurity and Infrastructure Security Agency (CISA), and social media companies.¹⁸

FBI Section Chief Laura Dehmlow is the "head of the FITF."¹⁹ On March 1, 2022, Section Chief Dehmlow briefed a misinformation subcommittee advising CISA—a component of the Department of Homeland Security—"regarding the FBI's Roles and Responsibilities in Combating Foreign Influence."²⁰ As Section Chief Dehmlow told the subcommittee, the FITF is responsible for responding to "foreign malign information," which she defined as "subversive data utilized to drive a wedge between the populace and the government."²¹ Section Chief Dehmlow also claimed during the meeting that the government "need[s] to early educate the populace" about mis-, dis-, and malinformation, because "critical thinking seems to be a problem currently."²²

¹⁴ *Oversight of the Federal Bureau of Investigation: Hearing Before the S. Comm. on the Judiciary*, 117th Cong., at 9 (2022) (statement of Hon. Christopher A. Wray, Director, Federal Bureau of Investigation).

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 9.

¹⁷ Deposition of FBI Special Agent Elvis Chan ("Chan Dep.") 39:2–40:15, *Missouri v. Biden*, No. 3:22-cv-01213 (W.D. La. 2022), ECF No. 144-2; *see, e.g.*, e-mail from Facebook employee to Elvis Chan (May 12, 2020, 10:45 AM) (on file with the Comm.); e-mail from Elvis Chan to FBI personnel and Google employees (May 6, 2020, 9:46 PM) (on file with the Comm.).

¹⁸ Chan Dep. 24:7–19, *supra* note 17; *see, e.g.*, e-mail from Google Calendar on behalf of Google employee to Facebook employee (May 13, 2020, 5:34 PM) (on file with the Comm.); e-mail from Google Calendar on behalf of Google employee to Facebook employee (June 1, 2020, 4:29 PM) (on file with the Comm.).

¹⁹ Chan Dep. 109:5–8, *supra* note 17.

²⁰ CISA CYBERSECURITY ADVISORY COMM., PROTECTING CRITICAL INFRASTRUCTURE FROM MISINFORMATION & DISINFORMATION SUBCOMMITTEE MEETING MARCH 1, 2022, at 1 (on file with the Comm.).

²¹ *Id.* at 1.

²² *Id.* at 2.

B. San Francisco Field Office

The primary liaison between the FBI and Silicon Valley is Elvis Chan, Assistant Special Agent in Charge of the Cyber Branch for the FBI's San Francisco division.²³ During the 2020 and 2022 election cycles, Agent Chan was responsible for organizing and hosting bilateral meetings between social media companies and the FITF.²⁴ In one e-mail to a Facebook employee sent shortly before the 2020 election, Agent Chan asked that the employee “ensure all Facebook referrals regarding foreign influence . . . come through San Francisco/me.”²⁵ Agent Chan added that the FITF had “specifically asked to have everything related to [Facebook referrals regarding foreign influence, elections, and national security cyber threats] get funneled to San Francisco since we know all the players and make sure everyone is looped in.”²⁶



C. Legal Attachés (Legats)

The FBI operates “63 legal attaché offices—commonly known as legats—and more than two dozen sub-offices in key cities around the globe.”²⁷ According to the FBI, the legats “serve as the FBI Director’s personal representative in the country where they have regional

²³ Chan Dep. 8:10–13, *supra* note 17.

²⁴ Chan Dep. 39:2–16, *supra* note 17.

²⁵ E-mail from Elvis Chan to Facebook employee (Oct. 27, 2020, 12:33 PM) (on file with the Comm.).

²⁶ *Id.*

²⁷ *International Operations*, FEDERAL BUREAU OF INVESTIGATION, <https://www.fbi.gov/about/leadership-and-structure/international-operations> (last visited July 7, 2023).

responsibilities.”²⁸ FBI Special Agent Aleksandr Kobzanets served as the Assistant Legal Attaché in Kyiv, Ukraine from 2020 to 2022, and “worked very closely with [his] Ukrainian Cyber counterparts on all cyber matters.”²⁹ In the aftermath of the Russian invasion of Ukraine in February 2022, Agent Kobzanets acted as the main conduit relaying requests for social media censorship from the SBU to American social media platforms.³⁰

Agent Mark Kellett, who was copied alongside Agent Chan on many of Agent Kobzanets’s communications with Meta, “[l]ed the operational and strategic direction and preparedness for 13 Legal Attaché offices in Eastern Europe and Eurasia,” from January 2021 to May 2022.³¹ Agent Kellett is now an Assistant Special Agent in Charge “[l]eading efforts of the Joint Terrorism Task Force to identify and disrupt terrorist plots by individuals and organized networks, with responsibility for six operational squads.”³²

II. Russian infiltration into the SBU

The FBI’s reliance on the SBU’s information and judgment is particularly alarming because of well-documented, deep-rooted Russian influence in the SBU.³³ In July 2022, President Zelenskyy fired the head of the SBU—months after the FBI had fulfilled the SBU’s requests for censorship—on account of Russian infiltration into the SBU.³⁴

A. The SBU’s historical ties to Russia, the KGB, and the FSB

After the collapse of the Soviet Union, the newly independent Ukrainian government established the SBU as the “successor organization to the Soviet-era KGB, from which it inherited its original staff, structure and modus operandi.”³⁵ Since its founding, the SBU has struggled with widespread infiltration by Russian double agents, sympathizers, and collaborators.³⁶ Throughout its history, the SBU’s “links to Russian security,” among other

²⁸ *International Offices*, FEDERAL BUREAU OF INVESTIGATION, <https://www.fbi.gov/contact-us/international-offices> (last visited July 7, 2023).

²⁹ *Alex Kobzanets*, RSA CONF., <https://www.rsaconference.com/experts/alex-kobzanets> (last visited July 7, 2023).

³⁰ *See, e.g.*, e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 5, 2022, 12:02 PM) (on file with the Comm.); e-mail from Aleksandr Kobzanets to Google employee (Mar. 14, 2022, 4:17 AM) (on file with the Comm.).

³¹ Mark Kellett, LINKEDIN, <https://www.linkedin.com/in/mark-kellett-174463246/> (last visited July 7, 2023).

³² *Id.*

³³ *See* Alexander Kapatadze, ORGANIZED CRIME, POLITICAL TRANSITIONS AND STATE FORMATION IN POST-SOVIET EURASIA, at 86–87 (2012); Philipp Fluri and Leonid Polyakov, *Intelligence and Security Services Reform and Oversight in Ukraine – An Interim Report*, 20 CONNECTIONS: THE Q. J. 51, at 52 (2021); Matthew Karnitschnig, *Corrupt spy agency tests Ukraine’s new president*, POLITICO (July 25, 2019); Stephen G. F. Hall, THE AUTHORITARIAN INTERNATIONAL: TRACING HOW AUTHORITARIAN REGIMES LEARN IN THE POST-SOVIET SPACE 154 (2023); Grzegorz Kuczyński, *Ukraine’s SBU Seeks to Rebuild its Reputation*, WARSAW INSTITUTE (Apr. 24, 2023); Christopher Miller, *Ukraine’s top intelligence agency deeply infiltrated by Russian spies*, MASHABLE (Dec. 30, 2014).

³⁴ Hall, *supra* note 1.

³⁵ Karnitschnig, *supra* note 33. *See* Fluri and Polyakov, *supra* note 33.

