John Haigh:
I'm John Haigh, and I am the Co-Director of the Mossavar-Rahmani Center for Business and Government. But I am here in a slightly different capacity in some ways today. A number of us had gotten together and put together a paper on regulating disinformation and harmful content online that we produced and delivered to members of the Biden administration. Part of what gives me a slightly different perspective is that I was President of AT&T's international operations, and Senior Vice President for Emerging Initiatives at AT&T wireless. And so I bring that perspective to some of these questions. The person from the Kennedy School that worked with me on this is Dipayan Ghosh. Dipayan is going to be joining us shortly. He has a Ph.D. in computer science. He worked at Facebook on privacy and security issues. And he also worked on tech and economic policy issues in the Obama administration in the White House as an advisor.

John Haigh:
So we have a lot to cover today. We'll do the normal to present for roughly 30, 35 minutes, and then we'll open it up to Q&A. You will need to do the Q&A through the Q&A function. But we'll try to track that and make sure we have a chance to take all of your questions.

John Haigh:
So the issue is an interesting one and a hard one. And I'm sure all of you lived through, observed in some form the mob attack January 6, 2021 on the nation's capitol on the U.S. Capitol. And it was actually quite shocking to see. And it was facilitated in many ways by the social media platforms, Facebook, Twitter, others, those were the mechanisms by which much of the organization was conducted. And as I said, it was a pretty shocking kind of event.

John Haigh:
And interestingly, the social media companies responded in many ways. So you had Twitter, almost immediately after the events, kind of suspend Donald Trump. After close review of recent tweets from the @realDonaldTrump account and the context around them, specifically how they're being received and interpreted on and off Twitter, we have permanently suspended the account due to the risk of "further incitement of violence". You start to get a sense of a standard, it's further incitement of violence.

John Haigh:
And if you go, you might find this just interesting to do, if you go to the Twitter website, and you look at what they list as kind of they call it Twitter rules. And it says the purpose is to serve the public conversation. And it just basically then goes through violence, harassment, other similar types of behavior, discourage people from expressing themselves. We want to make sure people can participate in the public conversation freely and safely. And if you look at some of those standards, and I just put the headings up, but if you look at the standards, and you see safety, and that one of the headings under it immediately as violence, and that was the basis by which they banned Trump on a permanent basis from Twitter. And if you look at it, it says you may not threaten violence against an individual or a group of people. We also prohibit the glorification of violence, and then it goes and gives you a lot more
places to connect. So they have some standards. The question is kind of how are those standards developed? How are they applied? And we'll come back to that.

John Haigh:
Similarly, if you look at Facebook, Mark Zuckerberg made a similar set of comments, shocking events of the last 24 hours, that President Donald Trump intends to use his time to undermine the peaceful and lawful transition of power. We removed these statements yesterday, because we judged that their effect and their likely intent would be to provoke further violence. So again, you're looking at intent, and a standard of violence as the basis by which they make their decision. And then at the end, the risk of allowing the president to continue to use our service, they're simply too great. Therefore, we're extending the block action.

John Haigh:
Now they indefinitely suspended it. But one thing that's even further along in terms of the Facebook approach was that they came out on January 21, two weeks after the decision to indefinitely suspend, to shift the responsibility for determining whether it should be permanent or not to something called their Oversight Board. Maybe you are familiar with or not the Oversight Board, but it basically is intended to be an independent objective assessor of whether something should be taken down or not off of Facebook.

John Haigh:
Now there's a lot of debate about is it truly independent. It's roughly 20 individuals from around the world who will look at specific decisions that Facebook has made to take down content and decide whether that's appropriate. So they've now instituted another process within their own organization. If you look, they also have what they call community standards. And it's supposed to be a guide for what is and isn't allowed on Facebook. And if you look at just for your benefit that they have one called violence and criminal behavior, and if you look at the section violence and incitement, it says we aim to prevent the potential offline harm that may be related to content on Facebook. We remove language that incites or facilitate serious violence, goes on when we believe there is a genuine risk of physical harm or direct threats to public safety.

John Haigh:
So they have these community standards. But the problem is have they been effective? And have they really addressed the issue? And do they have the right incentives to move forward addressing these questions of what kind of content should be allowed to stay up or be taken down on the social media platforms? Four big questions, what are the standards for moderating content? And if you think about it today, it's primarily set by industry. And they're balancing many kind of what are very subjective elements. And you could have variation across companies, even just that little bit, we saw there is some variation between Twitter and between Facebook.

