

If NHI Are Trying to Disclose Themselves: Government Disinformation, Ridicule, and Threats of Force

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Premise. Assume, as the site’s working hypothesis allows, that one or more NHI groups are attempting to make their presence known (through visible activity or contact), and that governments are counteracting those efforts through disinformation, ridicule of witnesses, pressure on media and platforms, and threats or use of force against craft. What law governs those government actions?

Key points

- Government speech, even false or misleading speech, is not limited by the Free Speech Clause; coercing private speakers (platforms, publishers, employers) to suppress speech is (*Vullo*), though standing requires a traceable injury (*Murthy*).
 - Domestic propaganda limits are narrow but real: the governmentwide publicity-or-propaganda rider (covert propaganda, *B-302710*), EO 12333 §2.13, and DoD Directive 5122.05 (“propaganda has no place in DoD public affairs programs”).
 - On the site’s premise that AARO is a disinformation source, the strongest tools are §1001(c)(1) for knowingly false statements in AARO’s required reports to Congress, comparison of whistleblowers’ records with AARO’s notices, GAO decisions, and FOIA for AARO’s working files.
 - Remedies for targeted witnesses are limited: no defamation claim against the United States, but Privacy Act amendment, inspector general complaints, and FOIA for the internal record (the Elizondo file).
 - Force against non-threatening craft has no clear legal basis ([Issue F2](#)).
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1. Summary

- **Government speech** is generally not regulated by the First Amendment; the government may say false or misleading things without violating the Free Speech Clause (*Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Walker v. Texas Division, Sons of Confederate Veterans*,

576 U.S. 200 (2015)). Lying to the public is addressed politically, by statutes on false statements to Congress ([Issue D3](#)), and by specific restrictions on domestic propaganda.

- **Coercion of private speakers** violates the First Amendment. The government may not coerce third parties (platforms, publishers, employers) to suppress protected speech. *National Rifle Ass'n of America v. Vullo*, 602 U.S. 175 (2024). Standing to challenge such pressure requires a traceable injury (*Murthy v. Missouri*, 603 U.S. 43 (2024), dismissing a broad jawboning case for lack of standing). If officials pressured media or platforms to remove UAP content or discredit witnesses, *Vullo* supplies the claim; *Murthy* shows the evidentiary burden.
- **Domestic propaganda limits** are narrow. The Smith-Mundt Act as amended in 2013 (22 U.S.C. §1461) permits domestic availability of State Department and USAGM materials but bars using them to influence U.S. public opinion; it does not bind the Department of War or intelligence agencies generally. Appropriations riders have long barred “publicity or propaganda” not authorized by Congress. The governmentwide version for fiscal year 2026 provides that “[n]o part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.” Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, div. E, §718, 140 Stat. 173, 495 (Feb. 3, 2026). GAO reads the rider to bar self-aggrandizement, purely partisan material, and covert propaganda, the last meaning material whose government origin is concealed from its audience (GAO, *Principles of Federal Appropriations Law* ch. 3). The leading example is GAO’s 2004 decision that the Centers for Medicare & Medicaid Services violated the rider, and the Antideficiency Act, by paying for prepackaged “video news releases” that television stations aired without attribution to the government. *Centers for Medicare & Medicaid Services: Video News Releases*, B-302710 (Comp. Gen. May 19, 2004). The Office of Legal Counsel disagreed later that year, so the executive branch does not treat GAO’s reading as binding on it. The rider is reenacted in each year’s appropriations act, so cite the act in force for the period at issue.
- **DoD’s own rules forbid propaganda in public affairs.** DoD Directive 5122.05 sets “principles of information” for the Department: information is to be “made fully and readily available, consistent with the statutory requirements, unless its release is precluded by current and valid security classification”; “[i]nformation will not be classified or otherwise withheld to protect the U.S. Government from criticism or embarrassment”; and “propaganda has no place in DoD public affairs programs” (DoDD 5122.05, *Assistant to the Secretary of Defense for Public Affairs* §5.1(a), (c), (e) (Aug. 7, 2017)). These are mandatory directives. A deliberate misinformation program run through Department of War public affairs would violate them, which matters for inspector general complaints and for the discretionary-function analysis in any tort claim ([Issue D4](#)). EO 12333 §2.13 forbids covert action intended to influence U.S. political processes, public opinion, policies, or media.
- **Targeting of witnesses and researchers** (surveillance, harassment, career interference) implicates the First and Fourth Amendments, the Privacy Act, and criminal retaliation statutes (18 U.S.C. §1513(e); [Issue D3](#)); damages remedies against federal officers are largely foreclosed by *Egbert v. Boule*, 596 U.S. 482 (2022).