³⁶ *See* Kapatadze, *supra* note 33; Fluri and Polyakov, *supra* note 33; Karnitschnig, *supra* note 33; Hall, *supra* note 33; Kuczyński, *supra* note 33, Miller, *supra* note 33.

factors, have rendered the SBU “a service which [its] Western counterparts are hesitant to engage with.”³⁷

According to a *Guardian* interview of Major General Viktor Yahun, who served as the Deputy Chairman of the SBU between 2014 and 2015, the SBU “has long had an overly close relationship with its Russian counterpart, the FSB.”³⁸ Moreover, “[w]hile the generation that worked for the Soviet security services had retired, Yahun added, the recruitment practices of the SBU meant that their sons and daughters were now in the agency. . . . ‘Of course there were always [Ukrainian] patriots in the SBU, but they have been in the minority,’ he said.”³⁹ This assessment is shared by “Oleksandr Danylyuk, who served as Mr. Zelensky’s national-security adviser in 2019 and oversaw intelligence matters at the time.”⁴⁰ Shortly before the invasion, Danylyuk told the *Wall Street Journal* that as of February 2022, “Russia still retain[ed] a large network, including within the SBU intelligence service.”⁴¹

Immediately following the Russian invasion, Ukraine faced the consequences of the “long-standing Kremlin operation to infiltrate the Ukrainian state with secret agents,”⁴² many of whom occupied the highest ranks of the SBU.⁴³ For example, on February 24, 2022, Russian forces arrived at Ukraine’s Chernobyl nuclear plant where they were met with little to no resistance, successfully capturing the plant “[i]n less than two hours, and without a fight.”⁴⁴ A *Reuters* investigation subsequently revealed that “Russia’s success at Chornobyl was no accident,” but the result of Russian infiltration into the SBU and Ukrainian security apparatus.⁴⁵ Several months later, the Ukrainian government requested the extradition of Andriy Naumov, the former head of the SBU’s department of internal security.⁴⁶ Naumov had fled Ukraine shortly before the Russian invasion commenced, and is being investigated “on suspicion of treason for passing Chornobyl security secrets to a foreign state.”⁴⁷

B. President Zelenskyy purged the SBU of Russian collaborators after the SBU’s censorship work with the FBI

On July 16, the Ukrainian government arrested Oleg Kulinich, former head of the SBU’s Main Department in Crimea.⁴⁸ According to findings from Ukraine’s State Bureau of Investigations (SBI), Kulinich, who “controlled parts of the work of the Counter-Intelligence Department of SBU,” “had knowledge of Russia’s plans for the invasion of Ukraine from the

³⁷ Fluri and Polyakov, *supra* note 33.

³⁸ Daniel Boffey, *Ukrainian security service ‘needs cleanout’ after arrest of accused spy*, *GUARDIAN* (Jan. 26, 2023).

³⁹ *Id.*

⁴⁰ Trofimov and Cullison, *supra* note 12.

⁴¹ *Id.*

⁴² Saito and Tsvetkova, *supra* note 12.

⁴³ *Russians Managed to Infiltrate Leadership of Ukraine’s Security Service*, *supra* note 12.

⁴⁴ Saito and Tsvetkova, *supra* note 12.

⁴⁵ *Id.*

⁴⁶ *BBC: Ukraine seeks to extradite fugitive Security Service ex-general from Serbia*, *THE KYIV INDEPENDENT* (Oct. 21, 2022).

⁴⁷ Saito and Tsvetkova, *supra* note 12.

⁴⁸ Beaumont, *supra* note 12.

territory of Crimea, but he held back this information from the SBU central office.”⁴⁹ On the following day, July 17, President Zelenskyy suspended Ivan Bakanov, head of the SBU, citing “the large number of SBU staff suspected of treason.”⁵⁰ Zelenskyy also disclosed that “651 cases of alleged treason and collaboration have been opened against individuals in law enforcement and in the prosecutor’s office.”⁵¹

The extent of Russian influence remaining in the SBU today is unclear. According to an April 2023 interview of an SBI spokeswoman, “Russia’s FSB intelligence operatives had infiltrated both Ukraine’s SBU security service and local government, undermining Ukraine from within with the help from fugitive pro-Moscow Ukrainian officials.”⁵² The spokeswoman further “suggested that revelations to date could prove to be only the tip of the iceberg.”⁵³

All of the FBI’s interactions with the SBU discussed in this report occurred prior to Zelenskyy’s removal of Bakanov from his post atop the SBU and the arrest of Kulinich, Bakanov’s “personal advisor.”⁵⁴ Put simply, the FBI worked with and on behalf of a foreign intelligence agency—widely known to be compromised by Moscow at the time⁵⁵—and directly abetted efforts to censor Americans engaging in protected speech. As a result, the FBI agents’ actions had the potential to render substantial aid to the Kremlin’s war effort.

⁴⁹ *Russians Managed to Infiltrate Leadership of Ukraine’s Security Service*, *supra* note 12.

⁵⁰ Saito and Tsvetkova, *supra* note 12.

⁵¹ *Id.*

⁵² Veronika Melkozerova, *Insider job: Ukraine targets high-level double agents who helped Putin invade*, POLITICO (Apr. 20, 2023).

⁵³ *Id.*

⁵⁴ Konstantin Skorkin, *Traitors in the Ranks: Zelensky Purges Ukraine’s Security Services*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (July 28, 2022).

⁵⁵ *See, e.g.*, Trofimov and Cullison, *supra* note 12.

FBI CENSORSHIP EFFORTS ON BEHALF OF AND IN COORDINATION WITH THE SBU

I. The FBI and SBU sent Meta massive spreadsheets containing thousands of accounts to remove, including authentic American accounts

On March 1, 2022, FBI Special Agent Kobzanets sent an e-mail to a Meta employee with the subject “additional disinformation accounts.”⁵⁶ Copying Agents Kellett and Chan, Agent Kobzanets wrote, “I have a few more Instagram and [Facebook] accounts that according to the SBU spread Russian disinformation. For your review and action as deemed appropriate.”⁵⁷ According to his e-mail signature, Agent Kobzanets was then serving as the “Assistant Legal Attaché” for Ukraine and Belarus.⁵⁸



Agent Kobzanets attached two spreadsheets to his e-mail to Meta. One spreadsheet contained a catalog with the timestamp, text, and URL for 15,865 individual items of content on Instagram, including posts, stories, and reels.⁵⁹ The other spreadsheet contained a detailed registry of 5,165 Facebook accounts,⁶⁰ ostensibly suspected of “spread[ing] Russian disinformation.”⁶¹ This spreadsheet listed the date, text of the offending post or comment, various engagement metrics, URL, classification of the content’s “tone” as either “positive,”

⁵⁶ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

⁵⁷ *Id.*

⁵⁸ *Id.*


⁵⁹ “Inst our 23-28.xlsx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

⁶⁰ “FB OUR 23-28.xlsx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

⁶¹ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

“neutral,” or “negative,” and an entry for “aggression” or lack thereof, among other categories.⁶² The spreadsheet also listed the account holder’s name, gender, and physical location.⁶³

In the spreadsheet of 5,165 Facebook accounts that Agent Kobzanets sent to Meta on March 1, the three rightmost columns were identified as “country,” “region,” and “city.”⁶⁴ Much of the SBU’s spreadsheet consists of posts and comments by accounts located in Russia and Belarus.⁶⁵ However, interspersed among the accounts is a list of those belonging to United States residents. These accounts are labeled “США” or “USA” in Cyrillic script.⁶⁶



Аудитор	Коммент	Репост	Лайков	Вовлече	Просмот	Дублей	Тональн	Агрессия	Страна	Регион	Город
4836	31	1	122	154	0	3	нейтраль	Нет агрес	Россия	Иркутска	Ангарск
660	31	1	22	54	0	1	нейтраль	Сильная	Франция	n/a	Страсбург
1169	31	12	150	193	0	5	нейтраль	Нет агрес	Россия	Москва	Москва
124	30	1	90	121	0	1	нейтраль	Есть агрес	Чехия	n/a	Прага
625	30	0	138	168	0	1	негатив	Нет агрес	n/a	n/a	n/a
836	30	5	109	144	0	2	позитив	Нет агрес	n/a	n/a	n/a
17	30	0	74	104	0	1	нейтраль	Сильная	Россия	Москва	Москва
9590	30	34	381	445	0	2	негатив	Нет агрес	Франция	n/a	Париж
2739	30	3	75	108	0	3	негатив	Нет агрес	Антаркти	n/a	n/a
931	30	5	128	163	0	3	негатив	Нет агрес	n/a	n/a	n/a
3026	30	0	78	108	0	1	нейтраль	Есть агрес	Беларусь	n/a	Минск
2196	30	0	48	78	0	1	нейтраль	Нет агрес	Испания	n/a	Барселона
4975	30	1	51	82	0	3	негатив	Нет агрес	Россия	Республи	Кызыл
225	29	5	57	91	0	1	нейтраль	Нет агрес	США	n/a	Лонг-Бич
4909	29	1	10	40	0	13	позитив	Нет агрес	Россия	Москва	Москва
317	29	0	68	97	0	4	нейтраль	Нет агрес	n/a	n/a	n/a
465	29	0	23	52	0	1	нейтраль	Нет агрес	Россия	Свердло	Екатеринбург
7499	29	4	198	231	0	4	негатив	Есть агрес	Россия	Москва	Москва
543	28	3	78	109	0	1	негатив	Нет агрес	Россия	Москва	Москва
693	28	3	78	109	0	3	нейтраль	Нет агрес	n/a	n/a	n/a
1427	28	1	74	103	0	1	нейтраль	Есть агрес	Россия	Москва	Москва
3465	28	0	92	120	0	1	негатив	Нет агрес	Германи	Берлин	Берлин
4998	27	7	100	134	0	3	позитив	Нет агрес	Россия	Москва	Москва
321	27	3	67	97	0	2	нейтраль	Нет агрес	Россия	Свердло	Екатеринбург
897	27	0	28	55	0	1	негатив	Нет агрес	n/a	n/a	n/a
445	27	12	198	237	0	1	негатив	Нет агрес	Россия	Москва	Москва

