

# ISSUE BRIEF

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## Congress Must Stop Yet Another Attempt to Muffle Free Speech

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The National Science Foundation (NSF) might not be a household name, but it is a powerful federal agency. With an annual budget of \$7.4 billion, it is “the funding source for approximately 24 percent of all federally supported basic research conducted by America’s colleges and universities.”<sup>1</sup> So when it decides to fund a major study aimed at reducing the diffusion of “subversive propaganda”<sup>2</sup> on social media and tracking such Twitter hashtags as #teaparty,<sup>3</sup> the American people have a right to be concerned about political bias and partisanship in the federal bureaucracy. This is especially the case when the NSF hands the money to social scientists who claim that conservatives have built an advantage<sup>4</sup> in using social media for “astroturfing” and “misinformation.”<sup>5</sup>

Most worryingly, this decision by the NSF is but the latest instance in which the federal government has taken upon itself to study how to constrain free speech and political activities, especially by conservatives, following highly publicized attempts by the IRS and the Federal Communications Commission (FCC).

The U.S. Congress should safeguard the liberties of all Americans by including language in the next Commerce, Justice, and Science appropriations that

prohibits the NSF from carrying out such studies and, more generally, looking into whether the entire federal bureaucracy has become overly politicized.

### Why Congress Created the NSF

Congress created the NSF in 1950 “to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense.”<sup>6</sup> It is not just the source of about one-quarter of all basic research by the nation’s universities, but in fields such as mathematics, computer science, and the social sciences, the NSF is the major source of direct federal backing.<sup>7</sup> It also operates the U.S. Antarctic Program, including the Amundsen–Scott South Pole Station.

At a time when the nation is falling behind many other countries in science and engineering, one would think the NSF would concentrate taxpayers’ money on supporting the hard sciences. The NSF is the only federal agency whose mission includes support for all fields of fundamental science and engineering.<sup>8</sup> Indeed, although the House of Representatives increased the agency’s budget in June by 3.2 percent, it also approved an amendment by Lamar Smith (R–TX), Chairman of the Committee on Science, Space, and Technology, to focus funding on areas of national needs, such as the physical sciences and engineering. The NSF will also be required to publish a scientific justification for each grant.

### “Truthy”

In the case of Grant No. CCF-1101743, “Meme Diffusion Through Mass Social Media,”<sup>9</sup> however, the NSF has already granted researchers at Indiana University \$1 million “to detect political

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smears, astroturfing, misinformation, and other social pollution”<sup>10</sup> in social media. According to the NSF, this “service could mitigate the diffusion of false and misleading ideas, detect hate speech and subversive propaganda, and assist in the preservation of open debate.”<sup>11</sup>

Tellingly, the authors named the project “Truthy,” a term coined by the liberal comedian Stephen Colbert to cast aspersions on beliefs with which Colbert disagrees—or as the authors put it, “something that a person claims to know based on emotions rather than evidence or facts.”<sup>12</sup>

At the very least, a federal government project to “mitigate the diffusion of...subversive propaganda” would seem to fall afoul of the First Amendment’s proscription of laws that abridge “the freedom of speech, or of the press; or the right of the people peaceably to assemble,”<sup>13</sup> even virtually.

The project’s main investigators made clear their intent in a 2012 paper, “Partisan Asymmetries in Online Political Activity,”<sup>14</sup> when they warned about

“a highly-active, densely-interconnected constituency of right-leaning users using this important social media platform to further their political views.”<sup>15</sup> More ominously, such conservative interconnectivity on Twitter, posited the authors, is especially important “in the context of the complex contagion hypothesis, which posits that repeated exposures to controversial behaviors are essential to the adoption of these behaviors.”<sup>16</sup>

The project aims to track which Twitter accounts are using the #teaparty<sup>17</sup> and #drudgereport hashtags, although also liberal ones such as #p2.<sup>18</sup> Interestingly, these pages went dead within 48 hours of Federal Communications Commissioner Ajit Pai blowing the whistle on the NSF study in *The Washington Post*.<sup>19</sup>

### Subversive and Controversial Behavior

Unsurprisingly, this NSF study has struck commentators and officials as behavior that is controversial and subversive of the Constitution and par-