- **Threats of force against craft** ([Issue F2](#)) are governed by use-of-force authority, rules of engagement, and (if hostilities exist) the War Powers Resolution and law of armed conflict.

2. Disinformation and ridicule

- **Legal status.** Government statements disparaging UAP witnesses are government speech. A public employee's speech on behalf of the agency is not protected for the employee (*Garcetti*), and the agency's message is not constrained by the Free Speech Clause.
- **Limits.**
 - Defamation by federal officials is largely immune: the Westfall Act substitutes the United States as defendant for officials acting within the scope of employment, and the FTCA excludes libel and slander (§2680(h)).
 - Privacy Act (5 U.S.C. §552a) limits disclosure of records about individuals without consent and allows damages for intentional or willful violations (actual damages; *FAA v. Cooper*, 566 U.S. 284 (2012) (nonpecuniary harms not recoverable)).
 - Retaliation against employees for protected disclosures is prohibited ([Issue C1](#)).
 - Covert influence on domestic media by intelligence agencies is barred by EO 12333 §2.13 and by intelligence oversight rules; violations are reportable to the intelligence committees.
- **Historical record.** The 1953 Robertson Panel (CIA-sponsored Scientific Advisory Panel) recommended a public education program to “debunk” UFO reports and recommended monitoring of civilian UFO groups (PURSUE release CIA-UAP-002 includes the panel report). Practitioners can cite it as documentary evidence of official policy on public perception.
- **A documented example: statements about Luis Elizondo.** DoD has released, under FOIA, the internal record of how its public affairs office handled Elizondo's 2019 objection to official statements that he “had no responsibilities for AATIP” after early 2010 (DoD FOIA 25-F-2554). The record shows that (1) OSD Public Affairs told Navy and intelligence officials on June 5, 2019 that Elizondo and former DASD Christopher Mellon “believe the statements that we've put out regarding AATIP and particularly Elizondo's role in it, are false (and Elizondo is threatening to sue)”; (2) a senior intelligence official replied the same day that “Mr. Elizondo did play a role in facilitating connections and introductions to other DoD elements that were working [counterintelligence]/safety issues similar to those encountered by Navy,” and attributed the dispute to “semantics/terminology regarding ‘programs’ or ‘projects’”; and (3) public affairs forwarded the file to the DoD Office of Inspector General on June 7, 2021. For a witness in Elizondo's position, the remedies are the ones listed above: no defamation claim against the United States or the officials, but a request to the agency to correct its statements, a Privacy Act request to amend records (5 U.S.C. §552a(d)(2)) if the statements rest on records about the witness, an inspector general complaint, and a FOIA request for the internal record, which in this instance produced an internal written acknowledgment of a role the public statements had denied.

2A. AARO as a disinformation source (the site's working premise)

The site assumes that AARO is a deliberate disinformation source and part of the concealment. A former director of the Navy's UAP Task Force makes the same charge: he describes AARO as "a program that was supposed to continue the work of the UAPTF but was really a front for the Legacy Program," placed under the policy office that had blocked earlier efforts, and calls its predecessor "essentially a facade" (Jay Stratton, *Out of the Shadows* chs. 61-62 (2026)). He also describes a decades-long campaign of ridicule, including the replacement of the task force's public affairs officer and the planting of ridicule aboard ship after the 2004 Nimitz encounter (*id.* chs. 8, 10, 45). On that premise the law offers these tools, in rough order of usefulness:

