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# 1. Seven Minutes Script

- A lot of my current work focuses on how regulation interacts with the **design** of technological products and services, including social media sites and other important platforms.
  - I think our tendency is to focus primarily on how to protect people given the way these platforms are designed today.
    - The one thing we seemingly all agree we can't do is change the essential nature of the social networking services themselves, at least not through direct government action.
  - We can chip away at the sources of misinformation and disinformation, but we don't really have any say in the fundamental shape and experience provided by these services.
- This ties one hand behind our back.
  - These services are pretty terrible, not only because of misinfo/disinfo but more.
  - Notwithstanding what many believe, this isn't because they are catering to our user preferences and our evolving norms!
    - Every reference to social norms–particularly "evolving" ones–miss the manipulative power of the platforms to choose the norms that feed their economic goals best.
    - It's not a democracy, as you might have been led to believe. It's economic totalitarianism run by bureaucrats who don't understand this.
  - Lots of recent research highlights the way they call the shots.
    - Manipulation.
    - Serving advertisers not users.
    - "Engagement" as a dirty word.
  - Bottom-line: some of the root causes of what ails us is the global free-for-all of our current speech architecture.
    - Without taking on some of structure at root, I worry that we're just applying small tweaks to a problem that needs major reforms.
- I encourage us to think a bit more about how our regulatory and enforcement influence can help the platforms decide to **redesign their services** to make the safer, fairer, better, etc.
  - In the face of fundamental problems with private institutions with incredible public power, we need to use our most powerful public institutions to bring about redesign.
- Does the Constitution Permit this? Does it square with our political and social history?
  - The Constitution won't prevent this. There are lots of precedents in regulatory history.
  - We need to constantly think of ourselves as entitled to have a say.
    - Auto safety
    - Broadcaster decency
    - Net Neutrality
      - These private acts have profound public effects!
  - What about the first amendment?
    - Really want to lean into time/place/manner
    - We might need the 1A to change.
- So what kind of reforms do I have in mind?
  - This week's context gives us plenty grist for the mill
    - The news two days ago that Apple's simple tweak to its architecture has been blamed for

fundamentally affecting FB's business model.
- Twitter's new "downvote" button has started to go global.
  - Modern day equivalents to time/place/manner restrictions
    - Content neutral
  - More examples
    - Simple geofencing
    - Tamp down on virality
      - The platforms are designed to spark virality, and virality is what makes misinfo spread so fast.
      - How can we encourage platforms to tamp down on virality?
    - No CP
    - Make it harder to ban lies–easier to limit the spread of them!
- One common thread is to think about how to encourage platforms to harness **friction.**
  - For example, WhatsApp changed a policy last year so that messages can be mass-forwarded only five times before they are intentionally slowed down, in a bid to tamp down on "rumors, viral messages, and fake news". [https://faq.whatsapp.com/general/chats/about-forwarding-limits/?lang=en](https://faq.whatsapp.com/general/chats/about-forwarding-limits/?lang=en)
  - Do policies like this work?
  - What role can State AGs play in bringing about policy shifts like these?
  - Phil's memo's two examples:
    - AI Tools that ask, are you sure you're not spreading misinfo?
    - FB/Twitter: Read this story before posting it.

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