

Attachment—Additional Questions for the Record

**Subcommittee on Communications and Technology
Hearing on
“Fanning the Flames: Disinformation and Extremism in the Media”
February 24, 2021**

Ms. Emily Bell, Leonard Tow Professor of Journalism, Columbia University

The Honorable Anna G. Eshoo (D-CA)

1. You testified that you oppose Congress forcing editorial decisions in newsrooms, and I agree with you. Are there any actions Congress could take to encourage the advancement of journalistic ethics among journalists or the development of a market that demands ethics?

Answer: I believe there are ways in which Congress can formally and informally encourage a more ethical behaviour among journalists and newsrooms.

Concrete policies can advance ethical behaviours within newsrooms and from journalists by creating alternative incentive structures and requirements for access to funding. If there were Federally supported schemes for newsrooms, be it emergency funding, a long term national endowment for journalism support, or even a negotiated settlement between platform companies and providers of journalism, then there would be an opportunity to create standards as a pre-condition of funding. Requiring newsrooms to disclose funding, maintain a conflict of interest register, maintain a corrections policy, maintain appropriate levels and diversity of staffing are all simple steps in eligibility for contestable funding that foster higher quality reporting. Any reform of public media funding can also take into account new types of ethical encouragement. Equally where government advertising dollars are available, similar standards ought to apply.

Informally, Congress itself, through its members and messaging can set the tone for ethical behaviour in press and government relations. Congress has in its power the means by which the press is credentialed for access to briefings, for instance. A code of conduct for members of Congress which acknowledges that derogatory remarks and harassment of journalists are in themselves violating the spirit of the First Amendment if not the letter, would be a start in the right direction.

2. Many have commented that the right-wing and left-wing media systems in the U.S. are asymmetric in their susceptibility to misinformation.
- a. Do you agree with this assessment?

Answer: Evidence in our research supports the assertion that more misinformation spreads through right leaning sources than left leaning sources, although I would stress that strict quantification is to some extent a matter of interpretation, for instance is the asymmetry because more misleading articles are produced or because they travel further? MIT Professor Sinan Aral produced some evidence to support the common assertion that right leaning sources of misinformation gain far more traction than left leaning sources of misinformation <https://www.wired.com/story/right-wing-fake-news-more-engagement-facebook/>. Other surveys align with this. However the unique context of President Donald Trump's administration and its frequent departure from accepted norms of truth telling needs to be taken into consideration before making more historic assertions. I would add that platforms could be far more helpful than they are currently in keeping open research APIs and making far more data - and executives - available to provide insight and accountability into how misinformation originates, propagates and leads to different actions.

- b. What are the implications of this for Covid-19 and elections misinformation?

Answer: As with my answer above, this is something we need to observe over a longer period of time and over different administrations. If it holds as a theory, and two political constituencies believe entirely different things, it is likely to lead to real world harms, either through sectarian conflict and violence, or through citizens acting against their own interests, both as individuals and collectively as a society. We have seen a correlation if not causation in the United States between high degrees of misinformation and civil unrest over the result of the election, and high levels of infection and death as a result of COVID. However in the latter case the picture is far less clear than for instance in the case of alleged and disproven voter fraud. We know from other parts of the world, such as the Ebola outbreaks in Africa, that trusted local information can literally save lives, and deliberate misinformation can cost lives.

- c. How does this view compare to other countries with a culture of a free press?

Answer : It is noticeable that countries with democratically elected officials who adopt the rhetoric and practices of authoritarian and anti-free press regimes are remarkably similar whether on the right or the left. Russia, China, India, Brazil, Mexico, even Great Britain, are examples of where leaders across the political spectrum have adopted a style of populist authoritarianism which often seeks to invert the truth and discredit journalism. Other countries with a more supportive attitude towards the free press, such as the Nordic countries, are helped by having different cultural and political histories, more social cohesion and more protected markets. I would say progressive attitudes to media support and regulation and increased scrutiny of platforms is a hallmark of pro-free press countries. Countries which are actively developing public interest policies in relation to support of the free press - Canada, France, Australia - again, are doing so across the political spectrum. One lesson to take from this phase of development of our communications policies and infrastructure is that deregulation and over regulation (suppression) of the media both arrive at the same place - a difficult environment for good faith public interest journalism to thrive, and a recession from

democratic norms. We are entering a phase where striking the right balance in freedom, incentive and regulation is critical in making “constitutive choices” in how we want our democracy to work, and what role communication institutions and infrastructure plays in that democracy.

3. As I asked another witness, I welcome your opinion on the fact that Newsmax, One America News Network, and Fox News all use ‘news’ in their name, and as another member pointed out, this dynamic also exists for left-leaning outlets like Cable News Network (CNN) and others.

- a. How do you define the word “news”?

Answer: There are many definitions of “news”, but I would say it is the communication of events of interest to the public where recency is a key parameter. If I was explaining it to an averagely intelligent 4th grader, I would say news is the media which tells you what is going on in the world right now. Within that broad definition I would say they are embedded assumptions of accuracy and recency. Something which is untrue cannot by definition be news, and something which happened last year is old news.