John Haigh:
Second big question, who should determine the standards? And again, right now, those standards are really set by the companies. And you saw the difference where Twitter has one approach and Facebook has developed an alternative approach with their Oversight Board. And you don't hear a lot about the government. For the most part, this has been self regulatory approach to determining content. We'll come back and talk about some specific language. And then who should enforce the standards? And
again, it's been a very much self regulatory kind of approach without a lot of government involvement. And then the last question, what should be the consequences of not meeting the standards? And what's the nature of financial penalties? Are there other fiduciary responsibilities?

John Haigh:
But in essence, when you think about the broad base of standards and these different questions, there's a series of things that we do want to have happen and things we don't want to have happen. And the things we do want to have happen are of the nature of fostering connections among individuals, both within countries and across country boundaries. We want to inform people and democratize information and knowledge. We want to empower democratic movements through information access and sharing. But then on the other hand, we don't want to spread lies at scale that undercut democracies or create widespread polarization, restrict speech, host and spread hate speech, host and spread content that's illegal, permit harassment.

John Haigh:
And shortly after the events of January 6, and with the new administration coming in, a group of us decided that we should get together and see if we could come up with some proposals on how to address this. And we had a group within the administration that had asked us to provide some of our thoughts to them. And I see that Dipayan has joined us now, Dipayan Ghosh. Dipayan, I did introduce you already. And so we can work through this but let me put together. Dipayan really was one of the one within the Kennedy School and within the Center for Business and Government that helped facilitate pulling this group together. And I'm going to give you here are the people that actually ultimately signed what we provided to the administration. So Dipayan and I signed it. We worked very closely in terms of building and coordinating the group with two people, Mike Posner and Paul Barrett. Mike is the director of the Center for Business and Human Rights at the Stern School of Business at NYU and Paul Barrett is his Deputy Director. Mike is also a professor of ethics and finance at Stern. And Paul spent and also was Deputy or Assistant Secretary of State in the Obama administration. Paul Barrett spent three decades in journalism actually, in particular at the Wall Street Journal.

John Haigh:
And then there are a variety of other people, Caroline Atkinson, we listed what they're currently doing or what they're recently doing but we didn't necessarily put on their background, which is important. So Caroline was the Head of the Global Policy for Google. And also in the Obama administration, the Deputy National Security Adviser. Just a couple others real quickly, Vivian Schiller was the CEO of NPR. She was the Global Chair of News at Twitter. And she was the General Manager of newyorktimes.com. And now she's obviously currently the Executive Director of Aspen Digital at the Aspen Institute.

John Haigh:
Clint Watts, prior to what's listed here, was actually an FBI agent, and was an analyst supporting the U.S. intelligence community, particularly in the areas of cyber issues, cyber security, incredibly knowledgeable. If you've watched MSNBC, you've probably seen him commenting there. In total, there were 12 of us that worked on this. A few people decided not to sign. For the most part, they decided not to sign because they are in the process of getting positions within the administration, and didn't want to jeopardize those at this point in time, but their input was quite helpful in helping us shape the document.
So with that, what's the nature of the problem? Well, as we went through the conversations, we met regularly on a weekly, sometimes more than that, to try to see if we can find common ground. And it's an interesting process when you think about it, because you're trying to get 12 very accomplished, very successful individuals to agree on an incredibly difficult problem. And as I've talked about with my other director of the center, Larry Summers, if you're not working on something controversial, it's a problem. It should be controversial. And that's for the simple reason that if it's not controversial, it's not controversial for one or two reasons, either it's trivial and nobody cares, or it's been solved and nobody cares.

So this is definitely a controversial area in terms of how to, and the problem, as we said it, is the escalation of disinformation, hate speech, including racism and misogyny and other harmful content, which have now an outside influence on social media platforms. And the second thing that's actually quite important in this process is this is not something where it is easy for the government just to step in. The social media companies need to be part of addressing this issue. They need to help mitigate the problem. They have the real time access to the material that appears on their sites. They have the capacity to identify it more quickly and downgrade it certainly than the government could ever hope to do.

But because the companies have not taken appropriate responsibility for correcting the problem, as we saw with just the attacks on the Capitol as an example, correcting the problem, we recommend significant changes that the government has to get more engaged in this process. They have to create the right incentives for companies to act and they have to take action to help deal with these issues. So we came up with six possible approaches. Before we do that, I want to kind of give you a little bit more on the grounding of what our assumptions were about the environment, if you will, the context.

The first is that we did recognize as a group that freedom of speech and expression is critical to our democracy, that it's essential that we have that debate, that this is a version of the Oliver Wendell Holmes fight theory of truth. And the best place for this, to get to better outcomes, is to have the marketplace of ideas. So clearly, that's an important part of our democratic heritage.