By cross-referencing the names and biographical information associated with the flagged accounts against other social media platforms and public records, the Committee verified that many of the accounts labeled “USA” are authentic and belong to real people. In fact, while individual posts and comments on this list are no longer accessible, a number of the accounts labeled “USA” remain active on the Facebook platform.⁶⁷ Some examples of these accounts include:

⁶² “FB OUR 23-28.xlsx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.) translated from Russian to English.

⁶³ *Id.*

⁶⁴ *Id.* translated from Russian to English.

⁶⁵ *Id.*

⁶⁶ *Id.* translated from Russian to English.

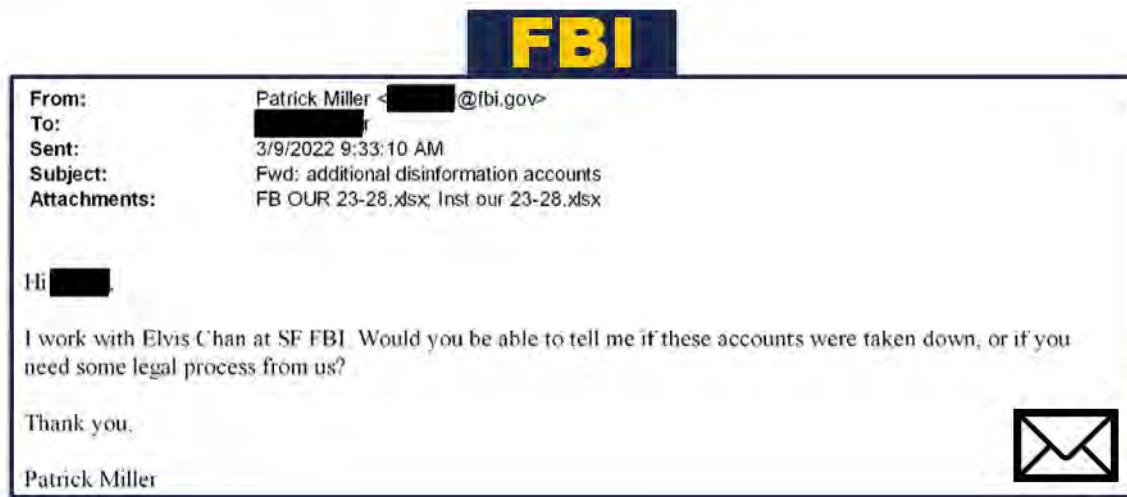
⁶⁷ *See Id.* translated from Russian to English.

- A photographer working with a studio in New York;
- A manager of a moving company in South Carolina;
- A musician and vocalist based in Minnesota;
- A professor at a university in California; and
- A children’s book author living in Washington state.⁶⁸

All of the posts and comments from accounts labeled “USA” in the spreadsheet of Facebook accounts had, at the time of the spreadsheet’s creation, fewer than 100 likes and 130 total engagements, including shares and comments.⁶⁹ This limited level of engagement is indicative of an expansive online surveillance apparatus and demonstrates the SBU’s desire to crack down on content in the early stages of dissemination, before it approaches the “virality threshold.”⁷⁰

II. The FBI offered Meta legal cover to remove the SBU’s flagged accounts

It appears that Meta did not immediately take noticeable action against these accounts. Three days after Agent Kobzanets’s e-mail, Agent Chan forwarded the message to Agent Christopher Stark and Agent Patrick Miller, both based in the FBI’s San Francisco field office.⁷¹ Agent Miller subsequently e-mailed the Meta employee, writing, “I work with Elvis Chan at [San Francisco] FBI. Would you be able to tell me if these accounts were taken down, *or if you need some legal process from us?*”⁷²



⁶⁸ See *Id.*

⁶⁹ *Id.*

⁷⁰ See generally ELECTION INTEGRITY PARTNERSHIP, THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION, at 151 (Eden Beck ed., 2021).

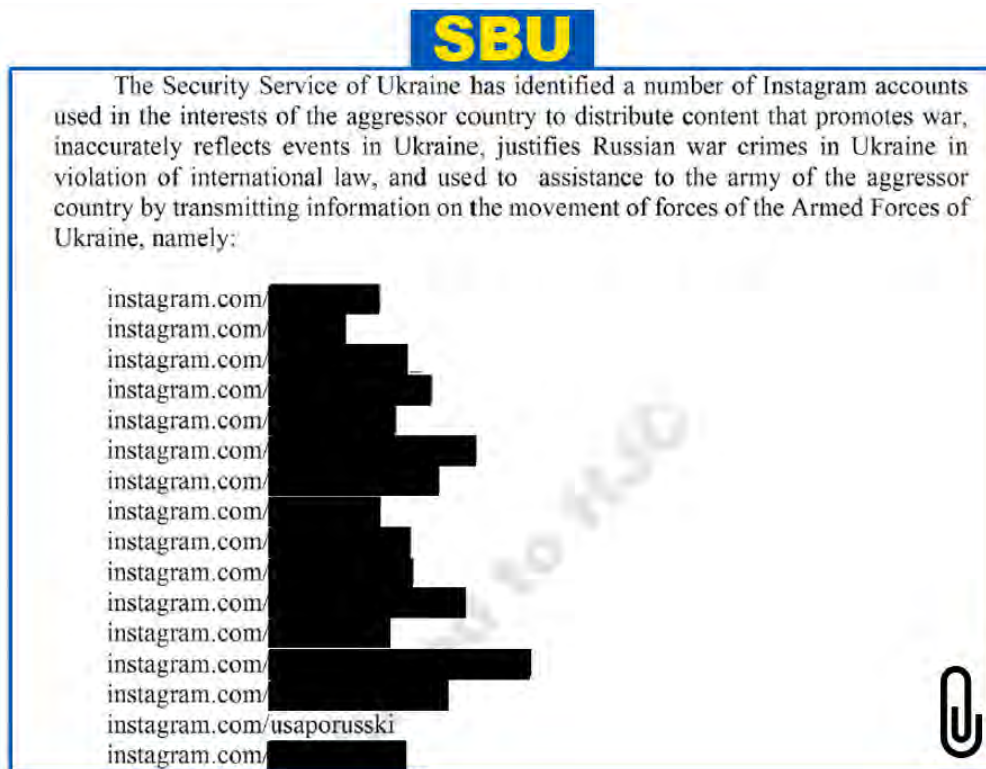
⁷¹ E-mail from Elvis Chan to Christopher Stark and Patrick Miller (Mar. 4, 2022, 9:19 AM) (on file with the Comm.).

⁷² E-mail from Patrick Miller to Facebook employee (Mar. 9, 2022, 9:33 AM) (on file with the Comm.) (emphasis added).

In this e-mail, Agent Miller, an FBI employee, suggested concocting a legal justification to support the removal of the flagged accounts if Meta did not find that the posts and comments violated its terms of service. The e-mail also demonstrates that the FBI had little concern about either censorship or encouraging social media companies to accommodate a foreign intelligence service’s censorship requests.