- b. How do you think a reasonable viewer interprets the word “news” when they see it on-screen during what the channel actually considers opinion or entertainment?

Answer: Most viewers of a ‘news’ channel would expect to see a summary of stories which are thought to be important enough to be featured on the television. But ‘importance’ depends on the audience, so “news” on an entertainment channel, features entertainment stories. On main cable news channels, Fox, CNN and NBC regular viewers would expect to see both the dissemination of news items but also the discussion and contextualization of those items, which can count as opinion. Discussion of stories , whilst opinionated, can fall under the broad banner of “news” but it is essentially opinion. Research into readership in online sources demonstrates however, that in our current news environment, information about sourcing, or fact and opinion is often lost or erased, or simply not noticed.

- c. Are there industry norms about conflating the word “news” with opinion?

Answer: There are broad historical norms about separating the personal views of reporters from the reporting of stories or on the practice of providing context and commentary on stories which is filed under “opinion”. These norms for instance often dictate that “opinion” in newspaper architecture was kept physically, authoritatively, editorially and philosophically separate from news reporting in the same organisation. I believe though that this distinction between “news” and “opinion” is one which is decreasingly discernible to many casual viewers. In cable formats it is not unexpected that you have opinionated broadcasters such as Tucker Carlson on Fox, or Rachel Maddow on CNBC. However the presentation of their opinion when abstracted on social media can lose all definition and context which separates news and opinion. There are no remaining broadcasting rules to prevent the abuse of this, unlike in other countries. In the UK for instance channels such as Fox News regularly attracted large fines for breaching the requirements of news broadcasting standards which require balanced reporting. However, these types of regulatory norms in other countries are also under pressure. Opinion and discussion of news is compelling to viewers and cheaper to produce than reporting. Strong emotion drives engagement which is the underlying metric of both the advertising and the subscription models for news.

4. For social media, we often discuss the role of platforms in disseminating harmful misinformation. Cable, satellite, and streaming services similarly disseminate misinformation aired on various channels, yet they've experienced very little scrutiny.
 - a. In your opinion, what ethical and moral responsibility do cable, satellite, and streaming services have for airing channels that repeatedly air deadly misinformation?

Answer: I would say that news channels have historically had a great deal of scrutiny applied to their practices, far more than platforms, although platforms are now more in the eye of the storm. The disinformation available on channels such as Fox News or OANN is not new, but the ability to amplify, discuss and share the talking points of these channels is radically different. We too often separate those elements, as though this is a binary proposition. Social media platforms are not responsible for the output of broadcast news, but they have shaped the editorial processes of those channels too, "what works on social" is an overriding concern in many newsrooms.

The channels in question have not responded to the scrutiny applied to them, or been compelled to do so, as there is no financial or regulatory pressure to make them behave otherwise. The enormous revenues attracted by divisive and often misleading media are far better business than the lower audiences and uneconomic business of providing careful reporting and refusing to indulge in the "keyfabe" of cable (a useful term for the mock fighting of professional wrestling). As long as the preeminent business model for broadcasting is ratings, and there are no countervailing rules or restrictions, and little shame on the part of advertisers, then the extremism and triviality of news will continue. The cultural tenor of the United States is often expressed in terms of conflict, re-engineering key institutions away from this pattern of behaviour

- b. What responsibility do they have to our democracy?

Answer: In my view journalism is powerful in supporting democracy by performing any of three functions; when it provides citizens with frequent and reliable information to help self-governance, when it provides an accountability mechanism against the abuse of power, and when it constructs a reliable and complete record of events. If a news channel is deliberately or recklessly misleading the public for financial or political gain, when it is enabling and covering up for powerful actors rather than providing accountability, and when it erases or distorts the record then this is not, in my opinion, journalism or useful to democracy. It is propaganda and disinformation aimed at disempowering citizens and overturning democracy. One of our challenges is defining which actors and behaviours in news align with this description. I would say that for instance the Russian channel RT falls into this category. The problem is that all channels provide a mix of content. Joseph Goebbels invented the concept of "60/40" principle in propaganda, namely that a publication or channel which is reliable 60 percent of the time, uses the remaining 40 per cent of time to inject propaganda. This is a principle that worked in Nazi Germany and is still being applied by disinformation campaigns today. The conflation of so many systems of manipulation into one architecture that also supports vital democratic exchange and new, improved ways of allowing self-expression- that of targeted digital marketing has handed us an crisis of definition and transparency.

- c. Do you have a view on whether cable, satellite and streaming services have or should have any legal liability for deadly misinformation aired on channels they host?

