

## Democracy in Danger

### S4 E15: Saving Social Media

**Jim Ryan** [00:00:00] Good morning, everyone, and welcome. My name is Jim Ryan and I'm the president of UVA and I am delighted to welcome you to this Democracy Dialogue on the role of social media in democracy. Before we begin, I would just like to take a quick selfie. I need to post that to my social media account, otherwise this event would not have actually happened.

**Siva Vaidyanathan** [00:00:25] From the University of Virginia's Deliberative Media Lab, this is Democracy in Danger. I'm Siva Vaidhyanathan.

**Jim Ryan** [00:00:32] I see it as part PR for UVA and part, and maybe the most important part, of a way I can embarrass my children.

**Siva Vaidyanathan** [00:00:39] This is audio from a public forum held a few weeks ago at UVA's famed Rotunda. It was put on by the Miller Center for Public Affairs and the Karsh Institute of Democracy, our parent group. It was co-hosted by me and my colleague Danielle Citron.

**Danielle Citron** [00:00:55] I have to say it's so magical being in person and this room is so beautiful. And I'm new to UVA so it, UVA law school, so thank you so much, everyone, for having us.

**Siva Vaidyanathan** [00:01:05] Danielle and I were joined by two special guests, Virginia Senator Mark Warner, a Democrat, and Barbara Comstock, a Republican, and the former U.S. representative for the commonwealth's 10th Congressional District. We invited them to share their thoughts on the thorny issues of social media and regulation. Danielle is with me right now to help introduce that conversation and to reflect on what we heard. Danielle, welcome back to Democracy in Danger.

**Danielle Citron** [00:01:34] Thank you so much, Siva. It's such a pleasure to be here with you.

**Siva Vaidyanathan** [00:01:37] Now, Danielle, as we just heard, you are a law professor here at UVA. You're also an expert on the legal framework surrounding the digital world. You're also a recipient of the prestigious MacArthur Fellowship and the author of the essential book *Hate Crimes in Cyberspace*. You're also the author of a book forthcoming in October called *The Fight for Privacy: Protecting Dignity, Identity and Love in the Digital Age*. So we could not have a better person to talk through this stuff with us.

**Danielle Citron** [00:02:07] Well, Siva, this is your area of expertise, too, and far before I got in the game. You know, you have a book about Google's ubiquity in our lives and another one about Facebook called *Anti-Social Media*. I love that title. And you've been putting out over the past few weeks really important op-eds that everyone should read about Elon Musk and his bid to take over Twitter.

**Siva Vaidyanathan** [00:02:29] Yeah, you know, I'm pretty skeptical and critical of Elon Musk, to say the least. And of course, we can talk about that a bit later. But right now, could you take us back to our discussion with Senator Warner and Representative Comstock?

**Danielle Citron** [00:02:41] You bet. Okay, so you'll remember that I got them started with a question about the Communications Decency Act of 1996 and its most well known and the only remaining provision after a court review, Section 230. Now, that's the part that provides a legal shield for online platforms. These are the user generated content. You know, it's given us the MeToo movement and Black Lives Matter, but it's also given us sites devoted to nonconsensual, intimate imagery, child exploitation and disinformation. So to be honest, the question was a bit of a provocation right on my part. And also because it's so darn important to conversations today.

**Siva Vaidyanathan** [00:03:22] Sure. Well, provocation is what we're all about here on democracy in danger. Let's roll into that audio and hear what our guests had to say.

**Danielle Citron** [00:03:30] So what do you make of this Section 230 thing? Should we do anything? Is there a chance for bipartisan sort of efforts?

**Senator Mark Warner** [00:03:37] All right. Well, thank you. With that question, so much for foreplay. You know, that's kind of got right to the heart of it.

**Danielle Citron** [00:03:45] I got right to it, man. I don't play around here.

**Senator Mark Warner** [00:03:48] Let me just, one, there's a whole lot of folks I think we have a very disingenuous argument that, oh, my gosh, if we touch this, it's going to blow up all of the internet and all of the good that has come out. I fundamentally disagree with that argument. I also disagree with the argument because most of the reforms around Section 230 were really based upon only platforms of a certain size. So again, I think it's a spurious argument to say, oh, we have this some responsibly NewCo, our start up over here, won't be able to succeed. And section 230, already in the 26 years since it was passed, we've made exceptions to Section 230. You know, we made exceptions about child pornography. We've made exceptions about bomb making, we've made, I think there was one other small carve out exemption.

