

Final Report

November 2021

Commission
on Information
Disorder

Letter from the co-chairs

Information disorder is a crisis that exacerbates all other crises. When bad information becomes as prevalent, persuasive, and persistent as good information, it creates a chain reaction of harm.

Information disorder makes any health crisis more deadly. It slows down our response time on climate change. It undermines democracy. It creates a culture in which racist, ethnic, and gender attacks are seen as solutions, not problems. Today, mis- and disinformation have become a force multiplier for exacerbating our worst problems as a society. Hundreds of millions of people pay the price, every single day, for a world disordered by lies.

In the face of this challenge, we would expect information disorder to be a central concern for anyone in society who bears the title of “leader.” Proactive leadership, rising from within every sector and institution in our society, is our only way out of this crisis. And yet it is sorely missing. The committed and powerful leadership we need is not yet the leadership we have. Accordingly, the biggest question we faced as co-chairs of the Aspen Institute’s Commission on Information Disorder was simply this: *How can we help increase the breadth, depth, honesty, and efficacy of leadership for tackling information disorder?*

The shared belief of the Commission co-chairs is that one critical catalyst for bringing about the leadership we need is the establishment of a framework for action—a path toward change. It must be paved with well-researched and real-world solutions, which people affected by mis- and disinformation can demand their leaders walk down. And it must be clear enough to help responsible leaders stay on track toward something real.

The biggest lie of all, which this crisis thrives on, and which the beneficiaries of mis- and disinformation feed on, is that the crisis itself is uncontainable. One of the corollaries of that mythology is that, in order to fight bad information, all we need is more (and better distributed) good information. In reality, merely elevating truthful content is not nearly enough to change our current course. There is an incentive system in place that manufactures information disorder, and we will not address the problem if we do not take on that system, nor will we improve if we fail to address the larger societal issues that continue to divide us.

If we want to reduce information disorder, there are structural changes that we can and must make to our information ecosystem, and there are rules that we can and must implement to better govern the decisions and behavior of information platforms and propagators.

This report is the culmination of an in-depth investigation aimed at better defining the causes and challenges of information disorder, and offering a viable framework for action. We wish to express our profound appreciation for the expertise, insight, and enthusiastic participation of every commissioner, expert, academic, activist, and practitioner who supported our work, and to Craig Newmark Philanthropies, who funded this effort. The Aspen Institute's Commission on Information Disorder invited voices from across our society to help build upon our understanding of the issues and our approach to recommendations. This included numerous examples of research, original ideas, draft legislation, and critical analysis from academics, policymakers, and activists—all leveraging deep, real-world experience while striving to meet the scale of the challenge.

Each recommendation that follows represents a discrete, actionable idea. Though not all of the recommendations are mutually dependent, they should be considered together—they reinforce and build off one another. For instance, recommendations calling for access and disclosure support

those that impose greater accountability for bad actors and, conversely, create a check on overreach.

Our recommendations cover multiple areas: technology, society, government, and media. It is also important to note that, with imperfect information, we make imperfect decisions. Due to the opacity of tech and media platforms—how they operate and how they optimize their products—we do not have sufficient understanding of all the coordinated levers that could reduce societal harms while still allowing for innovation, and both individual and community benefit.

This crisis demands urgent attention and a dedicated response from all parts of society. Every type and level of leader must think seriously about this crisis and their role in it. Each can and should enter this conversation, genuinely listening to the problems and taking real ownership of solutions. Our Commission has aimed to model that process and demonstrate the utility of its outcomes.

We hope that the decision-makers who are ready to take on that challenge will use this framework for action to help reduce information disorder and lessen its destructive role in our world. The Commission hopes its work will spark a new level of leadership and the immediate action that leadership makes possible.

Katie Couric
Chris Krebs
Rashad Robinson



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The Commission's work would not be possible without the countless efforts, initiatives, and research that have surfaced over decades and that continue to critically challenge how we experience our information ecosystem. Over the course of their meetings, readings, and briefings, commissioners gained a robust, comprehensive understanding of the layered complexity of information disorder, and shared their perspectives and expertise with each other on various aspects of the problem. Commissioners brought forward their own questions for Aspen Digital staff, experts, and our advisors, ranging from internet regulation to platform transparency and concerns around data privacy.

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Technical Advisors

Throughout the preparation and planning process, the Commission engaged with a variety of individuals who have technical expertise and experience with the platforms. As Technical Advisors, their primary role was to be on-hand to provide commissioners with enhanced understanding of the issues it considered, and to provide advice as requested on potential solutions it might recommend. Technical Advisors were not compensated.

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Disinfo Discussions

As the Commission sought to gain a comprehensive understanding of the layered complexities of information disorder, 25 experts from diverse backgrounds, skills, and experiences participated in our Disinfo Discussions to weigh in on the crisis, creating more than 600 minutes of expert understanding on information disorder.

The History of Disinformation

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The Fundamentals of Disinformation

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Conspiracy Theories and Coordinated Campaigns

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Impact of Anti-Black Radicalization and Disinformation

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Cognitive Psychology and the Effects of Repeated Falsehoods

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Commission briefers

As part of the initial phase to identify and prioritize areas of recommendations where the Commission could make a meaningful impact, the commissioners had a chance to hear from and ask questions of experts across a range of fields to contribute to their understanding and thinking.

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Context and insights

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Context and insights

We are in a crisis of trust and truth.

The problem extends well beyond state-sponsored disinformation, or health scams promoting miracle cures; it is rooted in broader challenges facing the nation—from increasing income inequality, to decreasing levels of public trust in institutions, to the constant churning cycle of news and information, to the splintering of media writ large, to the explosion of social media. Combined, these enormous changes are fertile ground for the seeds of information disorder.

The past decade has been marked by a tremendous shift in the social, cultural, and political fabric of American life. As we close in on the end of a second year of the COVID-19 pandemic, the seams are splitting and the threats to communities and to livelihoods have moved from internet chat rooms to the ICU. We see how our information ecosystem is failing the public, and how the absence or loss

of trust in government entities, community institutions, and journalism, combined with a growing number of bad actors and conflict entrepreneurs who exploit these weaknesses,¹ have led to real harms, sometimes with fatal consequences. Public discourse is deeply polarized and acrimonious; we are distrustful of each other and of powerful institutions (sometimes for good reason).² Many have become groundlessly skeptical towards scientific research and reject substantiated facts. Moreover, amongst the mandated lockdowns and abrupt shifts to online *everything*, this past year underscored how critical it is for us to connect with each other in true dialogue and meaningful discourse. Our growing incapacity to bridge these divides and make vital connections in our lives is having a corrosive effect.

This report has been authored by the three co-chairs of the Aspen Institute's Commission on Information Disorder: Katie Couric, Chris Krebs, and Rashad Robinson. The commissioners contributed to the report throughout the process through research, deliberation and discussion, and collaborative working groups, which produced the draft recommendations. While the Commission had broad alignment on the insights and direction of the recommendations, commissioners were not required to fully endorse every recommendation and insight contained in the final report.

¹ Ripley, Amanda. [High Conflict: Why we get trapped and how we get out](#). Simon & Schuster, 6 Apr., 2021.

² Williams, Corey J. [Black Americans don't trust our healthcare system—here's why](#). The Hill, 24 Aug., 2017.

Over the course of six months, the Aspen Institute’s Commission on Information Disorder—composed of a diverse group from across the political spectrum, representing academia, government, philanthropy, and civil society—held internal discussions and heard from experts, community leaders, academics, researchers, tech industry representatives, and lawmakers to understand and explore the multidimensional attributes of our societal crisis of trust and truth. While we understand that most tech platforms operate globally and the insights and recommendations in this report are informed by global experiences, this report is primarily targeted at U.S. issues and interventions. Still, the Commission hopes that good ideas can provide a blueprint for global impact wherever appropriate. The work draws upon the latest research, thinking, public policy, and actions from leading experts and scholars. The Commission’s intent is to elevate good ideas and galvanize awareness, as well as drive support and create momentum for change and solutions.

What values informed the Commission?

Communications technology has made us more widely and constantly connected, facilitated enormous wealth generation, and created tremendous opportunities for commerce. It has spawned new industries and brought others to their end. It has reshaped how we work and play. Most dramatically, it has redefined what we mean by community. These same tools have also enabled unprecedented online harassment, helped connect and organize hate groups and conspiracy theorists,^{3, 4, 5} allowed governments to incite genocide,⁶ and facilitated the spread of disinformation targeting racialized populations.⁷ Still, our understanding of how information is created and delivered, and how it is accepted, used, and reused, for whose benefit, and at what costs, remains woefully inadequate.

The Commission sought to understand and address the impact of mis- and disinformation across our society. We grounded our process, priorities, and recommendations with a commitment to the rule of law, including a belief in the vital importance of advancing

Definitions

The terms disinformation and misinformation are defined in a variety of ways. The Commission employed the following definitions for the purposes of this report.

Information disorder, coined by First Draft Co-Founder Claire Wardle, denotes the broad societal challenges associated with misinformation, disinformation, and malinformation.

Disinformation is false or misleading information, intentionally created or strategically amplified to mislead for a purpose (e.g., political, financial, or social gain).

Misinformation is false or misleading information that is not necessarily intentional.

³ Robertson, Adi. [Supreme Court rejects lawsuit against Facebook for hosting terrorists](#). The Verge, 18 May, 2020.

⁴ Paul, Kari. [‘It let white supremacists organize’: the toxic legacy of Facebook’s Groups](#). The Guardian, 4 Feb., 2021.

⁵ Roose, Kevin. [What Is QAnon, the Viral Pro-Trump Conspiracy Theory?](#) The New York Times, 3 Sept., 2021.

⁶ Stevenson, Alexandra. [Facebook Admits It Was Used to Incite Violence in Myanmar](#). The New York Times, 6 Nov., 2018.

⁷ Bond, Shannon. [Black And Latino Voters Flooded With Disinformation In Election’s Final Days](#). NPR, 30 Oct., 2020.

civil rights, human rights, and freedom of speech, as well as protecting user safety and privacy; the democratic values that support a free and accountable press; and every individual's right to access reliable, trusted information (and to expect to receive it from their institutions and leaders). We value the right and responsibility to democratic engagement, including every individual's responsibility to think critically, carefully, and deliberately about matters of public interest, the need to access civil democratic discourse, and the opportunity to participate in public life (e.g., through elections). These values are foundational to a resilient information system, an engaged citizenry, and a vibrant democracy. The Commission was informed by evidence-based research and a group of experts from academia, the news industry, and the online platforms, as well as commissioners' own areas of expertise. We approached this project with a shared appreciation for the freedoms of inquiry, speech, and association, and cognizant of the real possibility that the imposition of new restraints on these freedoms could silence marginalized voices and suppress dissent that is crucial to a democratic society.

It is the Commission's belief that information disorder is a whole-of-society problem that can have life-or-death consequences. It will require urgent and meaningful interventions, resources, legal and policy changes, and the commitments of every part of society to reverse these disturbing trends. We must all be doing more than we are to combat this problem.

To be clear, information disorder is a problem that cannot be completely solved. Its eradication is not the end goal. Instead, the Commission's goal is to mitigate misinformation's worst harms with prioritization for the most vulnerable segments of our society.

In a free society, a certain amount of misinformation will always exist; our task is not to eradicate every half-truth or willful misrepresentation of the facts—a task that is not only impossible but even undesirable in a free society. We sought instead to identify structural interventions that will illuminate the problem of information disorder, we explored the financial motivations that incentivize both platforms and bad actors, and we looked to identify other

interventions that will mitigate some of the greatest harms caused by relatively narrow classes of mis- and disinformation—threats like those to public health, election integrity, and the targeting of underrepresented communities.

Who gets to determine mis- and disinformation?

The Commission recognizes that in a free society there are no “arbiters of truth.” As we each then evaluate which sources news consumers, citizens, and tech platforms may rely upon to inform their own decision-making—whether they are professionals, academics, nonpartisan organizations, or government institutions—we must acknowledge that this is part of a much bigger process. The news media have a responsibility to seek out the facts, and report them with relevant context for their audience. In empirically-grounded realms, we can reduce information disorder by enabling and supporting efforts based on transparent, reproducible, proven methods (e.g., scientific method for health, certification methods for elections) implemented by non-partisan, qualified professional organizations, and accountable public oversight (e.g., medical/health organizations, election process orgs).

To be clear, information disorder is a problem that cannot be completely solved. Its eradication is not the end goal. Instead, the Commission’s goal is to mitigate misinformation’s worst harms with prioritization for the most vulnerable segments of our society. The pursuit of an objective truth must begin with empirical evidence. It must also accept that at best, the truth is the best version of what we know in that moment with the evidence available, and that over time we will undoubtedly learn more and may need to reconcile what we know. It is also not devoid of political power dynamics and historical inequities, and there are concomitant risks of silencing good-faith dissent. As such, the Commission recognizes that any effort to pursue truth can result in ideological disagreement, which is an inevitable byproduct of any free and open society.

The aspirational objective of the Commission’s work acknowledges and takes into account the tradeoffs inherent in certain approaches. The Commission focused its attention on the greatest harms—those worthy of intervention to protect the public and prevent the erosion of societal bonds and communities.

Who is most harmed?

From public health to election fraud to gender violence and predatory advertising, mis- and disinformation result in real-world harms that impact people's lives. While the impacts of misinformation about the pandemic or the legitimacy of an election can affect everyone both directly and indirectly, it is clear that certain communities bear that burden in greater proportion. Research shows that economic, social, and racial disparities have created an environment ripe for targeted disinformation that can cause significant harm to communities of color.⁸ Some campaigns have multiple targets: the community targeted to spread the message, and the community that is denigrated by the message. Marginalized communities can be targeted directly, but it is also the case that disinformation campaigns have been targeted to one community with the intention of promoting false beliefs about another,⁹ including Black/African American, Asian American, Muslim and religious minorities, LGBTQIA+, and Indigenous nations and communities.

While the Commission acknowledges both mis and disinformation cause harm in many areas, its recommendations place special emphasis on a set of narrower categories of misinformation harms from empirically grounded domains . . . which can be evaluated for information quality and accuracy by professional bodies with established standards and domain expertise.