III. The FBI, on behalf of the SBU, requested the removal of a verified U.S. State Department account and an American journalist

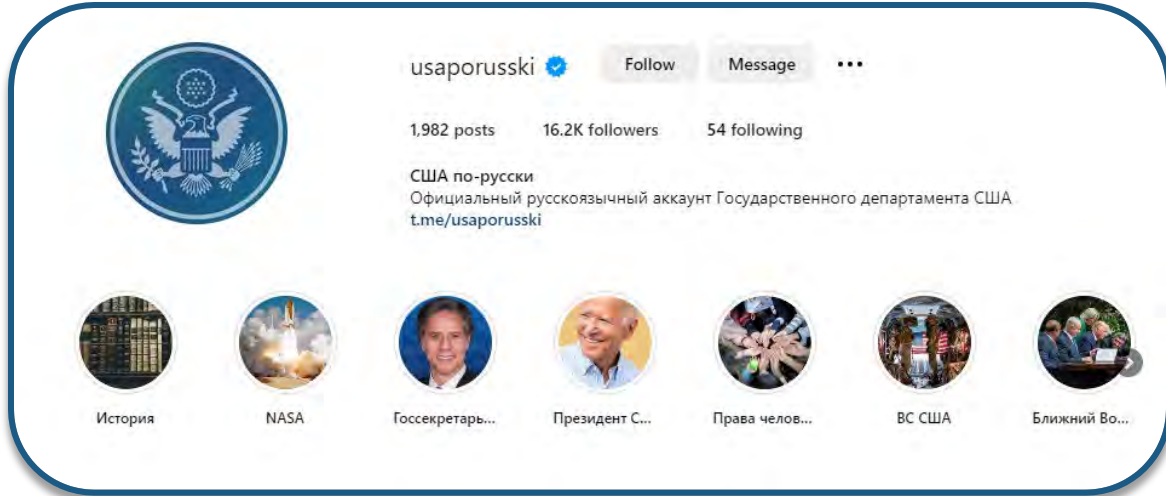
The SBU’s most brazen request came just one day after Agent Kobzanets sent the two large spreadsheets to Meta on March 1. On March 2, Agent Kobzanets sent an e-mail to Meta with the subject line “additional accounts received from the SBU – believed to be involved in disinformation.”⁷³ In the attachment to that e-mail, the SBU accused the provided list of Instagram accounts of “distribut[ing] content that promotes war, inaccurately reflects events in Ukraine, justifies Russian war crimes in Ukraine in violation of international law,” among other things.⁷⁴ Incredibly, on this list was the account @usaporuski, which is the official, verified, Russian-language account of the U.S. State Department.⁷⁵ Neither the FBI nor the SBU provides an explanation as to how the U.S. State Department account was “involved in disinformation.”



⁷³ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 2, 2022, 10:34 AM) (on file with the Comm.).

⁷⁴ “02.03 Instagram блокування.docx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 2, 2022, 10:34 AM) (on file with the Comm.).

⁷⁵ usaporuski, INSTAGRAM, <https://www.instagram.com/usaporuski/> (last visited July 7, 2023); see also DEP’T OF STATE, *About Us: Brussels Media Hub*, DEP’T OF STATE, <https://www.state.gov/about-us-brussels-regional-media-hub/> (last visited July 7, 2023).



It is unclear why the Ukrainian government would seek to remove one of the U.S. State Department’s verified Instagram accounts. As discussed above, however, according to President Zelenskyy, the SBU was widely infiltrated by Russian-aligned forces during this period. What is even more astonishing is that the FBI either negligently or intentionally relayed the SBU’s request to remove an official U.S. government account to Meta.

The list of Instagram accounts that the SBU requested the FBI to have removed also included that of an American journalist who serves on the staff of a self-styled “socialist” news organization based in the United States.⁷⁶ The journalist has written extensively advocating for transgender rights,⁷⁷ and has repeatedly criticized Republicans.⁷⁸

Agent Kobzanets continued to relay the SBU’s requests for removal and suspension throughout March 2022. In just one month, Agent Kobzanets sent the same Meta employee at least ten separate requests related to content moderation on behalf of the SBU. For example, on March 5, Agent Kobzanets sent an e-mail to Meta with the subject line “[Instagram] accounts suspected of disinformation.”⁷⁹ In the e-mail, Agent Kobzanets wrote, “[s]ending you the list of suspected accounts involved in spread of disinformation. For your review and action deemed necessary. The SBU requested, where appropriate, accounts be suspected [sic].”⁸⁰

⁷⁶ “02.03 Instagram блокування.docx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 2, 2022, 10:34 AM) (on file with the Comm.); [REDACTED], INSTAGRAM, [https://www.instagram.com/\[REDACTED\]/](https://www.instagram.com/[REDACTED]/) (last visited July 7, 2023); *About*, [REDACTED], [https://www.\[REDACTED\]/about/](https://www.[REDACTED]/about/) (last visited July 7, 2023).

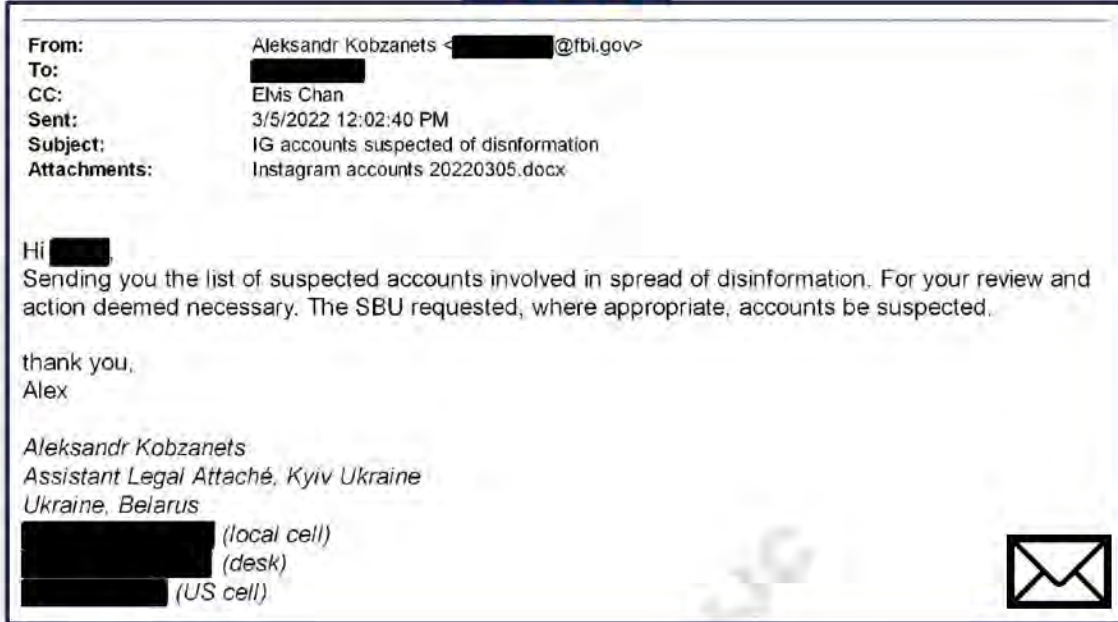
⁷⁷ *See, e.g.*, [REDACTED], *trans* [REDACTED], [REDACTED] (2023); [REDACTED], *trans* [REDACTED], [REDACTED] (2023); [REDACTED], [REDACTED] (2023); [REDACTED], *trans* [REDACTED], [REDACTED] (2023).

⁷⁸ *See, e.g.*, [REDACTED], *Trans* [REDACTED], [REDACTED] (2023).

⁷⁹ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 5, 2022, 12:02 PM) (on file with the Comm.).