**Danielle Citron** [00:04:38] Intellectual property.

**Senator Mark Warner** [00:04:39] Yeah, intellectual property. So this is not some blanket immunity. And other nations I mean, there's there is a whole approach in the UK and Europe and now since they are divided where there was going to be a standard of care. So I've worked on some legislation. And I've, that I do think will end up being bipartisan with the basic idea being if I do some action that would be illegal in the real world, discrimination or harassment. Or if I'm a TV or radio station and I'm putting up duplicitous advertising that leads to a scam, all those things are illegal in the tangible world. I think simply say you should be able to bring a suit on those cases in the virtual world onto the platforms. It doesn't guarantee that you will be successful, but it will say there ought to be some path to redress. There is a classic case and it's kind of known as The Grinder case, which gives you an example of how Section 230 has been taken to the extreme. Some guy met somebody on Grindr. Guess they had an affair. And then the spurned partner spent all his efforts basically mimicking that he's the other person and saying on this post, please come and bother me. I like people to come and wake me up or come bother me at work because I'm in the market for sex at all times and this poor other person just got harassed to an unbelievable level and couldn't even get injunctive relief on what would be obviously harassment in any other setting.

**Barbara Comstock** [00:06:16] Well, you know, we do want to have people work together and we strive for that bipartisan agreement. And Section 230, which I do think is the 26 words that changed the Internet, was written by two very different politicians, a Democrat and a Republican. Ron Wyden, a very liberal Democrat from Oregon who is now a senator, he was a congressman at that time. And Chris Cox, who had served in the Reagan White House in fighting communism, he had done something where he translated Pravda into English and I think 26, number of other languages and wanting to show people how much disinformation Russia put out, the Soviet Union at the time of the Soviet Union of course, didn't even like to have photocopiers because they didn't want information out there. So these two very different perspectives on politics came together and wrote this section of the bill that I think really has in large part served the Internet well. The basic concept of section 230 is no gatekeepers. I think on the Black Lives Matter movement that unfiltered, you know, seeing the video, everyone saw it and you couldn't deny it. And I think it had a very powerful positive effect of hearing that unfiltered voice that hadn't gotten through the media in many senses. You now, see, in traditional media, you see many more diverse voices. And I think that's in large part because of Black Lives Matter. And then January 6th I think is a big, big moment of moral clarity and seeing that directly. The sedition hunters who you're probably familiar with, who were online and to this day still put up pictures of people who were in the Capitol saying, we haven't caught these guys yet. They have numbers for them. People all over the country have been finding videos, uploading it and doing it. They are a great assistance to the committee. So I think one of the reasons it is not bipartisan at this point is because of a guy who was president, I think the 2016 campaign, which Senator Warner did a great investigation of, and I think it continues to go on in the January 6th committee. A lot of Democrats thought Trump won because of Facebook, right? That's a regular line out there. He won because of Facebook. Then in 2020, Republicans think Trump lost because of Facebook. It's not because of the voters. You know, we're not smart enough to figure this all out. Apparently, Facebook is, you know, telling us all I want to think now, I don't know about you, but I didn't vote for him in '16. I didn't vote for him in '20. I was on a ticket with him opposing him. But I do think the problem is it's falling along partisan lines because of the former president.

**Siva Vaidyanathan** [00:08:51] Thank you. So Senator Warner, the internet, as we've heard from our discussion of section 230 was supposed to be this beacon of democracy. Didn't turn out that way. We've heard that story. We all understand it too well. But it strikes me also that other areas of communication policy and the federal government have lost their focus on democracy. So we have issues before the FCC, issues before the FTC, issues before the Securities and Exchange Commission, as Elon Musk is about to find out about major communication networks, right? We're going to have all of these conversations in a fractured form. And at no point are we having a comprehensive policy discussion about what it would take to create a communication and media policy for the United States that enhanced democracy. Is that possible? Can we have that conversation in 2022 or maybe more importantly, 2024?