The tangible effects of mis- and disinformation don't end with marginalized populations; they also affect communities more susceptible to false narratives, including the elderly.^{10, 11} False information is often also sensational, which makes it spread faster,¹² creating a cascading effect of misinformed people sharing falsities. While the Commission acknowledges both mis- and disinformation

⁸ J. Jaiswal, et al. [Disinformation, Misinformation and Inequality-Driven Mistrust in the Time of COVID-19: Lessons Unlearned from AIDS Denialism](#). *AIDS Behavior*, 21 May, 2020.

⁹ Mak, Tim. [Senate Report: Russians Used Social Media Mostly To Target Race In 2016](#). NPR, 8 Oct., 2019.

¹⁰ Ward, Charlotte, and Voas, David. [The Emergence of Conspiracism](#). *Journal of Contemporary Religion*. 7 Jan., 2011.

¹¹ Popken, Ben. [Age, not politics, is biggest predictor of who shares fake news on Facebook, study finds](#). NBC News, 10 Jan., 2019.

¹² Vosoughi, Soroush et al. [The spread of true and false news online](#). *Science*, 9 Mar., 2018.

cause harm in many areas, its recommendations place special emphasis on a set of narrower categories of misinformation harms from empirically grounded domains (e.g., threats to public health, elections) which can be evaluated for information quality and accuracy by professional bodies with established standards and domain expertise.

Scope and approach

The work of the Commission was split into two phases. The first phase sought to identify priorities, recognizing that addressing every aspect of information disorder is not possible to take up in this report.

The Commission chose to focus its attention on three priorities:

- **Increasing transparency and understanding:** Enhancing access to and inquiry into social media platforms' practices, and a deeper examination of the information environment and its interdependencies.
- **Building trust:** Exploration of the challenges the country faces in building and rebuilding trust in the institutions people count on to support informed public discourse and debate, and the role that access to reliable facts and content plays in those conversations.
- **Reducing harms:** Interventions that reduce the worst harms of mis- and disinformation, such as threats to public health, democratic participation, and targeting of communities through hate speech and extremism.

Phase two of our work focused on these three priorities, determining near-term actionable solutions to the most pressing issues, as well as developing a set of recommendations for the longer term.

Throughout, the Commission met every other week via video conference to hear from experts and discuss the most pressing issues. Between meetings, the Commission studied more than 500 pages of news articles, academic papers, reports, and opinion pieces pertaining to these topics, materials that are available to the public in the Commission's Knowledge Center. Aspen Digital staff also produced an audio/video series called Disinfo Discussions, featuring 25 experts from a diverse set of backgrounds, skills, and experience to weigh in on the crisis.

Knowledge Center

To support the commissioners, Aspen Digital staff identified areas of focus that provide background on and context to information disorder. Topics covered in the [Knowledge Center](#) include selected experts and relevant readings.

Disinfo Discussions

Aspen Digital hosted a series of expert briefings on a broad range of essential topics related to mis- and disinformation. [Disinfo Discussions](#) is designed to help the commissioners and the public make sense of the various facets of the information crisis.

In the second phase, the commissioners convened in smaller working groups to discuss in detail the most effective pathways to solutions. The Commission deliberated on the nature of information disorder by reviewing the structural issues and consequences of an expedient digital information system.

In August, members of the Commission gathered in Aspen, Colorado, to discuss and deliberate proposed solutions and recommendations, weighing which actions would have meaningful impact and which would face the most hurdles, from whom and why. In the weeks following the meeting, commissioners worked individually and in groups to further consult with topic and issue experts who could provide the practical and intellectual understanding needed to nuance each recommendation.

Throughout the past six months, commissioners wrestled with how to effectively acknowledge, incorporate, and speak to the various modalities of information disorder. They sorted through the many definitions of misinformation, and evaluated how best to respond to it. This made for hard decisions on what to embrace in the recommendations, what not to and why, and whether the recommendations in their totality will truly impact information disorder. Ultimately, we determined that some items discussed fell out of scope of the Commission's mission; some of those ideas, as well as possible solutions that require more thought and research than we were able to expend in our time-bound work, will be featured separately on the Commission's website.

Supplementary statements from members of the Commission regarding additional areas of work will be posted on AspenInfoCommission.org.

Key insights and context

There are no quick fixes or easy answers that would address information disorder, repair our civic fabric, or establish trust and comity across society. This is a complex problem that didn't begin with the Communications Decency Act of 1996 nor with Facebook's founding in 2004, and it will not be solved with mere cosmetic tweaks to certain algorithms. Instead, the core problems and challenges of this era are deeply rooted and indicative of larger issues our society is struggling with across modern life. Through its work and discussions, the Commission discussed and debated each of the following ideas and challenges at length and explored related tensions as it developed insights that drive the recommendations. We included these to provide further context into the deliberations and to underscore the complexity of addressing information disorder.

**Disinformation is a symptom;
the disease is complex structural inequities.**

Mis- and disinformation are not the root causes of society's ills but, rather, expose society's failures to overcome systemic problems, such as income inequality, racism, and corruption, which can be exploited to promote false information online. As Mike Masnick has written, "Saying that the disinformation is *the* problem—rather than a way in which the underlying problem shows itself—misses the point entirely."¹³

Mis- and disinformation do not exist in a vacuum. The spread of false and misleading narratives, the incitement of division and hate, and the erosion of trust have a long history, with corporate, state actor, and political persuasion techniques employed to maintain power and profit, create harm, and/or advance political or ideological goals.¹⁴ Malicious actors use cheap and accessible methods to deliberately spread and amplify harmful information.

**"Saying that the disinformation is *the* problem—
rather than a way in which the underlying problem shows
itself—misses the point entirely." —Mike Masnick**

Disinformation inflames long-standing inequalities and undermines lived experiences for historically targeted communities, particularly Black/African American communities. False narratives can sow division, hamper public health initiatives, undermine elections, or deliver fresh marks to grifters and profiteers, and they capitalize on deep-rooted problems within American society. Disinformation pours lighter fluid on the sparks of discord that exist in every community.

The absence of clear leadership is slowing responses.

Currently, the U.S. lacks any strategic approach and clear leadership in either the public or the private sector to address information disorder. The federal government has been ill-equipped and outpaced by new technologies and the information ecosystems that take shape around them. Regulators, such as the Federal Communications Commission (FCC) and the Federal Trade Commission

¹³ Masnick, Mike. [Most Information About Disinformation Is Misinformation](#). TechDirt, 30 Aug., 2021.

¹⁴ Freelon, Deen and Wells, Chris. [Disinformation as Political Communication](#). *Political Communication*, 14 Feb., 2020.

(FTC), sometimes lack necessary authorities, resources, and capacity to assert in this digital age their long-standing purpose as consumer champions and custodians of the public interest. Congress, meanwhile, remains woefully under-informed about the titanic changes transforming modern life and has under-invested in the staff, talent, and knowledge to understand and legislate these new realms, particularly given that it has never replaced the capability lost by the closure of the Office of Technology Assessment in the 1990s. The technology industry lobby also has outsized influence in shaping legislative priorities favorable to its interests.

Currently, the U.S. lacks any strategic approach and clear leadership in either the public or the private sector to address information disorder. The federal government has been ill-equipped and outpaced by new technologies and the information ecosystems that take shape around them.

In the private sector, tech platform leaders have abused customers' trust, obfuscated important data,¹⁵ and blocked research that would help illuminate and educate the full scope and scale of the problems society faces.¹⁶ More than any single action or implementable recommendation we could make, it is necessary for our government, civil society, and private sector leaders to prioritize, commit to, and follow-through on addressing the worst harms and worst actors and to invest in their own capacities to understand and respond to the problems we face together.

Trade-offs between speech and misinformation are not easy.

Underpinning much of the Commission's deliberation is the relationship between online communication platforms as well as both longstanding First Amendment protections and Section 230 of the Communications Decency Act.¹⁷ Should platforms be responsible for user-generated content? If so, under what circumstances?

¹⁵ Horwitz, Jeff, et al. [The Facebook Files](#). *The Wall Street Journal*, Sept. 2021.

¹⁶ Hatmaker, Taylor. [Facebook cuts off NYU researcher access, prompting rebuke from lawmakers](#). TechCrunch, 4 Aug., 2021.

¹⁷ [Section 230 of the Communications Decency Act](#). Legal Information Institute, Cornell Law School.

What exactly would responsibility look like?¹⁸ These questions are deeply contested within legal and policy debates.

First Amendment scholars and advocates have raised legitimate concerns about undermining free speech as society tries to address the most harmful content in the digital public sphere. Commissioners concluded that introducing new constraints on harmful speech would likely lead to unintentionally censoring “socially valuable speech,” like dissenting views and advocacy for minoritized, under-represented, or vulnerable people and groups, or protected classes. Yet, the current status quo of unregulated speech has resulted in, and will continue to result in, real-world harms. The Commission’s goal has been to seek interventions that mitigate the harm of that speech or discourage individuals from speaking falsely in the first place.

The Supreme Court has interpreted the First Amendment to largely preclude the government from limiting certain “protected” speech (including some forms of expressive conduct) while permitting laws that focus on narrow categories of unprotected speech, such as defamation, obscenity, fraud, etc.¹⁹ Philip Napoli and Fabienne Graf also point out that the Supreme Court has refused to include “false-speech” (including intentional false speech) in the collection of speech categories eligible for content-based restrictions.²⁰

While platforms do moderate their services, their policies and outcomes are opaque and inconsistently applied. Some argue that social media platforms have promoted the “privatization of the public square.”²¹ Yet, under current doctrine, private corporations are not governed by the First Amendment. Indeed, these businesses are protected by the First Amendment and free to make their own calls on how they moderate speech on their platforms—which they currently do. This ability to self-moderate manifests as a widely-varying, disparate, and often inconsistent series of voluntary and opaque content moderation policies and enforcement practices across different platforms.

¹⁸ Citron, Danielle Keats and Franks, Mary Anne. [The Internet as a Speech Machine and Other Myths Confounding Section 230 Reform](#). *University of Chicago Legal Forum*, 1 Dec., 2020.

¹⁹ [The First Amendment: Categories of Speech](#). Congressional Research Service, 16 Jan., 2019.

²⁰ Napoli, Philip M. and Graf, Fabienne. [Social Media Platforms as Public Trustees: An Approach to the Disinformation Problem](#). The 48th Research Conference on Communication, Information and Internet Policy, Social Science Research Network, 14 Dec., 2020.

²¹ Johnson, Eric. [Should the First Amendment apply to Facebook? It's complicated](#). Vox Recode, 19 Nov., 2018.

Daphne Keller writes, “Private platforms aren’t really the public square, and internet companies aren’t governments. That’s exactly why they are free to do what so many people seem to want: set aside the First Amendment’s speech rules in favor of new, more restrictive ones.”²² Keller then cautions, “In our rush to deputize companies as enforcers of new rules for the public square, we are forfeiting constitutional protections and major aspects of self-governance.”

Section 230 of the Communication Decency Act of 1996 remains a center point for debate around regulatory reform. It provides platform immunity from civil liability arising from user content, and has historically been lauded for catalyzing online innovation. Today, as the law is more than 25 years old, lawmakers across both sides of the aisle are raising concerns and calling for Section 230 reform. Some have complained that Section 230 permits platforms to enjoy “power without responsibility.”²³ Many have pointed to the EU, where the absence of platform immunity has led to a more robust body of case law that has refined approaches to dealing with online speech, some of which might be worthy of consideration in a U.S. context. Commissioners focused on paid promotion tools and product features that drive amplification of mis- and disinformation, particularly on social media platforms.

Despite pleas by “Big Tech” to be regulated around speech issues, it has repeatedly sought to push the task back to lawmakers to devise rules and regulations that will respect free speech while protecting consumers from harm, often under the frameworks most favorable to the industry.²⁴ This strategy also ensures that tech companies can continue to exploit the lack of such constraints to their benefit until new regulations are in place. In the end, the Commission believes that the sector, international political bodies, and the U.S. government, among other actors, will have to take actions to protect the public.

Disinfo doesn’t just deceive; it provides permission: supply meets the demand.

We are seeing offline societal problems exacerbated online. Hate speech, intolerance, bigotry, racism, and society’s other ills began long before newsfeeds, tweets, or YouTube videos. Likewise,

²² Keller, Daphne. [Facebook Restricts Free Speech by Popular Demand](#). *The Atlantic*, 22 Sept., 2019

²³ Tushnet, Rebecca. [Power Without Responsibility: Intermediaries and the First Amendment](#). *The George Washington Law Review*, June 2008.

²⁴ Drozdak, Natalia. [Facebook needs, wants, must have regulation, Zuckerberg says](#). *The Los Angeles Times*, 17 Feb., 2020.

stereotypes and sectarianism trace back long before smart-phones and doom-scrolling. Understanding the root problems of information disorder requires understanding hard-wired human behaviors, economic and political policy, group psychology and ideologies, and the relationship to people's sense of individual and community identity.

One of the most challenging aspects of addressing information disorder is confronting the reality that “disinformation” and information campaigns by bad actors don’t magically create bigotry, misogyny, racism, or intolerance—instead, such efforts are often about giving readers and consumers permission to believe things they were already predisposed to believe.

We don’t yet fully grasp the impact of the addictive nature of our engineered digital experiences,²⁵ which exploit cognitive biases and innate reward mechanisms,²⁶ nor are prevailing explanations²⁷—such as echo-chambers and increasing division into factions—likely to be satisfactory answers to our societal “crisis of connection.”²⁸ We do know, though, that our inability to hear one another and to reach beyond stereotypes has led to a decade of increasing anxiety, depression, and suicide (particularly among youth,²⁹ LGBTQIA+,³⁰ and young people of color).³¹ Likewise, the chasms between communities in the U.S. render the entire population increasingly incapable of trust. To date, efforts to fight mis- and disinformation have largely focused on preventive efforts, such as reducing exposure. The Commission recognizes instead that this so-called “supply side” is only one face of the pyramid of solutions.

²⁵ Lembke, Anna. [Digital Addictions Are Drowning Us in Dopamine](#). *The Wall Street Journal*, 13 Aug., 2021.

²⁶ Menczer, Filippo and Hills, Thomas. [Information Overload Helps Fake News Spread, and Social Media Knows It](#). *Scientific American*, 1 Dec., 2020.

²⁷ Bail, Chris. [Chris Bail on Breaking the Social Media Prism](#). Princeton, 14 Apr., 2021.

