

Social media can play a crucial role in uniting societal forces in opposition to dictatorial rule. It can also help buttress civil society as a foundation of stable democracy, supporting or even replacing traditional forms of civic engagement. But social media can also fragment and degrade reasoned discourse about politics, undermine the legitimacy of democracy, and promote left and right-wing radicalism. For example, the weaponization of information was used by American groups and organizations in the 2016 and 2020 Presidential elections. What is the proper course for government as to whether and how social media platforms should be regulated? What values and considerations should determine U.S. policy toward this technology? How can the United States safeguard its institutions and maintain public trust in the integrity of the political system? Looking abroad, how can the United States protect the interests and values of its allies, from the Baltic states to South Korea, from the disinformation and malign narrative strategies of China and Russia?

Media and Public Opinion: Tools of Polarization and Revision?

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For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us. So that if we shall deal falsely with our God in this work we have undertaken, and so cause Him to withdraw His present help from us, we shall be made a story and a by-word through the world. We shall open the mouths of enemies to speak evil of the ways of God, and all professors for God's sake. We shall shame the faces of many of God's worthy servants, and cause their prayers to be turned into curses upon us till we be consumed out of the good land whither we are going.

John Winthrop delivered the “City upon a Hill” sermon to the Puritans during their voyage across the Atlantic as he sought to unify Puritans in their common purpose as settlers in the new world. Winthrop asserted the importance of values such as liberty, equality, and empathy and laid the foundation of this great nation. Liberty, equality, and empathy are the values that may best guide U.S. foreign policy today given a polarized domestic polity and threats posed by revisionist foreign powers. More specifically, these values may best guide U.S. policy on emerging technology such as social media as they may guide the U.S. government through issues such as whether and how social media platforms should be regulated. Furthermore, liberty, equality, and empathy may guide policymakers and practitioners on how to protect the interests and values of ourselves and our allies from the disinformation and malignant narrative strategies of Russia and China. Finally, applying liberty, equality, and empathy to our approach to social media and emerging technologies may best assist the U.S. in safeguarding our institutions and maintaining public trust in the integrity of the public system.

Liberty, Equality, and Empathy

The three American values that should determine U.S. policy toward social media and other emerging technologies should be liberty, equality, and empathy. Liberty guided the founding of our nation as it drove colonists to rebel against King George's tyranny over the

colonies, and the pursuit of liberty led to freedom for all Americans from British rule. Liberty is freedom, and freedom of speech and freedom of the press are fundamental liberties of American citizens under the First Amendment of the Constitution. Protecting the First Amendment and preventing government agencies from placing restrictions on speech and media are the most effective actions to safeguard American institutions and to maintain public trust of our political system.

Social media and related emerging technologies have promoted the principle of equality as technology has removed traditional barriers to entry into the ecosystem of news. In the past, media corporations dominated the reporting and curation of news. Social media disrupted media corporations' monopoly over news making and provided the power of news making to its numerous users who propagate information through collective participation in likes, shares, and comments. While Section 230 of the Communications Decency Act says that "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider", (47 U.S.C. § 230) the responsibility for truth must still be shared between citizens (users/consumers) and the social media platforms themselves. In *Abrams vs. United States* 250 U.S. 616 (1919) Justice Holmes wrote that the marketplace of ideas offered the best solution for tamping down offensive speech: "The ultimate good desired is better reached by free trade in ideas -- that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out." Equal delivery of ideas allows for mis- and disinformation to atrophy and be outlasted by the pervasive nature of truth.

