



# PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

December 6, 2022

TO: Joseph V. Cuffari  
Inspector General  
Department of Homeland Security  
245 Murray Lane, SW  
Washington, D.C. 20528  
dhs-oig.officepublicaffairs@oig.dhs.gov

Randall J. Hall  
Associate General Counsel, Designated Ethics Official  
Ethics & Compliance Law Division  
Office of the General Counsel  
Department of Homeland Security  
200 Independence Avenue, SW, Room 702E  
Washington, D.C. 20201

**Re: Request for Investigation into Potential Ethics Violations by the Director of the Department of Homeland Security's Cybersecurity and Infrastructure Agency**

Dear Messrs. Cuffari and Hall,

Protect the Public's Trust (PPT) is a non-partisan watchdog organization dedicated to promoting ethics in government and restoring the public's trust in government officials. In pursuit of that mission, we believe it is imperative that rules be enforced with equal vigor across political administrations and that clear violations be given the due attention and resources to ensure senior officials do not consider themselves above the law or able to operate under different or special standards. A large segment of the American public currently appears to perceive this to be a particularly pernicious problem, and one of the primary drivers of the decline in trust in government. We believe this is an opportunity for you to demonstrate otherwise.

Accordingly, we respectfully request that the Office of the Inspector General conduct an investigation regarding potential misconduct by a senior political appointee at the Department of Homeland Security (DHS).

Overview

Director of the Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA), Ms. Jen Easterly, was nominated for her role by President Joseph Biden in April of 2021 and has been a senior political appointee since her confirmation in July 2021. Ms. Easterly is bound by ethics obligations that include a prohibition on using her position and government



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resources for personal benefit or for the benefit of others, and a requirement to avoid participation in matters that may contribute to an appearance of impartiality among the public.

Through investigative research, information provided by members of the public, and publicly available records, PPT believes that Ms. Easterly may have violated her ethics obligations. Based on the facts laid out in this complaint, we respectfully request an investigation into the issues identified herein.

## Background

Ms. Easterly maintains at least two Twitter accounts. The bio for her personal account, @JenEasterly, declares, “Director of CISA; see @CISAJen for official account,” indicating the account with the handle “@CISAJen” is associated with her role in the federal government. Moreover, Ms. Easterly’s personal account currently has less than 700 followers, while the official @CISAJen account has more than 50,000. This indicates that her reach and influence on the platform are due almost exclusively to her position in the government, as Director of CISA, rather than any attributes she brings to the role.

On November 27, 2022, a tweet was sent from @CISAJen, her official account, stating: “This book was SOO good. Thanks @a\_Greenberg for another highly compelling, entertaining, & illuminating read!” The tweet contained a screen shot of the cover of a book titled “Tracers in the Dark: The Global Hunt for Crime Lords of Cryptocurrency” by Andy Greenberg. Mr. Greenberg has been a journalist and author of several books covering security, privacy, information freedom, and hacker culture since a least 2012. See [About — Andy Greenberg](#). This ringing endorsement of Mr. Greenberg’s work from Ms. Easterly’s official twitter account implicates several serious ethics issues.<sup>1</sup>

## Potential Ethics Violations by Ms. Easterly

Federal ethics regulations provide that an employee shall not use her public office for her own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends with whom the employee is affiliated in a nongovernmental capacity. See 5 CFR § 2635.702 - Use of public office for private gain. The specific prohibitions set forth in § 2635.702 apply as general standards but are not intended to be exclusive or to limit its application. *Id.*

In this regard, § 2635.702 specifically provides:

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<sup>1</sup> In apparent recognition of the ethics issues raised by the tweet, it has been deleted and CISA has declined to make any comment about it. <https://www.politico.com/newsletters/playbook/2022/11/30/the-hills-big-choice-omnibus-or-struggle-bus-00071313>



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*(a) Inducement or coercion of benefits. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.*

A tweet identifying Ms. Easterly's position at CISA and lauding Mr. Greenberg's works may have been reasonably perceived by her subordinates as reflecting her intent that they purchase Mr. Greenberg's works and that such a purchase would be looked upon favorably by Ms. Easterly. The result of the use of Ms. Easterly's government position in this manner would almost certainly redound to the financial benefit of Mr. Greenberg. Additionally, the tone of the tweet contributes to the perception that Ms. Easterly's activity was less suitable for the allocation of government resources than an off-duty exercise in promoting a personal friend, *i.e.*, a very public "thanks" sent directly to Mr. Greenberg as well as a link to his personal twitter account. Accordingly, we request that your office investigate the extent of the friendship between Ms. Easterly and Mr. Greenberg, as well as the perception by her subordinates that they were being induced or coerced into purchasing Mr. Greenberg's works.