⁸⁰ *Id.*

FBI



IV. The FBI and SBU also sought the removal of Facebook and Instagram posts that were supportive of Ukraine and critical of Russia, the invasion, and Vladimir Putin

In contrast to the Biden Administration’s stated support for Ukraine, the FBI, on behalf of the SBU, flagged Americans’ accounts and posts that were critical of Vladimir Putin and Russia’s invasion of Ukraine. For example, in response to a post by a government official serving the Russian region of Tuva, one flagged American account wrote, “[i]t strikes me as odd that at this tragic time of international crisis initiated by Russia’s invasion of a sovereign nation, Tuva’s highest elected federal official has time to spend arguing with a foreigner, trying to convince me that the Ukrainian government and their Jewish president are Nazis.”⁸¹ The flagged post is no longer available,⁸² but the Russian government official’s original post, to which the American was responding, has not been removed.⁸³

Another flagged post reads, in Russian, “I was lucky enough to wake up in sunny California. But my family is there in Ukraine. My parents, stepparent, my aunt, my sister, my nephew, my baby’s nanny, my mother-in-law, who already survived the war as a child, my friends, my colleagues, my city, and my country.”⁸⁴ The same U.S.-based poster also reacted to allegations that the Russian minority in Ukraine have been persecuted, writing, “I am half Russian. I am a Russian Ukrainian . . . I have never been asked to switch to Ukrainian, not by

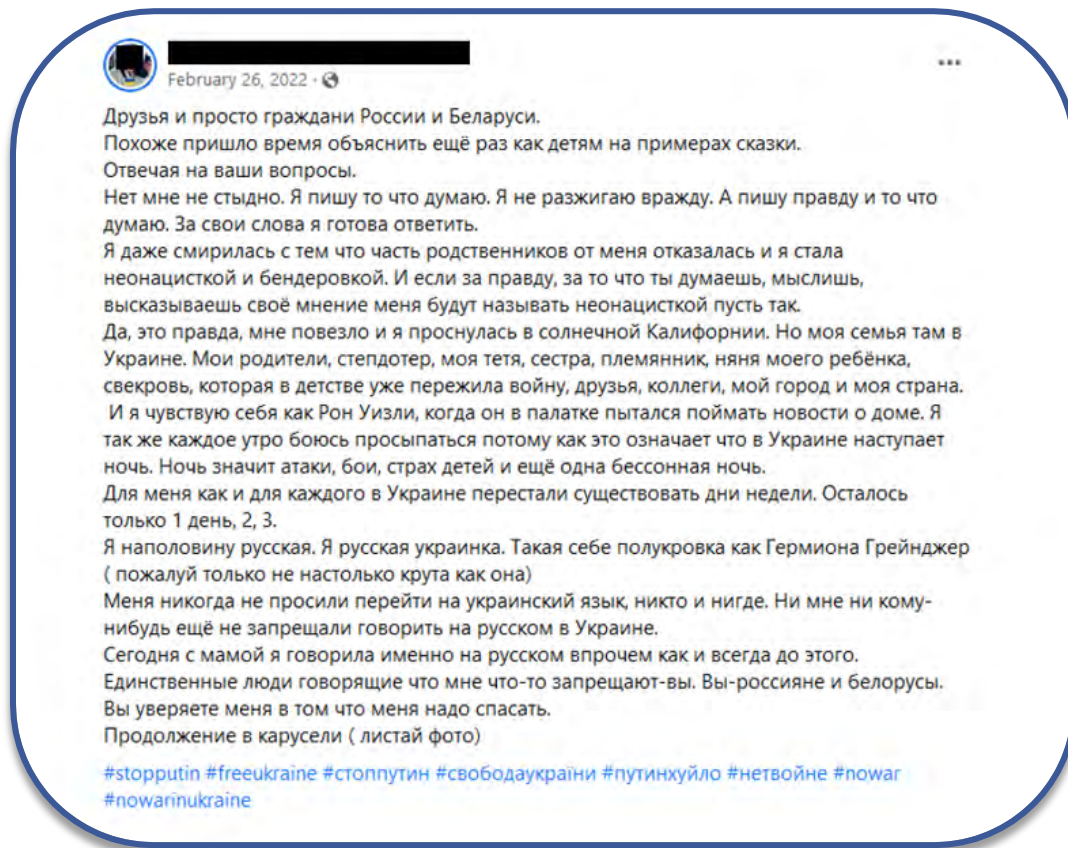
⁸¹ “FB OUR 23-28.xlsx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

⁸² *See id.*

⁸³ Дина Оюн, Facebook (Feb. 22, 2022, 4:35 PM), https://www.facebook.com/permalink.php?story_fbid=4814850865264141&id=100002178260945.

⁸⁴ “FB OUR 23-28.xlsx,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.) translated from Russian to English.

anyone or anywhere. Neither I nor anyone else was forbidden to speak Russian in Ukraine.”⁸⁵ The post concludes with a series of hashtags, in English, including “#stopputin,” “#freeukraine,” and “#nowarinukraine.”⁸⁶



The FBI and SBU flagged another post, which began, in English, “[d]ear friends, please consider signing this petition!”⁸⁷ Then, in Russian, the post continued:

To my sorrow, there are many people in Russia who support the criminal and aggressor. Not as many as the official sources claim, but it’s common for them to lie. There are also many who understand and sympathize. All intelligent people, capable of feeling and thinking, these days are shocked and deeply saddened by what the man who called himself the president of Russia is doing in our name. I am not ashamed to be Russian - I am ashamed that we have this president. One we did not elect!⁸⁸

⁸⁵ *Id.* translated from Russian to English.

⁸⁶ *Id.*

⁸⁷ *Id.* translated from Russian to English.

⁸⁸ *Id.* translated from Russian to English.

The post links to another by a different account holder, who the original poster identifies as one of her “first friends in America.”⁸⁹ The linked post, however, is no longer available.⁹⁰



These examples show either that the FBI did not meaningfully vet the SBU’s lists or that the FBI endorsed the SBU’s censorship requests knowing full well that they contained American accounts. Due to the limited nature of Meta’s productions to the Committee to date—which do not contain an appreciable volume of internal communications within Meta—it is unclear how Meta employees reacted internally to the requests from the FBI to censor Americans. For similar reasons, it is also not immediately apparent to what extent Meta agreed to the FBI’s and SBU’s demands or what vetting Meta may have conducted internally.

The SBU’s self-proclaimed approach to identifying “Russian disinformation” was, in actuality, a viewpoint-based censorship enterprise. In late April 2023, journalist Lee Fang interviewed Iliia Vitiuk, who has served as the head of the Department of Cyber and Information Security of the SBU since November 2021.⁹¹ As Vitiuk told Fang, “[w]hen people ask me, ‘How do you differentiate whether it is fake or true?’ . . . I say, ‘Everything that is against our country, consider it a fake, even if it’s not.’ Right now, for our victory, it is important to have that kind of understanding.”⁹² The SBU’s analysis of the flagged accounts do not contain any technical

⁸⁹ *Id.* translated from Russian to English.

⁹⁰ *See Id.*

⁹¹ Iliia Vitiuk, RSA CONF., <https://www.rsaconference.com/experts/illia-vitiuk> (last visited July 7, 2023).

⁹² Lee Fang, *How The FBI Helps Ukrainian Intelligence Hunt ‘Disinformation’ On Social Media*, SUBSTACK (Apr. 28, 2023).

indicators, other than basic engagement metrics, that would suggest its approach is focused on identifying inauthentic actors, as opposed to disfavored content. Rather, the SBU’s methodology appears to have been entirely based on the ideas expressed in posts and comments—in other words, viewpoint-based censorship.

V. Meta suggested establishing a “24/7 channel” to respond to the SBU’s requests

Although the SBU’s lists contained American accounts, neither the FBI nor Meta appeared to raise concerns about the provenance of the SBU’s “disinformation” registries. Instead, the FBI demonstrated a willingness to support and implement the SBU’s calls to take down certain accounts, even though the requests included U.S.-based accounts. For instance, on March 14, Agent Kobzanets sent an e-mail to a Meta employee, writing, “[p]lease see attached a request from the SBU containing Facebook and Instagram accounts believed to be spreading disinformation. The SBU requested your review and if appropriate deletion/suspension of these accounts.”⁹³



⁹³ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 14, 2022, 12:29 AM) (on file with the Comm.).