**Senator Mark Warner** [00:09:47] Let me clarify some. I'm not sure Barbara and I fully in dispute. All of the great things that happened on the Internet, sign me up. But I think the shield, I think the problem with section 230 is become this get out of jail free card on every item. We have given up the normal American approach where we usually were first in setting standards, rules, procedures, protocols for every innovation. No matter where the innovation took place, we got to set the rules. And really, the internet was one of the first times that we seen of that, for example, like on the question of privacy. Europeans set privacy standards, it's kind of crazy to me that we don't have a national privacy standard number one. I see this real time from my intel position, I am going to come back to

democracy, where in all of the things around the internet, communications, satellites, we got to set the rules. 5G, the next generation of wireless communications for the first time we didn't set the rules, China set the rules. And I think what we've seen now is in area after area, we are ceding that traditional American/Western leadership on standard-setting and protocol settings. And I think that is a huge issue well beyond the question of the Internet and democracy. On the question of can we have this discussion, a comprehensive communications policy discussion, you know, as the intersection with democracy? I hope so, because the alternative is going to be that alternative universe approach. And I'm not sure how we fully sort this out, because if you're going to have a functioning democracy, you've got to have some common touchpoints. Whether that bubbles up from the community level or whether it starts in Congress, I think would probably be better bubbling up from the community level. You know, the last two or three years have been pretty hard in this country. You know, somebody was on the floor of the Senate on January 6th I saw something I never thought I'd see. You know, a group trying to overthrow an election in America. You know, we lived through COVID. You know, I do think social media pits us against each other. I think there's really been a question, at least I've asked this. Can the concepts that Mr. Jefferson talked about hundreds of years ago about liberal democracy, freedom of the press, of the ability to agree and disagree respectfully? Is that going to be really successful in the 21st century? And are these authoritarian regimes that have none of those, will they be more successful? And the thing that that again, I think we, I feel Barbara feels and I hope all of us feel is that that kind of doubt we've had. The people of Ukraine are literally voting with their lives to have the kind of system that you have in the West and we have specifically in America. And I think and I've seen this a little bit even in Congress, is we ought to be shaking off some of that moral ambiguity. And I think it's time to kind of trumpet the fact that, one, we are the good guys. For all our flaws, we still have the best system. And I do think we have an ability to form this kind of a debate about democracy, protecting those First Amendment rights, but still having some rules of the road.

**Barbara Comstock** [00:12:45] And I do I do think we're at a time where that and that discussion is very vital and people are excited about having it. But most of the members of Congress, most of the senators come from a very red area or a very blue area. So they listen to these extremes. And I don't think it's social media so much that drives it, because actually there was a study done by Harvard. The essence of it was people on social media are actually less polarized. I often when I was in office, I would track social media throughout my district, a lot of community leaders, a lot of things that were going on because I wanted to know about a problem if it came up soon and we had a racial incident. It was in Loudoun County where a, an African-American schoolhouse that was being restored from the 1800s was defaced with vile and awful swastikas and vile language. And it happened on a Saturday night. By Sunday morning is all over Twitter. My staff calls me, have you seen this? What's going on? I see that, you know, people who really understood what this was, you know, and how awful this was are saying why why are the police responding? Why is why hasn't the sheriff's office done something? I called my chairman of the board there and she said, I'm really upset that they aren't doing more. I called the sheriff and I said, what's going on? You know, this is this is like nine, 10:00 on a Sunday morning. And he said, you know, we are getting on it. And the initial officers who were on the scene did not understand what that school was. They did not understand what had happened there. You know, within 12 hours, we were all, all at that school. We were all committing to find who did it, committing money and doing everything. And I really do credit the power of social media to do that and then work through the problem. We caught the people because the reward we sent, kids, and it ended up being kids on a Saturday night got, I think they were drunk and did, you know, awful things. But so we often blame

the media, the platform when it's the leaders themselves who aren't doing the work, who aren't standing up, you know, so hold them accountable. You know, if they're down there at Mar a Lago because, you know, social media is beating them up and they don't have the courage. If they don't have the courage to stand up to him, you know, look at what Zelensky's doing. How can you be a leader? And so I don't think if you can't stand up to a few Twitter, you know, people attacking you or other things, then you shouldn't be in these jobs. And I think more people need to say that you're out. I'm not going to stick with you if you don't do that.