The final virtue that should guide policy toward content regulation is empathy. While not a virtue commonly associated with the country's founding (e.g., liberty, justice, equality), it is both implied and necessary. Empathy in the context of the media and content regulation is related to "equal delivery of ideas" but employs a personal element. The citizenry, and most especially, those with political power and influence, should embrace the presence of counterarguments. In Federalist 51, Madison discusses the preservation of the "rightful interests of the minor party", and how a republic that permits a "multiplicity of interests" will prevent against the danger of a majority faction.¹ What's striking here is Madison's overarching concern for the rights of the "minor party". What would induce the framer of a political system to want to preserve this? One could call this political empathy. It's acknowledging the legitimacy and value of having multiple groups coexisting and that this diversity advances liberty by safeguarding against the tyranny of the majority against minorities. Not only should policies promote equal distribution of ideas, but we, as both political individuals and groups, should welcome the existence of groups with dissimilar interests. With liberty, equality, and empathy in mind, does the government play a role in regulating emerging and existing technology such as social media? If so, what is the proper course for government?

¹ James Madison, Federalist No. 51, in *A Guide to the United States Constitution*. New York: W.W. Norton, 2019.

Proper Course for Government?

The preamble to the United States Constitution pithily frames the aim of the new American government post-Revolution. Among those claims are commitments to “promote the general welfare” and to “insure domestic tranquility.”² However, any casual survey of political news in the United States would include tragic scenes that run counter to the preamble’s goals. Both the January 6, 2021 riot at the U.S. Capitol and violence within Seattle’s Capitol Hill Autonomous Zone (CHAZ) in 2020 show the ugly side of both right- and left-wing extremists respectively, with the January 6th attack being closely linked to the social media site, Parler.^{3,4} The occurrence of these events and their link to social media begs the question - should government be involved in the regulation of social media sites?

On one hand, the First Amendment to our Constitution explicitly protects against Congress “abridging the freedom of speech, or of the press.”⁵ However, a case could be made that perhaps government regulation of social media sites could serve to promote the larger causes of “ensuring domestic tranquility” as well as the “general welfare.”

Those who advocate against any government regulation on social media sites can stand firmly on Constitutional and legislative grounds (Section 230 of the Telecommunications Act of 1996).⁶ Nisbet, Kamenchuk, and Dal outline how the internet promotes democratic principles and “threatens autocracy”.

The Internet has long been viewed as platform for democratic change and as a “liberation technology” (Diamond, [2010](#)). At the macro level, country-level analyses show positive associations between Internet penetration and either democratization or good governance (e.g., Best and Wade, [2009](#); Groshek, [2009](#); Khazaeli and Stockemer, [2013](#)). At the citizen-level, Internet use promotes democratic mobilization by influencing political interest, knowledge, efficacy, trust, and political participation while decreasing the costs associated with political participation (e.g., Bakker and de Vreese, [2011](#); Boulianne, [2009](#); Breuer and Groshek, [2014](#); Ceron, [2015](#); Lei, [2011](#); Howard and Hussain, [2013](#); Wojcieszak and Smith, [2014](#)).⁷

Does this settle the debate? Government regulation, particularly in extreme forms, clearly seems to be a mark of autocratic governments suggesting that social media and internet regulation should be off limits. However, advocates for government regulation on social media sites can also stand on principles they feel are not out of step with the First Amendment (e.g., Parler), but rather supports the larger aim of “promoting the general welfare”. They can also

² US Constitution, pmbl.

³ KING 5, “Seattle Police Chief Carmen Best on the ‘Capitol Hill Autonomous Zone,’” June 12, 2020. News broadcast, 6:37. <https://www.youtube.com/watch?v=XtAZpFjKYSI>.

⁴ Jonathan Stempel, “Parler sues Amazon over Web shutdown, alleges political animus,” Reuters, January 11, 2021, <https://www.reuters.com/article/us-amazon-com-parler-idUSKBN29G282>

⁵ US Constitution, amend. 1.

⁶ Telecommunications Act of 1996, Public Law 104-104 § Sec.230, 1996.

⁷ Erick C. Nisbet, Olga Kamenchuk, & Aysenur Dal, “A Psychological Firewall? Risk Perceptions and Public Support for Online Censorship in Russia”, *Social Science Quarterly* 98, no. 3 (2017): 959.

point to several Supreme Court cases that challenge the absoluteness of First Amendment protection for free speech, one of which, *Hill v. Colorado* (2000), permitted a state law that placed restrictions on the conduct of oral protest.⁸ Perhaps the government should be involved in some capacity if information spread on social media may result in violent actions that are contrary to "domestic tranquility" and "general welfare".

