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One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

March 20, 2018

The Broadcasting Board of Governors
330 Independence Avenue SW
Washington, DC 20237

Dear Governors:

I must regrettably bring to your attention a serious allegation regarding the Broadcasting Board of Governors. I have learned from whistleblowers that the Trump Administration apparently intends to dismiss John Lansing as CEO of the Broadcasting Board of Governors (BBG) and appoint BBG Chief Technology Officer and acting Director of the Office of Cuba Broadcasting André Mendes as acting CEO. According to the whistleblowers, Mr. Mendes would then dismiss the existing Board of Governors. This action would violate current law and represent what these whistleblowers have described as “a coup at the BBG,” presumably with the aim of pushing the BBG’s journalism toward a viewpoint favorable of the Trump Administration. I view these claims as credible and this scenario as outrageous and unacceptable.

Mr. Lansing was appointed CEO by the Board of Governors in 2015, as appropriate under then-applicable law. Under legislation enacted in 2016, future BBG CEOs will be appointed by the President and confirmed by the Senate. But the law states that until the Senate confirms a replacement CEO, “the current or acting Chief Executive Officer appointed by the Board may continue to serve” (22 U.S. Code § 6203). Congress’s intent when we passed this law was for the CEO to remain in place until the Senate confirmed his successor.

Furthermore, the current Board of Governors cannot be removed by the BBG CEO, and if Mr. Lansing departs before the Senate confirms a replacement, the Board will be responsible for appointing an acting CEO. While the 2016 changes ultimately dissolve the Board of Governors and replace it with an advisory body, until the Senate confirms a new CEO, the current governors remain in place and retain their statutory authority to choose the BBG’s leadership. At an April 2017 meeting of the Board of Governors, Chairman of the Board Kenneth Weinstein stated that the Board’s continuing authority was confirmed by a Justice Department memorandum. According to the meeting’s minutes, he told the Board that “the Department of Justice affirmed that the current Board is enduring and will continue to serve alongside the current CEO until a CEO is confirmed by the Senate and appointed by the President.”

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In short: the President can't replace the CEO. He can't appoint an interim replacement to fire the rest of you. And if Mr. Lansing leaves his position before a Senate-confirmed successor is in place, it's up to the Board of Governors to appoint a new one. Congress wrote these laws. They must be followed. If the President wishes to put a new CEO in place, he should send a nomination to the Senate and await its advice and consent.

According to individuals familiar with the proceedings, Mr. Mendes addressed a meeting of the Board of Governors on March 14, 2018 in advance of his planned March 30th departure from the BBG for another job at the Commerce Department. Mr. Mendes expressed his dissatisfaction that he was not made CEO during the last vacancy in 2015. He underscored his disagreements with BBG management under Mr. Lansing as well as with the heads of the various BBG entities.

I have learned from multiple sources that in fact, Mr. Mendes has been plotting with BBG Senior Advisor and former Breitbart contributor Jeffrey Shapiro and Associate Director of Presidential Personnel Jennifer Locetta to assume leadership of the agency prior to his announced departure. They have allegedly prepared a memorandum for the White House outlining this scheme and are pushing for Presidential action—contrary to law—to replace Mr. Lansing with Mr. Mendes before the end of the month.

According to several accounts, Messrs. Mendes and Shapiro have made it clear in recent months their intention to remake the BBG into an agency aimed at promoting the Trump Administration's agenda, which would constitute an egregious violation of the law requiring a "firewall" between BBG's management and its independent journalists. Such a scheme would represent a shocking abuse of authority and would reveal an effort by this Administration to turn the BBG into a propaganda machine.

Given the urgency of this situation and the potential harm it poses to American international broadcasting and national security interests, I ask that you furnish my staff by the end of the week with the memorandum outlining this plan, as well as minutes, notes, and any other documented recollections or relevant documents dealing with these matters.

I'm grateful for your service and for the good, unbiased journalism that the BBG's various outlets produce. I intend to see that they continue. I ask you now to help me protect the integrity of American international broadcasting and resist any efforts to politicize these important institutions.

Sincerely,



ELIOT L. ENGEL
Ranking Member
House Committee on Foreign Affairs