



June 23, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

America First Legal (“AFL”) is a national, nonprofit organization. Our mission includes Executive Branch oversight to ensure federal government transparency and accountability.

We write to request that you withdraw the nomination of Amanda Bennett to serve as the Chief Executive Officer (CEO) of the U.S. Agency for Global Media (USAGM). By way of background, USAGM’s mission is “to inform, engage, and connect people around the world in support of freedom and democracy.”¹ USAGM’s CEO is responsible for managing approximately 3,500 individuals² and an annual budget of almost \$1 billion.³ It oversees a number of individual entities, including the Voice of America (VOA) (responsible for presenting the “policies of the United States clearly and effectively”), the Office of Cuba Broadcasting (responsible for promoting “freedom and democracy by providing the people of Cuba with objective news and information programming”), and Radio Free Asia (responsible for providing “accurate and timely news and information to Asian countries” including the Peoples’ Republic of China “whose governments prohibit access to a free press.”).

Ms. Bennett was VOA Director between April 2016 and June 2020. During this time, there were significant national security lapses and other questionable conduct within USAGM and, apparently, VOA. However, Ms. Bennett has declined to provide complete, much less satisfactory, information regarding her awareness of or response to these problems. Her failure to be forthcoming necessarily raises significant concerns, as the ranking member of the U.S. House of Representatives’ Committee on Foreign

¹ United States Agency for Global Media, *Mission*, <https://tinyurl.com/2aewfmha> (last visited Jun. 22, 2022).

² OpenPayrolls, *United States Agency for Global Media (USAGM) Employee Salaries 2020*, <https://tinyurl.com/mpurza89>.

³ USA Spending, U.S. Agency for Global Media, <https://tinyurl.com/mt289s4c> (last visited Jun. 22, 2022) (for the current fiscal year, USAGM had a total budget of \$967.4 million).

Affairs has pointed out.⁴ Consequently, presented below are examples of activities and occurrences during Ms. Bennett’s tenure that either require additional fact-finding or that facially demonstrate her unfitness for this important role.

I. J-1 Visa Abuse

Evidence supplied to Congress demonstrates that USAGM systematically misused the J-1 visa program during Ms. Bennett’s tenure at VOA.⁵ The J-1 visa, which was designed to support international educational and professional exchange programs, was instead used to hire foreign nationals for journalist and other permanent, salaried positions.⁶ This was inappropriate for several reasons, including the fact that the J-1 visa program has less rigorous screening criteria than would be required for other types of nonimmigrant visas or immigrant visas. Most of the J-1 visa holders were employed by VOA, and they were apparently used in sufficiently high numbers that

⁴ See Letter from Representative McCaul, Ranking Member of the House Committee on Foreign Affairs, June 9, 2022, <https://tinyurl.com/3nt8k6ys>. On Thursday, June 9, 2022, Ranking Member of the U.S. House Committee on Foreign Affairs, Rep. Michael McCaul, sent a letter to Ranking Member of the U.S. Senate Committee on Foreign Relations, Sen. James Risch, both expressing concerns like those laid out in detail in this letter and calling on the Committee on Foreign Relations to conduct additional scrutiny of Ms. Bennett’s record.

