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January 8, 2020

Hon. Janice Schakowsky, Chairwoman
Subcommittee on Consumer Protection and Commerce
House Energy & Commerce Committee
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Hon. Cathy McMorris Rodgers, Ranking Member
Subcommittee on Consumer Protection and Commerce
House Energy & Commerce Committee
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, D.C. 20515

RE: Hearing on “Americans at Risk: Manipulation and Deception in the Digital Age”

Dear Chairwoman Schakowsky and Ranking Member McMorris Rodgers,

My name is Jeffrey Westling and I am a Technology & Innovation Policy Fellow at the R Street Institute (R Street). I would like to commend you and the Subcommittee for holding this hearing on “Americans at Risk: Manipulation and Deception in the Digital Age.”¹ Understanding how and why disinformation spreads online remains a key challenge for researchers. As we better understand what drives trust and sharing of disinformation online, we can better alleviate the harms associated with them.

At the same time, the Subcommittee should be mindful of the actual harms associated with new technologies as it begins to consider any legislative response. As the technologies used to create disinformation advance, it can seem like new technologies create unprecedented problems that require unprecedented solutions. But this is not necessarily the case.

¹ House Energy & Commerce Committee, “Americans at Risk: Manipulation and Deception in the Digital Age,” (Jan. 8, 2020), <https://bit.ly/2ZSv61a>.

Realistic AI-generated audio and video forgeries, known as “deep fakes,” are the latest development in a long line of tools and techniques used for deception.² It’s important to note that overreactions to this new technology can have serious unintended consequences and limit the numerous beneficial uses the technology can provide. What’s more, increased focus on new technologies can shift attention away from more rudimentary forms of disinformation that better exploit the psychological factors driving trust and sharing online.³

I write this letter to provide a paper for the Subcommittee’s consideration as it explores the impacts of deep-fake media.⁴ The paper puts deep fakes in historical context and examines the likely societal response to the new technology. I argue that society will adapt independently to the introduction of deep-fake media, and over time the harms associated with the new technology will diminish. This is not to say that harms will not occur, and Congress may indeed have a role to play in limiting their impact. However, any response to the advent of deep fakes must address the actual harms associated with their use and not impose overbearing regulations on the market.

I applaud the Subcommittee for holding this hearing and exploring this issue in depth. I look forward to working with you and the Subcommittee as you consider potential legislation in this area.

Sincerely,
Jeff Westling, Technology & Innovation Policy Fellow
R Street Institute

CC:
Hon. Frank Pallone, Chairman
House Energy & Commerce Committee
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Hon. Greg Walden, Ranking Member
House Energy & Commerce Committee
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2322 Rayburn House Office Building
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² Jeffrey Westling, “Deep Fakes: Let’s Not Go Off the Deep End,” *Techdirt* (Jan. 30, 2019), <https://bit.ly/39KzlAv>.

³ Jeffrey Westling, “Deception & Trust: A Deep Look at Deep Fakes,” *Techdirt* (Feb. 28, 2019), <https://bit.ly/2QWHE3E>; Jeffrey Westling, “Fool Me...You Can’t Get Fooled Again,” *Morning Consult* (June 3, 2019), <https://bit.ly/2ZWlhiT>.

⁴ Jeffrey Westling, “Are Deep Fakes a Shallow Concern? A Critical Analysis of the Likely Societal Response to Deep Fakes,” *TPRC 19* (last revised Oct. 11, 2019), <https://bit.ly/39MFH23>.