²⁸ Way, Niobe, et al. [The pandemic is fueling a crisis of connection. The next surgeon general should tackle both](#). *The Hill*, 9 Feb., 2021.

²⁹ [Data and Statistics on Children's Mental Health](#). Centers for Disease Control and Prevention, 22 Mar., 2021.

³⁰ Bauer, Sydney. [Majority of LGBTQ youth experiencing anxiety, depression amid Covid, poll finds](#). NBC News, 5 Oct., 2020.

³¹ [National Survey on Drug Use and Health](#). Substance Abuse Mental Health Services Administration. 2020.

One of the most challenging aspects of addressing information disorder is confronting the reality that “disinformation” and information campaigns by bad actors don’t magically create bigotry, misogyny, racism, or intolerance—instead, such efforts are often about giving readers and consumers permission to believe things they were already predisposed to believe. There is a “demand” for disinformation (amplified and driven by product designs, to be sure), but reckoning with our problems online will require taking a hard look at our society offline.

The platforms’ lack of transparency is hampering solutions.

Social media platforms wield enormous influence in the public sphere, and their tools and algorithms facilitate and amplify mis- and disinformation that are causing real societal harms. Yet we don’t know as much as we should about how, when, or where. Whereas radio and television are comparatively easy to study, internet-based communication platforms deliver targeted messages to small and large audiences without similar transparency. This opacity—from design to technical implementation to the policies that govern the platform—undermines even good-faith pursuits for effective solutions in mitigating or combating mis- and disinformation. The problem seems to be getting worse, not better. Major platforms are increasingly invoking their “Terms of Service” to shut down reporting and research that is in the public interest. In a recent example, Facebook invoked its terms of service to explain its decision to disable the accounts of NYU researchers who study political ads on the platform.³²

Over a century ago, Justice Louis Brandeis promised that “sunlight is said to be the best of disinfectants,” and online today, it’s clear we have far too little. Understanding both the behaviors of users, platforms, and algorithms and the resulting impacts of information disorder requires much more data. Critical research on disinformation—whether it be the efficacy of digital ads or the various online content moderation policies—is undercut by a lack of access to data and processes. This includes information regarding what messages are shared at scale and by whom, whether they are paid, and how they are targeted. Additionally, there would be substantial benefit for content moderation operators to adopt common definitions and standardized metrics in order to facilitate public and researcher understanding. Content moderation policies have

³² [Researchers, Knight Institute Call on Facebook to Reinstate Researchers’ Accounts in Light of FTC Statement](#). Knight First Amendment Institute at Columbia University, 5 Aug., 2021.

such significant implications that it's crucial that the public understand not only the policies themselves but also how they are implemented.

For too long, tech platforms have not heeded calls for greater access to data, algorithmic transparency, and auditing. The Commission's recommendations in this area reflect our lack of confidence in a voluntary solution that will satisfy the needs of researchers or those seeking to hold platforms accountable. As platforms are asked to do more to empower and educate users, and to moderate the worst offenders, they will inevitably make mistakes. Greater data and process transparency can open the aperture for more accountability and better solutions.

Commissioners recognize that increased access to data will raise difficult questions and tradeoffs relating to privacy. In the U.S., sectoral safeguards for personal data, such as HIPAA,³³ play an enormous role in current data governance discussions. The EU's General Data Protection Regulation, which many hoped would curb the use of behavioral advertising in digital ads, is only beginning to place significant pressure on industry.^{34,35} The key is to find ways that researchers can conduct their work while protecting the privacy of everyday consumers.

Online incentives drive ad revenue, not better public discourse.

In 2014, Ethan Zuckerman wrote that the internet's original sin was its reliance on an ad-based business model.³⁶ Now, programmatic advertising is the lifeblood of the internet, and data collection for the purpose of personalized and customized ads is at the center of the digital experience. In 2020, the digital advertising market accounted for approximately \$356 billion,³⁷ with social media ad revenues reaching \$41.5 billion (making up nearly 30% of all internet ad revenue).³⁸ According to eMarketer,³⁹ Amazon's share of the U.S. digital ad market was more than 10% for the first time in 2020, with Google's share at nearly 29% and Facebook's at 25%. This model has proven fantastically profitable, and tech

³³ [Health Insurance Portability and Accountability Act of 1996](#) (HIPAA). Centers for Disease Control and Prevention.

³⁴ Ghosh, Dipayan. [How GDPR Will Transform Digital Marketing](#). *Harvard Business Review*, 21 May, 2018.

³⁵ Kostov, Nick, and Schechner, Sam. [GDPR Has Been a Boon for Google and Facebook](#). *The Wall Street Journal*, 17 June, 2019.

³⁶ Zuckerman, Ethan. [The Internet's Original Sin](#). *The Atlantic*, 14 Aug., 2014.

³⁷ [US digital advertising industry - statistics & facts](#). Statista, 4 Nov., 2021.

³⁸ Graham, Megan. [Digital ad spend grew 12% in 2020 despite hit from pandemic](#). *CNBC*, 7 Apr., 2021.

³⁹ Bruell, Alexandra. [Amazon Surpasses 10% of U.S. Digital Ad Market Share](#). *The Wall Street Journal*, 6 Apr., 2021.

companies like Google and Facebook sit at the top of Wall Street markets, richly rewarded for their ability to translate consumer attention into dollars.

These digital ad platforms target advertisers' campaigns using data collected about their users' likes, dislikes, and characteristics—targeting done in real-time auctions. This implementation enables micro-targeting of users at micro-costs. Ads are not just about selling toothpaste or better mousetraps either; platform tools have made it possible to amplify content to narrow segments of the population, often for political purposes. Advertising tools provided by platforms can include or exclude specific users, creating a powerful, unaccountable, and often untraceable method of targeting misinformation. Another emerging trend is the use of paid promotion, which happens off platform and is much harder to track. In a recent example, a marketing agency, called Fazze, offered to pay social media stars to spread disinformation about COVID-19 vaccines.⁴⁰

NewsGuard reported that over 1,000 brands ran approximately 8,776 unique ads on 160 sites with election misinformation from October 1, 2020 through January 12, 2021.

Advertisers often don't understand where their ads are appearing—and, thus, who their revenue is supporting, leading to unintended placements and financial underwriting for bad-faith publishers of mis- and disinformation. For example, NewsGuard reported that over 1,000 brands ran approximately 8,776 unique ads on 160 sites with election misinformation from October 1, 2020 through January 12, 2021.⁴¹

While this report examines several avenues to mitigate disinformation, the Commission notes that much of our attention must focus on the business models that shape the products we use every day,⁴² as these systems enable many of the harms we seek to mitigate. Many researchers and advocates have been raising the alarm about the underlying system issues, from Lisa Nakamura's early warnings

⁴⁰ Haynes, Charlie and Carmichael, Flora. [The YouTubers who blew the whistle on an anti-vax plot](#). BBC News, 25 July, 2021.

⁴¹ Skibinski, Matt. [How some of the world's largest brands funded the misinformation behind the Capitol riot](#). NewsGuard, 12 Jan., 2021.

⁴² [It's the Business Model: How Big Tech's Profit Machine is Distorting the Public Sphere and Threatening Democracy](#). Ranking Digital Rights, New America. 17 Mar., 2020.

about racial stereotyping online (2002),⁴³ Wendy Hui Kyong Chun's analysis of freedom on the internet (2006),⁴⁴ commissioner Safiya Umoja Noble's work on social systems of power and how they are embedded in technology practices (2012),⁴⁵ to Siva Vaidhyanathan's warnings about Google (2011) and Facebook (2018).^{46, 47}

Broken norms allow bad actors to flourish.

One of the most difficult areas to address in an American context is today's shifting norms around falsehoods and misrepresentation of facts among prominent public figures.⁴⁸ Politicians, CEOs, news anchors, talk radio hosts, and professionals can abuse their prominent roles and high degrees of reach for both personal and partisan gain. This trend is exacerbated by a political and business environment that offers fewer and fewer consequences for these actions. In short, in the public and business sphere at least, leaders have had to contend with the risk that they would be punished and distrusted by voters or consumers if caught in a lie. Today, though, they're increasingly celebrated for their lies and mistruths—and punished, politically, for not ascribing to others' falsehoods. In an environment that protects free speech and where the statements of those in positions of influence and power are deemed “newsworthy,” there are few legal or regulatory avenues that are available—or even desirable—to combat these deliberate lies, even as we see these high-level individuals be the sources and amplifiers of some of the most harmful disinformation.

Journalism has a particular role to play here. Cable news, podcasts, YouTube, and talk radio all play a unique role in inflaming disinformation and too often fail to hold accountable those who spread false statements on-air.⁴⁹ Commissioners also discussed the need to adjust journalistic norms to avoid false equivalencies between lies and empirical fact in the pursuit of “both sides” and “objectivity,” particularly in areas of public health, civil rights, or election outcomes. There is no role for the government to impose constraints

⁴³ Nakamura, Lisa. [Cybertypes: Race, Ethnicity, and Identity on the Internet](#). Routledge. 14 June, 2002.

⁴⁴ Chun, Wendy Hui Kyong. [Control and Freedom: Power and Paranoia in the Age of Fiber Optics](#). The MIT Press, 2006.

⁴⁵ Noble, Safiya. [Searching for black girls: old traditions in new media](#). Graduate Dissertations and Theses at Illinois, Dec. 2012.

⁴⁶ Vaidhyanathan, Siva. [The Googlization of Everything \(And Why We Should Worry\)](#). University of California Press, Mar. 2012.

⁴⁷ Vaidhyanathan, Siva. [Antisocial Media: How Facebook Disconnects Us and Undermines Democracy](#). Oxford University Press, 12 June, 2018.

⁴⁸ Jurecic, Quinta. [The Anguish of the Necessary Lie](#). Knight First Amendment Institute, 21 Sept., 2021.

⁴⁹ Chideya, Farai. [It's Bigger than Fox News: Time for Mainstream Journalism to Reckon with Monetizing Disinformation and Eroding Truth](#). Medium, 23 Feb., 2021.

upon independent journalism in a free and democratic society. Instead, a renewed focus on journalistic ethics and the establishment of norms will have to carry that burden.

**Local media has withered,
while cable and digital are unaccountable.**

While much of the Commission’s work and recommendations are directed to the government and social platforms, we would be remiss not to acknowledge the power and influence of traditional media. A vibrant free press is an essential element of a healthy democracy. As Bill Kovach and Tom Rosenstiel note, “The primary purpose of journalism is to provide citizens with the information they need to be free and self-governing.”⁵⁰ The public needs media for information and engagement in public life, such as elections. Moreover, people need the media to hold those in power accountable. As the legendary journalist Ida B. Wells once said, “The way to right wrongs is to turn the light of truth upon them.”⁵¹ Yet, a growing segment of the public lacks faith that the news media are delivering content to them that is accurate and unbiased.⁵²

A free and democratic society requires access to robust, independent, and trustworthy media institutions. The distrust we see today,⁵³ which fluctuates across types of media, and different groups, has been decades in the making, for varied, well-documented reasons—from the decline of quality reporting in the face of the collapse of traditional economic models, to the rise of partisan or bad faith publishers at the national and local level, to the failures of reporting in the lead up to war, to a lack of diversity in newsrooms that may result in misrepresentation of the experiences of Black and other minority communities.⁵⁴

An enduring problem for the media is the tension between the drive to maximize profit and the imperative to serve the public good with high-quality journalism. This tension has only grown more complicated as the internet has usurped the advertising market: this has underpinned the industry’s profitability, driven many news organizations to choose social media as their primary

⁵⁰ Kovach, Bill and Rosenstiel, Tom. [The Elements of Journalism: What Newspeople Should Know and the Public Should Expect](#). Apr. 2007.

⁵¹ Wells, Ida B. [Miss Ida B. Wells, A Lecture](#). *The Washington Bee*, 22 Oct., 1892.

⁵² Gottfried, Jeffrey, and Liedke, Jacob. [Partisan divides in media trust widen, driven by a decline among Republicans](#). Pew Research Center, 30 Aug., 2021.

⁵³ Gottfried, Jeffrey, et al. [Americans See Skepticism of News Media as Healthy, Say Public Trust in the Institution Can Improve](#). Pew Research Center, 31 Aug., 2020.

⁵⁴ Levendusky, Matthew S. [How Does Local TV News Change Viewers’ Attitudes? The Case of Sinclair Broadcasting](#). Political Communication, Apr. 2021.

form of audience engagement, and diverted user attention to newsfeeds where the authenticity and quality of news is opaque. Research has shown that the pages on Facebook that post more misinformation regularly received higher engagement.⁵⁵

Local newsrooms often establish stronger connections with the communities they inform, which serves to hold accountable city and state power structures, from school boards to governors. Yet nationally, we are seeing the collapse of local journalism and the growth of so-called “news deserts,” and as access to credible information declines,⁵⁶ hyper-partisan digital content fills the void. Commissioners saw investing in local news that is both sustainable and restorative as a critical discussion point.^{57, 58}

From insights to recommendations

Bringing all of these insights and constraints together, the Commission turned to developing meaningful, actionable recommendations aimed at government, the private sector, and public interest/civil society organizations. The Commission sought to embrace a non-partisan and non-ideological approach to its work. The recommendations were designed to address bad-faith actors and consider disproportionate community harms.

This view, of course, could not and does not insulate the Commission’s work from the current polarized environment and the political lens through which it will be undoubtedly scrutinized. The Commission’s stated values and approaches herein will have to stand on their own, and we hope that the recommendations will be received as intended: with a goal of achieving a more healthy information environment that mitigates the greatest harms to the public. Solutions will take time, and no single tactic will fix or reverse the clear harms we see, but the Commission believes that taken individually and together, the steps that follow will improve the integrity of the information environment.

To address such a complex issue will require a multi-pronged, multi-stakeholder approach that generates pressure from the top-down (regulatory and/or industry-driven) and bottom-up

⁵⁵ Dwoskin, Elizabeth. [Misinformation on Facebook got six times more clicks than factual news during the 2020 election, study says](#). *The Washington Post*, 14 Sep., 2021.

⁵⁶ Simpson, April. [As Local News Outlets Shutter, Rural America Suffers Most](#). Pew Trusts, 21 Oct., 2019.

⁵⁷ Sullivan, Margaret. [Perspective | Congress may be about to help local news. It can't happen soon enough](#). *The Washington Post*, 31 Aug., 2021.