⁵ See USAGM Materials, <https://tinyurl.com/24jdxn9z> (last visited Jun. 22, 2022). On January 21, 2022, a 664-page packet of information was submitted into the congressional record pursuant to a U.S. House of Representatives Committee on Foreign Affairs business meeting (otherwise known as a “markup”) that occurred on September 30, 2021. This packet contains more than 500 pages of USAGM materials, including a series of undated memoranda produced by USAGM leadership that identified pre-existing administrative and substantive issues (13-31); a McGuire Woods memorandum with appendices regarding the administrative leave of Andrew Jansen, dated December 9, 2020 (32-77); a McGuire Woods memorandum with appendices regarding the administrative leave of David Kligerman, dated December 9, 2020 (78-131); a McGuire Woods memorandum with appendices regarding the administrative leave of Grant Turner, dated December 9, 2020 (132-157); a McGuire Woods memorandum with appendices regarding the administrative leave of Marie Lennon, dated December 9, 2020 (158-233); a McGuire Woods memorandum with appendices regarding the administrative leave of Matt Walsh, dated December 9, 2020 (234-272); a McGuire Woods memorandum with appendices regarding the administrative leave of Oanh Tran, dated December 9, 2020 (273-297); a McGuire Woods memorandum with appendices regarding the administrative leave of Shawn Powers, dated December 9, 2020 (298-309); supplemental materials produced by Mr. Jansen in response to his administrative leave inquiry (310-553); a McGuire Woods memorandum regarding potential debarment of the Open Technology Fund (OTF) from federal grant eligibility, dated December 10, 2020 (554-557); a McGuire Woods memorandum regarding OTF management and product issues, dated December 10, 2020 (558-584); a McGuire Woods memorandum regarding destruction of records at USAGM, dated November 19, 2020 (585-596); a written formal request by Mr. Pack to Diana Shaw, the Inspector General for the Department of State and USAGM, dated January 14, 2021 (597-600); and an undated USAGM reform and recommendation proposal produced by USAGM leadership (601-602). See also Whistleblower Protection Project, *Congress Releases Long-Awaited Investigative Report On Chronically Mismanaged US-AGM* (Feb. 9, 2022), <https://tinyurl.com/39rkxndw> (last visited Jun. 22, 2022).

⁶ See USAGM Materials at 20-22, 600.

Ms. Bennett's senior leadership was concerned about its ability to function if the hiring of J-1 visa holders were disrupted or stopped.⁷ Ms. Bennett has never fully described her role in the J-1 visa scheme or explained why she failed to stop it.

II. Failing to Protect Journalists from the Iranian Regime

During Ms. Bennett's tenure, the Islamic Republic of Iran initiated efforts to abduct journalists serving with VOA's Persian language service, VOA Persian. The FBI warned USAGM leadership about these plots, which were apparently a part of the Iranian regime's larger effort to silence dissidents. In at least one case, a dissident was executed after being captured and forcibly returned to Iran.⁸ However, Ms. Bennett's director of VOA Persian, Setareh Derakhshesh, declined to take any action and reportedly did not take the information seriously. Under Ms. Bennett's leadership, Ms. Derakhshesh had earned a reputation for being remarkably uncritical of the Iranian regime.⁹

The notion that Ms. Bennett was unaware of these threats is implausible. Given the nature and history of the Iranian regime, her failure to act decisively and forcefully to protect her workers and her deference to Derakhshesh are highly suggestive of poor stewardship. Alternatively, if Ms. Bennett was truly ignorant of the Iranian threat, then she simply was unequipped and unfit for her role.

III. Favoring the CCP

Radio Free Asia exists to bring uncensored content to people in Asian countries, including the People's Republic of China (PRC), that restrict free speech, freedom of the press, and access to reliable information. However, the evidence raises serious questions regarding Ms. Bennett's commitment to Radio Free Asia's mission, and about her intentions with respect to USAGM's coverage of the Chinese Communist Party (CCP) and pro-democracy Chinese dissidents.

In 2017, the head of the VOA Mandarin Service, Sasha Gong, who herself fled the PRC, succeeded in securing an exclusive interview with dissident Guo Wengui. Ms. Gong had planned to air a lengthy interview with Mr. Guo via the VOA Mandarin

⁷ See USAGM Materials at 164 (quoting former USAGM director of office management services Marie Lennon admitting in e-mail communications that their J-1 visa recruitment actions to date "are so complex and long that to stop any of them at this point would be a disaster to VOA," and that "[i]t will likely take many more weeks/months before we actually are able to on-board the candidates, so I would argue that we simply allow them to continue and not disrupt the progress made thus far") (emphasis added).

⁸ Alana Goodman, *Iran Attempted to Abduct at Least 3 American Journalists in 2019 and 2020*, THE WASHINGTON FREE BEACON (Jul. 29, 2021), <https://tinyurl.com/2ytrhnx8>.

⁹ Ms. Derakhshesh was fired by the Trump Administration in 2020 for falsifying her professional credentials and misusing federal funds but she was nevertheless promptly rehired by your administration last year.