**Senator Mark Warner** [00:15:10] But let me just the flip, though. You know, when we when we in a bipartisan way and the Senate Intelligence Committee launched the investigation into 2016, and we were we, the intelligence community were totally caught off guard. We never thought, they never predicted how the Russians could manipulate social media. So let me give you just two very quick examples, similar to the example of the defacing of the church. And I think the platforms have gotten better on some of this policing. But in 2016, the Russians created two organizations. It was kind of like the Sons of, these names would be slightly wrong, but the Sons of Texas, which was kind of a white supremacist group based in Texas, and then there was like the United Muslims of Texas. These are both phony groups and thousands of followers. They then put out a notice that said the white supremacist group, they said, we're going to have a big rally at this mosque in Houston. At the same time, the Russian group put out the information of, hey, these guys are coming to attack our mosques so Muslims coming to show support. Thank God the police were there. We could have had a riot. I'm not sure that that kind of foreign intervention protected by Section 230 is a system that that we ought to abide by. Back in 2016, the Russians were not. They were even paying for their ads on Facebook in rubles. Not too far to say maybe you ought to disclose that.

**Siva Vaidyanathan** [00:16:47] I mean, that would election laws like that would be part of a comprehensive media and communication policy that worked around the constellation of democracy. And what do we need to have a rich democratic republic in a media ecosystem? We are just getting used to, right? We're all babies when it comes to this stuff. We've never had a squeaky clean public sphere, right? But what we have now is materially different because we have phenomena like scale. Nothing has ever reached the scale of Facebook. With 3 billion users around the world, there are only 7.4 billion humans and 3 billion of them are on Facebook. 230 million Americans are on Facebook. We've never had anything in the United States that reached 230 million Americans or even that percentage of Americans. We've never had such a personalized media system. No one in Washington is taking a comprehensive view on the experience of this one large, powerful company and the ways in which it fundamentally makes life different, commerce different, and democracy different. So what are the chances of having that kind of conversation that would be over and above the sort of conversation-ending response that Facebook has censored me, therefore I'm against it, right? Because it has to be deeper than that. Is there a chance of having that kind of policy discussion?

**Senator Mark Warner** [00:18:06] Let me start. I know there's lots of questions about where the bias in the social media is. I think the bias is for them to make more money. So if you lean left, you're going to get reinforcing comments on the Left. If you lean right, you're going to get the similar on the Right. I frankly, as we as we look at kind of next generation of technology, particularly AI, I think we ought to put some guidelines on the front end because if you think social media was a massive transformational item, it's nothing compared to what artificial intelligence will bring to our lives. But let me just step back in terms of saying where this regulatory framework discussion is headed. I think it's in

four buckets. The first, basic questions around privacy. Who owns your own data? You know, the only reason we have not had a privacy bill in America is two relatively minor items that, frankly, should be able to be resolved. Federal preemption and the question of individual right to sue. And I think there is some efforts on that. And again, otherwise, we're going to end up with 50 different privacy laws and that's going to be a crazy quilt work. The second bucket, and this is probably where I've spent the most of my time is are there things that can make this system more competitive with kind of tweaks around the edges? So I had a bipartisan piece of legislation that says, let's get rid of what's called dark patterns. You know, you get on a site and you can't ever find no, you can only find click here, you know, and you keep clicking along and you basically you're being manipulated in a way that if it was any other medium would be viewed as inappropriate. If you have data portability, you basically say, I'm tired of how I'm treated on Facebook, so I want to go to NewCo, but I still want to talk to my friends on Facebook. So that data portability, interoperability and the platforms are actually starting to get us closer to that fact. I have no problem with the idea of the platforms monetizing our data. The idea, one of the things that's so crazy to me is when people say, gosh, Facebook and Google are free. No, they're not free at all. They are giant sucking sounds of taking your personal information and monetizing it.

**Danielle Citron** [00:20:03] And Senator, you think that's okay?

**Senator Mark Warner** [00:20:05] I think, let's put it like this, I'm not going to be so restrictive that they can't do it. But I do think we ought to know what the value of that data is, and so that there is a little bit more of a fair exchange. The third bucket is section 230, and there's a series of reforms. And again, I think the Europeans are leading on that. And I think there is a way to maintain freedom of expression. And the fourth is kind of the antitrust. Are these folks are just too big and is there too much self-service? When you go on Google that you only get Google-sponsored results first or you go on Amazon and suddenly they have such a preference for their own products. So it's been slower than I'd like, but I think there will be, frankly, maybe not by the midterms, but definitely by next year, a lot of this, I think, will have moved forward.