And secondly, there are many benefits that come from social media companies. I mean, they have in fact enabled knowledge to be shared and discussed and debated and they have allowed communities of interest to be formed. So that's all a plus. But then the downside is what we were seeing with the events in the Capitol, that they enable the rapid and far reaching spread of disinformation and hate speech and other forms of harmful content. And what's worse is it gets amplified at scale. It gets amplified at scale through the social media platforms' algorithms. And the problem is, if you think about their business model, the problem is that they basically make money when they send information that people will read, therefore advertisers will pay more.
And in that context, what kind of information, it's been well proven, there have been many numbers of studies, one that people like to see things that reinforce their prior beliefs. And secondly, they like to see things that are sensationalist in nature. And so the problem is that they are then sending information that even if it's false, that reinforces prior beliefs and encourages then polarization. You get a polarized society, and it doesn't really inform debate. In fact, some people have argued that it destroys debate. And even worse, people will raise questions of well, isn't there a First Amendment right? But the belief some people are arguing that now in fact, what happens is because of the plethora of lies and falsehoods on the web, it actually is a form of suppression of speech. Now, we can debate that or discuss that.

John Haigh:

And then again, as I was talking about with the social media company business model, if you look at just take Facebook as an example, with Facebook, it does not make money other than really selling advertisement. If you look in 2020, Facebook's revenue was $86 billion. 98% of that revenue came from paid advertising. And if you look at the growth rate of their revenue, it's been almost 40% over the last five years, and their profits have been growing at 50% over the last five years, and it is all based on on advertising. And given that incentive, these profit making enterprise combined with this algorithmic structure of reinforcing sensationalist information, reinforcing prior beliefs, I think they're really probably incapable of strong self regulation.

John Haigh:

They only have two incentives to self regulate outside of their profit motive driving them in a particular direction. One is they do have some sense of social responsibility, and the second is the threat of regulation. And what you're seeing is now actions on their part to some extent, I think because they're starting to see an increase in the likelihood of regulation. And the general issue is they are imposing, if you will, in economics terms, and I tend to think like an applied economist, they're imposing an externality on society, on democratic society. And it's an externality that they're not accountable for in their cost structure, and that's a problem.

John Haigh:

And so we need, the conclusion of the group was, we really need a new governance structure, a new governance structure that is not corporate social responsibility, that really is redefining the relationship between businesses and governments and addressing these social media issues and taking a societal perspective, not just a not just a kind of profit oriented perspective as well, and what's the right mechanism to do that. And that really was at the heart of what we were trying to accomplish with our efforts now.

John Haigh:

So we had six proposals for the administration, and we'll go through these reasonably quickly. And then we can open it up to Q&A. First of all, as we said, the government can't do this by itself. And the companies haven't shown a willingness to actually do it in an effective way. And so there needs to be, and we proposed it in our note, that there'll be legislation that would require the social media companies to work with government to develop industry wide standards of conduct. And those standards of conduct could be reviewed under a standard of reasonable care and good faith efforts. And these could be incorporated into their terms of service.
John Haigh:
Now, I say these terms kind of relatively quickly, but they have deep roots within a certain legal structure. And it starts to define a standard that these companies could be held accountable against, that one, that standards start to get defined, and they would be industry wide. And two, that the companies would then have to follow these reasonable care of good faith efforts to adhere to them. And they could be incorporated into their terms of service.

John Haigh:
The second thing is the government really lacks the capacity today to do this, and so you have to build new government capacity. And that means strengthening certain parts of the government. We thought particularly the Federal Trade Commission would be a natural place. And under their, I think it's 5c regulations, they could prohibit unfair or deceptive acts or practices in or affecting commerce, and this would give them the authority to do it. There is an alternative approach, which some on the committee were advocating for fairly strongly, which is the creation of a new agency. We have the SEC for investment securities. We have the FCC for communications. Shouldn't we have a new agency for social media?

John Haigh:
And I think the general belief of the group was that could be complementary. It could be something that evolves over time. But the political difficulties of creating a new agency and funding it are sufficient. And with the need for action much greater today, that we would do it first through building the capacity and new capabilities, potentially expanding or a new bureau within the FTC that could evolve eventually into a new agency. If that was feasible. I'm going to turn it over to Dipayan. And obviously, if you follow this area, one of the major questions and areas of focus is something called Section 230 of the Communications Decency Act, which define the liability that social media companies have for the content they carry on their website. Dipayan, I'm going to hand it over to you and I can bounce through the slides as we finish through.