⁵⁸ Crittenden, Letrell Deshan. [Op-Ed: Why we need a rubric for assessing local news coverage of traditionally marginalized communities](#). *Columbia Journalism Review*, 18 May, 2021.

(community- and user-driven). Relying solely on blunt instruments, such as platform liability, may not be sufficient, but neither is leaving industry to regulate itself. To be clear, an “everyone’s responsible” stance does not absolve tech companies—from social media platforms to search engines to digital messaging services—of the sins of its various products and services (e.g., discriminatory ad targeting or amplification of harmful content). Instead, commissioners urge companies to be more responsible stewards overall and have proposed solutions to increase transparency and accountability where they have fallen short already. Public sentiment underscores the disappointment and frustration with tech companies’ failure in this area, with roughly half of U.S. adults indicating that the government should take steps to restrict false information, even if it means losing some freedom to access and publish content.⁵⁹

An “everyone’s responsible” stance does not absolve tech companies—from social media platforms to search engines to digital messaging services—of the sins of its various products and services.

⁵⁹ Mitchell, Amy and Walker, Mason. [More Americans now say government should take steps to restrict false information online than in 2018](#). Pew Research Center, 18 Aug., 2021.

Recommendations

The Commission wants to do more than counter mis- and disinformation: it wants to seek a better information environment. One that establishes a stronger sense of community and trust in institutions, and supports an enduring multiracial democracy. To achieve this, the Commission recommends specific actions to reinforce the integrity of our information ecosystem. It identifies the following as key, measurable actions.

Recommendations to increase transparency

Public interest research (p.32)

1. Implement protections for researchers and journalists who violate platform terms of service by responsibly conducting research on public data of civic interest.
2. Require platforms to disclose certain categories of private data to qualified academic researchers, so long as that research respects user privacy, does not endanger platform integrity, and remains in the public interest.

High reach content disclosure (p.35)

Create a legal requirement for all social media platforms to regularly publish the content, source accounts, reach and impression data for posts that they organically deliver to large audiences.

Content moderation platform disclosure (p.37)

Require social media platforms to disclose information about their content moderation policies and practices, and produce a time-limited archive of moderated content in a standardized format, available to authorized researchers.

Ad transparency (p.40)

Require social media companies to regularly disclose, in a standardized format, key information about every digital ad and paid post that runs on their platforms.

Recommendations to build trust

Truth and transformation (p.43)

Endorse efforts that focus on exposing how historical and current imbalances of power, access, and equity are manufactured and propagated further with mis- and disinformation—and on promoting community-led solutions to forging social bonds.

Healthy digital discourse (p.46)

Develop and scale communication tools, networks, and platforms that are designed to bridge divides, build empathy, and strengthen trust among communities.

Workforce diversity (p.49)

Increase investment and transparency to further diversity at social media platform companies and news media as a means to mitigate misinformation arising from uninformed and disconnected centers of power.

Local media investment (p.51)

Promote substantial, long-term investment in local journalism that informs and empowers citizens, especially in underserved and marginalized communities.

Accountability norms (p.54)

Promote new norms that create personal and professional consequences within communities and networks for individuals who willfully violate the public trust and use their privilege to harm the public.

Election information security (p.58)

Improve U.S. election security and restore voter confidence with improved education, transparency, and resiliency.

Recommendations to reduce harms

Comprehensive federal approach (p.62)

Establish a comprehensive strategic approach to countering disinformation and the spread of misinformation, including a centralized national response strategy, clearly-defined roles and responsibilities across the Executive Branch, and identified gaps in authorities and capabilities.

Public Restoration Fund (p.64)

Create an independent organization, with a mandate to develop systemic misinformation countermeasures through education, research, and investment in local institutions.

Civic empowerment (p.66)

Invest and innovate in online education and platform product features to increase users' awareness of and resilience to online misinformation.

Superspreader accountability (p.69)

Hold superspreaders of mis- and disinformation to account with clear, transparent, and consistently applied policies that enable quicker, more decisive actions and penalties, commensurate with their impacts—regardless of location, or political views, or role in society.

Amendments to Section 230 of the Communications Decency Act of 1996 (p.72)

1. Withdraw platform immunity for content that is promoted through paid advertising and post promotion.
2. Remove immunity as it relates to the implementation of product features, recommendation engines, and design.

Recommendations to increase transparency

Public interest research	32
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Recommendation:

Public interest research

This recommendation contains two distinct proposals: one focused on public data and the other focused on private data. Congress should implement protections for researchers and journalists who violate platform terms of service by responsibly conducting research on public data of civic interest. Separately, it should also require platforms to disclose certain categories of private data to qualified academic researchers, so long as that research respects user privacy, does not endanger platform integrity, and remains in the public interest.

Summary

Congress should extend legal protection to certain journalism and research projects that involve the automated collection of public platform data—when those projects are intended to inform the citizenry about matters of public concern and are conducted in a way that respects platform integrity and user privacy.

Separately, Congress should require the platforms to disclose selected private data to qualified researchers working in the public interest, including any government agency or regulatory or investigative body. Congress should provide platforms with the legal protection necessary to ensure that they facilitate rather than interfere with this kind of journalism and research.

Research in the public interest is a bedrock principle for research and journalism. However, major online platforms are increasingly citing their terms of service to deny access, effectively shutting down this work.⁶⁰ For instance, Instagram invoked its terms to shut down AlgorithmWatch’s Instagram monitoring project,⁶¹ which relied on volunteers to study prioritization of posts. Most recently, Facebook referenced its terms to explain its decision to disable the accounts of NYU researchers who study political ads on the platform.⁶²

The invocation of terms of service to deny access to public interest researchers is detrimental to vital research and reporting. Greater transparency and independent study helps the public better understand how the platforms work, and supports legislators and regulators in developing public policy solutions. While the protection of user privacy is important, platforms should not be permitted to use privacy as a pretext for restricting and stopping research and journalism in cases where the risk to privacy is minimal in relation to the public interest in the research, as Stanford professor Nate Persily has proposed.⁶³

Rationale

Academic and journalistic research of data from the platforms have both demonstrated the importance of access to platform data and showcased the efforts that social media platforms have made to keep this access limited.⁶⁴ Commissioners acknowledge instances where private software companies, such as Dropbox and Mozilla, have created programs with contracted researchers who work to uncover vulnerabilities in their systems and help protect valuable customer data without being exposed to possible legal liability, a successful approach that the platforms could use as a model.⁶⁵

These proposals urge Congress to act immediately on this effort. Some legislators and some government entities are already considering introducing “safe harbor” legislation. In 2018, the Knight First

⁶⁰ Mattu, Surya and Hill, Kashmir. [Facebook Wanted Us to Kill This Investigative Tool](#). Gizmodo, 7 Aug., 2018

⁶¹ Kayser-Bril, Nicolas. [AlgorithmWatch forced to shut down Instagram monitoring project after threats from Facebook](#). AlgorithmWatch, 13 Aug., 2021.

⁶² [Researchers, Knight Institute Call on Facebook to Reinstate Researchers’ Accounts in Light of FTC Statement](#). Knight First Amendment Institute at Columbia University, 5 Aug., 2021.

⁶³ Persily, Nathaniel. [Opinion: Facebook hides data showing it harms users. Outside scholars need access](#). *The Washington Post*. 5 Oct., 2021.

⁶⁴ Tworek, Heidi. [Open Access to Data Is Critical in a Democracy](#). Center for International Governance Innovation, 25 Aug., 2021.

⁶⁵ Honea, Matt. [Safe Harbor Programs: Ensuring the Bounty Isn’t on White Hat Hackers’ Heads](#). Dark Reading, 10 Apr., 2019.

Amendment Institute at Columbia University asked Facebook to voluntarily establish a “safe harbor” for their researchers,⁶⁶ and more than 200 researchers signed a letter in support of the proposal.⁶⁷ However, Facebook declined, and since 2018 it has more actively invoked its terms of service to deny or shut down important research and journalism, most recently against New York University’s Ad Observer project. We recommend that Congress mandate the kind of protection that Facebook declined to adopt unilaterally.

Legislation will require Congress (or a regulator, such as the FTC) to address which categories of researchers and journalists should have legally mandated access to which categories of data, and on what conditions. Answering these questions will be challenging, but it is crucial to ensuring public access to journalism and research that is especially critical right now. The Commission recognizes the methodologies of The Trust Project,⁶⁸ the Journalism Trust Initiative,⁶⁹ and similar efforts among research institutions to ascertain credibility and provide a pathway to eligibility for access.

Key stakeholders

- **Government:** Pass law—or empower independent agencies like the FTC—to mandate disclosure of data and provide legal safeguards that protect user privacy, respect platform integrity, and are in the public interest.

⁶⁶ [Letter to Mark Zuckerberg](#). Knight First Amendment Institute, 6 Aug., 2018.

⁶⁷ Press Statement. [More than 200 Researchers Support Knight Institute Call to Facilitate Research of Facebook’s Platform](#). Knight First Amendment Institute at Columbia University, 12 June, 2019.

⁶⁸ [The 8 Trust Indicators](#). The Trust Project.

⁶⁹ [Journalism Trust Initiative](#). Reporters Without Borders.

Recommendation:

High reach content disclosure

Congress should require all social media platforms to regularly publish the content, source account, and reach data for posts that they organically deliver to large audiences.

Summary

Congress should pass legislation requiring all social media platforms that offer their services in the U.S. to create a public archive of data regarding high-reach content. It should include the name of the account, reach data for posts that they organically deliver to large audiences, and details about which audiences received and engaged with that content. High-reach content will be determined by the display of messages on platform-controlled surfaces.

Platforms will be required by law to report out on content that produces a high degree of reach and engagement on their services. This data should be designed to protect user privacy, and be made available in a timely, frequent, automated reporting format (e.g., automatically updated daily). The threshold for high-reach may be determined by a number of factors, including the percentage of users in a country; the concentration of groups reached; posts with high reach in a particular constituency or profile set, or the absolute number of individuals reached; and the rank order of a message's reach.

The data should include, at a minimum:

1. List of the content with the highest reach.
2. Top accounts responsible for content's spread.
3. Reach for this content, including aggregate statistics of the audience reached, such as basic demographic and geographical information, and engagement and response to messages.

Rationale

The Commission believes that a precondition for an open and free society is that communication of messages that reach mass audiences should be openly visible to all. Content shared on radio and television is viewable by anyone, and reach can be estimated using publicly attainable data. By contrast, internet-based communication platforms constantly deliver messages to large audiences without external visibility. This lack of transparency makes it difficult to research or analyze activity on various platforms, or with specific campaigns, and also leads to higher degrees of speculation about what content is reaching various communities.

We have witnessed the rise of large scale mis- and disinformation campaigns facilitated by social media platforms that are causing societal harms. Regular disclosure of the largest scale messages and their source accounts will enable scrutiny by researchers, journalists, and other stakeholders, which in turn can inform counteractions to address harmful actors and actions. This dataset is a necessary element of the Superspreader accountability recommendation (p. 69), as it will provide quantitative data to establish which accounts and which messages have highest reach.

Key stakeholders

- **Government:** Pass laws that mandate disclosure while respecting user privacy.
- **Platforms:** Comply with law, establish systems for automated and timely disclosure.
- **Academics, researchers, journalists:** Study data and communicate findings to the public.

Recommendation:

Content moderation platform disclosure

Congress should require all social media platforms to disclose information about their content moderation policies and practices, and to produce a time-limited archive of moderated content, in a standardized format that will be available to authorized researchers.

In addition to their policies, platforms should disclose the instructions and guidance that is given to employees and contractors tasked with applying the policies, as well as statistical information detailed enough to allow researchers, journalists, and others to assess how the policies operate in practice. When platforms take down accounts or individual pieces of content, they should provide users with specific explanations for their actions. This recommendation aligns with several of the requirements set out in the European Commission’s Digital Services Act,⁷⁰ which imposes requirements for disclosure and access for external review and audit on platforms. Congress should also require the platforms to preserve for a limited time—with only narrow exceptions—content removed as a result of content moderation policies.⁷¹ Authorized researchers should be afforded access to this content with safeguards to protect user safety and privacy.

Rationale

Social media platforms wield enormous influence in the public sphere, in part because their content moderation policies help determine the limits of public discourse in our democracy. Because the platforms’ content moderation policies have such significant implications, it’s crucial that the public understand not only the policies themselves but also how the policies are implemented.

⁷⁰ [Digital Services Act](#). European Commission.

⁷¹ Tworek, Heidi. [How Transparency Reporting Could Incentivize Irresponsible Content Moderation](#). Center for International Governance Innovation, 10 Dec., 2019.

Furthermore, some accounts are receiving privileged status, allowing them to avoid moderation despite violations of the stated policies.

“Ideally, a set of standards would apply across platforms to address how digital information is stored, how to preserve a digital chain of custody, who can access the information, a credentialing process for those wanting access, and what safeguards should be in place to prevent potential abuse of data.” —Joan Donovan and Gabrielle Lim

Social media companies must be much more transparent about their content moderation practices.⁷² This recommendation promotes accountability, transparency,⁷³ and greater understanding of how the platforms work. We have seen all too often that those policies are applied inconsistently, or as recent reports in *The Wall Street Journal* revealed of Facebook,⁷⁴ those policies are in place but not applied consistently.

This recommendation responds to these documented instances of inconsistent application of policies, or simply the lack of rationale and justification for content moderation actions.

The recommendation also calls on platforms to establish a time-limited archive of content that has been removed to ensure adequate accountability, and to support incidents where post-moderation access is important, such as human rights violations and public health.^{75, 76} In their article in *Foreign Policy*, Joan Donovan and Gabrielle Lim describe the elements of a “human rights locker” approach to moderated content:

⁷² Donovan, Joan. [Why social media can't keep moderating content in the shadows](#). MIT Technology Review, 6 Nov., 2020.

⁷³ McCarthy, Mark. [How Online Platform Transparency Can Improve Content Moderation And Algorithmic Performance](#). Brookings Institute, 17 Feb., 2021.

⁷⁴ Horowitz, Jeff. [Facebook Says Its Rules Apply to All. Company Documents Reveal a Secret Elite That's Exempt](#). *The Wall Street Journal*, 13 Sept., 2021.