Service livestream, but the interview was mysteriously and abruptly terminated. After Ms. Gong publicly expressed concern, Ms. Bennett fired her, and then fired or disciplined several other VOA Mandarin Service employees.¹⁰

In November 2018, Ms. Bennett defended her decision to fire Ms. Gong and the others on ethical grounds.¹¹ However, she admitted this week in responses to questions from the Senate Committee on Foreign Relations that VOA interfered with Mr. Guo's interview at the request of the CCP and the PRC.¹² This admission was consistent with a 2018 Hoover Institution report that Ms. Bennett fired Ms. Gong a direct result of CCP pressure. According to Hoover, once Ms. Gong was fired, "VOA's Mandarin [S]ervice has resumed a pattern of avoiding stories that could be perceived to be too tough on China, according to several staffers."¹³

In April 2020, the Trump Administration reported facts suggesting VOA's Mandarin Service had been uncritically reproducing CCP propaganda:

This week, VOA called China's Wuhan lockdown a successful "model" copied by much of the world—and then [tweeted out video](#) of the Communist government's celebratory light show marking the quarantine's alleged end...It created graphics with [Communist government statistics](#) to compare China's Coronavirus death toll to America's. As intelligence experts point out, there is simply no way to verify the accuracy of China's numbers.¹⁴

Also, Ms. Bennett's may have a material conflict of interest because of her husband's financial interests in China. Donald Graham, whom Ms. Bennett married in 2012, owns Graham Holdings, which was founded in 1877 and originally named The Washington Post Company. Since Mr. Graham's sale of The Washington Post newspaper to Amazon's Jeff Bezos in 2013, Graham Holdings has evolved into a diversified holding company that owns digital marketing, television, print, other media, and non-

¹⁰ @Sasha_Gong, TWITTER (Nov. 30, 2018) (<https://tinyurl.com/33xhk36k>) (Ms. Gong wrote that she "[g]ot fired by VOA for exposing curruption [sic] in China - I have been a soldier in the epic fight against communist dictatorship and for freedom and democracy since I was 17. Spent my 21st birthday in jail. Used to being shot. Price to pay to be a freedom fighter and a truth-seeker").

¹¹ See David Jones, *VOA Dismisses Mandarin Service Chief Over Interview with Chinese Exile*, VOICE OF AMERICA (Nov. 29, 2018), <https://tinyurl.com/2p9ckkfu>.

¹² See Questions for the Record for Amanda Bennett, Nominee to be Chief Executive Officer of the U.S. Agency for Global Media, Sen. Ted Cruz (R-Tex.) (Jun. 7, 2022) (stating that, "[t]o my knowledge, VOA officials were contacted by CCP or PRC officials [about the impending Guo interview]. I recall that the Chinese Foreign Ministry contacted the VOA Beijing Bureau Chief to raise concerns about going forward with the interview and that the VOA Deputy Director took a call demanding that VOA not air the proposed broadcast. I am not aware of names or titles. This is not uncommon when journalists and news organizations receive threats from authoritarian regimes; they often do not identify themselves").

¹³ Larry Diamond & Orville Schell, *China's Influence & American Interests*, THE HOOVER INSTITUTION (2019) at 118, <https://tinyurl.com/yfb5twbs>.

¹⁴ Press Release, The White House, <https://tinyurl.com/yckj5wc8>.

media companies.¹⁵ At least one of those companies, the higher education test preparation company Kaplan, Inc., has significant operations in China.”¹⁶ Given that Kaplan, Inc., may operate in China only with the CCP’s permission, this is additional reason for concern regarding the integrity of Ms. Bennett’s stewardship over Radio Free Asia and USAGM.

IV. Knowledge of Security Clearance and Vetting Failures

Beginning in 2012 and continuing throughout the entirety of Ms. Bennett’s tenure, the Office of Personnel Management (OPM) and the Office of the Director of National Intelligence (ODNI) warned USAGM leadership of serious issues with employee security reviews and clearance approvals,¹⁷ documenting ongoing and persistent failures in background processing, background investigation procedures and quality, employee credentialing, and classified information management and handling.¹⁸

On June 4, 2020, Michael Pack was confirmed as USAGM’s CEO.¹⁹ In July 2020, OPM released a report documenting USAGM’s failure to remedy over a dozen prior security-focused recommendations; identifying additional previously unidentified significant security issues; and concluding that USAGM’s national security performance was so inadequate that USAGM risked revocation of its delegated ability to issue security clearances if it did not take urgent corrective action.²⁰ In response, CEO Pack initiated a top-down review of all aspects of USAGM to, *inter alia*, identify potential misconduct among those responsible for USAGM’s security functions.²¹ To ensure objectivity, USAGM retained an outside law firm to investigate and report. As

¹⁵ See Graham Holdings, Business Units, <https://tinyurl.com/4bu9tdw3> (providing an overview of Graham Holding’s business units).