**Danielle Citron** [00:20:52] Okay. So, Senator, you have a wonderful bill that stalled about emergency health data in response to sort of uses of information about COVID and preventing discrimination around data about one's health. And in the bill in the preface, it says that privacy is a civil right, by which I understood the bill to be about anti-discrimination commitments. But I want to invite us to think about privacy as a civil right, not only as the prevention of structural discrimination, discriminatory uses of personal data, but also as a right but each and every one of us is owed, right, for human flourishing. And the idea that first parties, that's Facebook, can sell our data to data brokers, to parties we have no control over. That can't be consistent with commitments to civil rights. And so I wonder what we thought about the notion.

**Barbara Comstock** [00:21:46] Politicians sell data too.

**Danielle Citron** [00:21:48] I know they do. And Representative Comstock, you're, you're so very right about that, right? That is the idea of having meaningful data privacy reform is to tough because of the uses of that data in all sorts of ways, including, of course, for political campaigns, right? We need substantive commitments that sort of minimize collection and minimize sale to third parties so that we're not exploited. As you said so well, right, given the example of dark patterns and so would that have any legs, right? The idea that we have a data privacy regime that's even stronger than GDPR?

**Siva Vaidyanathan** [00:22:26] And we should be clear what GDPR is the General Data Protection Regulation, which operates in Europe. So another example of the rest of the world being ahead of us.

**Danielle Citron** [00:22:35] And it's thin for goodness sakes. Like we all say Europe has the best data protection laws. Nonsense, right? Virginia we have a privacy law. California has a privacy law. Have you gone to every single site and every single company and said, hey, what do you do have on me and stop selling it? Can you do that at scale? Absolutely not. There are 4,000 data brokers. We literally can't do that. Can we possibly take that kernel of privacy as a civil right and make it meaningful?

**Senator Mark Warner** [00:23:01] Stay tuned.

**Danielle Citron** [00:23:03] Yeah.

**Senator Mark Warner** [00:23:04] Let me just let me make a couple of quick comments. One, I think we need the privacy law. Two, I think we need a lot more transparency. And I do think there would be enormous value as people make these decisions about their data that they know what it's worth. Because I'm still a market-based guy, more than a regulatory guy. I think we can introduce a concept if we knew how much our data was worth. Your data is worth \$12 a month and Barbara's is \$15 and mine's \$8. There's value there, I actually think the market could help. And one of the things I and just to kind of get nerdier, down the rabbit hole, in addition to data portability and interoperability ought to be what I call delegability. So you can actually say, because it's such a hassle to figure out all these data brokers and follow this, I want to have this level of protection and I'm going to give up X amount of this value of my data for somebody to be my data protector. And that might be a way to intercede that doesn't get rid of all of the good things that come. I think the complexity and you talk about health care, this is a really gnarly, gnarly issue because we kind of want all of the value that comes from a health care system that knows personalized medicine about me. How are you going to have that personalized medicine? Because somebody's going to have to be aggregating all of this personal data about you and how you get that balance right about a more personalized medical system, but at the same time not have that data resold or exposed a thousand different times, we desperately need help. And that didn't even touch the cybersecurity piece of this.

**Barbara Comstock** [00:24:36] And I think one of the things in government which we saw during COVID and with health care, we need to be paying these experts, you know, getting experts into cybersecurity and government and AI and technology is very difficult because the private sector pays a lot more. So we need to look at the pay scales on those so we are getting the talent. But then the top 20 tech companies, 11 are US, nine are China. So if we don't keep our edge here, it is going to be a very dangerous world. But it's also incumbent upon all of you to say you want people and leaders who are going to do those things who are going to work together. I have, I mean, I do have confidence in, in that the people are going to get this right, that they're going to stand up because they have this information and they know and there's, you know, more people out there that are not like these show voices that too often drive leaders to be scared to do all the things that we've talked about here today, where I think there's, even if you don't agree on a bill or a policy, there's ways we can say, well, I want to solve that problem, too, so let's all get together and figure out the 50% of things we can agree on and not hold the bill up forever because we don't agree on the other 40 or 50%.