⁷⁵ Wille, Belkis. [Video Unavailable: Social Media Platforms Remove Evidence of War Crimes](#). Human Rights Watch, 10 Sept., 2020..

⁷⁶ Bowers, John and Zittrain, Jonathan. [Answering Impossible Questions: Content Governance in an Age of Disinformation](#). Social Science Research Network, 10 Feb., 2020.

“Ideally, a set of standards would apply across platforms to address how digital information is stored, how to preserve a digital chain of custody, who can access the information, a credentialing process for those wanting access, and what safeguards should be in place to prevent potential abuse of data. This dataset would contain only public posts and accounts, not private messages, and pertain to significant events. Furthermore, social media companies should provide information on why the content was removed, whether it was manually or automatically flagged for removal, and whether appeals were made to reinstate the accounts or content.”⁷⁷

It also recognizes the challenges of creating such an archive if it were public, and recommends an authorized access model.

While there are many considerations to be made prior to any implementation, including how to credential access and ensure privacy of users, the absence of a safe and accountable model of tracking moderated content is hampering efforts to address information disorder, and to hold individuals to account. Despite the complexity of these issues, the challenges and tradeoffs must be studied,⁷⁸ addressed,⁷⁹ and acted upon at the earliest date. The resulting regulations should be kept in perpetuity, modified, and adapted as needed based on the results.

Key stakeholders

- **Government:** Pass laws that mandate disclosure while respecting user privacy.
- **Platforms:** Comply with law, establish systems for disclosure, archive.
- **Academics, researchers, journalists:** Study data and communicate findings to the public.

⁷⁷ Donovan, Joan and Lim, Gabrielle. [The Internet Is a Crime Scene](#). *Foreign Policy*, 20 Jan., 2021.

⁷⁸ Bowers, John, et al. [Digital Platforms Need Poison Cabinets](#). *Slate*, 24 Aug., 2021.

⁷⁹ [Public Interest Research Alliance: Principles & Operational Guides](#). Aspen Tech Policy Hub and CITRIS Policy Lab, Nov. 2019.

Recommendation:

Ad transparency

Congress should mandate that social media companies regularly disclose, in a standardized format, key information about every digital ad and paid post that runs on their platforms. Paid posts, including political advertising, can be a powerful vector for misinformation—often insulated from scrutiny and correction thanks to techniques targeting small communities.

While calls for public transparency of digital advertising have grown louder over the years, resulting in voluntary and limited disclosure by platforms that deliver ad content, platforms are not disclosing enough. Some researchers—including Laura Edelson and also Ethan Zuckerman—have proposed that Congress require the platforms to disclose key information relating to advertising. The Commission strongly supports the concepts outlined in Edelson’s proposal, and sees it as one promising way of addressing these issues.^{80, 81}

Under this effort, ad platforms will be required to comply by disclosing more information about which communities are being targeted, by whom, and with which content. There would be a common standard for digital ad transparency as well as the creation of a single repository for the data to be archived and accessible by researchers, journalists, and others.

Furthermore, the Commission raises the growing issue of paid promotion. By this we mean content influential groups or individuals have been compensated by a third party to post. Such content is far more challenging given unknowns, such as the source (and sometimes existence) of payment. However, commissioners recognize

⁸⁰ Edelson, Laura, et al. [We Need Universal Ad Transparency Now](#). TechCrunch, 16 Oct., 2020.

⁸¹ Zuckerman, Ethan. [Demand five precepts to aid social-media watchdogs](#). *Nature*, 31 Aug., 2021

that this kind of pay-to-play is an emerging unaccountable (but lucrative) model of promotion that has already been exploited to spread misinformation.

Rationale

As Edelson and her colleagues Jason Chuang and Erika Franklin Fowler point out, digital ads are categorically different from their analog counterparts. The direct-to-user delivery model of digital ads complicates our understanding of its broadcast qualities and effectiveness. Greater transparency of these systems is critical for improving public trust as well as allowing regulators to verify that existing laws are being followed. Currently, there are no ad platforms that make information about *all ads* available to researchers. Platforms with substantial reach which employ micro-targeting, without internal human review prior to publication, should all be subject to these disclosure requirements. Edelman's proposal contains a more detailed specification, which could be considered as a baseline standard.

For more detailed information on this criteria, we encourage reading Edelson's full proposal.⁸²

The mechanisms for transparency include a uniform technical standard for all platforms as well as a central repository of all data collected. Again, Edelson and team articulate several ad data fields that should be included as part of the disclosure. These data include (but are not limited to) ad creative (e.g., text, images, audio, video, outbound links) that were presented to the user; ad impressions; ad targeting and delivery (inclusive of non-identifying information about how and to whom an ad has been targeted), and ad placement metadata. This information is then housed and maintained by the Federal Trade Commission (FTC) in a single public repository. This is a well-established practice across government agencies for maintaining public datasets, particularly of election-related information. Further details regarding data retention and transmission are outlined in the Edelson piece.

Key stakeholders

- **Federal government, FTC:** Pass legislation, implement host archive.
- **Platforms:** Implement the sharing and archiving of data and ads.

⁸² Edelson, Laura et al. [Universal Digital Ad Transparency](#). SSRN, 3 Aug., 2021.

Recommendations to build trust

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Recommendation:

Truth and transformation

Commissioners endorse efforts that focus on exposing how historical and current imbalances of power, access, and equity are manufactured and propagated further with mis- and disinformation—and on promoting community-led solutions to forging social bonds that can resist it.

Throughout American history, disinformation has been used to the advantage of many different groups, manipulating legal systems, community institutions, and public opinion to the detriment of others, further exacerbating the divide between communities.

As a society, we can't move forward as a multi-cultural and multi-racial democracy if we can't reconcile how long-standing inaccurate or misleading narratives continue to divide us and cause rifts that bad actors, both foreign and domestic, use to advance their objectives.

This recommendation is an endorsement of initiatives that are focused on addressing inequities and seeking reconciliation by elevating truth over divisive fabrication, with a goal of building stronger communities and establishing healthy discourse and connection for all Americans. The Commission calls for additional resources and broader participation, especially from the corporate sector, to ensure a whole-of-society approach.

A promising model is the Truth, Racial Healing and Transformation (TRHT) framework, which seeks to bring about "transformational and sustainable change, and to address the historic and contemporary effects of racism" using community-based processes that include wide scale public truth-telling, racial healing, and relationship building. The Commission welcomes other approaches that share a common goal.

Rationale

It's imperative that America confront the historical power structures that have relied on maintaining inequalities fueled by historical propaganda campaigns and other forms of false information.⁸³ These narratives include the misrepresentation of Indigenous genocide, the marginalization of African Americans as a result of 400 years of slavery and subjugation,⁸⁴ the harms caused by Japanese internment camps, the discrimination experienced by Muslims and Jews, gender injustice of all kinds, and other forms of socially destructive discrimination. These divisions are regularly exploited by those who wish to pit communities against each other, often fueled by disinformation campaigns. Creating a new common ground can present communities an opportunity to reach the underlying aim of this endorsement: building trust.

One of the many critical steps to transformative healing is understanding how historical discriminatory actions and behavior—much of it instigated by the spread of harmful falsehoods—have led to the mass removal or decline of public goods, services and benefits for everyone.

It is important to note that these processes are not limited to finding common ground with those who have been targets of racialized or bigoted disinformation. And indeed, we acknowledge the lived experiences of other marginalized communities, including rural and working class white Americans who also believe that their concerns have not been addressed by those in power, creating an environment of distrust and increased vulnerability to mis- and disinformation.

The Commission recognizes that some communities are struggling to have their fact-based realities acknowledged by society at large, while others feel a deep sense of struggle due to beliefs that are grounded in disinformation. Nevertheless, true national transformation will not be possible without effective outreach to all.⁸⁵

With federal government support, and with the full-fledged backing of corporations (especially those greatly implicated in the proliferation of mis- and disinformation), initiatives that seek to bring

⁸³ Jaiswal, J., et al. [Disinformation, Misinformation and Inequality-Driven Mistrust in the Time of COVID-19: Lessons Unlearned from AIDS Denialism](#). *AIDS and Behavior* vol. 24,10 (2020): 2776-2780. doi:10.1007/s10461-020-02925-y

⁸⁴ Solomon, Danyelle, et al. [Systematic Inequality and American Democracy](#). Center for American Progress, 7 Aug., 2019.

⁸⁵ [Truth, Racial Healing & Transformation \(TRHT\) Campus Centers](#). Association of American Colleges & Universities, Jan. 2018.

communities together could be established at all levels of American society, paving the way for sincere collective progress.

Regardless of the framework, the end goal of this process is trust across division, which is a precondition to societal cohesion. It requires broad engagement—at scale—across government, the private sector, and civil society. The Commission endorses this effort of bridge-building, from the broad selection of participants and stakeholders to the local institutions who can move this effort along, and calls upon government, corporations, philanthropic organizations, and academia to support (or continue to support) these efforts.

Key stakeholders

- **Academics:** Collaborate with equity partners and local communities.
- **Philanthropy:** Fund research and local community efforts to engage in and support TRHT.
- **Corporations:** Engage, support, and promote initiatives.
- **Platforms:** Support wider engagement in THRT processes; develop systems and policies to flag and reduce spread of negative content targeting communities.
- **Government:** Support and engage in THRT processes at local, state, and national levels.

Recommendation:

Healthy digital discourse

Develop and scale communication tools, networks, and platforms that are designed to bridge divides, build empathy, and strengthen trust among communities.

New and emerging initiatives like Pol.is, Local Voices Network, and the Front Porch Forum demonstrate the possibility of a new class of platforms in which purposeful design combined with intentional adoption by communities of users can provide communication spaces that are well suited to civic dialogue and understanding. The Commission recommends investment in the following areas, to build on the good work of these initiatives, and others like them:

- Incubate, develop and scale deployment of platforms of this kind.
- Develop methods to empirically evaluate the social impact of such communication systems on increasing trust and empathy while reducing divisiveness within and across communities.
- Develop scalable business models and paths to public sector funding.

Rationale

We have witnessed the power of social media networks to connect, share, entertain, and catalyze social movements. But the perils of social media networks have also become all too clear.⁸⁶ Extreme points of view are amplified. Trolling and abuse run rampant. False news spreads faster and farther than true news.⁸⁷ These characteristics are particularly problematic when we rely on these

⁸⁶ Bail, Chris. [Breaking the Social Media Prism: How to Make Our Platforms Less Polarizing](#). Princeton University Press, 6 Apr., 2021.

⁸⁷ Vosoughi, Soroush, et al. [The spread of true and false news online](#). *Science*, 9 Mar., 2018.

platforms for our political and civic discourse, as they can quickly lead to misunderstandings, mistrust, attacks, counterattacks, hate, and dehumanization.

Promising new tools and platforms, however, demonstrates how the underlying digital technologies that fuel social platforms can be used to support constructive civic purposes when designed intentionally and operated by public service organizations. These tools and services can deliver connections that transcend differences and geography, serving not just as an ‘alternative’, but as a disruptive force to the dominant platforms. Three examples demonstrate some of the possibilities:

The [Pol.is](#) is designed to optimize for bridging divides rather than maximizing user engagement (and advertising). The tool also uses AI algorithms to search for and amplify opinions that connect otherwise divided camps of people and has been successfully used to defuse and resolve politically gridlocked policy decisions.⁸⁸

The [Local Voices Network](#) (LVN) combines in-person facilitated conversations with digital technology for listening, learning, and collaboration across divides. In the LVN system, facilitated dialogues organized by community organizations are designed to surface people’s hopes, concerns, and lived experiences in their local communities.⁸⁹ Content recommendations and digitally networked exchanges in LVN are powered by some of the same AI algorithms that power social media platforms, optimized for constructive communication and civic action.⁹⁰

[Front Porch Forum](#) (FPF) is a Vermont-based network of local online forums that respects user privacy, promotes in-real-life community engagement, and provides a shared online experience among neighbors, small businesses, local nonprofits, and public officials.

These examples demonstrate the possibility of a new class of platforms that enable communities of users to provide communication spaces that are well suited to civic needs. This work requires further investment to develop new approaches, and long-term commitment to grow and deepen for enduring impact.

⁸⁸ Tang, Audrey. [Opinion | A Strong Democracy Is a Digital Democracy](#). *The New York Times*, 15 Oct., 2019.

⁸⁹ Cortico. [Madison Police And Fire Commission Case Study](#). Center for Constructive Communication, 30 Oct., 2020.

⁹⁰ Disclosure: Commissioner Deb Roy is a contributor to the Local Voices Network. He is also co-founder and chair of [Cortico](#), the organization developing the platform.

Impact will be measured at scale by the number of municipalities, community-based organizations, and people that engage, and the diversity of communities that participate. To measure impact, we would seek empirical indications of increased trust between communities, and in local, state, and federal institutions over time.

Key stakeholders

- **Philanthropy:** Provide financial support for development and capacity building activities.
- **Researchers:** Conduct research on efficacy of new tools and interventions.
- **Local governments:** Promote and adopt new tools.
- **Community-based organizations:** Promote and adopt new tools.
- **Investors:** Provide financial support.

Recommendation:

Workforce diversity

Increase investment and transparency to further diversity at social media platform companies and news media as a means to mitigate misinformation arising from uninformed and disconnected centers of power.

Specifically, the Commission recommends social media platforms and news media invest in diversity, equity, and inclusion in recruitment practices, hiring processes, reporting and transparency, and representation among those with decision-making power—particularly focusing on how these efforts address their inability to make systemic changes in retaining a diverse workforce.

Rationale

Research has indicated how false information, which proliferates on social media, disproportionately impacts marginalized communities. Recognizing that there are a myriad of potential causes that contribute to an asymmetrical information system, such as targeted digital advertising or media consolidation, a persistent root cause is a lack of diverse perspectives in positions of power and homogenous decision making within platform companies and news media.^{91, 92}

It is critical that those in control of decisions regarding content moderation and amplification are representative of the cultural terrain of marginalized communities impacted by disinformation. And 69% of survey respondents to Gallup and the Knight Foundation say that newsrooms reflecting the diversity of the U.S. population is a ‘critical’ (33%) or ‘very important’ (36%) role for the media.⁹³

69%

of Knight-Gallup survey respondents say that newsrooms reflecting the diversity of the U.S. population is either a ‘critical’ or ‘very important’ role for the media

⁹¹ Dixon-Fyle, Sundiatu, et al. [Diversity wins: How inclusion matters](#). McKinsey & Company. 19 May, 2020.