¹⁶ See 2021 Corporate Disclosures for Graham Holdings, <https://tinyurl.com/2p85vupp>.

¹⁷ See OFFICE OF PERSONNEL MANAGEMENT, SUITABILITY EXECUTIVE AGENT PROGRAMS, FOLLOW-UP REVIEW OF THE U.S. AGENCY FOR GLOBAL MEDIA SUITABILITY PROGRAM (July 2020), <https://tinyurl.com/wppan7fb>, 2-3 (hereinafter “OPM Report”) (noting that OPM and ODNI had conducted initial employee screening sufficiency reviews in 2012 and 2014, respectively, and that OPM issued follow-up reports, some of them jointly with ODNI, in 2015, 2017, and 2018).

¹⁸ See OPM Report at 3 (noting the array of security issues that remained outstanding at USAGM as of 2018); 5-10 (providing the full list of OPM’s resolved and unresolved security recommendations).

¹⁹ USAGM, Michael Pack; (Former) Chief Executive Officer, <https://tinyurl.com/4d9zbs7b> (last visited Jun. 16, 2022).

²⁰ See OPM Report at 4 (noting that USAGM had failed to address 19 of 37 security-focused recommendations made in previous reports, and stating OPM’s intention, if USAGM did not adequately address the deficiencies, to “take steps to revoke USAGM’s adjudicative and other delegated authorities until such a time as USAGM can demonstrate to OPM’s satisfaction that USAGM has taken all corrective actions.”).

²¹ See, e.g., VOA News, USAGM Announces Investigation Into ‘Long-term Security Failures’, VOICE OF AMERICA, <https://tinyurl.com/yvwf7rr5> (last visited Jun. 23, 2022) (quoting Mr. Pack’s announcement to USAGM employees that USAGM had identified “systemic, severe and fundamental security failures, many of which have persisted for years,” and that USAGM would work with “federal partners to ensure that findings are addressed swiftly and appropriately”).

noted *supra* the investigative work product was submitted into the congressional record. Notably, the evidence was that more than 1,500 USAGM employees – roughly two-fifths of USAGM’s total federal workforce – appeared to be holding national security-sensitive positions without having been fully or properly vetted.²²

The vetting and security failures identified in the July 2020 report arose or were present during Ms. Bennett’s watch. What she knew, and when she knew it, remain open questions. But given the national security risk created by USAGM’s inexplicably lax practices and procedures and given Ms. Bennett’s position as VOA’s Director, she should be required to make a full accounting of her conduct and to explain why and how she either was unaware of these problems or failed to take appropriate action in response to them. Considering the serious national security risks created by USAGM’s failure to properly discharge its responsibilities during her tenure, confirming her without such an accounting would be manifestly inappropriate.

Conclusion

A thorough and fully transparent accounting of Ms. Bennett’s tenure as VOA Director, and of her family’s business ties to the CCP, is needed to answer very serious questions regarding her past conduct and her present fitness to serve as USAGM’s CEO. Pending such an accounting, her nomination should be withdrawn.

Sincerely,

/s/ John A. Zadrozny
America First Legal Foundation

²² USAGM leadership cited the 1,500-employee number in several products that were submitted into the congressional record, including a copy of the letter Mr. Pack sent to Inspector General Shaw. See USAGM Materials at 26-27, 598, and 601. The possibility that USAGM may have incompletely or inadequately screened individuals – including foreign nationals – that it eventually hired, and then gave some number of them security clearances, is a significant national security failure with potentially far-reaching and irreversible consequences. For example, USAGM employees with security clearances had access to other federal facilities, including the Departments of Defense and State, in the course of their official duties.