Moreover, it's necessary to think of the general need for fact-checking by media companies. Human beings, with limited observational capabilities, cannot know all there is to know about the entirety of the world that affects them from personal observation alone. Media companies fill the gap. But how does the recipient know that the story is true? Imagine a resident of New York City, let's call her Alice, is awaiting the arrival of a friend coming over from England. On April 16, 1912, Alice buys a copy of the *New York Times* to discover, to her chagrin, that the boat her friend was riding on, the Titanic, sank in the northern Atlantic the previous night. Alice is devastated. But why? Not only is it the potential loss of her friend, but the fact that she believed the *New York Times* story. Alice personally never witnessed the sinking of the Titanic, yet entrusts the fate of her knowledge and, subsequently, her emotions to a journalist whom she has never met and has no reason to personally trust.

Why did Alice do this? What made the *New York Times* trustworthy? First, we must discuss a few elements of "truth." Merriam-Webster defines truth as "actuality", "fact", and "the state of being the case".⁹ One of the qualities of truth is that it is both enduring and practical. A universe in which the Titanic sank operates inherently differently than a universe in which the Titanic did not sink. Many corollary events, such as the behavior of Alice, are shaped by the nature of other, preceding events (e.g., whether the Titanic sinks or steams on). One of the things that media companies offer is the ability to correctly shape the reader's understanding of the world around them. What world must the reader engage in, practically speaking? A universe where a certain event, X, happens can be expected to behave, perhaps into perpetuity, differently than a universe where event X did not happen. Media companies, ideally speaking, will be incentivized to internally fact-check before publication.¹⁰ The *New York Times* knows that Alice will no longer buy their newspaper if, after having learned of the Titanic's sinking, the boat somehow showed up at Pier 59 intact. The universe that she was told existed did not, in fact, exist, and she will now patronize a different news source. Even if sources of news lose money on a regular basis, like the *Washington Post*, they are often incentivized to check the facts of their "universe" because of institutionalized standards of professionalism associated with journalism. But the cultural guardrail of professionalism is often ignored or openly flouted by many media sources today. Although this lack of professionalism has been an element of the news ecosystem for centuries, its seeming ubiquity today is cause for concern.

Nevertheless, with truth being both enduring and practical, few can live in a universe that isn't conditioned by the truth. Many, perhaps most, fabricated stories will fade away since the

⁸ *Hill v. Colorado*, 530 U.S. 703.

⁹ Merriam-Webster, s.v. "truth," accessed September 13, 2022, <https://www.merriamwebster.com/dictionary/truth>.

¹⁰ Lucas Graves & Michelle A. Amazeen, "Fact-Checking as Idea and Practice in Journalism," *Oxford Research Encyclopedias, Communication* (February 2019): 2-4. [Fact-Checking as Idea and Practice in Journalism | Oxford Research Encyclopedia of Communication](#)

universe will not behave in accord with those stories. We have proposed a system in which the need for fact-checking comes internally to the media; therefore, external fact-checking may seem moot. This may be true by those modern media companies who derive their reputation from reflecting a story that is in line with the truth of the universe and how it behaves – namely, AP, Reuters, the New York Times, the Washington Post, and the Wall Street Journal. However, there are more problems that arise. If event X happens, but someone publishes a story saying Y happened, will an individual be able to tell externally that X, not Y, happened? The answer is yes in the example of Alice finding for herself through personal observation or communication that the Titanic has or has not arrived safely at Pier 59, but it's easy to imagine scenarios where certain conditions of the universe would look identical (or near identical) under either event X or event Y. Could certain individuals, groups, or media companies then advance falsehoods to leverage this imperceptibility for personal or political gain? The answer, theoretically, is yes. Then, if certain media companies, groups, or websites are not incentivized to internally fact-check, would it be prudent to bring in a third-party to do this? Potentially.