⁹² Stewart, Alicia. [Why Newsroom Diversity Works](#). Nieman Reports, 15 June, 2015.

⁹³ Holcomb, Jesse and Stubbs, Helen. [In U.S., views of diversity in news vary by party ID, race](#). John S. and James L. Knight Foundation, 25 June, 2020.

Moreover, recent critiques point to the lack of diversity in engineering and design teams as compounding factors contributing to algorithmic bias in systems.

Through a diverse workforce—in terms of culture, race, religion, politics, income, age, gender, orientation, and more—at the platforms that host our digital world and the newsrooms that inform it,⁹⁴ American society can begin to solve for systems that exclude, discriminate, and create harm. Efforts to create a diverse and inclusive workforce must not stop at the recruitment of employees, the creation of affinity groups, or the celebration of underrepresented groups.⁹⁵ The retention of underrepresented employees is critical to maintaining an inclusive work environment, racially equitable tech products, and people-focused policies. More diverse representation expands the aperture of decision-makers, reduces groupthink and risks of bias and blind spots, and therefore mitigates the unintended consequences disproportionately affecting underrepresented groups. These actions can curb the spread of misinformation in communities most vulnerable to or threatened by malicious actors.

Companies that promote diversity in the tech workforce can slow the proliferation of online mis- and disinformation by reviewing existing DEI practices and gaps, and taking action to improve their performance in this area. Companies must cooperate to standardize DEI reporting, promote data-sharing and independent accountability efforts, and amplify diverse voices across their industry. The Commission challenges companies to publish regular updates detailing hiring, retention, and promotion data as well as successes and areas of opportunity as a means to hold executive leadership accountable and set future goals.

Key stakeholders

- **Information industry:** Increase diversity in C-suite level positions and increase transparency of DEI efforts.
- **Social media companies:** Greater investment in education; focus on recruiting, hiring, upskilling, promotion, and transparent reporting on same.
- **News media:** Increase diversity in business and editorial leadership, and increase transparency of DEI efforts.

Real world example

To curb the spread of information disorder, social media companies must make concerted efforts to remedy existing racial disparities within their own workforces by publicly releasing employee transparency reports. One example comes from the not-for-profit news organization, [Reveal](#), where a leadership-led effort “overhauled the way it hires, onboarded and promoted employees to create a more inclusive workspace” for newsroom employees of color. By using internal crowdsourcing techniques to reconfigure their position titles and team frameworks to progress reports of the diversity, equity, and inclusion plan goals, their newsroom became more informed of the challenges their employees faced, and could make effective adjustments on how the organization could best support and retain its reporters.

⁹⁴ Clark, Meredith D. [A view from somewhere: What White managers need to know](#). Poynter, 12 June, 2020.

⁹⁵ Wingfield, Adia Harvey. [How Organizations Are Failing Black Workers — and How to Do Better](#). *Harvard Business Review*, 16 Jan., 2019.

Recommendation:

Local media investment

Promote substantial, long-term investment in local journalism that informs and empowers citizens, especially in underserved and marginalized communities who are most likely to be harmed by, or are most vulnerable to, mis- or disinformation.

Many communities across the country lack a reliable, adequately resourced local press, which denies them access to trustworthy information, and leaves them ill-equipped to assess or respond to inaccurate stories that fill the void. This issue is particularly acute when it comes to Black, Indigenous, and communities of color, as well as rural communities where legacy business models make sustainable newsrooms nonviable.

The recommendation supports the efforts of the Local Journalism Sustainability Act,⁹⁶ which proposes federal tax credits to subsidize local news subscriptions. However, we propose that the act go further by providing a pathway for state-level taxes on digital advertising—as Maryland has earlier this year—and encourage more state and local governments to invest advertising dollars in Black, brown, Indigenous, and marginalized community media. Finally, we propose that consumer tax incentives encourage and provide critical resource support for locally owned and operated outlets that meet the needs of the local communities, rather than those who are owned by out-of-state entities, or with a national agenda.

Rationale

The media outlets Americans trust most—their local newspapers—are collapsing under financial pressure: between 2004 and 2018, the U.S. lost 2,100 newspapers, leaving more than 65

⁹⁶ [Rebuild Local News: How government can help revitalize local journalism while preserving editorial independence](#). Rebuild Local News, Oct. 2020.

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65 million Americans
in “news deserts.”

million Americans in “news deserts,” according to a University of North Carolina report.⁹⁷ The few independent legacy publishers that remain are struggling to stay solvent; many more have been acquired by hedge funds and cut to the bone.⁹⁸ Public radio is holding steady but in most markets is not staffed to deliver robust local news. A new cohort of digital startups are promising, but they are not numerous enough to fill the vast void. And almost none are prioritizing resources toward operations and culture-building required to sustain representative newsrooms.

This recommendation seeks to address two components of the biggest challenge in journalism. It acknowledges the critical role local news media plays in providing society with credible information in an era of distrust and disinformation,⁹⁹ while underlining a number of factors that have contributed to the erosion of public trust in and reliance on the media,¹⁰⁰ including the corporate consolidation of newspapers and television stations,^{101, 102} and the lack of diversity and representation in mainstream news organizations.¹⁰³

We know that the decline of trustworthy, representative news at the local level can lead to lower civic engagement. A California study found that “when there are fewer reporters covering an area, fewer people run for mayor, and fewer people vote.”¹⁰⁴ Meanwhile, our relationships and civil discourse are suffering under the weight of a global pandemic, systemic racism, political polarization, economic inequality, and toxic norms of communication. Combined, these factors leave tens of millions of Americans without access to reliable and trustworthy news, information, and resources that could inoculate them against mis- and disinformation.

The Commission offers three pathways to seeding a more robust and more diverse local media marketplace:

- **Philanthropy:** This recommendation advocates for a greater philanthropic investment in community media organizations

⁹⁷ [The Loss Of Local News: What It Means For Communities](#). Hussman School of Journalism and Media, University of North Carolina and Knight Foundation, 2018.

⁹⁸ Hare, Kristen. [For-profit newsrooms are adding philanthropy as another way to make money](#). Poynter, 22 Sept., 2021.

⁹⁹ Merrefield, Clark. [COVID, Sinclair Broadcasting and changing job roles: 5 recent studies on the state of local TV news](#). The Journalist's Resource, 21 Sept., 2021.

¹⁰⁰ Salmon, Felix. [Trust in media hits new crisis low](#). Axios, 21 Jan., 2021.

¹⁰¹ Abernathy, Penelope Muse. [Bigger and Bigger They Grow | Consolidation of Newspaper Ownership The Expanding News Desert](#). Hussman School of Journalism and Media, University of North Carolina and Knight Foundation, 2018.

¹⁰² Andrews, Edmund L. [Media Consolidation Means Less Local News, More Right Wing Slant](#). Stanford Graduate School of Business, 30 July, 2019.

¹⁰³ Allsop, Jon, et al. [Who's the Boss?](#) *Columbia Journalism Review*, spring 2018.

¹⁰⁴ Holder, Sarah. [As Local Newspapers Shrink, So Do Voters' Choices](#). CityLab, Bloomberg News, 11 Apr., 2019.

that focus on reliable information and trust-building.¹⁰⁵ The Commission makes special note of BIPOC-owned and operated outlets and news deserts in rural and rustbelt areas. The Commission recommends avoiding reinvesting in more of the same, such as one-time awards for innovative media startups, and instead advocates for providing substantial, sustainable investments for media led by and in service of people of color.

- **Advertising tax:** In February of this year, Maryland became the first state to pass a tax on digital advertising,¹⁰⁶ with several other states following suit.¹⁰⁷ The legislation applies to businesses—with the exception of news organizations—deriving at least \$1 million in gross annual revenue from digital advertising.¹⁰⁸ These bills should go further by reallocating a share of tax revenues—for example, a flat 1% of the final price charged—back to local news organizations decimated by the decline of their ad revenues.
- **Tax credits:** The Local Journalism Sustainability Act provides up to \$250 in tax credits for taxpayers who subscribe or donate to a news outlet. It also takes financial support further and offers tax credits for small businesses buying ads in local newspapers.¹⁰⁹ This bill is a step in the right direction, but should go further to incentivize investment solely in locally owned and operated journalism,¹¹⁰ and in particular BIPOC and community media, and media organizations that meet or are striving to meet diversity, equity, and inclusion criteria.

Key stakeholders

- **Government:** Increase investment in local media; establish new funding sources.
- **Tech industry:** Increase collaboration and partnerships with local media.
- **Philanthropy:** Increase investment in resources and capacity building.

¹⁰⁵ [Racial Equity in Journalism Fund Awards \\$3.6 Million to News Organizations Led By and Serving Communities of Color](#). Borealis Philanthropy, 25 May, 2021.

¹⁰⁶ Hollman, Steven, et al. [MD Digital Advertising Tax Bill](#). The National Law Review, 17 Mar., 2021.

¹⁰⁷ Brown, Jason R., and Miller, Kean. [The Maryland Digital Advertising Services Tax and the Expanding Map for Digital Taxes](#). The American Bar Association, 10 June, 2021.

¹⁰⁸ Brant, Larry and Evalds, Peter A. [United States: Maryland Takes A Beat On Its New Digital Advertising Tax](#). Mondaq, 19 July, 2021.

¹⁰⁹ United States, Congress, House. [Local Journalism Sustainability Act](#). Congress.gov. 117th Congress, Referred to the House Committee on Ways and Means. 6 June, 2021.

¹¹⁰ [Could Congress Save BIPOC News Media?](#) The Pivot Blog, 17 Aug., 2021.

Recommendation:

Accountability norms

Call on community, corporate, professional, and political leaders to promote new norms that create personal and professional consequences within their communities and networks for individuals who willfully violate the public trust and use their privilege to harm the public.

This recommendation asks leaders, journalists, and advertisers to commit to adopting new (or restoring established) norms that prioritize fact-based communication and avoid repeating falsehoods, especially in spheres in which disinformation can cause immediate and substantial harms, such as threats to public health, or undermining elections.

For example:

- Ask professional standards bodies like medical associations to hold their members accountable when they share false health information with the public for profit.
- Encourage advertisers to withhold advertising from platforms whose practices fail to protect their customers from harmful misinformation.
- Spur media organizations to adopt practices that foreground fact-based information, and ensure they give readers context, including when public officials lie to the public.

This recommendation is not about new laws or regulation; it is about renewing and activating healthy social norms that have consequences in a public and accountable way, promote positive behavior, and discourage negative behavior, with a focus on the worst actors who intentionally spread misinformation that causes the most substantial harm.

Rationale

Politicians, CEOs, television anchors, talk radio hosts, and prominent professionals including doctors and lawyers, can abuse their prominent roles and high degrees of reach for both personal and partisan gain, in an environment that no longer punishes them for these actions. Often they are rewarded with a “liar’s dividend”, as the social, political, and professional consequences that previously existed have faded from our social norms. In an environment that protects free speech, and where those in positions of influence and power are deemed ‘newsworthy’, there are few legal or regulatory avenues that are available, or even desirable. And yet, these individuals are the source and amplifiers of some of the worst, most harmful disinformation.

There are some laws and legal mechanisms to deal with the worst lies—fraud, defamation (including slander and libel), and consumer negligence. These laws are appropriately narrow in scope. In a democratic society, these minimal restrictions on speech also rely upon an environment where the spreading of falsehoods was disincentivized by societal norms—professional accountability, criticism from peers and relations, or pressure from church, family, and community members. Those dynamics have changed, and in the last two decades, the norms have shifted or fallen away altogether.¹¹¹

“I just think it’s important if we are to reset that our profession is prepared to confront itself and to make decisions about who we want to be, who we are and what it’s going to require, which may be uncomfortable, to ensure that we hold our character.” —Sherrilyn Ifill

Today, lying and distorting facts to sow doubt and mistrust is a core tactic of many mainstream political and issue campaigns. While much attention is paid to the massive amplification and targeting made possible by technology, little is paid to how it has softened or broken the connections that sustained our social norms, or to those who break them.

¹¹¹ Finnemore, Martha and Sikkink, Kathryn. [International Norm Dynamics and Political Change](#). The MIT Press, Aug. 1998.

At the core of today's crisis is this breakdown of norms. Compounding the problem is the media's continued repetition, amplification, and rewarding of those who lie—by giving them high profile coverage, and by making the “who-said-what” horse race the story, instead of meeting their obligation to provide facts, context, and hold liars to account. Frankfurt's colorfully-titled “On Bullshit” also notes that many of these merchants of doubt care less about whether they lie, than whether they successfully persuade, either with twisted facts or outright lies.¹¹² In any case, we must not continue to tolerate lies, the liars and “bullshitters” who tell them, and those who give them prominence and profile without calling them to account. Individuals function as members of groups, and that presents opportunities to use social norms to motivate positive behaviors.¹¹³ The interventions and the responses will look different in each community and context. Some recent examples of communities, leaders, and industries using norms to restore public trust and discourse include:

- [Several prominent medical associations stepped forward](#) and called for consequences for accredited board-certified medical professionals that recommend unproven or unsafe therapies for profit or political motivations.
- [When Reddit's policies failed to stop brigading activities](#) across multiple subreddits, the moderators of 135 groups stepped forward and staged a black-out protest to have those accounts blocked.¹¹⁴
- [The Philadelphia Inquirer, reporting on the results of a](#) partisan effort designed to undermine the Pennsylvania election results, refused to call it an “audit” and published their reasons so readers could understand their position.¹¹⁵
- [The Columbia Journalism Review dedicated a recent issue](#) entirely to a reset of how the media covers politics—establishing new norms, not new laws.¹¹⁶ The editor writes: “For too long, political journalism has listened mainly to the loudest talkers. It's time, finally, to hear from other voices.”

¹¹² Frankfurt, Harry. [On Bullshit](#). Princeton University Press. 30 Jan., 2005.

¹¹³ Prentice, Deborah and Paluck, Elizabeth Levy. [Engineering social change using social norms: lessons from the study of collective action](#). *Current Opinion in Psychology*, 1 July, 2020.

¹¹⁴ Schlitz, Heather. [Reddit Bans Community That Spread COVID-19 Misinformation](#). *Business Insider*, 1 Sept., 2021.