Dipayan Ghosh:
Oh, thanks, John. And it's great to see everybody here. As John mentioned earlier, this effort was really a challenging one. That's to say, you saw the nine folks who ultimately signed the document but the group that we started with was slightly different and slightly broader in some cases. And you can sense that given the kind of stretch of different kinds of areas that we were trying to address, as well as the necessity for the purpose of publishing this document with clear recommendations to an incoming administration, the difficulty in coming down on one particular point in the spectrum of options on each of these six issue areas, you can imagine the difficulty in herding cows.

Dipayan Ghosh:
But But really, this wasn't really about herding cows. You saw John share the co-signees. These folks are obviously not cows. They're people with a reputation, people who stand for something. And whenever you have such a group come together, it's inevitable that you'll have strong views, organizations represented behind these individuals. And it's difficult on an issue like Section 230 reform to really come down in one point on that spectrum. So I'm pleased and impressed that we were able to get the group into this mindset.

Dipayan Ghosh:
Just briefly, I think John mentioned Section 230 of the Communications Decency Act. But this is a section of law that gives broad liability, a broad shield from liability to internet service companies. So think any sort of company that operates over the internet or any sort of company that operates a part of its business over the internet, so you can think about a Facebook, for instance. It gives such companies that operate over the internet a shield from any sort of liability over publishing user generated content.

Dipayan Ghosh:
So all that means is that if I were to post something to YouTube, like a video that has a political perspective, let’s say, and let’s say that political perspective did not comport with social norms or with YouTube’s speech policies, YouTube would not be, even if this video were extreme, let’s say, but legal, YouTube will not be liable for that video. And conversely, YouTube could also choose to take down that video without fear of some form of retribution.

Dipayan Ghosh:
So Section 230, kind of gives this two way shield from liability where service providers don’t have to, sorry, let me rephrase, service providers have a shield from liability over the content that they publish, as well as a shield from liability over that content that they choose to censor. We felt that it’s too broad a law, a protection, and has allowed a lot of the online harms that the U.S. government and the UK Government and the EU and other parts of the Singapore, Malaysia, India, many governments around the world have started voicing serious concerns about, and so what we started to think about was, how can we start to integrate carve outs from this broad liability shield so that companies will generally be able to take advantage of a liability shield but nevertheless, when they do spread content, publish and potentially spread content that can be harmful in these particular ways, they will be liable.

Dipayan Ghosh:
And so that’s exactly the approach we took. As John has listed here on this slide, we have explicitly called for carve outs from this liability shield with respect to civil rights violations, wrongful death, and potentially hate speech and disinformation among other categories. John, I don’t know if that is an appropriate and adequate summary. But I would love to hear your perspective, too.

John Haigh:
Yeah, the only thing I would add is this was a somewhat controversial discussion within the group. And the reason is, you can imagine a spectrum where some people were saying Section 230 should be eliminated completely. And other people were saying, "No, no, no, you can’t just get rid of it." And if you go back to the historical basis for 230, it actually was put in place with the intent of kind of what they called Good Samaritan actions on the part of companies. And the belief was that they needed to have the breadth of ability to take down damaging content, or leave up content under freedom of expression kinds of considerations and not be held liable.

John Haigh:
What happened was through a series of court decisions, it became incredibly broad, and I’ll give you a specific example. So let’s say I want somebody, somebody wants to sell a gun and somebody who shouldn’t be allowed to buy a gun wants to buy a gun, if that ad, if you will, was carried on a social media platform, and even if they were aware of it, and they were aware that the person buying it shouldn’t have it, and that transaction occurred, the person who sold the gun would be liable, the person that bought the gun might be liable but the social media platform wouldn’t be.
John Haigh:
And what happened was some of those kinds of sites started encouraging that activity knowing they
couldn't be held liable. And so all of a sudden, what was intended to be a Good Samaritan act became a
shield for what somebody called Bad Samaritans. And so I don't think there's any question in people's
mind that there needs to be a modification to Section 230. But the question is, what's the nature of the
modification, and this is where we came out. Some people felt that we really should pretty much just
eliminate Section 230. Other people felt if that was done, it would encourage the companies to over
regulate their content or take too much content down. And that's a serious debate with a lot of activity
underway, actually in Congress right now. And we've provided some perspective on that to various
congressional staff into the White House. You want to move on Dipayan to executive branch actions?

Dipayan Ghosh:
Yeah, let's do it. Let's do it. And we can come back to Section 230 and talk about all the various options
with reform in the discussion period. John, maybe we can try to cycle through these quickly so that we
allow for some discussion. Executive branch actions, this is where we felt as though, most of the
recommendations here would involve Congress' approval, Congress' in fact writing of a bill, and
Congress sending that bill in a biochemical, bipartisan way to the President's desk and the President
signing that bill, for instance, Section 230 reform would be one example of that.