Many of us are aware of social media platforms' additions of "independent fact-checkers."¹¹ Ideally, these entities can flag information based on whether the claims it makes are in line with truth (i.e., a reality that accurately reflects the current and potential behavior of the universe) or not. The enduring nature of truth can lead to the reliability of independent fact-checkers, the same way it influences reputable media companies, and may have even influenced politicians' rhetoric.¹²

It may seem, therefore, that the government would be within its obligations to mandate or promote social media sites utilizing already established and reputable independent fact-checking sources (like PolitiFact), assuming that truth is preferable to lies in terms of the "general welfare." This may be helpful when distinguishing truth from overt falsehoods. However, things can become more problematic when it comes to claims that are nuanced, potentially allowing the individual biases of fact checkers to label stories true or false according to subjective notions.

For example, take this tweet: "The J&J COVID-19 vaccine is safe." This could easily be fact-checked as "true", due to its having been administered to more than 61,000 in clinical trials and millions since, with >99% of recipients having no severe side effects from the vaccine.¹³

Now let's take a countering tweet that says, "The J&J COVID-19 vaccine is deadly." What would the appropriate "fact-check" be? It may depend on the predisposition of the independent fact-checker. If they are trying to promote widespread vaccination in defense of public health, this tweet could easily be flagged as "false" or "misleading." However, a separate independent fact checker who is more hesitant about new vaccines still under Emergency Use

¹¹ "How Meta's third-party fact-checking program works," Meta, June 1, 2021, [How Meta's third-party fact-checking program works \(facebook.com\)](https://www.facebook.com/help/1015844679686691)

¹² Michelle Amazeen, "Sometimes political fact-checking works. Sometimes it doesn't. Here's what can make the difference," Washington Post, June 3, 2015, [Sometimes political fact-checking works. Sometimes it doesn't. Here's what can make the difference. - The Washington Post](https://www.washingtonpost.com/news/energy-environment/wp/2015/06/03/sometimes-political-fact-checking-works-sometimes-it-doesnt-heres-what-can-make-the-difference-the-washington-post/)

¹³ Janssen Pharmaceutical Companies, "Fact Sheet for Recipients and Caregivers," Janssen Labels, Janssen Pharmaceutical Companies, May 5, 2022, [Janssen COVID-19 Vaccine - EUA Fact Sheet for Recipients and Caregivers \(janssenlabels.com\)](https://www.janssenlabels.com/fact-sheet-for-recipients-and-caregivers).

Authorization (EUA), or one who prefers that individuals choose the mRNA vaccine, could mark this same tweet as “true.” The J&J vaccine information sheet says that blood clots have developed in “about 8 cases for every 1,000,000 vaccine doses administered” for females between the ages of 30-49, and “1 out of every 7 cases has been fatal.”¹⁴ While this number is statistically small, calling the J&J vaccine “deadly” is real for many people and their loved ones. How should such a tweet be assessed? Does the >99% success rate of the J&J vaccine carry the day, or do social media users have a right to know about the deadly potential of the J&J vaccine, especially if they are female and between 30-49? In this example, both independent fact-checkers would be justified in the rating that they gave.

When it comes to fact-checking in more subtle and nuanced cases, the common problem of “who checks the checkers” is revisited. Government’s entry into this situation, then, can be problematic, since, in a democratic republic, it may be impossible to separate political ambition and preferences from how pithy tweets, charts, or news articles, are labeled. This problem is compounded also by the rise of “fake fact-checkers” since the advent of the war in Ukraine, most notably on the app Telegram.¹⁵ Ultimately, who can we trust, and how do we know we can trust them?