Moreover, § 2635.702 provides, in relevant part:

*(b) Appearance of governmental sanction. [A]n employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another.*

As noted, a tweet sent from Ms. Easterly's official account, identifying her Government position at CISA, and extolling Mr. Greenberg's work, almost certainly would have caused the public to construe the tweet, at a minimum, to imply an official sanction or endorsement of Mr. Greenberg's new book and his body of work. Additionally, the public might perceive the endorsement as having been made by CISA and, given her high-ranking, Senate-approved position, as an endorsement by the United States Government.

§ 2635.702 also provides,

*(c) Endorsements. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product . . . .*



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Again, a tweet sent from Ms. Easterly's official account, identifying her position at CISA, providing a screen shot of Greenberg's book, and lauding the work as a "highly compelling, entertaining & illuminating read!" could scarcely be seen as anything *but* an express endorsement of the book. Indeed, the tweet is so effusive that it would not be out of place as a testimonial on the book's jacket.

Other federal ethics provisions may also have direct application to the tweet. Specifically, § 2635.704 "Use of Government Property" and § 2635.705 "Use of Official Time" have been construed to preclude, among other things, federal employees from sending personal messages to large groups of people and messages to disseminate information on non-Governmental activities, such as commercial enterprises. [Misuse of Position and Government Resources \(justice.gov\)](#). Federal employees are also prohibited from directing their subordinates to engage in such activities. *Id.* The extent to which Ms. Easterly used government time, property, or her subordinates to tweet about Mr. Greenberg's work should be investigated.

Moreover, given her position as a presidential appointee in a highly visible leadership position of public trust, Ms. Easterly has an especially strong obligation to avoid any appearance of impropriety and to seek the guidance of ethics officials should she perceive such an appearance. *See* 5 C.F.R. § 2635.502(a)(2). Given the clear ethical strictures preventing the action she apparently took in sending the tweet, it seems unlikely any such guidance was sought. Further, she did not delete the tweet until alerted by a member of the media "that it was an apparent violation of government ethics rules."<sup>2</sup> Unless such guidance was sought and obtained from the ethics office this issue is clearly a matter deserving of investigation.

## Conclusion

Ms. Easterly should be keenly aware of the ethics obligations that come with working in the federal Government. Prior to her appointment in the Biden administration, she served as deputy director of the National Security Agency for counterterrorism from May 2011 to October 2013. From October 2013 to February 2016, Ms. Easterly was a special assistant to President Barack Obama and senior director for counterterrorism on the National Security Council. It is hard to fathom how a tweet fraught with so many ethics issues could have been sent without some knowledge of its implications. These ethics issues include:

1. The extent of the friendship between Ms. Easterly and Mr. Greenberg and the perception by subordinates that they should purchase Mr. Greenberg's works.
2. Whether Ms. Easterly used her Government position or title or any authority associated with her public office in a manner that could reasonably be construed to imply that CISA or the Government sanctions or endorses Mr. Greenberg's work, especially

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<sup>2</sup> POLITICO Playbook, November 30, 2022, <https://www.politico.com/newsletters/playbook/2022/11/30/the-hills-big-choice-omnibus-or-struggle-bus-00071313>



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including his book “Tracers in the Dark: The Global Hunt for Crime Lords of Cryptocurrency.”

3. Whether Ms. Easterly used or permitted the use of her Government position or title or any authority associated with her public office in a manner that could reasonably be construed to imply that CISA or the Government sanctions or endorses Mr. Greenberg’s work, especially including his book “Tracers in the Dark: The Global Hunt for Crime Lords of Cryptocurrency.”
4. Whether, Ms. Easterly used Government time, property or her subordinates to tweet about Mr. Greenberg’s work, especially including his book “Tracers in the Dark: The Global Hunt for Crime Lords of Cryptocurrency.”
5. Whether Ms. Easterly sought guidance or received counseling to avoid an inherent appearance of a conflict of interest or endorsement of Mr. Greenberg’s work, especially including his book “Tracers in the Dark: The Global Hunt for Crime Lords of Cryptocurrency.”
6. Whether Ms. Easterly has acted inappropriately through the use of Government resources, her official position or title, or other violation of federal law, rules, and policies in the course of her tenure as Director of CISA.

Ethics obligations exist to reduce the likelihood that senior government officials take action to benefit themselves or others at the expense of the American public. Ensuring the avoidance of conflicts of interest or the appearance of bias is crucial to ensuring honest, ethical government that preserves the trust of the American people.

PPT strongly urges your office to begin an investigation into all of the foregoing ethics issues and pursue all other issues uncovered during the course of your investigation

Sincerely,

Michael Chamberlain  
Director  
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