Dipayan Ghosh:
Section 230 does have some reform bills out there from people like representative Malinowski and
others in the Senate. But that being said, there's a lot of consternation over any reforms, but the
government, sorry the administration has within its capacity to do several things. And so in addressing
everything that the administration can do within its power, the administration can call for Congress to
work on issues it can. It can push for congressional action. It can even write a legislative proposal and
submit that to Congress for consideration. But on the other hand, it can also use its unilateral
authorities, executive authorities to do a number of things.

Dipayan Ghosh:
And that's exactly what we are calling for in this section, to develop some clarity over who owns the
disinformation, the counter disinformation bucket, disclosure of operator attribution. I won't read off of
this, but really what we're trying to get at here is that the disinformation problem, one way that it can
emerge, for instance, is that you have a domestic or foreign disinformation operator, who knows
something about the target audience, let's say American voters. And when I say knows something, what
I mean is, let's say has a data set, let's say that Cambridge Analytica data set, 90 million American users'
Facebook data, and I'm of course speaking in hypotheticals here, but uses that data set to identify the
thin cracks in society and decides to, with those thin cracks, that's to say 5,000 people in Manhattan and
1,000 people in El Paso and 1,500 people in San Francisco, the thin cracks, that's to say the pockets of
the American voting population that if subjected to a shower of disinformation and hateful content,
might actually break and might start to spread that content across the country, across their networks.
And then you start to have a broad foreign or domestic disinformation problem.

Dipayan Ghosh:
That sort of problem can be addressed to an extent through the authorities that the executive branch
already has. If you have some clarity over who within the NSC and within the IC should have
responsibility over countering that kind of activity, that's a huge step in countering the disinformation
problem. If you use the bully pulpit to force companies to be transparent in their corporate policies over how they will undertake counter disinformation operations in a proprietary way, that's also a huge step. Disclosure of operator attribution, here what this means is that as soon as a company is fairly confident that a particular disinformation operator is a particular entity, that's to say for example, the Russian, in the past, the Russian disinformation operations were being coordinated out of the IRA, then the company should disclose that. And furthermore, you can even suggest that the company should not only attribute and disclose that, but it should also take action against any detected IRA activity. And that's, in fact, what Facebook has committed to as of two, three years ago. John, let's move forward.

John Haigh:
Yeah, the, so I want to go back, sorry. One of the things that, again, thinking like an applied economist, people respond to financial incentives. And there needs to be a rethinking and a revision to some of the financial incentives that the social media companies face. One is to think about building some type of accounting system to track violations of what would be these new industry wide standards. We have GAAP accounting for general financials. We have emerging kind of environment, sustainability and governance, ESG types of metrics. And we need to kind of be thinking about what a metric would be here. And it could be number of harmful content posts, the number that are taken down. There are various metrics that could be built to try to provide transparency on the actions of the companies, enhanced fines for violations.

John Haigh:
If you think about something Kara Swisher said in one of our op eds, after Facebook was fined $5 billion for basically using information in a way that they said they wouldn't in an earlier agreement, Kara Swisher's comment was add another zero and it might be meaningful. And it's startling to think that $5 billion may not have much of an incentive effect, but it appears that may be true.

John Haigh:
Another category is just potential digital services taxes. A lot of debate on this, we had a section on it, we ended up pulling it out. And it really is the notion that you could set up a progressive system of taxation on revenue from advertising, which would then incent the companies to think about alternative business models or at least portions of service that weren't based on advertising but could move towards a subscription model by making it progressive. You could protect startups and smaller companies and it would discourage to some extent mergers and acquisitions, because if you were bigger, you'd pay a higher tax rate. That's open to discussion. It's based on this notion of basically, you've got an externality and you need to kind of impose, if you will, some kind of to go tax to help the companies, incent the companies to internalize that externality.

John Haigh:
And then the last is just greater transparency on ad placement, because this was a kind of new to me in understanding, a lot of ads gets placed out algorithmically. And the people placing the ads didn't realize that their ads were being placed next to content that they would find abhorrent. But it seemed to appeal to a certain class of people that we're targeting. And so by creating greater transparency on this, it would enable the advertisers to weigh in more heavily and reduce having their ads attributed to content they didn't like, and one of our participants pointed out at Google this when this happened at Google, where a couple of companies withdrew their use of the company. It got their attention and they
reviewed it for this reason. Next big bucket is strengthened version of the Honest Ads Act. Dipayan, you can work through that pretty quickly.