1. **False statements in required reports.** AARO's reports to Congress are required by 50 U.S.C. §3373. A knowingly false and material statement in a document "required by law ... to be submitted to the Congress" is a crime under 18 U.S.C. §1001(c)(1) ([Issue D3](#)). That is the most direct remedy for a deliberately false report; the obstacle is proving that the author knew the statement was false.
2. **Statutory duties AARO can be shown to have breached.** §3373(j) requires a report on the historical record including "any program or activity that was protected by restricted access that has not been explicitly and clearly reported to Congress"; §3373b(a)(4)(B) requires 72-hour notice of disclosures about such programs. A whistleblower's own records of what was disclosed, compared with what the committees received, can show a breach.
3. **The propaganda rider and DoD's information principles.** Public messaging designed to ridicule witnesses, or material placed in the media without attribution, falls within GAO's covert-propaganda test and violates DoDD 5122.05 §5.1; the remedy is a GAO decision requested by a member ([Form F4-2](#)) and an inspector general complaint.
4. **Records.** FOIA requests for AARO's case files, analytic notes, coordination with other components, and public affairs records ([Form F4-1](#)) are how any of the above is proved. Treat AARO's published conclusions as claims to be tested against those records ([Issue B1](#)).
5. **Oversight.** The FY2025 NDAA's GAO review of AARO (§6801), inspector general evaluation, and sworn testimony of AARO officials (the 2023 and 2024 open hearings were unsworn, [Issue D3](#)) are the oversight tools.

Two limits apply. Defamation remedies are largely unavailable against the government (§2 above). And the site keeps its charge institutional: it does not accuse named AARO officials of lying, which would require proof the site does not have ([Issue G1](#)).

3. Pressure on media and platforms

- *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963), and *Vullo*: threats to third parties to suppress speech are unconstitutional.
- *Murthy v. Missouri*: plaintiffs must show that government pressure caused the specific moderation they challenge and a substantial risk of future injury.
- **Qualified immunity limits damages.** On remand, the Second Circuit held again that *Vullo* was entitled to qualified immunity, "for the law was not clearly established that the conduct

alleged here – regulatory action directed at the nonexpressive conduct of third parties – constituted coercion or retaliation violative of the First Amendment,” and it directed dismissal of the remaining claims. *Nat’l Rifle Ass’n of Am. v. Vullo*, 144 F.4th 376, 380 (2d Cir. 2025), cert. denied, 146 S. Ct. 1628 (2026). A damages claim against an individual official who pressured a broadcaster, publisher, or platform to drop UAP content will face the same defense unless the pressure took a form courts have already condemned (for example, an explicit threat of prosecution or license action tied to the speech, as in *Bantam Books*). Official-capacity claims for declaratory and injunctive relief are not subject to qualified immunity and are the better vehicle.

- **State action through platforms.** A platform’s own moderation is not state action unless the plaintiff shows that the platform enforced a government-imposed rule and that the government coerced it or jointly participated in the specific decision. *Children’s Health Def. v. Meta Platforms, Inc.*, 112 F.4th 742, 756-57 (9th Cir. 2024), cert. denied, 145 S. Ct. 2846 (2025) (affirming dismissal because Meta “had independent incentives to moderate content and . . . exercised [its] own judgment,” quoting *Murthy*, and holding that submission of government removal requests through a portal Meta created did not make Meta a state actor). Evidence of a specific government request tied to specific UAP content, and of coercion or joint action in that decision, is the minimum needed.
- Practice: preserve communications showing contact between officials and media or platforms concerning UAP content; FOIA requests for such communications ([Form F4-1](#)); consider *Vullo* claims for prospective relief where evidence links official pressure to suppression.

4. Threats and use of force against craft

- See [Issue F2](#): no authority supports force against non-threatening craft; policy and rules of engagement should so provide.
- If an NHI group’s self-disclosure efforts were met with force, Congress could invoke the War Powers Resolution’s reporting provisions and require AARO’s intercept reporting under 50 U.S.C. §3373(1)(5) (which already requires briefings on NORAD and NORTHCOM intercepts).

5. Remedies and reforms

1. Statute or executive order prohibiting covert influence operations concerning UAP directed at U.S. audiences and requiring disclosure of past programs.
2. Records requests for past public-perception programs (Robertson Panel successors; Project Blue Book public relations guidance; AFR 200-2 publicity provisions).
3. *Vullo*-based litigation where evidence shows coercion of private speakers.
4. Whistleblower and witness protections (Issues C1, D3).
5. Truth commission mandate to cover disinformation programs ([Issue B3](#)).