Another chief concern with government involvement revolves around filtering and framing. Filtering is the deliberate decision making from news media outlets of what stories to cover, while framing is the way the information is presented, the context given, and the verbiage used to tell a particular story.¹⁶ Even if we cede that government could be involved in the prevention of the spread of information that is false in an uncontroversial way, (i.e., the Titanic never sank), there will always be a problem with filtering and framing in the media. The government being involved in fact-checking and promoting truth on social media could be problematic if this leads to a mission creep where the government and social media companies are policing how stories are filtered and framed. It can be argued that filtering and framing information, even though the information is true, can have profound effects on the polity in terms of the information they receive, and, therefore, the stories that they believe. As shown in the J&J tweet example, the unsupervised checker, whether it be the government or an independent social media company (Twitter, Facebook, Telegram, etc.), can justify certain labels that will have traces of their own individual, and perhaps partisan, biases.

Protecting the Interests and Values of the U.S. and our Allies

To protect the interests and values of the U.S. and its allies, it is useful to understand our adversaries’ malignant information strategies and narratives. Russia, China, Iran, and North Korea have a collective interest in stirring distrust in Western democratic governments and their institutions. Their goal is to influence people to believe that the U.S. and its allies have malign

¹⁴ Janssen Pharmaceutical Companies.

¹⁵ Daniel Estrin, Gabe O’Connor, and Kathryn Fox, “Who’s checking the fact checkers?,” NPR, April 19, 2022, [Who's checking the fact checkers? : NPR](#)

¹⁶ William T. Bianco and David T. Canon, *American Politics Today (Seventh Edition)* (New York: W.W. Norton & Company, 2021), 262-65.

intentions to dominate the world with their ideas and with force. Thus, Russia, China, Iran, and North Korea argue that what they are doing is countering harmful Western policies and that their actions are being unjustly attacked by the West.¹⁷

To build this narrative, Goolsby argues that our adversaries use social media to exploit people and to infiltrate communities with disinformation.¹⁸ Our adversaries use troll armies to dismiss critical thinking, distort facts, distract from truth, and dismay the target audience.¹⁹ These tactics are used to achieve an “amygdala hijack” during which a target’s amygdala, the emotional processing center of the brain, is overloaded with emotions to degrade the target’s reasoning.²⁰ Our adversaries focus on disinformation content that induces anger, an addictive emotion, which helps confirm a target’s biases and motivates the target to spread the disinformation further.²¹ Of concern is our own deception tactics to promote pro-Western narratives on social media platforms.²² Is our use of deception tactics permissible given our commitment to liberty, equality, and empathy? As a prominent American politician maintained in 1964, “extremism in the defense of liberty is no vice.” (Barry Goldwater). Or will such an approach lead to the incremental erosion of our fundamental values of liberty, equality, and empathy?

In framing a strategy to counter our adversaries, should the US practice what it preaches? The answer may seem obvious - using the tactics of our adversaries is not who we are; furthermore, such an approach may backfire and undermine positive perceptions of the West. Unfortunately, a recent report suggests that the US government has used deceptive practices to promote pro-Western narratives on social media platforms

To protect the interests and values of the U.S. and its allies, the U.S. should support longstanding American technology and information dominance in the cyber domain. More specifically, the U.S. can share its cyber-defense capabilities with trusted allies and can train the cyberwarriors of our allied countries. These efforts will help these countries to build their own robust cybersecurity systems. Not only will these efforts better protect our allies’ interests and values but will also foster trust in America’s commitment to the security of its allies.

American technological and information dominance can be reinforced with a whole-of-nation approach in which the people, non-government organizations, and the U.S. government coordinate efforts through a Center for Cognitive Security.²³ According to Waltzman, the two purposes of this center are: (1) protect our people and government institutions from Russo-

¹⁷ Chris Zappone, “As Facebook Disclosure Shows, Russian Influence Campaigns Seek to Divide, Cripple Democracy,” *The Sydney Morning Herald*, September 7, 2017, <https://www.smh.com.au/world/as-facebook-disclosure-shows-russian-influence-campaigns-seek-to-divide-cripple-democracy-20170907-gycgdt.html>.

¹⁸ Rebecca Goolsby, “Developing a New Approach to Cyber Diplomacy,” *Future Force*, no. 6 (2020), 8-15.