Dipayan Ghosh:
Yeah, absolutely, John. I will work quickly on this, as you said. The Honest Ads Act is a bill, doesn't exist as law yet. It's a bill that's been proposed first in the Senate by McCain when he was around still, but he's been replaced on the Republican side by Lindsey Graham since and on the Democratic side, Amy Klobuchar and Mark Warner. This bill effectively would, where we do have current regulation in broadcast and radio, we don't have such regulation in social media specific to political advertising. And I know that Professor Ashford has made a very good point here, and we should all read his op ed that I posted in the chat. But really, our concern here is that the sort of message that you get in a TV context, in a political ad, at the end of the ad, you know what I'm talking about that at the end of the Bernie Sanders ad, he has to stand up and say, "Hey, I'm Bernie Sanders, and I endorse this message."

Dipayan Ghosh:
That sort of requirement for that sort of disclosure does not exist in social media at all. And you can see the problem here that in the broadcast world, we have this disclosure. People can kind of tell what is the reach of an ad on a particular network. And they can, because of this disclosure requirement, infer that it's being paid for by a political campaign and represents a particular political candidate, because we see that when Donald Trump or Hillary Clinton or Joe Biden has to, at the end of the ad say, "I'm Joe Biden, and I endorse this message."

Dipayan Ghosh:
So as consumers, as voters, as citizens, we have a sense for the reach of that content. We have a sense for how much you would have to pay. And that information, we can all go and find as well. In social media, on the other hand, you can see a political ad as you're scrolling through the newsfeed or the Twitter feed. But there's no requirement that the company, that the service provider disclose who's behind that ad, and how much they paid for it, and whom that ad is targeting. And those are all disclosures that if they existed, would bring us into some sort of regulatory parity between the social media world and the broadcast world. And that's exactly what Honest Ads Act proposal is attempting to do, bring regulatory parity to digital advertising so that people know what they're seeing.

John Haigh:
I think some of you have probably heard of this event, but I'll use it as an example just to elaborate a bit on what Dipayan is saying is there was a situation where basically the Russian, the IRA piece that Dipayan was referring to basically started targeting an extremist group, right wing extremist group in Texas and was basically saying, "There's going to be a Black Lives Matters demonstration at such and such a date and such a corner, and you should really, we should organize to stop this."

John Haigh:
And on the other side, they were sending ads out and notes to people in the Black Lives Matter movement saying, "There's going to be a white supremacist group on this corner at this time, you should really be there to counter." And all they were trying to do is set up discord, debate, potentially violence. And no one would know that those were the people that were putting this forward. And we we thought it was incredibly important to kind of get greater transparency, particularly on the funding sources and the backgrounds of the advertisers. One more, anything else, Dipayan you want to talk about on this?
Dipayan Ghosh:

You know, I think there's some interesting nuances here, John, that you could touch on, we could touch on, or just this leads to the discussion around what constitutes political. Because we recognize the difficulty in defining political in a way that can be written into legislation, we effectively said that we shouldn't have to do this. And in fact, companies should have to disclose provenance of advertising in all cases in any case. So that was a discussion point in our group.

John Haigh:

It was a huge issue about how do you define political and therefore move forward. The sixth bucket, the last bucket was really support for credible local news outlets. Historically, they've been incredibly trusted sources of information and they could be a counterbalance to misinformation. But their business models are being destroyed, basically, because all the advertising dollars that had gone to this local news and media sector now go to the social media companies. So there was the potential to find ways to support this function, and potentially creating a fund that could support it from fines and the other financial policies we talked about. There's a huge issue about the negotiating power for news outlets, and we don't need to go into the detail here. But in France, there was a recent discussion between Google and one of the trade associations of the people who develop content. It's that interface between people who develop content, the social media companies who are brokering and posting that content, and what the relationship is and who it should pay.

John Haigh:

And then the last we talked about was tax credits for subscribers, so that would encourage them to subscribe to local media and more traditional media to help keep it functioning. So those were the six, kind of, if you will, big buckets of activity. You can find the note that we wrote. We put it up publicly after kind of some distribution and meetings with administration officials, we put it up on the Mossavar-Rahmani Center for Business and Government website. And so you can read it in more detail there. There's a lot more to it than we talked about here on this session.

John Haigh:

I want to open it up to questions. And so there is a Q&A function. And if you have a question, you can type it into the Q&A. It looks like the chat function may be working as well so you can try the chat function. I see Nick has posted some things, which is quite helpful and as Dipayan said, Nick's op ed in the New York Times can be found there. I'm looking for questions. And right now, I don't see anything coming in. I'm going to pick up on something or maybe Dipayan, since you know Nick well and have worked with him closely, if you want to pick up on some of his comments. There is a comment in here about the Fairness Doctrine, and whether we should be pursuing more of a Fairness Doctrine around some of these issues.