1. National Science Foundation, “About the National Science Foundation,” <http://www.nsf.gov/about/> (accessed October 19, 2014).
2. National Science Foundation, “ICES: Large: Meme Diffusion Through Mass Social Media,” Award Abstract No. 1101743, June 27, 2011, [http://www.nsf.gov/awardsearch/showAward?AWD\\_ID=1101743](http://www.nsf.gov/awardsearch/showAward?AWD_ID=1101743) (accessed October 19, 2014).
3. Truthy, “Drudge Report,” [http://truthy.indiana.edu/memedetail?text=%40drudge\\_report&id=295](http://truthy.indiana.edu/memedetail?text=%40drudge_report&id=295) (accessed October 19, 2014; unavailable October 21, 2014). See also Truthy, “FAQ,” Indiana University Bloomington, School of Informatics and Computing, Center for Complex Networks and Systems Research, [http://truthy.indiana.edu/faq/#what\\_are\\_memes](http://truthy.indiana.edu/faq/#what_are_memes) (accessed October 21, 2014).
4. Michael D. Conover et al., “Partisan Asymmetries in Online Political Activity,” June 19, 2014, <http://arxiv.org/pdf/1205.1010.pdf> (accessed October 19, 2014).
5. Truthy, “About Truthy,” <http://truthy.indiana.edu/about> (accessed October 19, 2014).
6. National Science Foundation, “About the National Science Foundation.”
7. Ibid.
8. Ibid.
9. National Science Foundation, “ICES: Large: Meme Diffusion Through Mass Social Media.”
10. Truthy, “About Truthy.”
11. National Science Foundation, “ICES: Large: Meme Diffusion Through Mass Social Media.”
12. Jacob Ratkiewicz et al., “Truthy: Mapping the Spread of Astroturf in Microblog Streams,” paper presented at the International World Wide Web Conference, Hyderabad, India, March 28–April 1, 2011, [http://truthy.indiana.edu/site\\_media/pdfs/ratkiewicz\\_www2011\\_truthy.pdf](http://truthy.indiana.edu/site_media/pdfs/ratkiewicz_www2011_truthy.pdf) (accessed October 20, 2014; unavailable October 21, 2014). For a version of this paper, see <https://sites.google.com/site/jacobratkiewicz/> (accessed October 22, 2014).
13. U.S. Constitution, Amendment I.
14. Conover et al., “Partisan Asymmetries in Online Political Activity.”
15. Ibid., p. 16.
16. Ibid., p. 13.
17. Truthy, “Political Topics,” <http://truthy.indiana.edu/> (accessed October 20, 2014; unavailable October 21, 2014).
18. Truthy, “Drudge Report.” See also Truthy, “FAQ.”
19. Ajit Pai, “The Government Wants to Study ‘Social Pollution’ on Twitter,” *The Washington Post*, October 17, 2014, [http://www.washingtonpost.com/opinions/truthy-project-is-unworthy-of-tax-dollars/2014/10/17/a3274faa-531b-11e4-809b-8cc0a295c773\\_story.html](http://www.washingtonpost.com/opinions/truthy-project-is-unworthy-of-tax-dollars/2014/10/17/a3274faa-531b-11e4-809b-8cc0a295c773_story.html) (accessed October 21, 2014).

ticularly of the Bill of Rights. Critics have already risen to denounce the NSF project. Commissioner Pai commented:

Hmm. A government-funded initiative is going to “assist in the preservation of open debate” by monitoring social media for “subversive propaganda” and combating what it considers to be “the diffusion of false and misleading ideas”? The concept seems to have come straight out of a George Orwell novel.<sup>20</sup>

To Commissioner Pai,

Truthy’s entire premise is false. In the United States, the government has no business entering the marketplace of ideas to establish an arbiter of what is false, misleading or a political smear. Nor should the government be involved in any effort to squint for and squelch what is deemed to be “subversive propaganda.” Instead, the merits of a viewpoint should be determined by the public through robust debate.<sup>21</sup>

Commentator Bill Kristol took to a Twitter still free to be subversive with a simple message about the NSF study: “Action item for Congress: defund it.”<sup>22</sup>

### **A Disturbing Pattern**

The NSF study is not the first instance of the federal bureaucracy appearing to target conservatives and attempting to stifle their views. The most famous of these, of course, has been the evolving IRS scandal, in which IRS officials have admitted that groups with conservative leanings, especially with the

words “tea party” or “patriot” in their names, were targeted for special scrutiny, asked for “inappropriate” information, and had their applications for tax-exempt status under Section 501(c)4 of the Internal Revenue Code delayed on purpose.<sup>23</sup> Applications for special tax status by Tea Party groups were also reviewed by the office of a political operative.<sup>24</sup>