The censorship requests appear to have been driven, at least in part, by the SBU's quest for self-preservation. In the attachments to the March 14 e-mail, the SBU also flagged accounts that were "discrediting the SBU leadership" and "promoting the shift of legitimate power."⁹⁴ The e-mail included two attachments, one with a list of Facebook accounts and the other with a list of Instagram accounts.⁹⁵ Just four months later, Zelenskyy simultaneously removed the head of the SBU, Ivan Bakanov, and accused those within the SBU's top brass of treason.⁹⁶

In response to Agent Kobzanets, the Meta employee wrote, "I've passed these along to the right team. Also need to chat ASAP about [Emergency Requests] from SBU. We cannot accept any email from their domain . . . Just want to figure out how to set up a 24/7 channel for their [Emergency Requests]."⁹⁷ The Meta employee then asked about "a possibility to fast track getting Volodmyr a leo.gov [law enforcement online] account or some other FBI assisted secure email address for [Emergency Requests]."⁹⁸ It is unclear whether the FBI ever set up such an account for the SBU.

VI. The FBI facilitated the SBU's censorship requests to Google and YouTube

In addition to Facebook, the FBI also transmitted the SBU's censorship requests for content on Google and YouTube.⁹⁹ According to a senior employee on Google's cybersecurity team interviewed by the Committee, Google was "deluged with various requests" for the removal of content following the Russian invasion of Ukraine.¹⁰⁰ The employee testified that the primary sources of these requests for censorship were the Ukrainian government, other Eastern European governments, the European Union, and the European Commission.¹⁰¹ The employee further testified that the U.S. "Department of Justice would route [censorship] requests from foreign governments."¹⁰²

On March 5, 2022, FBI Agent Kobzanets e-mailed a Google employee, copying Agent Chan and Agent Kellett. Referencing a prior misunderstanding about user-generated tags on Google Maps, Agent Kobzanets thanked the employee and his team "for being very responsive to the Ukrainian requests."¹⁰³ Agent Kobzanets then wrote that he was "in constant contact with all relevant agencies responsible for cyber security in Ukraine and they know to go through me. If any requests got by me please let me know and I can vet the name/agency and/or request additional information if needed."¹⁰⁴

⁹⁴ "Facebook 2-22-313.docx," attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 14, 2022, 12:29 AM) (on file with the Comm.).

⁹⁵ *Id.*; "Instagram 20220313.docx," attach. to e-mail from Aleksandr Kobzanets to Facebook employee (Mar. 14, 2022, 12:29 AM) (on file with the Comm.).

⁹⁶ *See* Beaumont, *supra* note 12.

⁹⁷ E-mail from Facebook employee to Aleksandr Kobzanets (Mar. 14, 2022, 6:51 AM) (on file with the Comm.).

⁹⁸ *Id.*

⁹⁹ *See, e.g.*, E-mail from Aleksandr Kobzanets to Google employee (Mar. 14, 2022, 4:17 AM) (on file with the Comm.).

¹⁰⁰ Transcribed Interview of ██████████ at 46 (on file with the Comm.).

¹⁰¹ *Id.* at 47.

¹⁰² *Id.* at 47.

¹⁰³ E-mail from Aleksandr Kobzanets to Google employee (Mar. 5, 2022, 7:57 PM) (on file with the Comm.).

¹⁰⁴ *Id.*

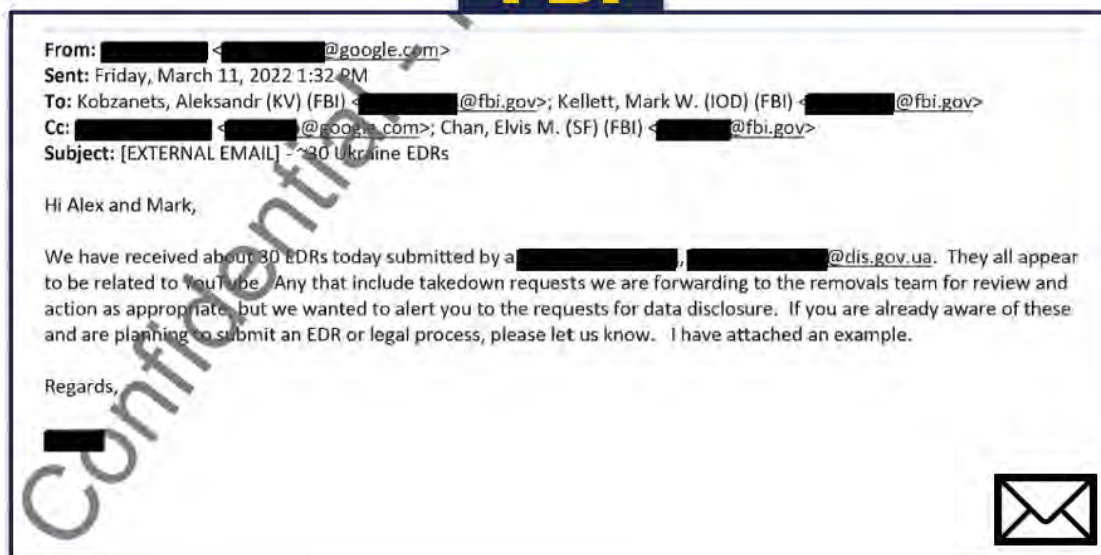
FBI



It is unclear whether Agent Kobzanets, or anyone else at the FBI, took any steps to “vet” the *lists of accounts* that the SBU sought to have removed to determine if the requests were legitimate and appropriate.

On March 11, 2022, a Google employee e-mailed the FBI about requests Google had received directly from the SBU: “We have received about 30 [Emergency Disclosure Requests] today . . . They all appear to be related to YouTube. Any that include takedown requests we are forwarding to the removals team.”¹⁰⁵

FBI



¹⁰⁵ E-mail from Google employee to Aleksandr Kobzanets and Mark Kellett (Mar. 11, 2022, 1:32 PM) (on file with the Comm.).

The employee attached a form entitled “Google LLC Emergency Disclosure Request,” submitted by an “International Cooperation Officer” of the SBU.¹⁰⁶ The SBU officer listed a series of YouTube channels and asked Google “to block the specified channels as well as to provide us subscriber details given during registration.”¹⁰⁷

SBU

2. How imminent is the threat (select only one option)?


- The threat has already occurred and the investigation is ongoing but **not** exigent.
- The threat has already occurred, but the investigation is ongoing and exigent.
- The threat may occur within hours.
- The threat may occur within days.
- We do not know exactly when this threat may occur but believe it to be imminent.

3. What type of data do you need to help prevent the emergency (check one or more boxes)?

- Information to help identify an unknown individual (e.g., name, phone number)
- Information to help locate a known individual (e.g., recent IP activity, location coordinates)
- Other (please explain):

we kindly ask you to block the specified channels as well as to provide us subscriber details given during registration

Page 1



Agent Chan thanked Google: “We appreciate all your help on this issue.”¹⁰⁸

FBI

From: Elvis Chan [REDACTED]@fbi.gov
Sent: 3/11/2022 7:09:32 PM
To: [REDACTED]@google.com
CC: [REDACTED]@google.com]; Mark Kellett [REDACTED]@fbi.gov]; Aleksandr Kobzanets [REDACTED]@fbi.gov
Subject: RE: [EXTERNAL EMAIL] - ~30 Ukraine EDRs

[REDACTED] – San Francisco confirms receipt as well. We appreciate all your help on this issue. Let us know if you need anything. Thanks!