Dipayan Ghosh:

Yeah, I think it's a really fascinating point. And of course, the Fairness Doctrine is about giving equal time on both or all sides of the political spectrum. And if you were to bring that idea into the social media context, what you can suggest is that whether you're Republican or Democrat or of some other party, it doesn't really matter. You will see content from both sides equally, or for that matter, you could try to figure out other ways of kind of flexing that fairness muscle in the sense that in aggregate, you could say that in aggregate, a social media network should only display equal amounts of content from both sides, even if any given person might be subjected to the content from the same side over and over again.
Dipayan Ghosh:
So there are a few different ways that you could spin this and I think it's an interesting proposal, especially given what we've seen is that as the New York Times has reported, the most visible content, engaged with content on Facebook, week after week after week through the election cycle, was content associated with the political right in the United States. And I think we have to ask ourselves, is that right? Is it perhaps a more fair system if we can bring a more equivalent framing to that? John, I would be interested in what you'd have to say as a former telecommunications executive.

John Haigh:
Yeah. I mean it's an interesting question. And basically, the Fairness Doctrine was no longer continued, because of the difficulty of defining alternative views. And there's a lot more to it. And so it's not an easier kind of approach to dealing with some of these issues. It does raise kind of the broader question, and that is how do you address basically when people lie or provide the polite term disinformation on the web, how do you respond to it? And a lot of people have said that the answer is to provide alternative views.

John Haigh:
And personally, I think, for example, when President Trump was putting up comments about election fraud, and Twitter put an addendum to his saying, "This is debatable, and basically, here's a link to find research and studies on this issue." And that's a movement in the right direction. But there's one problem. And the problem is, even when you hear false information, and you know it's false, it's hard to get it out of your mind. And Cass Sunstein wrote an interesting kind of short paper on this, commentary on this. And one of the things he pointed out in the paper is a study that was done by someone, I think it was at the University of Pennsylvania. And they gave people to two vials, and said, "Okay, here's a thing of sugar, put sugar in both of these."

John Haigh:
And then they had them seal them up. And then they let the people put labels on the two pieces. And on one, they were supposed to put the label cyanide. And on the other, they were supposed to put the label sugar. Even though they'd completely put the sugar in, they'd done everything, they universally picked, when asked then to pick one, they wouldn't pick the cyanide one, even though they knew there was no difference absolutely, between the two, other than the label on them. And part of Cass' point was that suppressing lies with truth, while inherently logical at some level, our behavioral components of our psychology make it very hard. Even when we know it's not true, there's still a little piece of us that thinks maybe it's true, or maybe there's some element of it.

John Haigh:
And so the Fairness Doctrine is I think, I would agree that there are elements there that we need to follow and try to move towards, but I'm not sure it's sufficient. And hopefully what we've proposed will take us a step further. And there are a couple of questions here, Dipayan that I'm going to pull up. The first one, regarding the Honest Ads Act, plenty of people seem to object to the principle of transparency. How do we deal with that problem? And I won't include any kind of perspective on right or left, Republican or Democrat, but just in general, how do we deal with the fact that people don't seem to want transparency?

Dipayan Ghosh:
Yeah, it is a very difficult question. And Adam raises a very honest concern here. I think, first of all, I would say that Adam, there’s probably concern on both sides among Democrats as well. I know that the Democrats have kind of led the push for the Honest Ads Act, despite the involvement of the late Senator McCain, and as well as now, Lindsey Graham. I know Democrats have kind of led the effort here. But I think many Democrats probably also feel as though they would like, the Honest Ads Act would force them into a bind as well, that's to say Democrats, just like Republicans, would have to start disclosing their ad spend figures and/or rather social media companies wouldn have to do it as a political obligation.

Dipayan Ghosh:
So that's point number one, there's probably consternation on both sides. Point number two, and I'd love to hear what John has to say about this, is that I think, beyond the substance of the Honest Ads Act itself, its proposal has taken on a political element in and of itself. And I think that that has implications for its potential for being passed through committee and onto a floor vote, and then of course, potentially passed to the President, in the sense that it was almost framed as a national security response to the disinformation problem that may have buttressed Trump's win, may have, I'm not saying that it did. But that is, and so I think that concern took on a very political twist. And so I'm just commenting that I think, it might not necessarily be the case, that it's just Republicans that are concerned about this for their own reasons. But John, I would love to hear what you have to say.

John Haigh:
So first of all, let me be clear, I am a very strong advocate of transparency on many, many dimensions. And the reason I say that is that I think sunlight is a great disinfectant. And I think if people know that things are going to be in the public eye, they generally will behave better. And also, I think that having disparate knowledge can favor somebody in a negotiation, obviously. And so on the one hand, you want to have transparent, I think we need transparency. On the other hand, people are incented to not necessarily provide that transparency. And that's what you're seeing on both sides. They want to try to use the lack of transparency for some kind of competitive advantage, whether it's in a political process or in other kinds of processes.