**Siva Vaidyanathan** [00:25:45] Well, I want to thank everyone for joining us this morning. I also especially want to thank our two special guests, Senator Warner, Representative Comstock, thank you for coming all this way. Let's keep this conversation going. Clearly, we have so much more to talk about in the years to come. These problems are nowhere near being solved. So thank you again. That was audio we excerpted from a live recording of Democracy in Danger that we did last month. It was part of the Democracy Dialogs from the University of Virginia's Karsh Institute of Democracy, which supports this show.

**Danielle Citron** [00:26:28] Our guests were Barbara Comstock, a former congresswoman from Virginia, and our state's senior senator, Mark Warner. He chairs the Senate Intelligence Committee, and he was the governor of Virginia from 2002 to 2006.

**Siva Vaidyanathan** [00:26:42] We'll be right back after this message from our friends.

**Farai Chideya** [00:26:48] Are you ready to co-create the world we want to live in? Then join our community at Our Body Politic, a podcast by and for Women of color that offers a new view of the news. We're making politics personal. With me, host Farai Chideya. Each week, I get real with women you need to hear from like Senator Tammy Duckworth, Representative Maxine Waters and actor Anna Deavere Smith. Subscribe to Our Body Politic wherever you listen to podcasts.

**Danielle Citron** [00:27:26] Well, Siva, you know, when we talked at the rotunda front of mind for all of this was the sort of democracy implications of, you know, new acquisitions or change in leadership for companies like Twitter and the potential for Elon Musk. And for me, I was so excited to be there with you because I wanted to know what you thought, having written preciently about all of these tools for so long for the implications of that acquisition on democracy.

**Siva Vaidyanathan** [00:27:55] Yeah, you know, one of the things I try to emphasize to people is that globally Twitter isn't really that popular or powerful. It's used by powerful people, right? So the former president of the United States was notoriously its most frequent user, its most quoted user, you know, and, you know, Twitter is filled with celebrities and athletes and reporters and commentators and pundits. So, you know, I think we sometimes make too much of its power in the world. It really doesn't have that many followers and it's never made any money. So compared to, say, Facebook, right? So, but Twitter is part of the ecosystem, part of the constellation. And the the best way to think about the effect of all of these media systems on democracy is to remember that they are interconnected, that content that flows up on on gab or discord, you know, very unregulated, unfiltered, sometimes really nasty social media platforms will find its way either in original forms or different forms, onto Twitter or onto Reddit or ultimately onto Facebook, where it can hit millions or even billions of people. So when we look at someone like Elon Musk coming in to try to own Twitter and declaring that he wants to get rid of most of the content management systems, right? To to allow for what he thinks is free speech. To allow for the free flow of harassment and hate speech and who knows what else. He's not quite paying attention to what might be good for his own business or the business he's trying to buy, right? Because as users, you know this as well as I do, right? If we were to log on to Twitter and we were to see more overtly racist content than we already see more nudity, more sexually explicit material, more calls for genocide, you know, more harassment. We would quickly quit Twitter, as would millions of other people, right? So that's been my point on this whole thing is like Elon Musk is, you know, on paper, at least the richest person in the world, but he doesn't seem to understand the business he's buying. So I'm you know, I'm wondering, you know, from your point of view, when

Elon Musk talks about free speech in such a flat and shallow way, what does that make you think as someone who has studied free speech for decades?

**Danielle Citron** [00:30:23] I think that he has very little appreciation for speech that silences speech, for speech, that's assaultive, that drives people offline. That led to the whole content moderation apparatus, the trust and safety professionals I've worked for for like 12 years, they emerged out of a recognition that it wasn't just spam and copyright that we have to worry about. This is like the early years of Twitter when they were like we're the free speech wing of the free speech party. I worked with there early, you know Del Harvey was head of trust and safety and she understood back in 2009 that speech, that speech silenced speech. But she couldn't get buy in from the C-suite. And over time, it became manifestly clear whether it was post Gamergate, you know, ways in which cyber mobs were shoving people offline and silencing them with threats, with doxing, so with the publication of people's home addresses and with speech that was defamatory, right? Like accusing someone of being a prostitute or, you know, providing supposedly salacious information about them, which wasn't true. That was a long, hard lesson, right? It was only when advertisers in 2014 were like, we don't think this is cute. We don't like having our content featured next to death and rape threats and people's faces being morphed into ovens, you know which I often have to say experienced in like in the early days of Twitter. And we saw really deliberate moves by Twitter inside their trust and safety folks to tackle hate speech. And here we are post-Buffalo. So I like think it's a really great time for us to talk about this moment with Musk.