Regards,
Elvis

Elvis M. Chan
Asst. Special Agent in Charge
FBI San Francisco, Cyber Branch

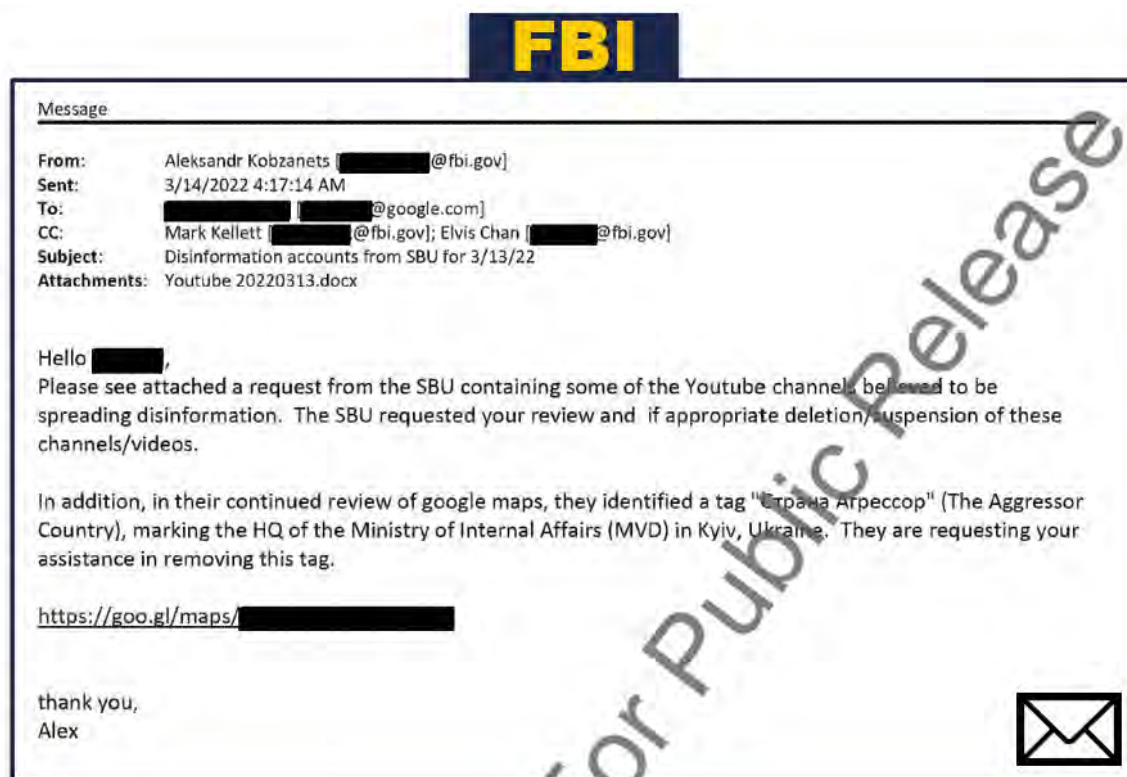


¹⁰⁶ [REDACTED]_Disclosure_Request.pdf,” attach. to e-mail from Google employee to Aleksandr Kobzanets and Mark Kellett (Mar. 11, 2022, 6:31 PM) (on file with the Comm.).

¹⁰⁷ *Id.*

¹⁰⁸ E-mail from Elvis Chan to Google employee (Mar. 11, 2022, 7:09 PM) (on file with the Comm.).

As with its requests to Meta, the FBI also forwarded lists of YouTube accounts from the SBU. These accounts, many of which have been removed, were allegedly “used in the interests of the aggressor country to wreak hate speeches, distribute content that promotes war, inaccurately reflects events in Ukraine,” among other accusations.¹⁰⁹ On March 14, for example, Agent Kobzanets sent an e-mail to a Google employee attaching “a request from the SBU containing some of the Youtube channels believed to be spreading disinformation. The SBU requested review and if appropriate deletion/suspension of these channels/videos.”¹¹⁰



VII. The FBI and SBU also tried to censor American journalists on Twitter

Recent reporting has revealed that the FBI also empowered the SBU’s efforts to censor users on Twitter. On March 27, 2022, Agent Kobzanets sent an e-mail to Twitter, writing, “I am including a list of accounts I received over a couple of weeks from the Security Service of Ukraine. These accounts are suspected by the SBU in spreading fear and disinformation.”¹¹¹ Agent Kobzanets attached a document from the SBU, similar to those he sent to the other social media platforms, with a list of Twitter accounts allegedly “used to disseminate disinformation and fake news,” among other things.¹¹²

¹⁰⁹ “Youtube 20220313.docx,” attach. to e-mail from Aleksandr Kobzanets to Google employee (Mar. 14, 2022, 4:17 AM) (on file with the Comm.).

¹¹⁰ E-mail from Aleksandr Kobzanets to Google employee (Mar. 14, 2022, 4:17 AM) (on file with the Comm.).

¹¹¹ Aaron Maté, *FBI helps Ukraine censor Twitter users and obtain their info, including journalists*, SUBSTACK (June 7, 2023).

¹¹² *Id.*

FBI

From: Aleksandr Kobzanets [REDACTED]@fbi.gov>
Subject: Twitter disinfo request
Date: March 27, 2022 at 2:07:02 PM PDT
To: [REDACTED]@twitter.com [REDACTED]@twitter.com>, "yoel@twitter.com" <yoel@twitter.com>
Cc: Elvis Chan [REDACTED]@fbi.gov>, Mark Kallett [REDACTED]@fbi.gov>, "James Butler" [REDACTED]@fbi.gov>, Nicole Cannavo [REDACTED]@fbi.gov>

Hello Marlena and Yoel,

Thank you very much for your time to discuss the assistance to Ukraine on Thursday. As discussed I am including a list of accounts I received over a couple of weeks from the Security Service of Ukraine. These accounts are suspected by the SBU in spreading fear and disinformation. For your review and consideration.

thank you,
Alex



In response to Agent Kobzanets's e-mail, Yoel Roth, the head of Twitter's Trust and Safety team, warned that the list was a "mix of individual accounts . . . and even a few accounts of American and Canadian journalists." Roth concluded his e-mail: "Any additional information or context . . . is of course welcome and appreciated."¹¹³ Despite being informed that he had attempted to censor "American and Canadian journalists," Agent Kobzanets did not acknowledge his malfeasance or withdraw the request. Instead, Agent Kobzanets responded to Roth by saying that it was "[u]nlikely there will be any additional information or context."¹¹⁴

FBI

From: Aleksandr Kobzanets [REDACTED]@fbi.gov>
Subject: Re: [EXTERNAL EMAIL] - [SOCIAL NETWORK] Re: Twitter disinfo request
Date: March 28, 2022 at 12:43:00 PM PDT
To: Yoel Roth <yoel@twitter.com>
Cc: [REDACTED]@twitter.com [REDACTED]@twitter.com>, Elvis Chan [REDACTED]@fbi.gov>, Mark Kallett [REDACTED]@fbi.gov>, James Butler [REDACTED]@fbi.gov>, Nicole Cannavo [REDACTED]@fbi.gov>

Hi Yoel

Understood. Whatever your review determines and action Twitter deem is appropriate. Unlikely there will be any additional information or context.

thank you
Alex



VIII. The FBI continued relaying the SBU's requests even after the FBI was told it had unconstitutionally flagged American accounts for removal

The FBI's participation in the SBU's censorship efforts on American social media platforms continued even after Twitter's Yoel Roth warned the FBI about American accounts on the SBU's lists, with requests continuing until at least May 11, 2022.¹¹⁵ On May 11, Agent Kobzanets forwarded "a few requests from Ukraine listing suspected disinformation accounts" to Meta.¹¹⁶ These requests included a letter from the SBU listing various Facebook groups

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ See e-mail from Aleksandr Kobzanets to Facebook employee (May 11, 2022, 2:32 AM) (on file with the Comm.).

¹¹⁶ *Id.*

allegedly being used to promote, among other things, “disunity of political forces and Ukrainian society as a whole.”¹¹⁷ The letter concluded, “we ask you to block these Facebook pages, as well as the accounts with which they are administered.”¹¹⁸

The full extent of the FBI’s collaboration with the SBU to censor American speech is unknown. For example, the subject line of Agent Kobzanets’s March 1 e-mail to Meta— “additional disinformation accounts”¹¹⁹— implies that Agent Kobzanets or other FBI agents sent Meta requests for censorship prior to that date. If these additional requests from the FBI and SBU exist, Meta has not produced these documents to the Committee. As detailed in this report, coordination between the FBI, SBU, and American social media companies was extensive.