¹¹⁵ Seidman, Andrew and Lai, Jonathan. [Pennsylvania Republicans launch new election audit but don't say how it will work](#). *The Philadelphia Inquirer*, 9 Sept. 2021.

¹¹⁶ Pope, Kyle. [Our Damned Trump Fixation](#). *Columbia Journalism Review*, fall 2021.

In each case, communities acted to activate or re-establish norms and expectations—be it ethical professional behavior, online community standards, or the responsibility to present facts in context. The result is greater trust in systems, and accountability, both for those who may cause harm, but also for those holding them to account, because their actions are public.¹¹⁷ As Sherrilyn Ifill, president of the NAACP Legal Defense and Educational Fund, noted in a discussion of Rudy Giuliani’s suspension from practicing law: “I just think it’s important if we are to reset that our profession is prepared to confront itself and to make decisions about who we want to be, who we are and what it’s going to require, which may be uncomfortable, to ensure that we hold our character.”¹¹⁸

Key stakeholders

- **Civil society:** Promote existing norms for accountability, establishing new norms as necessary.
- **Professional bodies:** Establish and enforce standards for members who violate conduct norms or exploit professional status to promote disinformation.
- **Corporate leaders:** Promote corporate responsibility and accountability.
- **Journalists and media:** Promote new norms, update professional standards.
- **Public officials:** Adopt higher standards of accountability and ethics.
- **Technology:** Re-establish and enforce online community standards.

¹¹⁷ Herrmann, Jonathan. [With Greater Audience Comes Greater Responsibility](#). Carnegie Endowment for International Peace, 23 Apr., 2020.

¹¹⁸ Johnson, Carrie. [Trump Lawyers Who Spread False Election Claims Are Now Defending Themselves In Court](#). WXXInews.org. 16 July, 2021.

Recommendation:

Election information security

Improve U.S. election security and restore voter confidence with improved education, transparency, and resiliency. This will include proactive outreach communications, updated educational content, and greater transparency and resiliency around elections, election infrastructure, and audits as a means to counter false narratives.

As election officials consider uses for existing federal grant funding for election purposes under the Help America Vote Act, such as retiring paperless machines, or increasing capabilities and staff for establishing more proactive communications, consistent and increased funding on a scheduled and long-term basis will allow election officials to enter into contracts, hire staff and invest in long-term communication capability, including increased auditability of election systems and public awareness campaigns.

Core results of election funding should lead to:

- Widespread education and awareness campaigns on election processes and transparency (“how elections actually work”).
- Investment in systems, processes, and procedures that support evidence-based elections, allowing election officials to present demonstrable evidence of the accuracy of voter registration systems, ballot chain of custody, system access controls, and election results.
- Support for nationwide statistically significant pre-certification post-election audits that adhere to a set of accepted standards and best practices.

Ideally, funding should be included in the next appropriations cycle, and possibly included in any voting rights legislation. It will take time to develop, train, and implement audits, so it is important that this work begin immediately.

Even with additional funding, election officials lack the necessary expertise and capability to meaningfully monitor and analyze election related mis- and disinformation. Along with increased funding to state and local election officials, additional funding needs to be directed towards federal efforts to support these officials as they work to combat mis- and disinformation targeted at U.S. elections. This funding should be used to create a federal leadership component for countering mis- and disinformation. This component should have three core purposes:

- **Establish and maintain relationships with state and local** election officials, academia and non-profit leaders to quickly identify emerging narratives and facilitate responses by state and local officials.
- **House expertise within the federal government on mis- and** disinformation. Work should focus on proactive resilience building to election narratives within the American electorate, with a specific focus on underserved communities.
- **Further amplification of state and local messaging in the** lead up to and following federal election elections. An example of such a resource includes “Rumor Control,” established by CISA in the waning weeks of the 2020 Campaign, released initially to counter Iranian nation-state efforts to intimidate voters and undermine confidence in the election.

Rationale

The 2020 Presidential Election demonstrated that the process by which elections are administered is not broadly and clearly understood, providing fertile ground for those who wish to undermine confidence or otherwise seed confusion during or after an election. Disinformation operators used social media platforms and selected news outlets to spread their false and misleading claims. In turn, throughout the 2020 election cycle, social media, and traditional media sources alike pointed to election officials and federal authorities as the go-to source for authoritative information about elections. The volume and pace of both accidental and intentional factually inaccurate information in many cases overwhelmed the ability of election officials to effectively counter and educate the public about how elections actually work.

It is not enough, however, to communicate effectively to counter election disinformation. Election administrators must also continue to strive for secure, trustworthy election processes and systems, including broad adoption of paper records and voter-verifiable paper trails to cast votes, accompanied by post-election, pre-certification audits that can confirm accuracy of election systems.

Elections across the U.S. continue to suffer from insufficient state and local funding, resulting in poor communication and growing distrust. While federal funding over the last four years has helped address funding shortfalls, inconsistent appropriations continue to impact the ability of election officials to make long term planning and hiring decisions. Consistent funding on an established timeline can help state legislatures in their own budgeting, and also allow election officials to enter into contracts, build staff, and train for longer term administration outcomes.¹¹⁹

Consistent, dependable investments in U.S. elections will allow election officials throughout the country to continue modernizing elections, hire sufficient staff, overcome state and local budget challenges (particularly due to COVID-related tax revenue shortfalls), and improve election administration education and outreach efforts.

Key stakeholders

- **Government:** Federal and state governments to invest and implement programs and plans.

¹¹⁹ [Securing the Vote: Protecting American Democracy](#). National Academies of Sciences, Engineering, and Medicine, Washington, DC: The National Academies Press, 2018.

Recommendations to reduce harms

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Recommendation:

Comprehensive federal approach

The Administration should establish a comprehensive strategic approach to countering disinformation and the spread of misinformation, including a centralized national response strategy, defining roles and responsibilities across the Executive Branch, and identifying gaps in authorities and capabilities.

The Commission calls upon the White House to establish a dedicated, apolitical team to develop a centralized national response strategy to effectively counter mis- and disinformation. This includes making clear policy statements on intent and objectives, defining roles and responsibilities across the Executive Branch, and identifying gaps in authorities and capabilities.

This is not intended as a call to establish new powers or authorities. Instead, it aims at providing a clear, focused, and strategic approach for the government's responsibilities in addressing information disorder.

Rationale

At the time of this writing, the Federal Government lacks any clear leadership and strategy to the disinformation problem, despite its own acknowledgement of the impact on public health, elections, businesses, technology, and continued campaigns on communities of color, including immigrants and refugees. This lack of leadership, ownership, or strategy is hampering efforts, slowing response times, and duplicating efforts. Thus, the Commission urges the White House to establish a dedicated team to define the disinformation problem and to clearly articulate desired objectives, leadership, responsibilities, authorities, and capabilities. This coordinated response, which draws its inspiration from the national security space, aims to provide clarity across the Executive Branch and elevates the threat of mis- and disinformation to one of national attention.

Key stakeholders

- **Government:** Executive Branch of the Federal Government establish clear leadership and strategy.

Recommendation:

Public Restoration Fund

Establish an independent organization, with a mandate to develop systemic misinformation countermeasures through education, research, and investment in local institutions.

The Commission advocates for Congress to legislate the funding and creation of an independent non-profit organization, led by publicly-appointed non-partisan organizations working at the intersection of technology, democracy, and civil rights, mandated to invest in systemic misinformation counter-measures. This organization and its investment fund will focus on two key pillars:

- **Education:** expertise and budget to fund research-backed counter-misinformation education and awareness initiatives.
- **Localization:** building back of local institutions for underserved communities by administering funding to libraries, hospitals, schools, and local news with an emphasis on community-level protections against misinformation.

The creation of the Public Restoration Fund addresses capital needs for capacity building and infrastructure. The organization could be funded by general taxes, voluntary investment from tech companies, taxes on social media ads, the allocation of FTC fines, or other appropriate means.

The Commission also recommends studying options to publicly validate and compensate individuals and communities who have been harmed by mis- and/or disinformation.

Rationale

It is clear that mis- and disinformation can lead to real-world harm. In response, the Commission draws inspiration from public health accountability efforts, like the Truth Initiative, which seeks a more coordinated, proactive engagement response to the worst harms.

This public health approach is also useful in illuminating systemic gaps and opportunities as well as identifying key stakeholders. As such, the Public Restoration Fund would provide for infrastructure investments in education and research as well as local institutions focusing on under-served communities. This includes additional investments into libraries, hospital education programs, school programs, local news, etc., with an emphasis on community-level protections against misinformation. The Commission firmly believes that such investment into our infrastructure is critical to advancing each citizen's ability to make well-informed decisions and engage in productive public discourse, and, ultimately, shaping our democracy.

Commissioners looked to case studies—from the opioid crisis to Big Tobacco to the BP Deepwater Horizon oil spill,^{120, 121, 122}—for precedent related to the process and funding of a public health accountability effort.

At this time, the Commission suggests a variety of potential pathways for funding and sustaining the efforts outlined above:

1. The Federal Trade Commission could identify the fund as a condition of a future approval (e.g., antitrust settlements and/or fines).
2. Congress could mandate funding through taxation, such as an ad tax on social media.
3. Allocation of cy-près funding in the event of a class action lawsuit or related settlement (e.g., settlements as seen in the Deepwater Horizon Oil Spill Trust, or the Truth Initiative).
4. Voluntary adoption and funding from technology companies.

Key stakeholders

- **Congress:** Establish the Public Restoration Fund and create or recognize an independent organization, organized by or with colleges and universities.
- **Civil society organizations:** Encourage organizations and researchers working at the intersection of technology, democracy, and civil rights to step forward to lead and support this work.

¹²⁰ Kovac, Marc. [Ohio, other states reach \\$573 million settlement with McKinsey over role in opioid epidemic](#). *The Columbus Dispatch*, 4 Feb., 2021.

¹²¹ [Tobacco Master Settlement Agreement](#). Public Health Law Center, Mitchell Hamline School of Law, 1998.

¹²² [Deepwater Horizon oil spill settlements: Where the money went](#). National Oceanic and Atmospheric Administration, 20 Apr., 2017.

Recommendation:

Civic empowerment

Major online platforms should provide investment and innovation in online education and platform product features to increase users' awareness and resilience to online misinformation.

The major platforms have not invested adequately in providing users with the context, tools and incentives to evaluate the credibility of information.¹²³ This is an essential complement to other supply-side strategies that platforms must undertake (e.g., remove violative content and speakers, promote factual content, and design that promotes healthy product usage). Users need to understand how information reaches them and have the tools that can help them distinguish fact from falsehood, honesty from manipulation, and the trustworthy from the fringe.

The Commission therefore recommends that platforms further devote resources and attention towards digital interventions that give users the skills and context to safely navigate low quality and polarizing content online.¹²⁴ Crucially, they must collaborate with external researchers, practitioners, and civil society representatives who can bring independent expertise and perspectives to the design and functionality of the platforms.¹²⁵ A critical success factor for this proposal is a shared vision among the internal and external collaborators, and an externalized metrics framework.

The goal is to empower users not only to be healthy participants in information spaces but also to be good members of their community.

¹²³ Saltz, Emily, et al. [Warning Labels Won't Be Enough to Stop Vaccine Misinformation](#). Partnership on AI. 18 Feb., 2021.

¹²⁴ Saltz, Emily, et al. [It Matters How Platforms Label Manipulated Media. Here are 12 Principles Designers Should Follow](#). Partnership on AI. 9 June, 2020.

¹²⁵ Swire, Briony and Ecker, Ullrich. [Misinformation and its Correction: Cognitive Mechanisms and Recommendations for Mass Communication](#). *Misinformation and Mass Audiences*, University of Texas Press, Jan. 2018.

Rationale

To make up their own minds about the trustworthiness of content online, users need to understand *how* information reaches them (via influencers, algorithms, networks); *why* spotting misleading information is critical; and *what* they can do to address the issue of misinformation on their own.

While major online platforms have made significant investments into various literacy efforts, there remains a gap in its translation and incorporation into current platform product interventions.¹²⁶ For example, media literacy skills often require people to have easy access to information signals that help them make determinations—about where information originates and how it reaches them. The Commission urges platforms to develop, implement, and test tools that give users greater access to better signals about information.

Lastly, the Commission suggests empowering users with techniques that can increase their own resilience. Research suggests that users can take actions—like slowing down and tuning into their emotional responses—to improve their own resistance to misleading content.¹²⁷ Platforms can do more here in this arena well, by providing tools that empower users to address misinformation in their own online communities, including scaffolding for people to correct others—with empathy rather than derision.

Commissioners focused on four key pathways for online platforms to empower their end users:

1. Expand investment and innovation in information literacy and media literacy collaborations to integrate evidence-based prescriptions directly into online interventions. Provide access to information signals that enable quick and productive evaluation of content, such as transparency tools that indicate the flow of specific content to an end user.
2. Improve incentives to minimize consumption and sharing of misinformation, such as learning to spot deceptive tactics or false narratives.
3. Provide users with product features that enable them to retract and rectify false posts.

Real world case study

In March of this year, Kristin M. Lord, President and CEO of IREX, a nonprofit education and development organization, and Katya Vogt, IREX's global lead for media and information literacy initiatives, discussed the lasting impact disinformation resilience programs can have in the [Stanford Social Innovation Review](#). "Research from the [Rand Corporation](#) and others shows media and information literacy improves critical thinking, awareness of media bias, and the desire to consume quality news — all of which help beat back misinformation," the authors write.

Future work

One promising idea is to develop an "amplification flow tool" that would show how a piece of content reaches a specific account, including which influencers and private groups amplified the same content along the way.

In order to do this, users need to understand how information reaches them and to have the tools that can help them distinguish fact from falsehood, honesty from manipulation, and the trustworthy from the fringe.

¹²⁶ Jahanbakhsh, Farnaz, et al. [Exploring Lightweight Interventions at Posting Time to Reduce the Sharing of Misinformation on Social Media](#). Proc. ACM Human-Computer Interaction. 5, CSCW1, article 18, 18 Apr., 2021.

¹²⁷ Arif, Ahmer, et al. [A Closer Look at the Self-Correcting Crowd: Examining Corrections in Online Rumors](#). Proceedings of the 2017 ACM Conference on Computer Supported Cooperative Work and Social Computing, Feb. 2017.