John Haigh:
And so part of what you have to do is deal with the practicality of showing both groups, if you want to break it into Republican and Democrat, show both groups that it's in their interest, and potentially appeal to some sense of a higher order, that it's in the interest of society and the country to have greater transparency for what they do. And that's a tough road to hoe, which is why this has been sitting in Congress for a while. And let's hope that they can kind of step forward and address this appropriately.

John Haigh:
I want to turn to an interesting question that Tomer raised, which is really doesn't this require involvement of the intelligence community? And isn't there a price in people's privacy? And do you think well, what do you think this environment should look like? Where is the line between defending democracy and defending democratic values like privacy? This was a kind of actually a huge discussion within the group as we thought about this issue, and in particular, we were trying to keep the effort manageable. And so there were two topics, two areas that we really didn't address and consciously and specifically set up front of the document that we weren't addressing.
John Haigh:

One was competition policy, and basically antitrust in U.S. terms, and the other was around privacy. And it's a really hard question. And I don't think it's just the privacy versus by sharing data, do you violate privacy and those democratic values? It's a much broader question, in the sense of all of these issues have extreme forms of subjectivity to them, and how you balance the harms and the benefits of different approaches. People will have different views. That's why the process of making these choices is so critical, in that you can't just leave these in the hands of the companies themselves. You need to have industry wide perspective and you need to have the government which can bring a societal perspective to developing, for example, these standards and balancing these potential benefits against the potential harms. It is an incredibly difficult question.

John Haigh:

I personally think the balance, obviously you can see from what we wrote, I personally think that the balance has shifted. Freedom of expression is so critical in the United States and around the world. And a lot of human rights activities around the world try to make sure that they can protect kind of the freedom of expression in very authoritarian governments and environments. And so it's a tough, tough trade off. I think the balance has shifted a little too far to protecting speech, as I said before, but I also would abhor the notion of a truth kind of function within the government. And so how you get that balance right is kind of complicated, tricky and requires a certain amount of wisdom and trust within the bodies that create that. I don't know, that's not a very helpful answer Tomer, but it's the start of, I think, a probably broader, longer discussion. Dipayan, I'm sure you have some, I know you have some perspective on this because we've had this discussion within the bigger group multiple times.

Dipayan Ghosh:

Yeah, yeah. No, I think it's a great question. And Tomer, I think you really nicely lay out the trade off here between national security and consumer privacy or citizen privacy. And I think it's worth mentioning that everyone, every individual has a different sensitivity to privacy. But one thing I want to point out is that privacy is often kind of thought about in a loose or abstract way. But in my view, there are two primary forms of privacy, privacy from government and privacy from the corporate. And here, in each of these two areas, any given person tends to have different sensitivity to privacy concerns with government and privacy concerns with a commercial provider of a social media platform or email provider, whatever it might be.

Dipayan Ghosh:

My sensitivity personally is low on the government side. So what I'm trying to say here is that I have trust in my government to do right by me personally, and by others, in most contexts in the intelligence community space. But I think it's a question that really gets to the core of this issue. And I do believe, as you're alluding to, Tomer, that there is a strong connection between the lack of privacy or the capacity for sort of uninhibited data collection by corporate providers as well as governments and the disinformation problems, and it's something that really enables this sort of hyper targeting of particular audience segments. So from that perspective, you can sort of make the argument that as privacy decreases, that's to say, as more data gets collected in about a mass of individuals, you have more risk on the disinformation side but you also have potentially more protection from government. So it's a very thorny set of issues.

John Haigh:
I would agree with Dipayan, with one small caveat, which is maybe I'm just a little more cynical. I'm cynical about corporations, just looking at the historical results in how they use data. I'm also somewhat cynical about how government could potentially abuse data. And so I think this is an incredibly difficult and appropriate question that needs a lot more work. And with that, we've gone over by five minutes. And I wanted to thank everybody, thank Dipayan, Scott Leland, who's the Executive Director of the center, always makes sure these things work extremely well. And I want to thank all of you for joining, sitting in with us as we've gone through this. You can find the paper on the Mossavar-Rahmani Center for Business and Government website. And if you have questions, you can reach out, feel comfortable reaching out to myself or Dipayan, and we will follow up with you. Take care. If you're in Boston and Cambridge, enjoy this beautiful weather that we're finally having, and we will hopefully talk with some of you soon. Thanks, Dipayan.