Answer: I would hesitate to impose liabilities beyond those that exist in current law, although it is I think imperative to understand that our current situation rests partly on inadequate regulation. It is interesting to me that even under the First Amendment, regulators in the US have found different ways to protect companies from harmful speech (SEC rules on disclosures, announcements and market moving information being one example) and to protect wealthy businesses from harmful speech through libel laws. It is supremely ironic that the only effective action taken against TV channels for repeatedly suggesting the election was stolen is that of the libel suits from Dominion who manufactured the voting machines. Citizens, the electorate, have no such avenues of redress. The First Amendment is a crucially important part of the constitution of the United States, and has within it freedoms which are being rapidly eroded elsewhere. However, the harmful acts of amplifying, promoting and circulating deadly information in a reckless manner do require Congress, in my opinion, to think of pro-free press remedies which nevertheless give citizens a reasonable expectation that key institutions enjoying access to their attention are complying with at least basic professional standards.

The Honorable Lori Trahan (D-MA)

1. Research from the Tow Center for Digital Journalism shows there is a growing number of sites impersonating local news publications.¹ These “publications” are filled with algorithmically generated content using publicly available data, sprinkled in with often misleading content that resembles a political ad.
 - a. Can you describe the role dark money is playing in the media ecosystem today?

Answer: In my opinion dark money is playing an increasingly significant role, particularly in local journalism. Although the “networks” we study, including Metric Media, are still relatively small in audience if extremely prolific in output (over a million and a half stories produced during the 2020 election cycle), they are a type of new model we see with increasing frequency. What this means is that narratives such as ‘voter fraud’ can be developed through thousands of headlines, washing through social media feeds or changing search algorithms. Individual lobbyists, special interest groups and PACs can “pay to play” in placing themes, campaigns and narratives through the guise of local news without adequate disclosure to the reader. At the start of the 2020 election cycle, this type of operation was relatively rare. By the end of 2020 we saw not only a growth in networks such as Metric Media, the Star network and Courier Newsroom, but a rash of smaller independent “news” entities with the same strategy and business models, often appearing from lobbying groups or think tanks. It is too early to know exactly how these types of outlet are influencing the population, and our research will track this over the long term, but we do know that this is fast becoming a variant model of local news with capacity to flood the zone against more transparent models.

- b. Are there particular campaign finance reform measures that could address the challenges associated with identifying politically funded content from traditional journalism?

Answer: This is a difficult area. We have seen how influential media from politically motivated owners can be, even when they do not fall under campaign finance rules. There is a debate to be had over whether an entity such as Metric Media is significantly different from for instance Sinclair Broadcasting. However, rules requiring both more transparency of funding and ownership, rules regarding the labeling and archiving of political advertising (campaigns and articles that are directly paid for by clients, both political and corporate) could significantly help track the influence and growth of the sector. At the moment it is very difficult to identify the links and funding sources of many networks.

2. You and your colleague Sara Sheridan recently published a blog post titled “Google and Facebook have a News Labeling Problem.”²
 - a. Can you describe the challenges your Center faces when studying the way Google, Facebook and other online platforms label news content?

Answer: We have noted through our research that platforms are struggling to adequately recognise and label different types of content particularly as news sources. The architecture and taxonomy of social platforms and search has favored a very broad approach to defining “news”, hence the automatic filtering on Google can be very inconsistent, and Facebook’s self-certification process means that practically any entity, from brands to political advocacy campaigns, can label themselves as ‘media/news’ companies. For instance we found that in

researching the Metric Media network, Google news would label some of their titles as “news source” but not others. Google is unable to explain this type of inconsistency, or why it’s Google News algorithm applies the label “news source” to the Epoch Times, which is a rampant distributor of false news and disinformation. Even where there is a desire to clearly label the output of state-funded propaganda operations such as RT, we note that the application of labels across platforms can be very inconsistent. The platforms have been historically very reluctant to limit the definition of “news”, although we anticipate this changing in the wake of 2020.

- b. What improvements can online platforms make to their news APIs and transparency reporting efforts?

Answer: We really welcome the small steps made by platforms to increase transparency around the type of content they carry, particularly the Facebook political advertising archive. However the data and access given to even accredited academic is really very limited. APIs are also regularly degraded or changed which can derail research efforts. Scraping is outlawed under the CFAA. There is no reason whatsoever for instance that Facebook could not give access through an API to all entities labeled “media/news”. It would not compromise personal data or privacy, it would enable researchers to identify when and how titles are added to the site. There is no commercial benefit to Facebook in opening such APIs, and until legislation is passed requiring a level of access to auditors or researchers, it is unlikely this will change.

¹ Priyanjana Bengani, *As election looms, a network of mysterious ‘pink slime’ local news outlets nearly triples in size*, Columbia Journalism Review (Aug. 2020) (www.cjr.org/analysis/as-election-looms-a-network-of-mysterious-pink-slime-local-news-outlets-nearly-triples-in-size.php).

² Emily Bell and Sara Sheridan, *Google and Facebook Have a News Labeling Problem*, Columbia Journalism Review (Oct. 2020) (www.cjr.org/analysis/google-and-facebook-have-a-news-labeling-problem.php).