To be clear, the FBI’s participation in the SBU’s censorship enterprise was a willing and intentional choice by the FBI, involving no fewer than seven agents across the Bureau. As demonstrated by the FBI’s eagerness to obtain assurances from Meta that the SBU’s flagged “accounts were taken down,”¹²⁰ the FBI’s role was not the mere result of technical necessity or legal obligation. Nothing in the United States’ Mutual Legal Assistance Treaty (MLAT) with Ukraine, ratified in 2001, compels the FBI to aid the SBU’s efforts to censor Americans on American social media platforms.¹²¹ Even if it did, any such requirement would be unconstitutional and therefore invalid.¹²²

Based on open-source information, it appears that the FBI’s cooperation with the SBU remains ongoing. On April 25, 2023, Agent Kobzanets presented on a panel in San Francisco alongside the SBU’s Iliia Vitiuk,¹²³ with Agent Chan in the audience.¹²⁴ During the panel, Vitiuk described the FBI as the SBU’s “top partner.”¹²⁵ As of today, the FBI has not made any public statements about its work with the SBU concerning the removal of American “disinformation” on social media platforms and has not issued any statements acknowledging its role facilitating foreign requests to censor lawful domestic speech. The full extent of the FBI’s involvement in this activity to date remains a subject of the Committee’s and Select Subcommittee’s investigation.

¹¹⁷ “THE SECURITY SERVICE OF (1).pdf,” attach. to e-mail from Aleksandr Kobzanets to Facebook employee (May. 11, 2022, 2:32 AM) (on file with the Comm.).

¹¹⁸ *Id.*

¹¹⁹ E-mail from Aleksandr Kobzanets to Facebook employee (Mar. 1, 2022, 2:24 PM) (on file with the Comm.).

¹²⁰ E-mail from Patrick Miller to Facebook employee (Mar. 9, 2022, 9:33 AM) (on file with the Comm.).

¹²¹ *See* Treaty Between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, Ukr.-U.S., July 22–Sept. 30, 1999, T.I.A.S. No. 12978.

¹²² *Reid v. Covert*, 354 U.S. 1, 16 (1956) (“[N]o agreement with a foreign nation can confer on Congress or any other branch of the Government power which is free from the restraints of the Constitution.”).

¹²³ FBI San Francisco (@FBISanFrancisco), TWITTER (Apr. 25, 2023, 10:11 PM), <https://twitter.com/FBISanFrancisco/status/1651046269689688068>.

¹²⁴ Fang, *supra* note 92.

¹²⁵ *Id.*

CONCLUSION

“It has been said that foreign policy is really domestic policy with its hat on. In a sense, this is true.”
– former Vice President Hubert Humphrey, June 29, 1966.¹²⁶

In enabling a compromised foreign intelligence agency’s requests for the censorship of Americans, the FBI never once noted in documents the Committee and the Select Subcommittee have obtained so far that the requests contained accounts belonging to Americans or the U.S. government. Agent Kobzanets never told the social media companies to disregard specific requests because the FBI had reviewed the accounts and determined that Americans were on the list. Neither Agent Chan nor Agent Kellett ever noted that the FBI is not permitted to demand the censorship of domestic political speech.

To make matters worse, no one at the FBI appeared to raise any concerns about potential Russian influence over the SBU’s censorship requests. Instead, the FBI seems to have endorsed the SBU’s censorship requests by routinely referring them to social media platforms including Facebook, Instagram, YouTube, and Twitter. The FBI even followed up with the platforms when it deemed a platform’s response to be inadequate.

This report details misconduct by the FBI that is unconstitutional. It is also counterproductive to the professed aims of the Biden Administration regarding U.S. support for Ukraine, and it endangers our national security. The FBI’s conflation of domestic speech with foreign malign influence poses a grave threat to Americans’ civil liberties. As exposed by the testimony of FBI whistleblowers before the Select Subcommittee, the FBI’s propensity for misconduct is not limited to this specific incident or subject area.¹²⁷

This is not the first time the federal government’s efforts to counter “foreign disinformation” have swept in authentic American accounts. According to journalist Matt Taibbi, an interagency organization called the Global Engagement Center (GEC) sent Twitter a list of “Chinese . . . accounts” allegedly engaged in “state-backed coordinated manipulation.”¹²⁸ Per Taibbi, “GEC’s ‘Chinese’ list included multiple Western government accounts and at least three CNN employees based abroad.”¹²⁹ The GEC-funded Atlantic Council’s Digital Forensic Research Lab¹³⁰ similarly flagged for Twitter “around 40k twitter accounts that our researchers suspect are engaging in inauthentic behavior . . . and Hindu nationalism more broadly.”¹³¹

¹²⁶ 112 CONG. REC. A3667 (1966).

¹²⁷ See STAFF OF SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., FBI WHISTLEBLOWER TESTIMONY HIGHLIGHTS GOVERNMENT ABUSE, MISALLOCATION OF RESOURCES, AND RETALIATION (Comm. Print 2023).

¹²⁸ Matt Taibbi (@mtaibbi), TWITTER (Mar. 2, 2023, 12:00 PM), <https://twitter.com/mtaibbi/status/1631338687718907904>.

¹²⁹ Matt Taibbi (@mtaibbi), TWITTER (Mar. 2, 2023, 12:00 PM), <https://twitter.com/mtaibbi/status/1631338690931826711>.

¹³⁰ ATL. COUNCIL, ATTACHMENT I - HISTORY OF U.S. GOVERNMENT FEDERAL ASSISTANCE AWARDS, at 1, 5 (on file with the Comm.).

¹³¹ Matt Taibbi (@mtaibbi), TWITTER (Mar. 2, 2023, 12:00 PM), <https://twitter.com/mtaibbi/status/1631338653707378702>.

Unsurprisingly, the “list was full of ordinary Americans.”¹³² The Committee and Select Subcommittee have subpoenaed the GEC for relevant documents; this subpoena remains outstanding.¹³³

Whenever an Executive Branch agency is empowered by Congress with an explicitly *foreign*-focused mandate on issues related to disfavored political speech, it is inevitable that the agency will eventually turn its eyes stateside. As the Select Subcommittee detailed in a recent report, CISA, shortly after it was created, began monitoring social media platforms under the guise of curtailing “foreign disinformation.”¹³⁴ Despite lacking the legal authority to do so, CISA quickly and easily expanded its focus on “mis-, dis-, and malinformation” to broadly include the surveillance and suppression of *domestic* political speech on social media.¹³⁵ Almost a half century ago, the Church Committee revealed a similar bait and switch by the National Security Agency (NSA).¹³⁶ Like the GEC, CISA, and the NSA, the FBI took a part of its mission that was supposed to be foreign-focused and unconstitutionally turned the power of the federal government inward, against the American people.

Efforts to counter purportedly foreign “disinformation” campaigns, however noble their intentions, cannot justify the censorship of Americans. The federal government’s censorship of domestic speech cannot and should not be accepted as collateral in a perpetual war against real or perceived foreign influence.¹³⁷ In order to better inform legislative measures to prevent further trammeling of Americans’ civil liberties, the Committee and Select Subcommittee will continue to investigate how and to what extent the FBI and other agencies within the Executive Branch were involved in the censorship of Americans.

¹³² Matt Taibbi (@mtaibbi), TWITTER (Mar. 2, 2023, 12:00 PM), <https://twitter.com/mtaibbi/status/1631338656144269315>.

¹³³ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to James P. Rubin, Special Envoy and Coordinator, Global Engagement Center (Apr. 28, 2023).

¹³⁴ See STAFF OF SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE WEAPONIZATION OF CISA: HOW A “CYBERSECURITY” AGENCY COLLUDED WITH BIG TECH AND “DISINFORMATION” PARTNERS TO CENSOR AMERICANS, at 9–12 (Comm. Print 2023).

¹³⁵ *Id.*

¹³⁶ See generally STAFF OF S. SELECT COMM. TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES, 94TH CONG., FINAL REPORT (Comm. Print 1976); see also Senator Frank Church on *Meet the Press*, NBC, (Aug. 17, 1975) (available at <https://www.youtube.com/watch?v=YAG1N4a84Dk>) (Senator Church described the capabilities of the NSA and warned that it “is necessary and important to the United States as we look abroad at enemies or potential enemies. We must know, at the same time, that capability at any time could be turned around on the American people, and no American would have any privacy left: such is the capability to monitor everything—telephone conversations, telegrams, it doesn’t matter.”).

¹³⁷ See *N.Y. Times Co. v. United States*, 403 U.S. 713, 719 (1971) (“The word ‘security’ is a broad, vague generality whose contours should not be invoked to abrogate the fundamental law embodied in the First Amendment.”).