Key stakeholders

- **Technology platforms:** Should invest in digital interventions that give users the skills and context to safely navigate low quality and polarizing content online.
- **Media literacy researchers and practitioners:** Support and collaboration with tech platforms in the development of tools.

Recommendation:

Superspreader accountability

Online platforms should hold superspreaders of mis- and disinformation to account with clear, transparent, and consistently applied policies that enable quicker, more decisive actions and penalties, commensurate with their impacts—regardless of location, political views, or role in society.¹²⁸

Researchers and investigative journalists are finding that a small number of accounts¹²⁹—from the “repeat offenders” of election falsehoods to the “dirty dozen” of COVID-19 misinformation^{130, 131}—have an outsized impact on the reach of misinformation online. These influential and often ‘verified’ accounts function as both content producers and amplifiers. These include elected officials, hyper-partisan media outlets and pundits, and other social media influencers, driven by political objectives and/or financial motives and benefits. Taken together, it is a group of actors who are uniquely identifiable and uniquely necessary to hold to a high standard of scrutiny.

Rationale

Research reveals that a small number of people and/or organizations are responsible for a vast proportion of misinformation (aka “superspreaders”). Many of these accounts have gained audiences by exploiting existing dynamics within an online platform—such as deploying bots to promote their content or by spreading

¹²⁸ Frenkel, Sheera. [The Most Influential Spreader of Coronavirus Misinformation Online](#). *The New York Times*, Aug. 27, 2021.

¹²⁹ Ali, Shiza, et al. [Understanding the Effect of Deplatforming on Social Networks](#). ACM Web Science Conference 2021.

¹³⁰ [The Long Fuse: Misinformation and the 2020 Election](#). Center for an Informed Public, Digital Forensic Research Lab, Graphika, & Stanford Internet Observatory, 3 Mar., 2021.

¹³¹ Salzberg, Steven. [It's time to de-platform the anti-vaccine Disinformation Dozen](#). *Forbes*, 19 July, 2021.

Suggested approaches for identifying influencers

Account-level signals:
Define a threshold based on existing, public engagement signals (raw or proportionate numbers of followers, views, likes, etc.)

Professional status:
Identity positions within society that bring with them privileged influence (e.g., politicians, government officials, journalists, doctors, lawyers).

Verified accounts: Include within the influential umbrella accounts that receive “blue-check” or “verified” status within the platform. The benefits of verification should be accompanied by responsibilities for not spreading harmful misinformation.

Algorithmic measures of influence: Build models to measure the impact of speech on an audience by evaluating the pre- and post-speech prevalence of narratives, keywords, sentiment.

hyper-partisan clickbait to attract followers. In some cases, the owners and operators of these accounts are political figures whose content has been treated as “of public interest” and not subjected to existing content moderation policies. Indeed, recent investigative reporting reveals that some of the most virulent propagators of falsehood are those with the highest profile, and held to a lower standard of accountability than others.¹³² As such, the Commission recommends that platforms focus some portion of their moderation efforts on highly visible content (above a certain level of shares or engagement) and on highly visible accounts that repeatedly spread harmful misinformation that can lead to significant harms, including public health, and threats against democracy.

The Commission encourages online platforms to consider the following properties when developing clear and transparent policies that address superspreader accountability. First, policies must articulate a consistent methodology for identifying influential accounts that implements a negligence framework, holding influential accounts to a higher standard in regards to transparency and enforcement.

Harmful misinformation posted by influential accounts should be prioritized for moderation and addressed (e.g., through labels, downranking, or removal).¹³⁴ Second, policies should articulate criteria for identifying repeat spreaders—influential accounts that repeatedly spread harmful misinformation—along with a framework for escalating responses based on both the severity of harms and the number of infractions.

The Commission recognizes the need for continuous assessment of the impact of such policies. This includes tracking and understanding the overall prevalence of harmful misinformation on a given platform as well as tracking the impact of various enforcement actions. As such, visibility into platforms is critical for such assessments. The Commission urges these businesses to provide full transparency around views and engagement of certain content; number of strikes by influential accounts; and information on audience size, views, shares, etc. Additional transparency metrics, which can and should be part of the “safe harbor for research recommendation,” may include information on all moderation actions

Real world case study

Wellness influencers

and websites create and share content that promotes vaccine hesitancy, natural health remedies, and alternative medical practices to millions of users across platforms.¹³³ One example, Natural News, is a popular conspiracy website that consistently posts science misinformation. Their content has been banned twice by Facebook, most recently as a result of the site’s promotion of the “Plandemic” conspiracy video which spread lies about the effects of mask-wearing. But with 3 million followers, the false and misleading content continues to be shared in other groups and pages as the site’s domains shift to avoid detection by algorithms.

¹³² Milmo, Dan. [Facebook: some high-profile users allowed to break platform’s rules](#). *The Guardian*. 13 Sept., 2021.

¹³³ Maloy, Ashley Feters, and De Vynck, Gerrit. [How wellness influencers are fueling the anti-vaccine movement](#). *The Washington Post*. 12 Sept., 2021.

¹³⁴ Horta Ribeiro, Manoel, et al. [Do Platform Migrations Compromise Content Moderation? Evidence from r/The_Donald and r/Incels](#). ACM Conference on Computer-Supported Cooperative Work, 20 Aug., 2021.

(e.g., labels, downranking, removals) and a repository of public posts with associated engagement metrics (e.g., over time) of all identified influential accounts.

Frameworks for escalating responses

“Strikes” policies

Already in play, platforms should continue to implement transparent policies for escalating action based on repetitive spreading behaviors—from first warning to temporary suspensions to permanent suspensions. There should be a clear appeals process and platforms should consider offering pathways for reform.

Extending strikes to the savvy spreaders

Savvy spreaders of misinformation know how to navigate existing policies by couching misinformation in [uncertainty](#) (“just asking questions”) or using attribution shields (“people are

saying”), thus avoiding responsibility for the content while helping it spread.¹³⁵ Policies should include guidelines for dealing with accounts that repeatedly use this technique to spread harmful misinformation—addressing the pattern of behavior rather than trying to judge each specific post on its own.

Holding areas

New posts from influencers with repeat bad behavior should be placed in a holding area that allows for manual moderation and scrutiny, helping limit the potential for additional misinformation to spread quickly.

Demonetization

Remove access to product features for violative behavior (e.g., posting, monetization, or amplification).

Cross-platform visibility

Many social media influencers—including those who repeatedly spread misinformation—use multiple platforms in complementary ways to grow their audiences and spread their content. This tactic was employed to great effect in the U.S. Election.^{136, 137} With increased transparency around influence across platforms, individual platforms should develop guidelines within their superspreader policies

for taking into account cross-platform activity and influence.

Disinformation domains

Beyond superspreading accounts, platforms should also develop policies for addressing super-spreading domains—domains that repeatedly host content with harmful misinformation that is mobilized and spreads widely in-platform. These domains should be subject to the same kinds of strikes policies, with escalating enforcement from interstitial labeling, to downranking, to suspensions (disallowing links to that domain) of varying lengths.

Key stakeholders

- **Platforms:** Adopt clear, transparent, and consistently applied policies related to mis- and disinformation superspreaders.

¹³⁵ Starbird, Kate, et al. [Could this be true? I think so! Expressed Uncertainty in Online Rumoring](#). Proceedings of the ACM CHI Conference on Human Factors in Computing Systems, Jan. 2016.

¹³⁶ Sanderson, Zeve, et al. [Twitter flagged Donald Trump’s tweets with election misinformation](#). HKS Misinformation Review. 24 Aug., 2021.

¹³⁷ Election Integrity Partnership. [The Long Fuse: Misinformation and the 2020 Election](#). Atlantic Council. 2 Mar., 2021.

Recommendation:

Amendments to Section 230 of the Communications Decency Act of 1996

This recommendation contains two separate proposals to amend Section 230. First, withdraw platform immunity for content that is promoted through paid advertising and post promotion. Second, remove immunity as it relates to the implementation of product features, recommendation engines, and design.

Section 230 was intended to provide immunity to platforms that carry the speech of others and to encourage responsible moderation practices, but has also been used to shield companies from liability for non-speech practices.

1. Paid content

The Commission recommends that paid advertising content should no longer be protected under Section 230. Similar proposals have been advanced by legislators, academics, and advocates. Tech platforms should have the same liability for ad content as television networks or newspapers, which would require them to take appropriate steps to ensure that they meet the established standards for paid advertising in other industries. This amendment to Section 230 is tied to paid promotion to amplify or promote content, not all paid content services or subscriptions (e.g., Patreon, Netflix, OnlyFans). It is not intended to impact Section 230 (c)(2),¹³⁸ which protects platforms from civil liability when they decide to remove objectionable content.

¹³⁸ [47 U.S. Code § 230](#)—Protection for private blocking and screening of offensive material. Legal Information Institute, Cornell Law School.

2. Product design

A Section 230 exclusion for product design features would clearly delineate between the speech of platform users and the platforms themselves. This would include explicitly designating the output of recommendation algorithms (group recommendations, friend recommendations, “watch next” recommendations) as not being user speech and therefore not covered by Section 230 (to the extent that the recommendations themselves might cause harm). One bill before the House of Representatives, co-sponsored by Members of Congress Malinowski and Eshoo, proposes withdrawing immunity for harmful algorithms.¹³⁹

Other product design elements could include (see External Recommendations for more):

- **Mechanisms provided by platforms that allow a user to limit access to content or economic opportunities, such as on Instagram where users can hide like counts.**¹⁴⁰
- **Algorithms that recommend membership in groups, accounts to follow, or connections between users.**
- **Mechanisms that allow for the non-organic amplification of content, or explicit choices made by platform employees to highlight content.**

Rationale

Paid content: The immunity afforded to platforms hosting user-generated content through Section 230 has created an environment that allowed many kinds of speech to flourish on the Web. The original intent was to encourage platforms to moderate content, which they do, while not holding them directly liable for everything a user might post.

Since Section 230 was introduced, the focus and business models of online platforms have changed substantially, notably the rise of public social media, and the development of sophisticated data collection to support targeted paid advertising alongside user-generated content. Facebook’s first targeted ads appeared in 2007, over a decade after Section 230 came into effect. Today, paid advertising and post promotion are fundamental tools for every marketer, from retail to political campaigns. They are also used by bad actors

¹³⁹ Malinowski, Tom and Eshoo, Anna G. [Protecting Americans from Dangerous Algorithms Act](#). 24 Mar., 2021.

¹⁴⁰ Pardes, Arielle. [Hide Your Instagram Likes—and Be Free](#). *WIRED*, 28 May, 2021.

to promote questionable health cures, and by political campaigns to smear opponents and drive voter suppression.

Nearly 25 years later, it's time to update the regulations in ways that preserve what is good about online collaboration and user-generated content, but address some of the unforeseen developments. It's appropriate to consider new rules that place responsibility appropriately with the platforms, while maintaining other protections.

There should be a higher standard of care, when platforms are offering tools that enable amplification beyond organic reach of the service. In these cases, we recommend that Section 230 immunity no longer apply. The effect of this would be that platforms take greater care to ensure that every advertisement meets an appropriate standard to limit their liability as the ad's publisher.¹⁴¹

Nearly 25 years later, it's time to update the regulations in ways that preserve what is good about online collaboration and user-generated content, but address some of the unforeseen developments.

It would also mean that they are liable as publishers for the content they allow to be promoted on their platforms, in the same way (and to the same extent) a newspaper would be liable for ads in its pages.

Product design: One clear need is to carve out actions by the platform that lead to real-world harm, but that would fall outside of speech from Section 230. For example, in *Herrick v. Grindr*,¹⁴² the product tools allowed a malicious user to wage a campaign of impersonation and harassment against their ex-partner. Grindr first ignored requests for intervention, then claimed Section 230 immunity.

In the decision for *Force v. Facebook*, a case where Facebook's algorithms were implicated in the promotion of terrorist groups, but ultimately were shielded by Section 230 immunity, Judge

¹⁴¹ Gordon, Marcy. [FTC official raps Facebook for booting political ads probe](#). AP News, 5 Aug., 2021

¹⁴² Goldberg, Carrie. [Herrick v. Grindr: Why Section 230 of the Communications Decency Act Must be Fixed](#). Lawfare Blog. 14 Aug., 2019.

¹⁴³ United States Court of Appeals, 2nd Circuit. [Force v. Facebook](#). Aug. 2018.

Katzman wrote, “As today’s decision also illustrates the extensive immunity that the current formulation of the CDA already extends to social media companies for activities that were undreamt of in 1996. It therefore may be time for Congress to reconsider the scope of Section 230.”¹⁴³

Finally, while product features may not be designed to discriminate, the fact remains that micro-targeting can be used through various filters to enable harmful targeting or exclusion, to violate civil rights law and discriminate against, or harmfully target, groups of users.

Section 230 is generally invoked by the defendant platforms with a motion to dismiss. At that point in the case, all that the court has seen is the allegations. If the motion to dismiss due to Section 230 immunity is permitted by the court, no further evidence is disclosed, so in most cases we never find out how implicated the platform may be in the case. As a result, Section 230 has prevented the public from seeing the evidence that would help us learn how platforms are implicated, hampering our efforts to find solutions to problems where product features have failed the consumer.

Key stakeholders

- **Government:** Amend Section 230 as described above.
- **Companies relying on Section 230 immunity that offer targeted advertising:** Adapt services to comply with new 230 requirements.
- **Civil rights advocates and activists:** Continue to engage with legislative process and advise to avoid unintended consequences.

The commissioners



Photo credit:
Phillip Frank

Aspen Institute's Commission on Information Disorder in Aspen, CO, on August 18, 2021.

Pictured from left to right: Back row: Ryan Merkley (Aspen Digital); Alex Stamos; Jameel Jaffer; Yasmin Green; Marla Blow; Rashad Robinson (co-chair); Craig Newmark (observer); Herb Lin; Katie Couric (co-chair); Prince Harry, The Duke of Sussex; Deb Roy; and Vivian Schiller (Aspen Digital)

Front row: Kate Starbird; Will Hurd; Chris Krebs (co-chair); Amanda Zamora; Kathryn Murdoch; and Safiya Umoja Noble

Not pictured: Commissioner: Aaron Ford
Aspen Digital staff: Kristine Gloria, Sara Sendek, and Diara J. Townes



Marla Blow

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