In another example of threatening behavior by the bureaucracy, earlier this year, the FCC was forced to back off from an attempt to ask news media organizations intrusive questions about how they gathered news and how they reached their editorial decisions.<sup>25</sup> Commissioner Pai, also the whistle-blower in that decision, wrote in *The Wall Street Journal* in February, “The government has no place pressuring media organizations into covering certain stories.”<sup>26</sup>

Also in February of this year, The Brookings Institute, a left-of-center think tank, which like many universities receives government money, wrote a paper on how conservative advances in social media could be mitigated, for example, by neutering citizen journalism through crowd sourcing and having Google and other search engines prioritize liberal commentary.<sup>27</sup> In other words, by limiting access to debate rather than encouraging it.

Whether the bureaucracy acts on its own initiative or as result of directives from government leaders is an open question. As Heritage Senior Fellow Hans von Spakovsky testified to the House Committee on Oversight and Government Reforms on September 22,

Unfortunately, the individuals at the IRS who planned, implemented, coordinated, and engaged in this behavior were urged to do so in public statements and speeches by the President, who publicly

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20. Ibid.

21. Ibid.

22. Bill Kristol, @BillKristol, Twitter, October 18, 2014, <https://twitter.com/BillKristol> (accessed October 21, 2014).

23. Amy Payne, “Inside the IRS Corruption Scandal,” *The Daily Signal*, February 21, 2014, <http://dailysignal.com/2014/02/21/inside-irs-corruption-scandal/>.

24. Hans von Spakovsky, “The Real IRS Scandal,” *The Daily Signal*, July 30, 2013, <http://dailysignal.com/2013/07/30/the-real-irs-scandal/>.

25. Paul Farhi, “Proposed FCC Study of News Organizations Sparks Conservative Outcry,” *The Washington Post*, February 20, 2014, [http://www.washingtonpost.com/lifestyle/style/proposed-fcc-study-of-news-organizations-sparks-conservative-outcry/2014/02/20/117401d8-9a71-11e3-80ac-63a8ba7f7942\\_story.html](http://www.washingtonpost.com/lifestyle/style/proposed-fcc-study-of-news-organizations-sparks-conservative-outcry/2014/02/20/117401d8-9a71-11e3-80ac-63a8ba7f7942_story.html) (accessed October 21, 2014).

26. Ajit Pai, “The FCC Wades into the Newsroom,” *The Wall Street Journal*, February 10, 2014, <http://online.wsj.com/news/articles/SB10001424052702304680904579366903828260732> (accessed October 19, 2014).

27. Mike Gonzalez, “The New Contras: Understanding The Left’s Grip on Media,” *The Federalist*, February 17, 2014, <http://thefederalist.com/2014/02/17/the-new-contras-understanding-the-lefts-grip-on-media/> (accessed October 19, 2014).

accused conservative §501(c)(4) organizations of “posing as not-for-profit, social welfare and trade groups” and called them “a problem for democracy” and a “threat to our democracy.”<sup>28</sup>

### **A Role for Congress**

To get to the bottom of all this, the U.S. Congress should:

- **Defund the rest of the NSF study “Meme Diffusion Through Mass Social Media.”** Congress can include language in the next Commerce, Justice, and Science appropriations bill that prohibits the NSF from using any funds to carry out studies such as this one. There is no question that the federal government should not be involved in determining what is misleading or subversive information.
- **Launch a longer-term probe into whether the federal bureaucracy has become overly politicized.** It is not difficult to see why people who believe in government having more control over the lives of the American people gravitate

toward the federal bureaucracy. However, once ensconced in these agencies, bureaucrats ought to set aside their beliefs and act within the confines of the law in a nonpartisan, objective manner. Congress should look into whether the civil service has become a political player that is abusing its authority and power.

### **Conclusion**

Commissioner Pai is right. Under the First Amendment, our government has no role whatsoever in determining what are “political smears, astroturfing, misinformation, and other social pollution.” In the marketplace of ideas and in a vibrant democracy, robust and vigorous debate is to be encouraged, not restricted by government bureaucrats. The NSF study is misguided at best and ominous at worst. Congress should look into which it is.

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28. Hans von Spakovsky, testimony before the Committee on Oversight and Government Reform, U.S. House of Representatives, September 22, 2014, <http://www.heritage.org/research/testimony/2014/07/irs-abuses-ensuring-that-targeting-never-happens-again>.