¹⁹ Ben Nimmo, “Anatomy of an Info-War: How Russia’s Propaganda Machine Works, and How to Counter It,” accessed September 16, 2022, <https://www.stopfake.org/en/anatomy-of-an-info-war-how-russia-s-propaganda-machine-works-and-how-to-counter-it/>.

²⁰ Goolsby, 10.

²¹ Ibid.

²² <https://cyber.fsi.stanford.edu/io/news/sio-aug-22-takedowns>

²³ *The Weaponization of Information: The Need for Cognitive Security*, 115th Congress, 7 (2017) (statement of Rand Waltzman, RAND Corporation).

Chinese IO; (2) counter Russo-Chinese IO using information maps that help defend our critical information infrastructure and attack Russo-Chinese cyber vulnerabilities. Such a center can synergize the efforts of the U.S. government, information and technology corporations, and private citizens to best protect against current and future cybersecurity threats posed by our adversaries. Related questions include: What does this Center for Cognitive Security consist of in terms of capacities and precise missions? Who should govern the Center for Cognitive Security? Who would make up this Center's workforce?

The U.S. can counter and deter the "sharp" power of our adversaries by threatening real costs for any penetration of cybersecurity walls that protect critical national security resources of the U.S. and its allies.²⁴ If our adversaries penetrate our cybersecurity systems to access critical national security resources, they must know that they are putting their lives and the lives of those who are part of the penetration attack at risk. Economic costs often do not deter cyber criminals and their masters as they can easily evade cyber threats and economic sanctions. Although we have advanced AI and machine learning capabilities to detect these elusive criminals as they travel outside of our adversaries' borders, we have a limited means to intercept and capture these criminals due to our commitment to international laws and respect of other nations' laws. Questions to consider are: do we ignore international norms and laws to capture cybercriminals, or can we broker agreements between allied countries that allow for quicker arrests and extradition of cyber criminals? Furthermore, should we make public cyber offensive operations or are they best kept covert?

In summary, the U.S. can protect the interests and values of itself and its allies using two principles: (1) demonstrate American technology and information dominance through sharing our cyber capabilities and (2) counter and deter "sharp" power of Russia and China. These principals can be reinforced together through a whole-of-nation approach in which the people and the U.S. government coordinate efforts through a Center for Cognitive Security.²⁵

Conclusion

As John Winthrop (1630) wrote in his stirring sermon "City Upon a Hill", we, as Americans, must rejoice together, mourn together, labor and suffer together to be united. In doing so, we shall be the city upon the hill that the world will continue to respect and admire rather than being the failed democratic experiment that our adversaries desire. Again, it might be useful to describe the United States as a great country but with serious domestic problems.

²⁴ Jessica Ludwig and Christopher Walker, "The Meaning of Sharp Power," *Foreign Affairs*, November 16, 2017, <https://www.foreignaffairs.com/articles/china/2017-11-16/meaning-sharp-power>.

²⁵ Ibid.

Suggested Readings

The authors recommend the following additional readings to further explore these topics:

Karstadt, Rony. “[Trust, Truth, and National Security: The Cognitive Battle in the Digital Age - Summary of the 2021 Conference of the Lipkin-Shahak Program on National Security and Democracy in an Age of Post-Truth and Fake News.](#)” *Institute for National Security Studies*, 2021. December 15. <https://www.inss.org.il/>.

Waltzman, Rand. “Facebook Misinformation Is Bad Enough. The Metaverse Will Be Worse.” *RAND Corporation*, 2022. August 22. <https://www.rand.org/blog/2022/08/facebook-misinformation-is-bad-enough-the-metaverse.html>

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Nina Jankowicz, “How to Defeat Misinformation,” *Foreign Affairs*, November 2020. [How to Defeat Disinformation | Foreign Affairs](#)

Nina Jankowicz, “The Day the Internet Came for Them,” *Foreign Affairs*, January 2021. [Washington Wakes Up to the Dark Reality of Online Disinformation | Foreign Affairs](#)

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