**Siva Vaidyanathan** [00:32:01] And this gets to the, the weird paradox of free speech, like what is free speech for, right? If in the Madisonian terms, the small "r" republican terms, speech was intended to enrich the public sphere, to allow us as citizens to govern ourselves in a responsible way. Then that's very different from what you might think of as a radical libertarian vision of speech, which seems to be Musk's, right, where everything goes, anything goes.

**Danielle Citron** [00:32:30] But can I say something?

**Siva Vaidyanathan** [00:32:31] Please do.

**Danielle Citron** [00:32:32] Yeah, that, that anything goes thing works for libertarians until they're criticized. I've seen this operate so many times, right? Siva, tell me if I'm wrong, right?

**Siva Vaidyanathan** [00:32:41] Yeah.

**Danielle Citron** [00:32:42] Like, Trump was like, keep all of my hate speech up, you know, insisting. But he was criticized, he would then target those individuals and chase them off line. So I think that's so brittle, right? That commitment to any and all speech is pretty brittle.

**Siva Vaidyanathan** [00:32:56] It's brittle, but it's also, if you think about it, an invitation to have what you referred to earlier as the sort of speech that shuts down speech, right? So, you know, that libertarian vision of speech works really well for men more than women and for white people more than people of color, right? So if you and I were to post the same content on Twitter or Facebook or anywhere else, right, the same argument, you would suffer much more over the ensuing 48, 72 hours than I would, right, because you are so

much more identified as a target by organized or sometimes disorganized hordes of bullies, right? So you end up paying a higher price for speaking in public than I do.

**Danielle Citron** [00:33:40] No, no, that's that's right. And I think easy to say for the Tucker Carlson's or whatever, you know, people who are feel that they're in the majority and are in the majority and are most privileged, easy to say, like bring on all the speech you want because they just never faced abuse, no?

**Siva Vaidyanathan** [00:33:55] Right. Right. I mean, Tucker Carlson likes to unleash it on others, so we know that. So what we have here is this sort of very shallow understanding of free speech. But I think it's really important for us to to get back to that sense of why we have free speech, why we have the First Amendment, right? Social media, more than anything else in this century, have turned up the volume of conversation to the point where it's no longer conversation. It's just yelling, screaming, harassing and threatening for many people. And I fear that that's ultimately, paradoxically undermining the very purpose behind free speech.

**Danielle Citron** [00:34:31] Absolutely. Right. These vehicles that we often rely on and we're so quick to rely on because we think that the information, we can trust it, often we should distrust it. And that's what's so unnerving, I think, too.

**Siva Vaidyanathan** [00:34:55] That's all we have this week on Democracy in Danger. Will Hitchcock will be back with me next time for our season finale. Another show we're taping live, this time from the American Political History Conference.

**Danielle Citron** [00:35:09] And check out the episode that I did on Internet privacy and harassment last year with Siva and Will. Plus, of course, all of our shows on our Web page, [DinDanger.org](http://DinDanger.org). And stay in touch. Tag us, you guessed it, on Twitter, @DinDpodcast. That's D-i-n-D podcast.

**Siva Vaidyanathan** [00:35:34] Democracy in Danger is produced by Robert Armengol and Jennifer Ludovici. Sidney Halleman edits the show. Our interns are Denzel Mitchell, Jane Frankel and Elie Bashkow.

**Danielle Citron** [00:35:46] Support comes from the University of Virginia's Democracy Initiative and from the College of Arts and Sciences. This show is a project of UVA's Deliberative Media Lab, and we're distributed by the Virginia Audio Collective, the podcast hub of WTJU Radio in Charlottesville. I'm Danielle Citron. Thank you for having me, Siva.

**Siva Vaidyanathan** [00:36:09] It's been so much fun, Danielle. I'm Siva Vaidhyathan. Until next time.